



PLANNING COMMISSION AGENDA

Thursday, October 19, 2017

NOTICE IS HEREBY GIVEN that the Herriman Planning Commission shall assemble for a meeting in the City Council Chambers, located at 5355 W Herriman Main Street, Herriman, Utah.

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

1. Review of Agenda Items
2. Review of City Council Decisions
3. Cunningham Development Agreement/Proposed Maverik located at 5076 W Herriman Main St.

7:00 PM - Regular Planning Commission Meeting

1. Call to Order

- 1.1 Invocation/Thought/Reading and Pledge
- 1.2 Roll call
- 1.3 Approval of Minutes for: **September 21 and October 5, 2017**

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 Request: Review Elevations for Retail Building at Herriman Corner Lot 8
Applicant: Brad Murdock
Address: 13322 S Rosecrest Rd
Zone: C-2 (Commercial)
Acres: .94
File Number: 47C15

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 Request: Proposed Text Change to the Land Use Ordinance to add Kennels as a Conditional Use in Agricultural and Commercial Zones (**Public Hearing**)
Applicant: Jessica & Bennett Bangerter
File Number: Z2017-31

- 3.2 Request: Proposed Rezone From A-1 (Agricultural – 1 acre min.) to R-2-10 (Residential – Medium Density) and C-2 (Commercial) (*Public Hearing held on October 5, 2017*)
Applicant: Anthem Utah, LLC
Address: 6200 W 12200 S
Acres: 275
File Number: Z2017-28
- 3.3 Request: Proposed Rezone to Apply the Planned Development Overlay Zone (*Public Hearing held on October 5, 2017*)
Applicant: Anthem Utah, LLC
Address: 6200 W 12200 S
Acres: 225
File Number: Z2017-29
- 3.4 Request: Text Change to the Land Use Ordinance to Create a Low-Density Agricultural Zone (*Public Hearing opened on September 21, 2017 and closed on October 5, 2017*)
Applicant: Herriman City
File Number: 17Z17
- 3.5 Request: Text Change to the Land Use Ordinance to Allow the Use of the A-.25 Zone on Property Less Than 15 Acres (*Public Hearing opened on September 21, 2017 and closed on October 5, 2017*)
Applicant: Herriman City
File Number: Z2017-24
- 3.6 Request: Text Change to the Land Use Ordinance to Adopt a Chapter Regarding Planned Development Overlay Zones (*Public Hearing held on August 3, 2017*)
Applicant: Herriman City
File Number: 20Z17

4. Chair and Commission Comments

5. Future Meetings

- 5.1 City Council – Wednesday, **October 25, 2017 @ 7:00 PM**
5.2 Planning Commission Meeting – **November 2, 2017 @ 7:00 PM**

6. Adjournment

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. Request assistance by contacting Herriman City at (801) 446-5323 and provide at least 48 hours advance notice of the meeting.

ELECTRONIC PARTICIPATION: Members of the planning commission may participate electronically via telephone, Skype, or other electronic means during this meeting.

PUBLIC COMMENT POLICY AND PROCEDURE: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the commission will be asked to complete a written comment form and present it to Cindy Quick, Deputy Recorder. In general, the chair will allow an individual three minutes to address the commission. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. This policy also applies to all public hearings.

I, Cindy Quick, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body, on the Utah State Website www.utah.gov/pmn/index.html and on Herriman City's website www.herriman.org.

Posted and Dated this 12th day of October, 2017

Cindy Quick, CMC
Deputy Recorder



PLANNING COMMISSION MINUTES

Thursday, September 21, 2017

Waiting Formal Approval

The following are the minutes of the Planning Commission Meeting held on **Thursday, September 21, 2017 at 6:00 p.m.** in the Herriman City Community Center, 5355 W. Herriman Main Street (12090 South), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the Community Center, on the City's website, and delivered to members of the Commission and media.

Presiding: Vice Chair Jessica Morton

Commission Members Present: Chris Berbert, Adam Jacobson, Curt Noble, Robyn Shakespear, Wade Thompson

Council Members Present: Mayor Carmen Freeman, Coralee Wessman-Moser

City Staff Present: Community Development Coordinator Sandra Llewellyn, Planning Administrative Coordinator Craig Evans, Assistant City Manager Gordon Haight, Assistant City Engineer Jonathan Bowers, City Attorney John Brems

6:00 PM - Work Meeting *(Council Work Room)*

1. Review of Agenda Items

Item 2.1 – Reasonable Accommodation for a 10-Bed Residential Treatment Facility – Community Development Coordinator Sandra Llewellyn briefly reviewed the process that should take place. The commission should take public comments for the item and inform the public that they would continue the item and provide a written decision at a later date. Mayor Freeman noted that the public comment request came about because residents were allowed to speak at the last meeting however, they were told they would not be allowed to speak. Commissioner Chris Berbert explained that council had advised the commission to allow public comment during the meeting. Commissioner Adam Jacobson mentioned that he believed that the confusion was when staff sends the commission information right before the meeting. Assistant City Manager Gordon Haight and Community Development Coordinator Sandra Llewellyn explained that they've always sent the commission information that is received in the office if it is received before the meeting. Commissioner Adam Jacobson felt that once the packet was posted and distributed, that they do not need further information. He felt that would help him be

