



PLANNING COMMISSION MINUTES

Thursday, August 4, 2022

Approved October 6, 2022

The following are the minutes of the Herriman Planning Commission meeting held on **Thursday, August 4, 2022 at 6:00 p.m.** in the Herriman City Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding: Vice Chair Andy Powell

Commissioners Present: Andrea Bradford, Heather Garcia, Jackson Ferguson, and Alternate Forest Sickles (remotely)

Commissioners Excused: Chris Berbert, Alternate Darryl Fenn, Brody Rypien, Adam Jacobson

Staff Present: Communications Specialist Mitch Davis, City Planner Michael Maloy, City Attorney Todd Sheeran, Deputy Recorder Wendy Thorpe, Planner I Talia Wright, Planner II Sheldon Howa, Engineer Josh Petersen, and Planning Intern Windya Welideniya

1. **6:00 PM - Work Meeting** (Fort Herriman Conference Room)

Vice Chair Powell called the meeting to order at 6:16 p.m.

1.1. **Election of Chair and Vice Chair**

Vice Chair Powell opened nominations for Chair and Vice Chair positions. City Planner Maloy explained nomination procedures and seniority. Commissioners discussed procedures, options and who has previously held the positions. Commissioner Ferguson nominated Commissioner Garcia; she declined the request but was appreciative of the nomination.

Commissioner Bradford moved to nominate Commissioner Berbert as Chair. Commissioner Ferguson seconded the motion, and all voted aye.

Commissioner Ferguson moved to nominate Commissioner Powell as Vice Chair. Commissioner Bradford seconded the motion, and all voted aye.

1.2. **Review of City Council Decisions** - Michael Maloy, City Planner

City Manager Maloy reported City Council discussed the Auto Mall Master Development Agreements at a special work meeting last night and provided direction to the developer.

1.3. Review of Agenda Items –

City Planner Maloy informed the Commission the applicant for item 4.4 requested the extension due to needing more time to complete soil mitigation.

1.4. Discussion of potential amendments to the Home Occupation Ordinance, which include allowing some home occupations in accessory structures – Planner Talia Wright

Planner II Wright asked the Commission for feedback regarding allowing home occupation businesses to operate in accessory structures. They were allowed in nearby cities Lehi, Orem, Saratoga Springs, and Riverton, but not allowed in West Valley City or Murray. Commissioners debated possible uses and utility requirements for habitability. They discussed reasons for prohibiting specific uses and differences between Accessory use structures and Accessory Dwelling uses. City Attorney Sheeran reported the requirements used by Bluffdale were based on impact related to number of clients and/or employees. Complicated uses required more detailed analysis by the city, and uses allowed in the home were allowed in an accessory structure. Commissioner Garcia was hesitant due to additional employees and allowed children at home daycares. She worried about setback and proximity to neighbors. Some may be acceptable, others not. She asked if multiple businesses were allowed at a single-family home. Per City Planner Maloy the City had no restriction, but standards had to be met. Staff agreed to prepare a more conservative proposal for presentation in another work meeting. Planner II Wright would provide more detail with types, and comparisons to other cities.

1.5. Discussion of potential amendments to the City Ordinance including changes to the fencing requirements around pools – Clint Spencer, Planning Manager

Planner I Wright reported staff have received complaints and safety concerns regarding fencing around private pools. Current City Code states: Swimming pools of permanent construction not enclosed within a building shall be set back at least five feet (5') from all property lines and shall be completely surrounded by a fence or wall having a lockable self-closing gate and a height of at least six feet (6') which conforms to Building Code requirements. If the applicable Building Code has a different requirement, such requirement shall prevail over this section.

The 2015 International Swimming Pool and Spa Code (ISPSA) states: The provisions of this section shall apply to the design of barriers for pools and spas. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such pools or spas. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

Because the Building Code only required one form of barrier to the pool, the City cannot require an applicant to have a six-foot fence if they have a pool cover. Planner I Wright requested Commission feedback and asked if they were interested in an ordinance requiring both a fence and a pool cover. Commissioners debated requirements and enforcement options but provided no specific direction. They asked what other cities required. City Planner Maloy stated he would conduct further research and discuss the topic with staff and bring it back for further discussion.

2. Adjournment

The Commission adjourned the work meeting by consensus at 7:02 p.m.

