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## HERRIMAN CITY PLANNING COMMISSION MEETING MINUTES

Thursday, March 17, 2016

Approved April 21, 2016

[6:02:05 PM](#) **6:00 PM - Work Meeting:** *(Front Conference Room)*

### Attendance

#### **Planning Commission Members:**

Chris Berbert  
Jeremy Burkinshaw  
Blayde Hamilton  
Adam Jacobson  
Jessica Morton  
Robyn Shakespear  
Clint Smith  
Wade Thompson

**Council Members:** Mayor Freeman, Coralee Wessman-Moser

**City Staff:** Bryn McCarty, City Planner  
Sandra Llewellyn, Planner I  
Gordon Haight, Assistant City Manager  
Jonathan Bowers, Assistant City Engineer

#### Review of Agenda Items

Item 2.1 – Moser – Conditional use for a basement apartment. The proposal was for a new home in Ft. Herriman Cove which incorporated plenty of parking.

Item 2.2 – Farmer – Exception to the side yard setback. The proposal was for a corner lot which would require 20 feet setback on the corner next to the street. The applicant was asking for 15 feet for a porch because of a side-entry garage.

Item 2.3 – Miller Crossing – Elevations for pod 5. Development agreement has approved design guidelines which need to be met. A discussion regarding the percentage of brick/stone took place. The applicant was asked to put more brick/stone where possible. It was explained that current design guidelines require 40%. A discussion of exterior colors ensued. It was suggested that the applicant remove the light/white and dark red colors. Applicant felt fine with removing the white, red and green colors requested. Planning Commission explained that it would be fine to use the red as an accent but did not want the whole home to be red.

Item 2.4 & 2.5 – Edge Homes – Subdivision and PUD for 210 condominium units. City Planner, Bryn McCarty explained that there had been emails received and information posted on Facebook regarding

the project. Comments from commission were of concern for the height. Applicant explained that there is a 12% grade and he explained that either a retaining wall needed to be installed or a foundation can be created and the two bottom units would act as a retaining wall. In the front of the building – everything would remain static or stay looking the same. The back would look like a four story building. The current ordinance calls for a maximum height of 45 feet. The building being described would be 56 feet. The building design would mitigate the hillside and the five buildings impacted were highlighted / pointed out on the plan. Imagery of what it would look like was shown. Tenants would need to go down a flight of stairs to get to the units in the buildings. The tenants would have detached garages. The design provides more greenspace. A discussion about the parking and detached garages took place. Applicant agreed to take another look at the parking and detached garages. The condos are for sale not for rent.

Matt Watson took time to explain the MU-2 zone density. There was an incorrect comment posted that the MU-2 zone has a max density of 7.5 units per acre. The MU-2 zone has up to 10 units per acre if your uses are separated horizontally (i.e. mixed commercial and residential in separate buildings). If they are joined together (i.e. residential above commercial) then you can go up to 15 units per acre. He outlined the area zoned MU-2. Any use cannot exceed 70% or it is not considered mixed use. Therefore, the most residential that could be done is 70%. He then reiterated that the proposal meets those requirements and it still met in the overall units per acre as well. He spoke about the history of the adoption of a few of the master plans and the changes that have been made accordingly and even changes made to projects providing less density then they could have according to the master plans. Chair Clint Smith asked Mr. Watson to provide that explanation during the regular meeting. He added that the design of the buildings in the project provide more useable open space / flat plain areas in between the buildings. Fencing will be a two-rail fence.

Item 3.1 – Text Change to Density – change from density in the A-.25 zone of 1.8 and up to 2.5 with a subdivision and up to 3 with a PUD. The proposed change would lower it to 2.8 with a PUD. The hope would be that would encourage larger lots. The other change would be in the combining of lots and a maximum for that credit. Bryn suggested requiring half acre lots but 10% would be too many for a large project. The commission would like a combination of lot sizes. Chair Smith suggested bringing scenarios of how it would work. Bryn suggested that a trade of open space for larger lots may be an option. She reported that there are 76 vacant half acre lots in the city.