better prepared and not feel like things were being changed at the last minute. Community Development Coordinator Llewellyn explained that providing further information was not changing things at the last minute. She gave the example of the traffic study being received and sent out before the meeting. Commissioner Curt Noble felt that if an item on the agenda was not scheduled for a public hearing that the commission would not need to see information being received shortly before the meeting, he felt that information could be provided during the meeting. Community Development Coordinator Llewellyn explained that they were in the process of changing the verbiage on notices to be clearer. Both Commissioner Berbert and Jacobson felt that if the item was not on an agenda for a public hearing that any comments received should be forwarded on to the City Council not to the Planning Commission because the City Council would make the final decision. Commissioner Jacobson further added that he felt some of the frustrations could be taking place when a developer presents information during the work meeting and that information is not relayed in the public meeting. He was worried that it may look like the commission is on the side of the developer in the public meeting because of the discussions that took place during the work meeting. Assistant City Manager Gordon Haight explained that the purpose of the work meeting was to hash through those discussions before the main meeting took place. Community Development Coordinator Llewellyn suggested that instead of just referencing the discussion in the work meeting that perhaps it should be restated during the main meeting and a discussion took place. Assistant City Manager Haight reemphasized that they wanted the commission to be prepared with information to help the main meeting run more efficiently. City Attorney John Brems suggested that whatever the commission planned to discuss during the work meeting should be identified on the agenda. Commissioner Jacobson explained that the agenda does say what was going to be reviewed but the public may not understand how those items are reviewed. Again, City Attorney Brems recommended that it be included on the agenda and Assistant City Manager Haight and Community Development Coordinator Llewellyn both reported that those items were listed out on the agenda and Community Development Coordinator Llewellyn commented that more detailed information could be provided on the work meeting agenda.

Item 3.1 – Rezone from A-.25 to C-2 – Community Development Coordinator Sandra Llewellyn reported that the commission had received minutes taken during the neighborhood meeting. There were nine residents including the property owner. The site plan was provided showing the intent of a reception center for the rezone. Pictures of the property and similar reception centers have been provided. It was noted that the item should be continued.

Item 3.2 – Text Change to the Land Use Ordinance to Create a Low-Density Agricultural Zone – the text had been modified. Commissioner Adam Jacobson questioned what the true changes were and was looking for a comparison. The main difference noted was a change to the minimum square footage for lots of 14,520 and which was previously 10,000 square feet, therefore, larger lots would be required. The text change would also incentivize PUD's. There was a requirement added that 10% of all lots must be half acre lots. He reported that the density criteria being proposed may still be tweaked, it was not in the final form. The concern from City Council was whether or not the developers would get enough density. Commissioner Chris Berbert, referring back to item 2.1, asked how other cities could require distances between facilities. Community Development Coordinator Sandra Llewellyn explained that federally, distances between facilities could not be a requirement. Planning Administrative Coordinator Craig Evans, redirecting the commission to item 3.2 continued explaining that he provided a copy of what the commission had recommended for approval and what the changes were from the

council. The density criteria had changed and the PUD was listed as a conditional use. He further explained that the language would change again because of the process of trying to move to the new plan overlay zone. It would not be a conditional use at all. Commissioner Adam Jacobson questioned whether or not a square footage cap under permitted uses and then under accessory uses for smaller lots 800 square feet had been removed. Community Development Coordinator Llewellyn responded that the commission changed it to a percentage instead of a cap and it was reference in the detached buildings section. In an effort to provide further information to the commission on item 2.1, she asked City Attorney John Brems whether or not the city could limit the distances between facilities. City Attorney Brems responded that there were three other cities that had a distance requirement, however, none of them were enforceable. The Department of Justice and HUD would not allow it. Commissioner Chris Berbert was wondering if it would be legal to allow no more than five residents within a set of parameters. The response was that the reasonable accommodation would trump that suggestion. Commissioner Curt Noble stated that the Justice Department website had that very question listed and the answer was that the courts have generally found it's inconsistent with the objective. However, if a neighborhood came to be composed largely of group homes that could adversely affect individuals with disabilities and would be inconsistent with the objective to integrate persons with disabilities into a neighborhood. City Attorney Brems explained that was what he was trying to say, if there were too many facilities together then those with disabilities could not associate with non-disabled individuals, however, two facilities next to each other would not be enough of a justification, however, certainly one hundred facilities adjacent to each other would meet that requirement. However, no one was certain where the line would be drawn. Commissioner Jacobson questioned whether or not there was any way to restrict them from being adjacent to each other. Assistant City Manager Haight reported that if there was an area that was so impacted by the facilities that they were not able to associate with non-disabled people that's when it could be restricted. Commissioner Jacobson, going back to the item 3.2 stated that he could only see changes to number 2.5 and 2.7 in the text change proposed. Commissioner Robyn Shakespear added that additional density could be approved through City Council.

Item 3.3 – Text Change to the Land Use Ordinance to Allow the Use of the A-.25 Zone of Property Less Than 15 Acres – Commissioner Chris Berbert noted that the proposed text change would provide an owner lower density than the those owners with larger properties and he wondered why. Assistant City Manager Gordon Haight explained that the other zone would really hurt property owners with less property (the owners of five acre or ten acre parcels). He suggested that the commission be very clear with their recommendation to the council. Mayor Carmen Freeman reported that an owner would only be able to obtain the A-.25 zone if another zone would hurt them, it would not be automatically obtained. Commissioner Berbert believed there would be no reason for anyone with 15 acres or less to ever be low density because everything in A-.25 was of benefit for the owner. Mayor Freeman further clarified that it was not an automatic zone, it would only be obtained if the new zone would not work, then A-.25 could be obtained. Assistant city Manager Haight briefly reviewed the history of the zone. The A-.25 was eliminated, staff presented a new zone and it failed, and now staff was asked to revisit the zone with the propose text. Commissioner Adam Jacobson felt that the new zone proposed was based on concerns of financial impact to the owner but felt that was not a valid concern. Commissioner Berbert felt that there should be motivation to combine lots together for a development and thought the proposed zone would not accomplish that motivation. Commissioner Adam Jacobson felt that the zone could work for a five acre parcel, but was not necessary for 15 acres. Community Development Coordinator Sandra Llewellyn commented that City Planner Bryn McCarty had prepared maps to present to the council which may be helpful for the

commission with their decision. She would be able to present that information to them at a later date if they chose to continue the item. Commissioner Berbert questioned what the motivation was to allow the zone again. He felt that an owner with 15 acres or less could make the development like they wanted. However, those owners with larger acreage would have to make the development more specific to what the city wants. Assistant City Manager Haight suggested those were valid discussion points, however, he explained that the city had received criticism for having a designation on the general plan without a zone for that designation and hoped to provide that zone by the end of the year. The city wanted the commission's input. Commissioner Adam Jacobson understood not getting rid of the zone entirely, however, he felt the density should be lowered. Community Development Coordinator Llewellyn noted that staff would bring back the text change with revised changes and examples.

