



PLANNING COMMISSION MINUTES

Wednesday, April 5, 2023

Approved June 21, 2023

The following are the minutes of the Herriman Planning Commission meeting held on **Wednesday, April 5, 2023, 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 Commission, media, and interested citizens.

Presiding: Chair Andy Powell

Commissioners Present: Darryl Fenn, Heather Garcia, Brody Rypien, Jackson Ferguson, Andrea Bradford, Alternate Forest Sickles, Alternate Terrah Anderson, and Alternate Preston Oberg

Commissioners Excused: Adam Jacobson

Staff Present: Communications Specialist Mitch Davis, City Planner Michael Maloy, Planner II Sheldon Howa, City Attorney Todd Sheeran, Assistant City Attorney Matt Brooks, Deputy Recorder Wendy Thorpe, Staff Engineer III Josh Petersen, Planner I Laurin Hoadley, and HPD Deputy Chief Cody Stromberg

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

Chair Andy Powell called the meeting to order at 6:04 p.m.

1.1. Review of City Council Decisions – Michael Maloy, Planning Director

City Planner Maloy reported there were no land use items on the latest Council meeting agenda.

Commissioner Jackson Ferguson arrived at 6:05 p.m.

The Council's recommendation to amend the Gamepoint Master Development Agreement (MDA) was discussed during the work meeting. The developer made amendments consistent with the Commission's suggestions. The site plan and design standards would be reviewed at an upcoming meeting.

1.2. Review of Agenda Items – Planning Staff

City Planner Maloy reported items 5.1 and 5.2, including the public hearings, were rescheduled to the next meeting on April 19, 2023 at the request of the applicant. Residents may submit public hearing comments, to be included in the record for the next meeting.

1.3. Discussion regarding access to an undeveloped lot adjacent to the proposed Ramirez Subdivision – Sheldon Howa, Planner II

Access to undeveloped land was discussed in relation to the proposed Ramirez subdivision. Planner II Howa explained concerns were raised about the feasibility of the existing access easement and the road construction. The applicant had worked with the city to find solutions and showed that access was possible.

Commissioner Bradford arrived at 6:10 p.m.

Staff Engineer III Josh Petersen addressed the issue with half of the access easement being in a different subdivision. The Commission agreed the remaining twenty-five-foot access provided enough space for a road to access a single lot. The grade requirements were met, and it was stated that the current plan satisfied the city's obligations. A City standard road could be constructed with modifications to the retaining wall. The possibility of future subdivision and the size of the remaining parcel were discussed.

1.4. Open and Public Meetings Act Training – Todd Sheeran, City Attorney
City Attorney Sheeran presented Open and Public Meetings Act (OPMA) training.

2. Adjournment

The Commission adjourned the work meeting by consensus at 6:57 p.m.

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

Chair Andy Powell called the meeting to order at 7:02 p.m. He announced items 5.1 & 5.2 were rescheduled and the Public Hearings would be held at the next meeting on April 19, 2023. These items were moved at the request of the applicant.

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

Marelle Brewer led the audience in the Pledge of Allegiance

3.2. Roll Call

Full Quorum Present.

3.3. Conflicts of Interest

No conflicts were reported.

3.4. Approval of the Minutes for January 18, 2023, and February 1, 2023 Planning Commission Meetings, and the amended Minutes for the January 4, 2023 Meeting

Commissioner Garcia motioned to approve item 3.4 approval of Minutes for January 18, 2023, and February 1, 2023 Planning Commission Meetings, and the amended Minutes for the January 4, 2023 Meeting. Commissioner Sickles seconded and all voted aye.