3. 7:00 PM - Regular Planning Commission Meeting (Council Chamber)

Vice Chair Powell called the meeting to order at 7:04 p.m.

3.1. Invocation, Thought, Reading and/or Pledge of Allegiance

Jake Ence led the audience in the Pledge of Allegiance.

3.2. Roll Call

Full Quorum Present. Commissioner Sickles attended online.

3.3. Conflicts of Interest

No conflicts of interest were reported

4. Administrative Items

Administrative items are reviewed based on standards outlined in the ordinance. Public comment may be taken on relevant and credible evidence regarding the application compliance with the ordinance.

4.1 Consideration to approve the Anthem Commercial 9th Amended Subdivision at 5122 W Denali Park Drive in the C-2 (Commercial) Zone (Public Hearing)

Applicant: Cory Gust, Anthem Center, LLC

Address: 5504 W Distler Lane

File Number: S2022-073

Chair Powell reviewed the public hearing guidelines.

Planner II Sheldon Howa reviewed the request to split Lot 309 of the Anthem Commercial 3rd Amended Subdivision into two commercial lots. The existing 1.81 acre lot would be subdivided to create a ±0.64 acre lot 901 and ±1.16 acre lot 902. Both lots would front Denali Park Drive and lot 901 would have additional frontage on a private street on its west boundary. The proposed lot subdivision met all City Code zoning standards.

Applicant Representative Mike Maddox stated division of the lot was always part of the plan, utilities were in place, and a hair salon and pet grooming business were anticipated.

Vice Chair Powell opened the public hearing.

No comments were offered.

Vice Chair Powell closed the public hearing.

Commissioner Garcia moved to approve item 4.1 Consideration to approve the Anthem Commercial 9th Amended Subdivision at 5122 W Denali Park Drive in the C-2 (Commercial) Zone (Public Hearing). Commissioner Ferguson seconded the motion.

The vote was recorded as follows:

<i>Alternate Commissioner Forest Sickles</i>	<i>Aye</i>
<i>Commissioner Heather Garcia</i>	<i>Aye</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>

Commissioner Jackson Ferguson	Aye
Commissioner Adam Jacobson	Absent
Commissioner Brody Rypien	Absent
Alternate Commissioner Darryl Fenn	Absent
Chair Chris Berbert	Absent

The motion passed unanimously.

4.2 Discussion and consideration of a request (File No. S2022-094) by Wasatch Commercial to amend a condition for the Academy Village POD 35 Subdivision at approximately 4104 W College View Drive. (Public Hearing)

Applicant: Alex Dahlstrom

Acres: ±24.81

File Number: S2022-094

City Planner Maloy explained the Planning Commission approved a preliminary subdivision application for Academy Village POD 35 on December 3, 2020, with the following condition:

3. The applicant shall install improvements adjacent to Lots L and RES along the south side of Autumn Spring Drive. Sidewalk and streetlighting at minimum to mirror north side of the road with a 5-foot sidewalk, 5-foot landscaped park strip, and City standard streetlights.

Following Planning Commission approval, the adjacent property owner decided not to allow construction of a new intersection on the privately owned portion of Autumn Spring Drive, which was intended for access into Academy Village. As such, the development plan needed to be altered, and one section of the proposed private improvements were no longer necessary.

In addition to the change noted above, the Commission approved on April 21, 2022, a site plan for a 215-unit apartment building on POD 35-R, which included significant grade changes. The final plan for this project features a “stepped grading plan” adjacent to Autumn Spring Drive that facilitates the development and use of the property by residents of the apartment building.

In response to the changes to the development plan, the applicant met with City staff and proposed an alternate plan for sidewalks along Autumn Spring Drive that proposed improved pedestrian access to Academy Village while complying with applicable standards.

Due to changes in the commercial development plan, the applicant was requesting the Planning Commission approve the following amendment to condition number 3:

3. The applicant shall install improvements adjacent to Lots L and RES along the south side of Autumn Spring Drive. Sidewalk and streetlighting at minimum to mirror north side of the road with a 5-foot sidewalk, 5-foot landscaped park strip, and City standard streetlights pedestrian improvements adjacent to lots POD 35-A, POD 35-D, POD 35-K, and a portion of POD 35-L along the south side of Autumn Spring Drive to provide an accessible path from the McKellen Drive intersection as shown in Attachment D. All improvements shall comply with applicable City standards.