2. Review of City Council Decisions

Community Development Coordinator Sandra Llewellyn updated the commission with recent City Council decisions. Last week City Council approved a rezone for the Maverick. The applicant made adjustments to their site plan to help accommodate some resident concerns. The applicant would bring a subdivision and conditional use for the building. The zoning condition changed to prohibited uses or a list of uses that they would not do. Commissioner Adam Jacobson asked what the vote was. The response was that it was four to one. The Community Outreach Program to hold neighborhood meetings before presenting to the commission was approved. Assistant City Manager Gordon Haight reported of two neighborhood meetings scheduled for the upcoming week. Community Development Coordinator Llewellyn requested referrals for Community Facilitators. She reported that she would email a map to them of the areas where there was still a need. The general plan was also approved. Assistant City Manager Gordon Haight briefly reviewed the changes approved. The Adalyn parcel was approved subject to the development agreement with specifics before January 1, 2018. The process would be daunting but doable. He outlined the plan was to meet with City Council to provide a timeline in which to accomplish the timeframe, the next day the timeline would be shared with the commission at the joint meeting. Commissioner Chris Berbert asked if the 900 acres was tied to the general plan. Assistant City Manager Haight confirmed that it was. Commissioner Berbert asked if the draft approved was draft one or draft two. The response was that it was draft 3.2. He wanted clarification for how that affected the Dansie property. Community Development Coordinator Llewellyn said she would find out and get back with them. Mayor Freeman explained that they only took out agricultural; density stayed pretty close to what it was before. Assistant City Manager Haight reported of five upcoming development agreements in the near future; Adalyn, Dansie, Ken & Gary, Maverick and the Annexation that would need to be taken through the process. Timing and phasing would be outlined during the joint meeting.

Meeting Adjourned 6:56 PM



7:00 PM - Regular Planning Commission Meeting

Presiding: Vice Chair Jessica Morton

Commission Members Present: Chris Berbert, Adam Jacobson, Curt Noble, Robyn Shakespear, Wade Thompson

Council Members Present: Mayor Carmen Freeman, Coralee Wessman-Moser

City Staff Present: Community Development Coordinator Sandra Llewellyn, Planning Administrative Coordinator Craig Evans, Deputy Recorder Cindy Quick, Communications Specialist Mitch Davis, Assistant City Manager Gordon Haight, Assistant City Engineer Jonathan Bowers, City Attorney John Brems

1. **Call to Order**

7:08 PM **Welcome**

Vice Chair Jessica Morton welcomed those in attendance.

1.1 **Invocation/Thought/Reading and Pledge of Allegiance**

Skyler Sinks led us in the pledge.

1.2 **Roll Call:**

Full Quorum, Andrea Bradford and Clint Smith absent

1.3 **Approval of Minutes for: September 7, 2017**

Commissioner Chris Berbert detailed a small correction needed to the minutes. For Item 3. Chair and Commission Comments, the change was needed in the last paragraph where he voiced concern over the upcoming joint meeting, the last sentence stated that he agreed, however, it was Curt Noble who agreed.

Commissioner Chris Berbert MOVED to approve the minutes as amended for September 7, 2017.

Commissioner Curt Noble SECONDED the motion.

The voting was unanimous.

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 **Request: Reasonable Accommodation for a 10-Bed Residential Treatment Facility**

Applicant: Sundance Canyon, Inc.
Address: 6966 W Dusty Rose Cir
Zone: A-.25 (Agricultural – 10,000 sq. ft. min.)
Acres: 3.09
File Number: P2017-02

Community Development Coordinator Sandra Llewellyn oriented the commission with the reasonable accommodation for a 10-Bed Residential Treatment Facility. Pictures of the property and the home that would be purchased were shown. The land was zoned A-.25 with horses and stables. She reported that the

item was on the agenda at the last planning meeting, however, it was not noticed as a public hearing because the item was a permitted use. After the last meeting the city decided to re-notice it to allow for public comment. The reasonable accommodation ordinance was outlined. Three standards would need to be met in the ordinance and it would be up to the applicant to show how they would meet the standard.

City Attorney John Brems explained that it was not a public hearing but a time to receive public comment. He felt it was inappropriate to represent the Planning Commission as they go through the process so a separate attorney was hired, Tina Peterson would help the Planning Commission through the process.

Tina Peterson, introduced herself as the Pleasant Grove City Attorney and noted that she had been in Herriman before to help them with other matters. She oriented the commission with the requirements of federal, state and municipal law regarding reasonable accommodation requests. She reported that Herriman had complied with requirements to adopt an ordinance for persons with a disability. The residential facility for persons with a disability shall be a permitted use and allowed in any zone in the city that would permit a residential use, subject to the development standards applicable to that zone. The city had a limit on the number of unrelated persons who may occupy a residential facility. The applicants were requesting a reasonable accommodation to the limit to be allowed up to 10 unrelated individuals in the proposed residential facility. Persons with disabilities have a right not to be discriminated against due to their disability. The Planning Commission should make sure it meets requirements as outlined in the Herriman City Code and ensure that it does not undermine existing zoning regulations and those with a disability would not be denied the ability to live in accommodations of their choice and that full results will be achieved with the person with a disability and a non-disabled person. Case law states that the applicant bears the burden of proof and could include that the request is therapeutically advantageous and economically necessary. Public clamor and generalized opposition and expressions of concern for public safety are not a proper basis for a final decision. The commission will hear public comment which is acceptable, however, if the comments are that 'we don't want this' that would not be evidence to make a final decision. If comments addressed any of the criteria those comments can be taken into consideration. The applicant did make a presentation and presented evidence and argument as to why the reasonable accommodation should be granted. The city became aware that residents did not attend the last meeting because they thought they would not be allowed to speak and they wanted an opportunity to speak. Therefore, the city, in an effort to be thoroughly transparent, reposted the item to allow public comment.