Item 3.2 – Text Change to Open Space Requirements in a PUD – currently PUD's require 20% open space. Half of the open space is required to be one contiguous space. The hope being that there are larger parks. It is not working out that way. Commissioner Blayde Hamilton did not agree with the proposal because it takes away the land owner rights. Bryn suggested that it could state that the contiguous piece has to be a useable piece. Adam felt that the detention pond should not be counted as open space because it's required as part of the subdivision it is not an extra improvement. A discussion about options for what would be considered as a park, sports field or open space ensued.

Commissioner Jeremy Burkinshaw asked to discuss setback for apartments in certain areas of the city like being up against a main road.

Meeting Adjourned at [6:46:45 PM](#)



[7:08:06 PM](#)

**7:00 PM - Regular Planning Commission Meeting:**

**Attendance**

**Planning Commission Members:**

Chris Berbert  
Jeremy Burkinshaw

Blayde Hamilton  
Adam Jacobson  
Jessica Morton  
Robyn Shakespear  
Clint Smith  
Wade Thompson

**City Staff:**

Bryn McCarty, City Planner  
Sandra Llewellyn, Planner I  
Cindy Quick, Deputy Recorder  
Gordon Haight, Assistant City Manager  
Jonathan Bowers, Assistant City Engineer

**1. General Business:**

Welcome

Chair Clint Smith welcomed those in attendance.

- 1.1 [7:00:48 PM](#) Invocation and Pledge  
[Jeremy Moser offered the invocation and Curtis Leavitt led us in the pledge.](#)
- 1.2 [7:02:27 PM](#) Roll call:  
Full Quorum
- 1.3 [7:02:33 PM](#) Approval of Minutes for: **March 3, 2016**  
[Commissioner Blayde Hamilton \*\*MOVED\*\* to approve the minutes for March 3, 2016.](#)  
[Commissioner Jeremy Burkinshaw \*\*SECONDED\*\* the motion.](#)  
[The voting was unanimous.](#)  
  
[Vote passed.](#)  
[Motion carried.](#)

Chair Clint Smith reviewed the public comment policy and procedure.

**2. Administrative Items:**

*Administrative items are reviewed based on standards outlined in the ordinance. Public comment is taken on relevant and credible evidence regarding the applications compliance with the ordinance.*

- 2.1 [7:04:03 PM](#) **11C16** – Moser – 14324 S Herriman View Way – Conditional Use for a Secondary Unit (basement apartment) – Zone: A-.25 – Acres: 0.34

City Planner, Bryn McCarty oriented the commission with a site plan and other images prepared. It was noted that the home has not been built yet. A few requirements were outlined; the tenant will have to park off the street, the owner will need to maintain an appearance of a single family home and the must always live in the home.

Jeremy Moser (applicant), 1393 S 740 E Lehi, UT, would like to have a basement apartment currently for his father but would like the option of renting it to someone else after his father no longer needs the place. He reported that there is a separate rear entrance and parking lot in the back.

Commission members reported feeling fine about the proposal. They liked knowing about the plan to rent before it is even built.

Commissioner Jeramy Burkinshaw **MOVED** to approve the item with the recommendations as outlined by staff.

Commissioner Jessica Morton **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Wade Thompson	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.2 [7:08:04 PM](#) **15C16** – Farmer – 14312 S Herriman View Way – Request for a Special Exception to the Side Yard Setback – Zone: A-.25 – Acres: 0.36

City Planner, Bryn McCarty oriented the commission with an aerial map, site plan and other images prepared. The exception was for a new home on a corner lot and they would like a side entry. The request was for a 15 feet instead of 20 feet for a porch. The ordinance does allow a request for the exception. The 15 feet would be for the patio only not for the home. Commissioner Jeramy Burkinshaw asked what the minimum setback from property to driveway is and what is required. The response was that the owner can pave to the property line.

Kristen Farmer (applicant), 14386 Ferndale Wy, the distance between the driveway and property line is about five feet and they plan to take four feet. There will be a foot of space between property line and the edge of driveway. The request would allow them to come out of the driveway to exit and enter easier.

Commissioner Jessica Morton **MOVED** to approve the item for fifteen feet just for the porch and with all the requirements outlined by staff.