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 of a Preliminary Plat Amendment for a five (5) lot residential subdivision known as Kaysan Cove located generally at 6573 W Rose Canyon Road in the A-1-10 Agricultural Zone (Public Hearing)
Applicant: Natalie Afridi (property owner)
Acres: ±3.03
File No: S2023-008

Chair Powell reviewed the public hearing guidelines. The meeting commenced with Planner II Sheldon Howa's presentation of Item 4.1, which involved the consideration of a preliminary plat for a five-lot residential subdivision called Kaysan Cove. The location was on the West side of the city near Rose Canyon Road and occupied a three-acre parcel with current zoning designated as A-110. The applicant had previously requested an amendment to the subdivision plan, originally approved for a four-lot subdivision by the Planning Commission. During the final review process, the applicant desired to include an additional lot, expanding the initial four-lot subdivision to a five-lot subdivision. The proposed amendment complied with the maximum density allowed for the A-110 Zone, with a density of 1.65 compared to the 1.8 limit. Some minor engineering concerns were noted, primarily regarding irrigation and plant materials, which could be addressed in the final plan. The proposed subdivision met the lot area requirements for the zone, leading the staff to recommend approval with certain conditions.

Applicant Natalie Afridi had no comments or questions.

Chair Powell reviewed the public hearing.

No public comments were received.

Commissioner Rypien motioned to close the public hearing. Commissioner Garcia seconded and all voted aye.

The Planning Commission then discussed the item, noting that most of the issues pertaining to the original four-lot subdivision had already been addressed. It was clarified that the recommendations presented on the slide were condensed from the full list included in the staff report. The focus of the discussion was on the three specific recommendations mentioned. The commission confirmed that these recommendations addressed the conditions initially imposed on the original subdivision, which had mostly been resolved during the final plot process.

Commissioner Garcia confirmed the correct number of conditions for approval, as three conditions were displayed in the meeting presentation but five were listed in the packet. Staff confirmed the item had three conditions of approval.

Commissioner Fenn moved to approve item 4.1 Consideration of a Preliminary Plat Amendment for a five (5) lot residential subdivision known as Kaysan Cove located generally at 6573 W Rose Canyon Road in the A-1-10 Agricultural Zone with the following three conditions:

- 1. Remove buildable envelopes from the plat and add a typical setback diagram.*
- 2. Work with the Engineering Department to remove any unnecessary PUEs.*
- 3. All conditions of approval for the original preliminary plat are addressed.*

Commissioner Ferguson seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Yes</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Not Present</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Yes</i>
<i>Alternate Preston Oberg</i>	<i>Not Voting</i>
<i>Alternate Terrah Anderson</i>	<i>Not Voting</i>

The motion passed unanimously.

4.2 Consideration of a Conditional Use for the Kiddie Academy site plan located generally at 12043 Carlsbad Way in the C-2 Commercial Zone

Applicant: Ben Smith (authorized agent)

Acres: ±1.412

File No: C2023-007

The Planning Commission meeting progressed to Item 4.2, involving the consideration of a conditional use for the Kiddie Academy site plan. Planner I Laurin Hoadley provided an overview of the location, situated in the northeast corner of Herriman City within the Anthem commercial MDA, near the WinCo building and adjacent parking lot. The proposed facility would function as a daycare and early education center. The site plan complied with the requirements outlined in the zoning ordinance, specifically meeting the 10-5-11e requirements and other commercial criteria.

During the discussion of the site plan, attention was drawn to the parking lot, where two parking lot islands were situated under a shade structure. These islands served as an anchor for the shade structure rather than as parking spaces. The applicant requested a waiver for two trees that would typically be planted in those areas, proposing to substitute them with 10 shrubs each. To compensate for the removed trees, an additional 20 shrubs would be planted across the site. Staff recommended approving the proposal with these conditions, including addressing engineering comments.

After the staff presentation, the applicant, Ben Smith, expressed gratitude to the commission for considering their proposal. He mentioned that the covered parking structure would provide ample shade and questioned the necessity of planting trees underneath. However, if the commission deemed the additional shrubs important, they were willing to comply. The commission had an opportunity to ask questions but did not have any.

As this was a conditional use application, there was no public hearing. The commission proceeded with their discussion and motions. One commissioner inquired about the drop-off and pickup traffic flow, which staff confirmed had been considered. Arrows indicating the traffic pattern were incorporated into the site plan to ensure smooth traffic movement and direct children safely inside the facility.