7:20 PM Vice Chair Jessica Morton reviewed the public comment policy and procedure process and called forward Melanie Stoker who had submitted a comment form.

Citizen Comments:

Melanie Stoker explained that she was north of the proposed facility. She felt very strongly about having treatment centers; she had a granddaughter who was finishing up in a treatment center. The facilities definitely have a place. She described a situation that she experienced a couple years ago. She had two boys come to her home stating that their father had been drinking and was violent and feared for their

safety. They asked if they could use their computer and phone. They had a mother who lived far away and was working and couldn't take phone calls but she could get emails and texts. They wanted to buy bus tickets to go back home. Mrs. Stoker allowed the young men to come in and talked with them. It was an odd situation, she and her husband talked with them at length and their story began to unravel. Her husband excused himself and made a phone call to her son-in-law, a police officer. He explained about the two young men and immediately her son-in-law was aware of the two boys. He asked them to keep the young men talking and not to aggravate the situation. Luckily the young men were compliant and not aggressive. However, that experience left her feeling extremely uncomfortable, violated and lied to. This type of experience was happening throughout the neighborhood and left them feeling unprotected and unsafe. She was certain, the new proposed facility would just double that type of scenario. It was troubling to have them in such close proximity to one another.

Andrew Loader thanked the Planning Commission for taking comments. He felt that the commission would hear of many first hand experiences from those in attendance and interactions with the current facility. He reported that the facility owners did not have complete control of their operation. The owner of the facility would tell you that they know they will have run aways. His biggest concern was the proximity of the two treatment facilities in the same neighborhood which he felt was an unreasonable burden on the neighborhood. He disclosed that other cities had requirements of distance for at least a half mile for facilities like these. He felt that if a second facility within the neighborhood was allowed, it would put unreasonable burden on the residents of the neighborhood.

Dwayne Boring lives adjacent to the existing and proposed facility. He understood the need for this type of facility, however, he felt having two facilities within such close proximity to one another would create a compound. He noted that one individual in the neighbor would actually be surrounded by the two facilities and felt concerned for him that he would never be able to sell his property again. He was concerned about an increase in traffic. He reported of patients escaping and roaming around the neighborhood creating an unsafe environment. He wondered how a wayward boys home qualified for ADA status. He also questioned whether or not the existing facility was full. If it was not, the need for this type of facility had already been met. He implored the Planning Commission to explore all legal grey areas and believed there were ways to keep reduced density. He felt that if a company was able to purchase several homes in the area for this type of facility that the disabled patients would then not have any interaction with non-disabled neighbors.

Sharon Gunn was not against the residential facility, however, she wanted to present four reasons why the facility should not be adjacent to the current facility and why Herriman City should adopt an ordinance similar to surrounding cities prohibiting these types of facilities from being located less than 1,000 feet from each other. The first reason was for the safety of the children in the neighborhood. She had documents describing incidents such as lewd behavior, forceful entry into homes to use computer and phones and police responding to a call about an aggressive dog that belongs to the academy. The proposed property would be in direct view of children walking to school. The second reason was for the benefit of the boys, the occupants themselves. It was her understanding that this type of facility would be better in a residential setting, however, two adjacent facilities would lose that residential feel and setting.

The third reason was due to the valuation of the homes. Home devaluation around a facility like this one is as much as 17% which would only increase with the addition of the proposed facility. The fourth reason cited was that the city should be able to adopt the same ordinances as other surrounding cities have; Sandy, South Jordan, etc. She provided documents, as described, to the commission.

Tracy Fonger explained that the proposed facility would be in her back yard. She had listened intently as the attorney was reading the code and wanted to note that the city and the residents have allowed for a facility to be in a residential neighborhood, however, the requirements did not state that the city must allow for two facilities in the same neighborhood. She felt that Herriman City could come up with a code to require that the facilities to be separated with a minimum distance from each other so as not to create a hard ship.

David Weston noted that he submitted an ordinance to the commission by email prior to the meeting. He mentioned that he heard the attorney describe city ordinance 10-13-9 and felt that ordinance was extremely weak. He suggested taking the ordinance he proposed and using it as an amendment to 10-20-5. He believed it would fit the current zoning and would provide a response to all the comments made by residents. It would define a distance of 1,000 feet between these types of facilities. He stated that Cottonwood Heights had a similar ordinance and he believed that would not be a discrimination to the facility proposed. He requested that the commission postpone the item until the City Council could compare the ordinance he submitted along with other city ordinances. He was strongly in opposition of the proposal because of the proximity to the other facility.

Sharon Bauldauf lives next to the Sundance Academy and to the side of the new property. She has tried to be a good neighbor, despite the difficulties living next to them. She reported of a meeting that the residents called due to several incidents in the neighborhood with the boys home. She described a couple incidents with counselors of the facility running through the neighborhood looking for the boys that had run away from the facility. Her family was directly impacted when the boys exposed themselves to their grandchildren. She filed a police report for that and submitted copies of that report and other reports filed by her neighbors. The owners held a meeting at their facility and the residents asked for a fence around their property, noting that it could prevent the boys from escaping, however, the request was denied and instead they agreed to plant bushes and trees to help. The facility was supposed to have one counselor for every four boys and they have the ability for 16 boys, however, she had only ever seen two cars in the parking lot. The owners of the facility made it very clear that they knew there would be boys that run away. Her concern was the addition of another facility and the impact it might have when even more boys tried to make desperate attempts. She wondered if the commission grants permission for a second home, what would prevent them from building additional buildings on their property. She had personally been asked if she would be willing to sell her property so the facility could install cubicles. She pointed out the only entrance and exit through the facility would go along her home. She was very concerned with the possibility of 26 boys traveling on that road. She was very bothered with the close proximity of the facilities. She submitted a list of people who were also in opposition.