Commissioner Adam Jacobson **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeramy Burkinshaw	Yes
Commissioner Wade Thompson	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.3 [7:12:28 PM](#) **38C14-05** – Miller Crossing– 12200 S 5100 W – Review and Approval of Proposed Building Elevations for Miller Crossing Pod 5 – Zone: R-2-10 – Acres: 13.87 – Units: 67

City Planner, Bryn McCarty oriented the commission with images of elevations and colors. The proposal is for a single family phase that was just approved. They do have design guidelines that they must meet but the commission is seeing them for final approval.

Shawn Poor (applicant), SLC, 269 1<sup>st</sup> Avenue, was willing to omit some of the requested colors (reds and whites).

City Planner, Bryn McCarty suggested approving the elevations subject to meeting their approved design guidelines. Chair Smith recognized that the applicant does have design guidelines and with a slight discrepancy in the stone requirement for front elevations, he encouraged the applicant to provide more stone where possible.

Commissioner Blayde Hamilton **MOVED** to approve the item with the exception of on the hardy board we strike out traditional red, evening blue, country yard red and park side green; and on the stucco we strike number 1, 101, 310, 89, 0, 102, 85 & 86; and to meet the Miller Crossing Design Guidelines.

Commissioner Robyn Shakespear **SECONDED** the motion.

Commissioner Jessica Morton Yes

Commissioner Blayde Hamilton Yes

Commissioner Robyn Shakespear Yes

Commissioner Jeramy Burkinshaw Yes

Commissioner Wade Thompson Yes

Commissioner Adam Jacobson Yes

Vote passed.

Motion carried.

2.4 [7:17:57 PM](#) **09S16** – Edge Homes – 4300 W 14500 S – Proposed Subdivision of 210 Condominium Units – Zone: MU-2 – Acres: 9.52 (Public Hearing)

Chair Clint Smith noted that 2.4 and 2.5 will be discussed together.

City Planner, Bryn McCarty oriented the commission with an aerial map, layout, site plan and elevation images prepared. The proposal was for a subdivision and PUD approval for 210 condominium units. The trail through the development was pointed out.

Commissioner Blayde Hamilton questioned the fencing requirements. The response was that there was no fencing requirement because the front doors of the units face the road. It was also noted that the staff report was combined for both item 2.4 and 2.5.

Matt Watson (applicant), Rosecrest Communities, addressed the density for the project and the overall community. The original master plan adopted on August 14, 2008 was shown. Land uses have been adjusted which had an impact on the master plan. On April 5, 2012 a new Master Plan was adopted. He reminded the commission about changes made for Salt Lake Community College and Jordan School District proposals. The current Master Plan was shown. It was pointed out that the Master Plan is a guideline and part of the process requires final PUD approval for each subdivision and that several meetings and public hearings are held during each approval. He explained that the overall approved density isn't changing. The overall totals were shown. Rosecrest open space numbers were shown. He noted that they are slightly less dense than what was required. The developer was following through with the process and received public input. The zoning and density of the project was illustrated.

Jaran Nicholls, Edge Homes (applicant), 480 W 800 N, Orem UT, explained that the project will be for owned condominium units. There will be 210 units total. The units are in a 10-plex style, 10 garages along street side of each building. There are ten, 3 bedroom condo units per building with their own driveway and garage. He noted that there is quite a slope on the site. They have planned to step down to allow for the ADA use. He further explained that five of the units will be one level below the base level of the other units and it will create a flat space between the buildings instead of requiring a retaining wall. However, the ridge lines of each building will be the same regardless of the amount of stories or levels in the building. The height of the buildings will look the same.

Chair Clint Smith asked Mr. Nicholls to explain the difference between using the building as a retaining wall versus installing a retaining wall between the buildings. Mr. Nicholls responded that the structural integrity of the foundation being used as a retaining wall is far superior to using a retaining wall. The proposed design would also eliminate one ten-plex building. He described a need for more retaining in the common area if the foundation of the building used as a retaining wall was not approved. The proposed design allowed for more open space and grass areas, as well.

City Planner, Bryn McCarty clarified that the height is 45 feet and the planning commission can approve up to 75 feet. The height requested was 56 feet for the back buildings.

[7:39:05 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

#### **Citizen Comments:**

Steve Garrett, 5443 W Genoa Ct, mentioned running for city council and how he gained an understanding regarding high density housing. He felt that the high density housing does bring residents to the city that tend to move in and out and they don't stay. He was concerned about that affecting the community. He would like to see the zoning for the area reviewed and addressed. He'd like to see the residents of the city notified sooner to allow more time to review proposals like these.