Commissioner Garcia moved to approve item Conditional Use for the Kiddie Academy site plan located generally at 12043 Carlsbad Way in the C-2 Commercial Zone with four staff recommendations:

1. Receive and agree to the recommendations from other City departments.
2. Address engineering comment to add a two-inch isolation valve.
3. Applicant receives a waiver of strict compliance for parking island tree placement as follows:
 - a. Ten (10) additional shrubs to be planted on site to replace the two (2) required trees not being planted in the landscape islands.
4. Applicant provides landscaping that meets all other city standards

Commissioner Rypien seconded the motion.

The vote was recorded as follows:

Commissioner Darryl Fenn	Yes
Commissioner Jackson Ferguson	Yes
Commissioner Heather Garcia	Yes
Commissioner Brody Rypien	Yes
Commissioner Adam Jacobson	Not Present
Commissioner Andrea Bradford	Yes
Alternate Commissioner Forest Sickles	Yes
Alternate Preston Oberg	Not Voting
Alternate Terrah Anderson	Not Voting

The motion passed unanimously.

4.3 Consideration of a Special Exception to reduce the side yard minimum setback to three (3) feet for an accessory structure located at 11824 S Fools Gold Circle in the R-1-10 (Residential) zone.

Applicant: Loren Merchant (property owner)

Acres: ±0.27

File No: P2023-026

The Planning Commission proceeded to Item 4.3, which involved the consideration of a special exception to reduce the side yard minimum setbacks for an accessory structure to three feet. Planner Il Howa presented the details of the request, explaining that the property in question was located in Copper Creek Estates and had an irregular lot shape. The applicant proposed a 400 square foot detached structure with a maximum height of 14 feet three inches in the rear yard. The neighboring properties were notified, but no comments or concerns were received.

Due to the irregular lot shape and the positioning of the house further back on the lot, the applicant requested a reduction in the side yard setbacks from five feet to three feet. The proposed structure encroached into the side yard but complied with the allowable size and finished materials requirements. The siding would be vinyl to match the primary structure. Staff recommended approving the special exception with certain conditions, including securing the required permits.

The applicant, David Anderson representing Alpine Development, expressed appreciation for the Commission's time and reiterated the need for the reduced setback due to space constraints between the home and the proposed structure. He mentioned that the neighboring property to the east,

belonging to the applicant's daughter, already had a garage in place. The applicant hoped for approval to proceed with the project.

Since this was a special exception consideration, there was no public hearing. The Planning Commission engaged in a discussion and acknowledged that the neighboring property already had a similar structure in place, which did not cause any issues. They recognized that such exceptions were anticipated when accessory structures were discussed previously.

Commissioner Rypien moved to approve item 4.3 Conditional Use for the Kiddie Academy site plan located generally at 12043 Carlsbad Way in the C-2 Commercial Zone with the following conditions:

1. *Receive and agree to all recommendations from other agencies.*
2. *Provide documentation showing the home's primary exterior finish material is vinyl siding.*
3. *Secure public utility easement (PUE) waivers for all building encroachments.*

Commissioner Sickles seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Yes</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Not Present</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Yes</i>
<i>Alternate Preston Oberg</i>	<i>Not Voting</i>
<i>Alternate Terrah Anderson</i>	<i>Not Voting</i>

The motion passed unanimously.

**4.4 Consideration of a Preliminary Plat for a two (2) lot residential subdivision known as Helsten Subdivision, Plat A, located generally at 13752 S 7300 West in the A-1-43 Agricultural Zone (Public Hearing)
Applicant: Palmer Helsten (property owner)
Acres: ±2.37
File No: S2022-090**

The planning commission meeting discussed a preliminary plot for a two-lot residential subdivision known as Helsten Subdivision. The applicant had previously requested a text amendment for the project, showing patience and cooperation with the staff. The subdivision consisted of an existing home on lot one and a vacant lot two, which met all City standards. Changes in the flag lot ordinance now required a 25-foot access stem, ensuring adequate space for utilities and other infrastructure. Removal of an existing accessory structure was also planned for better access. The length of the flag lot was slightly longer than standard but received approval from the fire department and city engineering department. Fencing requirements for the flag lot were discussed, with a six-foot privacy fence being necessary. Upgrading the fencing around the flag lot was required, but the existing barbed wire fencing on the property line did not need to be changed. The proposed project met all applicable ordinances, and questions were addressed by City Planner Maloy. Road improvements on 73rd were included in the civil

engineering plans, and coordination with the city's improvement project was expected. The topic of flag lots was raised, and it was clarified that they were still allowed under certain conditions.