Boyd Hooper representing the existing and proposed facility. He believed they had met the criteria for a

reasonable accomodation. He explained that Sundance Canyon Academy was much different than many other residential treatment facilities. He did confirm that there had been a handful of incidents. He did not believe there were any police reports or adjudications for those at the facility. He noted there were very specific demographics of children coming to the center and believed the facility was more like a boarding school. He reported that about twice a year kids would run away. He mentioned that these youth meet three criteria. The first group have a spectrum disorder or autism and have a hard time functioning because they have not yet matured. The second group were substance abusers, they were smoking weed as a coping mechanism for depression and anxiety with parents that don't know what to do. The third group was those who have a reactive attachment disorder and have thoughts of suicide, depression and anxiety, their coping mechanism was a smart phone. He stated that all of these issues fall under disabilities.

Cressalynn Evans submitted an email to the commission and noted that there were a lot of people in the neighborhood with disabilities. She herself would fall under the fair housing act and under the disability act and she knows of neighbors that would as well. Her two teenage girls have ADHD. She felt a second facility would completely violate all of her rights.

Andrea Soper was fine with the current facility but felt that more than one facility in the same neighborhood was not okay. She divulged that her teenage son was in need of a facility (different from the existing or proposed facility). She wanted to make the owner of the facility and the commission aware that the boys were frequently out at night and that six of them were roaming around the Cove last night. She felt they had a right to remain safe. She felt that some of the boys would fall under the ADA verbage, however, many of the boys would not. She believed that the owner had found a loop hole to even operate the current facility. She requested that the commission set a precedence with the request and keep their community safe.

Michael Flint agreed with everything that had been stated. He noted that no one had commented that the facilities should not exist or that there was not a need for this type of facility. He felt that was not the issue. The owner made a good case for why it was important to have the home, however, he did not make a good case for two to be located in the same neighborhood. He posed the question of whether or not it was reasonable to have more than one in the same neighborhood. He felt that Mr. Weston made a great point about other ordinances in surrounding cities requiring distance between these types of facilities. He believed the proposed facility would create a campus instead of a facility in a residential area. The neighborhood was not making it an issue that the facility should not have a place, they were however, commenting that allowing two facilities would place an unreasonable burden on the neighborhood.

Vice Chair Jessica Morton wanted it on public record that they did receive a petition against the close proximity of the facility. She thanked those in attendance for their comments. She then explained that all input would be taken into advisement and a written decision would be presented at a future meeting which would be listed on a future agenda. City Attorney John Brems added that a meeting to discuss the proposal would take place first and then it would be listed on a future agenda to present a written decision.

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 Request: Rezone from A-.25 to C-2 (Commercial) (Public Hearing)

Applicant: Todd Sinks
Address: 7336 W Rose Canyon Rd
Zone: A-.25 (Agricultural – 10,000 sq. ft. min.)
Acres: 5.42
File Number: Z2017-25

Community Development Coordinator Sandra Llewellyn oriented the commission with a proposed rezone from A-.25 to C-2 for the property located at 7336 W Rose Canyon Rd. An aerial map outlining the property boundaries was displayed. The property was a little more than five acres. Pictures of the property were shown. The applicant would like to build a reception center. Pictures were shown pointing out the nearest residential homes. The site plan and elevation for the reception center was revealed. Similar reception centers were displayed as an example of what the applicant planned to build on the property. The applicant did hold a neighborhood meeting with the residents to present the proposal. The minutes of the meeting were briefly reviewed. Access and traffic were of concern and it was reported that Assistant City Engineer Jonathan Bowers did have a traffic study done. Residents would like to keep dark skies in the neighborhood and were concerned with lighting for the parking lot as well as for the reception center. There were also worries of noise voiced for ceremonies taking place outside.

Todd Sinks (applicant) appreciated the attendance at the neighborhood meeting. He reported that he had built 20 of these facilities. He lives about half a mile from where the facility would be located. In regards to the concerns of noise voiced, he reported that there would not be any bands allowed. Outdoor ceremonies were allowed and the preacher would have a microphone. The ceremonies outside were very reverent. He reported that they were required to do a traffic impact study and explained that traffic would not arrive all at the same time, people would be arriving at different intervals. He believed the traffic for the events would be less than what happens at the LDS church down the street. He described the lighting as being very beautiful and a setting for. There was not another facility like this in Herriman, it would be a place for celebrations. The parking lot lighting would be the bare minimum city lighting requirements. Commissioner Curt Noble asked how many events would be scheduled in one day. The response was most likely one per day. He asked about the lighting for the outside pavilion. The response was that the lighting would be very minimal and under the roof. He asked for more details about the traffic impact study. Assistant City Engineer Jonathan Bowers reported that the study was completed by Hales Engineering and that they provide a grade for the road ways and traffic network with a level of service A or B when it's stable with limited delays. The level of service for the proposed facility would be an A. However, the peak for this facility may fall at a different time than they tested for and so he required them to look at worst case service times possible, and it remained at a level A. The city would require the applicant to improve the road way.

8:11 PM Vice Chair Morton opened the public hearing and called for any citizen who would like to

speak on the item to come to the podium, fill out a comment form and state their name for the record.

Citizen Comments:

David Murphy would be half a mile from the proposed facility. He was concerned with traffic traveling on private roads to get to the facility. He looked online at the facilities of the owner and most of the facilities were on 20 acres, some even had two facilities at one location. However, the proposed facility would be on a five acre parcel. He reported that the facility would have an indoor and an outdoor PA system; that noise would affect the neighborhood. The applicant commented that they would plant trees to mitigate that noise. He requested that the area remain dark sky lighting. If it was similar to the other facilities shown on their website the facility could hold 320 guests. The reception area could be used for corporate events from 9:00 am to midnight, seven days a week. He believed that the facility did not belong in a residential neighborhood.