Applicant Alex Dahlstrom thought this was a fair solution. Due to the grading issue, they thought this update improved pedestrian access.

Commissioner Bradford noted the lighting requirement was removed from the item and requested conformation the pedestrian areas would be lit. Applicant Dahlstrom responded affirmatively.

Vice Chair Powell opened the public hearing.

No comments were offered.

Vice Chair Powell closed the public hearing.

Commissioner Garcia asked City Planner Maloy if this was the best solution. He replied it was a good compromise, given the limitations. Commissioners asked if the sidewalk would continue into the development, adjacent to lots 35-K and 35-D. City Planner Maloy responded they would be required with site plan approval.

Commissioner Garcia moved to approve item 4.2 Discussion and consideration of a request (File No. S2022-094) by Wasatch Commercial to amend a condition for the Academy Village POD 35 Subdivision at approximately 4104 W College View Drive as follows:

- 3. The applicant shall install improvements adjacent to Lots L and RES along the south side of Autumn Spring Drive. Sidewalk and streetlighting at minimum to mirror north side of the road with a 5-foot sidewalk, 5-foot landscaped park strip, and City standard streetlights pedestrian improvements adjacent to lots POD 35-A, POD 35-D, POD 35-K, and a portion of POD 35-L along the south side of Autumn Spring Drive to provide an accessible path from the McKellen Drive intersection as shown in Attachment D. All improvements shall comply with applicable City standards.

Commissioner Sickles seconded the motion.

The vote was recorded as follows:

<i>Commissioner Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Heather Garcia</i>	<i>Aye</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Aye</i>
<i>Commissioner Adam Jacobson</i>	<i>Absent</i>
<i>Commissioner Brody Rypien</i>	<i>Absent</i>
<i>Alternate Commissioner Darryl Fenn</i>	<i>Absent</i>
<i>Chair Chris Berbert</i>	<i>Absent</i>

The motion passed unanimously.

4.3 Discussion and consideration of a request to approve elevations for a new commercial building on Lot 35-N in the Academy Village Subdivision located at 4026 W Real Vista Drive in the C-2 Commercial Zone

Applicant: Alex Dahlstrom, Wasatch Commercial Developers

Acres: ±1.02

File Number: P2022-098

City Planner Maloy explained when the site plan for POD 35 Phase 1 of Academy Village was approved, the Commission requested the elevations be brought back for final approval prior to issuance of the building permit. The elevations were presented.

The proposal met the requirements of the South Hills Master Development Agreement (MDA) and Commercial Design Guidelines, both of which have been adopted by the City Council.

Applicant Dahlstrom explained the elevations and materials were similar to those approved for lot 35-M to continue the mountain modern esthetic.

Commissioner Ferguson was in favor of the material and drive thru location.

Commissioner Ferguson moved to approve item 4.3 Discussion and consideration of a request to approve elevations for a new commercial building on Lot 35-N in the Academy Village Subdivision located at 4026 W Real Vista Drive in the C-2 Commercial Zone with staff recommendations. Commissioner Garcia seconded the motion.

The vote was recorded as follows:

<i>Alternate Commissioner Forest Sickles</i>	<i>Aye</i>
<i>Commissioner Heather Garcia</i>	<i>Aye</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>
<i>Commissioner Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Adam Jacobson</i>	<i>Absent</i>
<i>Commissioner Brody Rypien</i>	<i>Absent</i>
<i>Alternate Commissioner Darryl Fenn</i>	<i>Absent</i>
<i>Chair Chris Berbert</i>	<i>Absent</i>

The motion passed unanimously.

4.4 Consideration of of approving a two (2) year extension of the Walker Estates Subdivision, renamed the Mardam Subdivision, with forty-four (44) single family lots at 12806 South 6100 West in the R-1-10 (Residential) zone

Applicant: Jerry Walker

Acres: ±20.15

File Number: S2022-105

City Planner Maloy presented the request for extra time needed for soil excavation and remediation. issues. This is second and last extension they were eligible for. The developer were hopeful to get it finished soon.

Applicant Dahlstrom

Vice Chair Powell opened the public hearing.

No comments were offered.

Vice Chair Powell closed the public hearing.