The applicant, Palmer Helsten, expressed the need for a flag lot on their two-and-a-half-acre property.

Chair Powell opened the public hearing.

Marelle Brewster asked if she could make a comment regarding the items that were moved to the next meeting. She was informed that she may complete a comment form and it would be included in the record for the next meeting.

The following comment was received online from Jason Cazier:

I will not be able to attend this meeting, but I live in the vicinity. I would love to see the area finished over there, but the road is so bad on 7300 West. I think the road should be finished with sidewalks and drainage as part of this proposal. With the potholes, poor lighting, and narrow roadways over there it's dangerous and causing driving hazards also that have probably already ruined tires. I assume not finishing this stretch of 7300 West has something to do with the current land owners there, but this is a public road and should be fixed before we add additional traffic. If this can be appropriately addressed, by all means let's approve this proposal.

Commissioner Sickles motioned to close the public hearing, Commissioner Rypien seconded, and all voted aye.

Commissioners Ferguson and Rypien agreed it met the City requirements and made sense for the plot.

Commissioner Rypien moved to approve item 4.4 Consideration of a Preliminary Plat for a two (2) lot residential subdivision known as Helsten Subdivision, Plat A, located generally at 13752 S 7300 West in the A-1-43 Agricultural Zone with two staff recommendations:

- 1. Comply with the requirements of the City Code, the adopted engineering standards, and any final plan corrections identified by the City.*
- 2. Provide a six-foot (6') privacy fence on all sides of the flag lot, including both sides of the staff portion of the lot, as per City Code 10-29-18(B)(14).*

Commissioner Garcia seconded the motion.

The vote was recorded as follows:

<i>Commissioner Darryl Fenn</i>	<i>Yes</i>
<i>Commissioner Jackson Ferguson</i>	<i>Yes</i>
<i>Commissioner Heather Garcia</i>	<i>Yes</i>
<i>Commissioner Brody Rypien</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Not Present</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Alternate Commissioner Forest Sickles</i>	<i>Yes</i>
<i>Alternate Preston Oberg</i>	<i>Not Voting</i>
<i>Alternate Terrah Anderson</i>	<i>Not Voting</i>

The motion passed unanimously.

5. Legislative Items

Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for a decision at the next available City Council meeting.

- 5.1 Discussion and recommendation to amend the Official Herriman City Zoning Map for ±545 acres located generally at 4461 W Juniper Crest Road and 15750 S Mountain View Corridor Highway in the FR-2.5 Forestry Recreation Zone to apply the LMPC Large Project Master Planned Community Zone for the development of a residential planned community known as Laguna. (Public Hearing)

Applicant: John Lindsley (authorized agent)

Acres: ±545

File No: M2022-049

This item was withdrawn and moved to the next meeting at the request of the applicant.

- 5.2 Discussion and recommendation to amend the Official Herriman City Zoning Map for ±270 acres located generally at 4461 W Juniper Crest Road and 15750 S Mountain View Corridor Highway in the FR-2.5 Forestry Recreation Zone to apply the LMPC Large Project Master Planned Community Zone for the development of a residential planned community known as Malibu. (Public Hearing)

Applicant: John Lindsley (authorized agent)

Acres: ±270

File No: M2022-050

This item was withdrawn and moved to the next meeting at the request of the applicant.

6. Chair and Commission Comments

No comments were offered.

7. Future Meetings

Wednesday, April 12, 2023 – City Council Meeting

Wednesday, April 19, 2023 – Planning Commission Meeting

Wednesday, April 26, 2023 – City Council Meeting

8. Adjournment

Commissioner Garcia moved to adjourn the meeting at 7:31 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 April 5, 2023. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Wendy Thorpe, CMC
Deputy City Recorder