Dwayne Boring liked the pictures of the reception centers shown, however, he was concerned with putting a commercial zone in the middle of a rural residential area. One concern was for lighting and noise pollution. He noted that the parking lot would hold 150 cars and did not believe those vehicles would arrive intermittently over three hours. He believed it would be more likely that they would all come in the space of a half hour. The ability to hold corporate events was of concern to him. He thought it would cause a great deal of traffic right at the time others were coming home for the evening. He explained that the road they would have to use was a two lane, country road not capable for a lot of traffic. He heard the developer say no bands would be allowed outside, however, he thought they would do whatever was needed to make money. He believed the residential area would be corrupted with the commercial proposal.

Tracy Fonger was against rezoning any residential areas to commercial and felt there was a reason the area was zoned residential. She cited many benefits of mountains and being outdoors and felt that maintaining that environment was very important and did not believe a commercial development belonged in the canyon. She asked the commission not to allow the proposed commercial in the canyon.

Randall Nelson appreciated the comments made. He felt rezoning in the canyon would be a big mistake. He did not believe developers follow through with the promises they make unless those promises were in writing. He thought that Yellow Fork Canyon was the best canyon for bike riding and recreation and was frustrated that he would need to ride past the facility when bike riding. He felt that residents needed a place to enjoy the beauty of the area. The canyon could be scary when just a couple cars were on the road but it would get much worse with increased traffic for the proposed facility. He was concerned with the noise it would bring, as well.

Sheila Adler representing a group in Hi Country II. She echoed what had been previously stated. Another concern was that Rose Canyon Road in High Country II would be the only ingress and egress. If a fire were to take place again, it would be very hazardous to get out of the area safely. She believed that fires were a legitimate concern and that evacuation from the reception center and surrounding

residents up the canyon would be cause for concern. She also noted that the proposed location of the center would be right next to the mailbox area where children were dropped off for school. The increased traffic was a safety issue, especially because the road there was very narrow. She noted that trespassing was an issue that happened often and many more incidents could take place due to the proposed facility. She was also concerned what would happen if the business were to fail. She requested that the commission place conditions if they chose to allow the reception center to be built. She mentioned that there were cows and horses bordering the property that should also be considered.

Tammy Atkin was concerned with alcohol permits being issued for the facility. It was very concerning to her that impaired drivers would be traveling in the canyon. She did not feel that a rezone from residential to commercial should be allowed.

Amber Orton had recently been involved in many wedding receptions where she noticed that people were often in the parking lot decorating cars and listening to music with the car doors propped open. She couldn't help but worry that having too many restrictions would make the facility not very appealing and she would worry about it failing. She did report that there has never been anyone present in the parking lot or reception center to ensure people follow rules. She asked the commission not to rezone the property.

Alan Nigran felt that the applicant had created great facilities, however, there was an excellent comment made that business models do change. If the business were to fail and the property was zoned commercial, how would the city control what business would follow. He reported that the residents wanted to be able to continue to enjoy the mountains in their backyard.

Jolyn Darton believed that being able to have access to the mountains was different than any surrounding city. She had noticed that residents from other cities come to Herriman to enjoy the mountains. She felt it was of paramount importance that the city maintain. She wondered if the traffic study took into account people jogging, walking and horseback riding traveling up and down the mountains each day. She asked the commission to stick to the general plan and encouraged the applicant to look at property next to Mountain View Corridor and next to the school that was already zoned commercial. She believed it would be a beautiful location for the proposed facility.

Andrea Soper felt the facility would be a great addition to Herriman, however, she believed that reception centers had a high chance of being unsuccessful. She felt the area should remain residential and that the commercial facility should be located in a different area of the city.

8:38 PM Vice Chair Morton closed the public hearing.

Commissioner Adam Jacobson asked if the proposal complied with the general plan. The response was that it did not.

Todd Sinks (applicant) addressed some of the concerns voiced. He would be required to include a walking path and trail. He expressed that children's safety was important to him as well. He explained

that he would be improving the roadway in the area and would also install sidewalk. He planned the entry way to be as far from the mailboxes as possible. The parking lot would be adjusted so that a fire truck would be able to loop around. The city has designated an alternate route for emergency access. Assistant City Engineer Jonathan Bowers reported that the UFA was working towards an alternate route for emergencies. Mr. Sinks explained that he would love to hold two or three receptions a day, however, it was generally a ghost town Monday through Thursday for this type of business and mentioned that he had been in the industry for eight years. He wanted to bring the product to Utah and does want to be a good neighbor. Commissioner Chris Berbert asked Mr. Sinks to elaborate about the liquor license that he would be obtaining. Mr. Sinks reported that they would hire a licensed bar tender that would only be allowed to serve alcohol for five hours and would be required to be there monitoring the entire time.

Commissioner Adam Jacobson had been excited when he saw the proposal because he believed the area needed to be cleaned up a bit. However, the commission never had any discussions about placing commercial in the area before and the general plan does not show commercial in the area. Commissioner Curt Noble explained that he was in opposition of spot zoning which the request would require and noted it would not fit in the current general plan for the area. Commissioner Jacobson reiterated that without the application the commission would never consider adding a commercial zone to the area. Commissioner Chris Berbert noted that their decision would be a recommendation to the City Council and Vice Chair Morton added that the City Council would have the final say.

Commissioner Adam Jacobson MOVED to recommend to the City Council denial of the request because it does not follow the general plan nor any of the discussions we've ever had to date.

Commissioner Curt Noble SECONDED the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Yes

Commissioner Adam Jacobson Yes

Commissioner Curt Noble Yes

Commissioner Robyn Shakespear Yes

Commissioner Wade Thompson Yes

The motion passed unanimously.

Commissioner Chris Berbert elaborated that as a Planning Commission it was their responsibility to look at whether or not a proposal fits the general plan and meets the city ordinances. Vice Chair Jessica Morton explained that those interested in the item should check the upcoming agendas for future notices of the item.