Commissioner Garcia moved to approve item 4.4. Consideration of approving a two (2) year extension of the Walker Estates Subdivision, renamed the Mardam Subdivision, with forty-four (44) single family lots at 12806 South 6100 West in the R-1-10 (Residential) zone with the following requirements:

1. All existing conditions of approval for the original application request from August 16, 2018, be completed.
2. No further extension of approval shall be granted if the subdivision is not recorded by August 4, 2024.

Commissioner Bradford seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford	Aye
Commissioner Jackson Ferguson	Aye
Commissioner Heather Garcia	Aye
Alternate Commissioner Forest Sickles	Aye
Commissioner Adam Jacobson	Absent
Commissioner Brody Rypien	Absent
Alternate Commissioner Darryl Fenn	Absent
Chair Chris Berbert	Absent

The motion passed unanimously.

4.5 Conditional use consideration of roof signs and illuminated wall signs adjacent to residential dwellings for Lone Peak Hospital Emergency Center located at 13306 S Forth Herriman Parkway in the MU-2 (Mixed Use) zone
Applicant: Kevin Anderson/R&O Construction (agent)
Acres: ±3.37
File Number: C2022-100

Planner Il Howa reviewed the sign request for the 24-hour medical service facility. The sign plan consisted of two wall signs, two monument signs, two roof signs, and four directional signs. The site location is within the Herriman Towne Center Master Development Agreement (MDA), and all signage was regulated under the Design Guidelines of the MDA. The sign plan was reviewed and approved by the development’s Design Review Committee (DRC). Under the approval of the DRC, an exception was granted for the roof signs, which were otherwise prohibited under the MDA. The exception was granted through an entitlement of the MDA, which allowed the DRC to grant variances of the town center’s design guidelines.

The applicant requested conditional use approval for two internally lit roof signs and one internally lit wall sign. The proposed roof signs were composed of channel letters and run horizontally across the east and west building canopies (facing to the north). Each roof sign is approximately twenty-four feet long and two feet tall, and seventeen feet above grade. The wall sign was located on the building’s north elevation, constructed of channel letters, and approximately thirteen feet above grade. The proposed wall sign is 11.5 feet wide and 4.6 feet tall. All signage is adjacent to north-lying residential dwellings. Sign distances from the rear elevation of the adjacent residential dwellings ranged from 195 to 230 feet. The applicant proposed the illumination would be no greater than 1.7 candle foot at the property line and be diffused.

Applicant Kevin Anderson stated similar signs had been placed at different location.

Commissioner Ferguson commented the wall pack light was brighter than the sign.

Commissioner Garcia moved to approve item 4.5 Conditional use consideration of roof signs and illuminated wall signs adjacent to residential dwellings for Lone Peak Hospital Emergency Center located at 13306 S Forth Herriman Parkway in the MU-2 (Mixed Use) zone with the following requirements:

1. Receive and agree with the recommendations from other agencies.
2. No additional signage shall be installed on the building's north façade.
3. Signage is approved as proposed, and any modifications to the size, location, or copy, shall go back to Planning Commission for approval.
4. Illumination of signs shall dim automatically based on ambient lighting.
5. Lighting shall be internal to the signage and diffused through an opaque surface.
6. The illumination of the signs shall not exceed 0.3 candle-foot above ambient lighting at seventy (70) feet or 1.7 candle-foot at the property line, whichever is less.

Commissioner Ferguson seconded the motion.

The vote was recorded as follows:

Commissioner Jackson Ferguson	Yes
Commissioner Andrea Bradford	Yes
Commissioner Heather Garcia	Yes
Alternate Commissioner Forest Sickles	Yes
Commissioner Adam Jacobson	Absent
Commissioner Brody Rypien	Absent
Alternate Commissioner Darryl Fenn	Absent
Chair Berbert	Absent

The motion passed unanimously.

5. Chair and Commission Comments

No comments were offered.

6. Future Meetings

- Wednesday, August 10, 2022 – City Council Meeting
- Thursday, August 18, 2022 – Planning Commission Meeting
- Wednesday, August 24, 2022 – City Council Meeting

7. Adjournment

Commissioner Ferguson moved to adjourn the meeting at 7:36 p.m. and all voted aye.

I, Wendy Thorpe, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 4, 2022. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.

Wendy Thorpe

Wendy Thorpe, CMC
Deputy City Recorder