David Watts, 14461 S Windom Rd, questioned the visitor lots behind the garages and wondered if they would be designated for specific units and concerned with parking. He reported that the master plan shown by the developer shows that the area was zoned as MU-2 not for the zoning being requested. He felt the density does make sense next to a college but the zoning process was not being followed. His understanding was that the density was 7.5 units per acre which would only allow for 72 units and now the request is three times that and he was confused as to how it didn't have to go through a rezoning process. Mr. Watts was also concerned with the height of the units. He felt the amount of units was excessive. He requested that the tot lot be required along with the approval if the proposal is approved. Concerned with open space in the project and in the overall project. Would like a better explanation of the overall density and zoning for the project.

[7:45:36 PM](#) Chair Smith closed the public hearing.

Matt Watson reiterated that the zoning plan and the master plan are very different. The uses being proposed meet the underlining zoning. The land use plan tells more specifics. For example, an MU-2 zone would have multiple uses and the master plan would show you how much is residential and how much would be commercial. There are regulations and ordinances tied to the zoning. The proposal meets the zoning and master plan.

Chair Clint Smith clarified that this proposal is a 'for sale' product. Commissioner Adam Jacobson had concern with detached garages and access to tot lots and garages. Commissioner Blayde Hamilton liked the height of the buildings and he would like the developer to 'massage the parking' as he stated he would do. Commissioner Wade Thompson had concern with the location of the garbage cans and Commissioner Jeremy Burkinshaw would like to see the locations of the dumpsters. The response from the applicant was that individual garbage cans are proposed. Commissioner Adam Jacobson would like to see a view from the clubhouse to the tot lot showing the walkway down to the pool and over to the 12-plex. Chair Clint Smith likes the building being used as retention and how it allows more flat space between the units he agreed with the suggestion of seeing a view from the clubhouse and over as well as between two of the buildings to see the grade.

Commissioner Adam Jacobson **MOVED** to continue the item without date for developer to incorporate the comments we've discussed.

Commissioner Blayde Hamilton **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton Yes

Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeremy Burkinshaw	Yes
Commissioner Wade Thompson	Yes
Commissioner Adam Jacobson	Yes

Vote passed.  
Motion carried.

2.5 [7:52:47 PM](#) **56C07-13** – Edge Homes – 4300 W 14500 S – Final PUD Approval for 210 Condominium Units – Zone: MU-2 – Acres: 9.52 – Units: 210

Commissioner Adam Jacobson **MOVED** to continue without date.

Commissioner Wade Thompson **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeremy Burkinshaw	Yes
Commissioner Wade Thompson	Yes
Commissioner Adam Jacobson	Yes

Vote passed.  
Motion carried.

3. **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.*

3.1 [7:53:19 PM](#) **06Z16** – Herriman City – Proposed Text Change to the A-.25 zone Regarding Density (Public Hearing)

City Planner, Bryn McCarty oriented the commission with the text change. She recommended leaving the public hearing open due to the item being ongoing and changing. Ordinance states density of 1.8 up to 2.5 in a subdivision and up to 3 in a PUD. During work meeting the numbers were suggested to be changed. An additional change was to put a cap on the ability to combine lots for higher density with a maximum of .2 units.

Commissioner Blayde Hamilton questioned the combining of lots with one larger project, where they may have at least two ten acre parcels or two five acre parcels and if they would get .05 points. He felt fine with that as long as it was different owners for the parcels but he wondered about the person who only bought just one large lot and whether or not it would apply to him. City Planner, Bryn McCarty understood that it could work because the one large lot was multiple parcels, however she reported preferring that the parcels come from different owners.

[7:56:51 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

**Citizen Comments:**

David Watts, 14461 S Windom Rd, felt that the clarifications were clear and was supportive of the proposed changes.

[7:57:47 PM](#) Chair Smith left the public hearing open for future comments.