3.2 Request: Text Change to the Land Use Ordinance to Create a Low-Density Agricultural Zone (Public Hearing)

Applicant: Herriman City

File Number: 17Z17

Planning Administrative Coordinator Craig Evans oriented the commission with a text change to create a

Low-Density Agricultural Zone. A similar text change was proposed about a year ago and the commission recommended approval to the City Council. It was discussed several times and a motion was made but the vote was split two to two and the motion failed. Staff was recently asked to go through the process again. The proposed text was a modified version that had been tweaked after recommendation by the City Council. He explained that the commission would need to understand how it would work with the A-.25 zone. He outlined some of the major changes made. Minimum lot sizes would be 14,520 square feet versus the 10,000 square feet previously in the zone. Therefore, larger lots would be required. Another change was that PUD's would be more highly incentivized. It would be tougher to get density in a regular subdivision if not doing a PUD. Still another change was that 10% of all lots in PUD's must remain as half acre or larger lots.

Commissioner Adam Jacobson felt that a discussion with City Council regarding the text change should take place before a decision was made. Planning Administrative Coordinator Evans reported that the density bonuses listed were not final and most likely would be modified.

8:52 PM Vice Chair Morton opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

Citizen Comments:

None

The commission left the public hearing open for future changes.

Commissioner Adam Jacobson MOVED to continue the item without date.

Commissioner Wade Thompson SECONDED the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Yes

Commissioner Adam Jacobson Yes

Commissioner Curt Noble Yes

Commissioner Robyn Shakespear Yes

Commissioner Wade Thompson Yes

The motion passed unanimously.

3.3 Request: Text Change to the Land Use Ordinance to Allow the Use of the A-.25 Zone on Property Less Than 15 Acres (Public Hearing)

Applicant: Herriman City
File Number: Z2017-24

Planning Administrative Coordinator Craig Evans oriented the commission with the text change to the Land Use Ordinance to allow the use of the A-.25 zone on property less than 15 acres. This would allow developers with less than 15 acres to zone their property as A-.25. City Council adopted an ordinance in June 2016 that stopped all use of the A-.25 zone. They were anticipating it to be replaced by a new zone

and have now asked staff to bring it back to see if it would be suitable for developers with less than 15 acres to use the A-.25 zone.

8:54 PM Vice Chair Morton opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

Citizen Comments:

None

The commission left the public hearing open for future changes.

Commissioner Adam Jacobson understood the benefit of low density agricultural and could even see why the City Council increased it to 2.7. However, he felt that PUD's should not be included in the A-.25 zone and thought it should be for five acres or smaller sized projects. He was okay with smaller density in some of the development as well. However, there should be some requirements that provide flexibility for a small developer to be able to afford the roads and make the development happen, but not with a PUD option. He felt the density should be around 2.2. That way it could only happen for a few. He requested that the text change from 15 acres to five or less and not allow any PUD's.

Planning Administrative Coordinator Craig Evans commented that the main purpose of the new low-density agricultural zone was to stop the A-.25 zone from being constantly changed for each individual situation that was proposed. Commissioner Adam Jacobson felt the zone should allow some flexibility and the density range should be really tight, a 10,000 square foot lot minimum with a density range of 1.8 to 2.0. Commissioner Chris Berbert compared the two text changes and agreed with many of the statements Commissioner Jacobson made. He felt that in a larger development there was more benefit to the city and the citizens of the city. For smaller developments, the city does want them to be able to make money, however, to offer those development more than they could offer large developments felt skewed and not beneficial from a city perspective. He would like it reworked and be able to understand the City Council perspective better.

Commissioner Chris Berbert MOVED to continue the item without date.

Commissioner Robyn Shakespear SECONDED the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Yes

Commissioner Adam Jacobson Yes

Commissioner Curt Noble Yes

Commissioner Robyn Shakespear Yes

Commissioner Wade Thompson Yes

The motion passed unanimously.

4. Chair and Commission Comments

None

5. Future Meetings

- 5.1 City Council – Wednesday, **September 27, 2017 @ 7:00 PM**
- 5.2 Joint CC/PC Work Meeting – **September 28, 2017 @ 6:00 PM**
- 5.3 Planning Commission Meeting – **October 5, 2017 @ 7:00 PM**

6. Adjournment

Chair Smith called for a motion to adjourn.

*Commissioner Adam Jacobson MOVED to adjourn the meeting. All voted yes and the motion passed unanimously. The meeting adjourned at **9:01 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 September 21, 2017. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Cindy Quick, CMC
Deputy Recorder



PLANNING COMMISSION MINUTES

Thursday, October 5, 2017

Waiting Formal Approval

The following are the minutes of the Planning Commission Meeting held on **Thursday, October 5, 2017 at 5:30 p.m.** in the Herriman City Community Center, 5355 W. Herriman Main Street (12090 South), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the Community Center, on the City's website, and delivered to members of the Commission and media.

Presiding: Chair Clint Smith / Tina Peterson

Commission Members Present: Chris Berbert, Andrea Bradford, Adam Jacobson, Jessica Morton, Curt Noble, Robyn Shakespear

5:30 PM - Closed Meeting (Fort Herriman Conference Room)

Closed Meeting for the Planning Commission to act in a quasi-judicial capacity to act on a reasonable accommodation filed by Sundance Canyon, Inc, with respect to property located at 6966 West Dusty Rose Circle pursuant to the authority identified by the Utah Supreme Court in *Dairy Product Services, Inc. v. City of Wellsville*, 13 P.3d 581, 595 (Utah 2000).

5:46 PM Chair Clint Smith welcomed those in attendance

5:47 PM Commissioner Robyn Shakespear *MOVED* to adjourn into a closed meeting to act in a quasi-judicial capacity to act on a reasonable accommodation filed by Sundance Canyon, Inc, with respect to property located at 6966 West Dusty Rose Circle pursuant to the authority identified by the Utah Supreme Court in *Dairy Product Services, Inc. v. City of Wellsville*, 13 P.3d 581, 595 (Utah 2000).

Commissioner Jessica Morton *SECONDED* the motion.