Chair Clint Smith turned to the commission for further discussion. Commissioner Adam Jacobson requested that staff bring an example of a few PUD's for comparison and to include Rosecreek, as well as two others. He would like to make sure the changes made would entice PUD's on the subdivision side. City Planner, Bryn McCarty also noted the suggestion of requiring some form of half acres and all commission members agreed. Commissioner Jeremy Burkinshaw wanted the ordinance to encourage larger lots. One way may be to mandate or require half acre lots as a requirement instead of only be optional. Chair Smith agreed and wanted to see an example using percentages. A brief discussion of options ensued. The commission agreed that the ordinance needs to be achievable and attainable.

Commissioner Adam Jacobson **MOVED** to continue the item without date and with the public hearing to remain open.

Commissioner Jeremy Burkinshaw **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeremy Burkinshaw	Yes
Commissioner Wade Thompson	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

3.2 [8:03:45 PM](#) **07Z16** – Herriman City – Proposed Text Change to the Land Use Ordinance Regarding Open Space Requirements in a PUD (Public Hearing)

City Planner, Bryn McCarty oriented the commission with changes being proposed. A PUD requires 20% open space. The requirement is that half of the open space be maintained in one contiguous parcel. Open space often is counted as channels, drainages and creeks, instead of larger fields and parks. One proposal change would be that the contiguous parcel has to be in a usable size and shape. Currently unbuildable open space counts at 50% towards the open space acreage. The proposal would be to change unbuildable open space to 25% instead of 50%. The desire would be to get a larger field and park as well as trails and drainages. This will be discussed with the council in a couple of weeks.

[8:05:52 PM](#) Chair Smith opened the public hearing and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

**Citizen Comments:**

David Watts, 14461 Windom Rd, appreciated that the public hearing will remain open. He felt passionate about open space and supported the intent to make open space truly usable. He felt that unbuildable open space should only be worth 15%. He would like to see a better definition of unusable open space and would like to be able to kick and ball and play with friends in the open space.

[8:08:38 PM](#) Chair Smith left the public hearing open.

Chair Clint Smith turned to the commission for further discussion. Commissioner Blayde Hamilton agreed that the definition of open space needs to be more specific. He disagreed with the 25% and was not certain what the percentage of unbuildable open space should be. He felt frustrated that the ordinance was robbing people of the use of their land and that it should remain at 50% or more. Chair Clint Smith felt that Commissioner Hamilton had a very valid point and felt that providing a definition of open space would allow for a better

understanding and may solve the issue. City Planner, Bryn McCarty voiced frustration with the idea that park strips were being considered as open space. A discussion about different options of how open space is counted ensued. Chair Smith requested that the planning commission provide language to City Planner McCarty for the ordinance.

Commissioner Jessica Morton **MOVED** to continue the item without date and that the public hearing stays open.

Commissioner Blayde Hamilton **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jessica Morton	Yes
Commissioner Blayde Hamilton	Yes
Commissioner Robyn Shakespear	Yes
Commissioner Jeremy Burkinshaw	Yes
Commissioner Wade Thompson	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

#### 4. **New Items of Subsequent Consideration:**

Commissioner Jeremy Burkinshaw requested a long range to do list. He would like the planning commission to prioritize that list and assign a completion date for each item. Commissioner Adam Jacobson agreed. He would also like to ensure that the changes made to ordinances be clear enough that a developer could show how they meet the ordinance and should be approved improving the process. Chair Clint Smith also agreed and expressed understanding the significant work for staff and appreciated them providing a list for them to work through.

#### 5. **Future Meetings:**

- 5.1 City Council Meeting – Wednesday, **March 23, 2016 @ 7:00 PM**
- 5.2 Joint City Council & Planning Commission Work Meeting – Thursday, **March 31, 2016 @ 6:00 PM**
- 5.3 Planning Commission Meeting – Thursday, **April 7, 2016 @ 7:00 PM**

#### 6. **ADJOURNMENT:**

Chair Clint Smith called for a motion to adjourn.

Commissioner Adam Jacobson **MOVED** to adjourn the meeting and Commissioner Robyn Shakespear **SECONDED** the motion. The voting was unanimous. Motion carried.

The meeting adjourned at **8:20:15 PM.**

*I, Cindy Quick, Deputy Recorder of Herriman City hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on March 17, 2016. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.*



Cindy Quick, CMC  
Deputy Recorder