The vote was recorded as follows:

Commissioner Chris Berbert	Yes
Commissioner Andrea Bradford	Yes
Commissioner Adam Jacobson	Yes
Commissioner Jessica Morton	Yes
Commissioner Curt Noble	Yes
Commissioner Robyn Shakespear	Yes

The motion passed unanimously.

Chair Clint Smith called for a motion to adjourn the closed session.

Commissioner Chris Berbert MOVED to adjourn the closed session and reconvene into a regular meeting.

Commissioner Adam Jacobson SECONDED the motion

All voted yes and the motion passed unanimously.

The meeting adjourned at 6:56 PM.

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

1. Review of Agenda Items
2. Review of City Council Decisions
3. Discussion Regarding Last Holdout LLC Possible Annexation Property Development Located at Approximately 6901 W 11800 South

No discussion held for any items in the work meeting.

7:00 PM - Regular Planning Commission Meeting:

Presiding: Chair Clint Smith

Commission Members Present: Chris Berbert, Andrea Bradford, Adam Jacobson, Jessica Morton, Curt Noble, Robyn Shakespear

Council Members Present: Mayor Carmen Freeman, Jared Henderson, Coralee Wessman-Moser

City Staff Present: City Planner Bryn McCarty, Community Development Coordinator Sandra Llewellyn, Deputy Recorder Cindy Quick, Planning Administrative Coordinator Craig Evans, Communications Specialist Destiny Skinner, Assistant City Manager Gordon Haight, City Engineer Blake Thomas, City Attorney John Brems

1. Call to Order

7:03 PM Welcome

Chair Clint Smith welcomed those in attendance.

1.1 Invocation/Thought/Reading and Pledge of Allegiance

Joe Herrera led us in the pledge.

1.2 Roll Call:

Full Quorum, Wade Thompson absent

1.3 Approval of Minutes for: September 21, 2017

Commissioner Curt Noble MOVED to continue the minutes of September 21, 2017.

Commissioner Jessica Morton SECONDED the motion.

The voting was unanimous.

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 Request: Proposed Amendment to Subdivide 1 Building into 4 Separate Parcels (Public Hearing)

Applicant: JH Real Estate Solutions, LLC
Address: 14357 S Sherwell Ct
Zone: MU-2 (Mixed Use)
Acres: .08
File Number: S2014-18-04

City Planner Bryn McCarty oriented the commission with the proposed amendment to subdivide one building into four separate parcels as a plat amendment.

Joe Herrera (applicant) reiterated that he would like to turn one parcel into four different parcels.

7:08 PM Chair Smith opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

Citizen Comments:

None

7:08 PM Chair Smith closed the public hearing.

Commissioner Curt Noble MOVED to approve item S2014-18-04 with the four recommendations outlined by staff.

Commissioner Jessica Morton SECONDED the motion.

Requirements:

1. *Meet with the Staff for review and final approval of the site plan.*
2. *Receive and agree to the recommendations from other agencies.*
3. *Work with engineering on providing separate utilities to each unit.*
4. *Prepare a plat to be reviewed and approved by the engineering department.*

The vote was recorded as follows:

Commissioner Chris Berbert Yes

Commissioner Andrea Bradford Yes
Commissioner Adam Jacobson Yes
Commissioner Jessica Morton Yes
Commissioner Curt Noble Yes
Commissioner Robyn Shakespear Yes

The motion passed unanimously.

2.2 Request: Proposed Amendment to Subdivide 1 Building into 4 Separate Parcels (Public Hearing)

Applicant: JH Real Estate Solutions, LLC
 Address: 14434 S Ashgrove Ct
 Zone: MU-2 (Mixed Use)
 Acres: .08
 File Number: S2014-18-05

City Planner Bryn McCarty oriented the commission with the proposed amendment to subdivide one building into four separate parcels. The proposal was the same as the previous item in the same neighborhood; one plat into four separate lots.

7:09 PM Chair Smith opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

Citizen Comments:

None

7:10 PM Chair Smith closed the public hearing.

*Commissioner Jessica Morton MOVED to approve item S2014-18-05 with four recommendations outlined by staff.
Commissioner Robyn Shakespear SECONDED the motion.*

Requirements:

1. Meet with the Staff for review and final approval of the site plan.
2. Receive and agree to the recommendations from other agencies.
3. Work with engineering on providing separate utilities to each unit.
4. Prepare a plat to be reviewed and approved by the engineering department.

The vote was recorded as follows:

Commissioner Chris Berbert Yes
Commissioner Andrea Bradford Yes
Commissioner Adam Jacobson Yes
Commissioner Jessica Morton Yes
Commissioner Curt Noble Yes

Commissioner Robyn Shakespear Yes

The motion passed unanimously.

2.3 Request: Proposed Well Building and Storage Facility

Applicant: Herriman City
Address: 5469 W Toscana Way
Zone: R-1-21 (Residential – ½ acre min.)
Acres: 11.45
File Number: C2017-54

City Planner Bryn McCarty oriented the commission with the proposed well building and storage facility. The city was the applicant and she turned the time over to Water Director Justun Edwards for further explanation.

Water Director Edwards reported that historically the well was used for a chicken farm and had since been used to irrigate the park. They were expanding the secondary irrigation system in the area and would like to equip the well to pump into that system. They would need to build a building to house electrical equipment and storage. The site layout and elevation was displayed. He responded that there was no plan to fence the building. The Park Manager felt it would be less obtrusive to have just the building without a fence. They do plan to match the cinder block and roof of the existing facilities.

Chair Clint Smith explained that the item was not listed as a public hearing, however there was a comment form submitted. He asked the commission if they would like to allow public comment for the item. Commission consensus was to allow for public comment.

Laurie Terry reported that for the last several months the area had been under construction and there had been flooding as well. The location of the building would be right where kids play. She thought the building would be intrusive and block the line of site to the sand area where the children play. She described how the building would be placed in between the pavilion and the park and how the volley ball pit was behind that. She questioned the location of the building.

Kevin Allen echoed Ms. Terry's comments. He was also concerned with the size of the building. He was concerned for the safety of the young children who play there. He mentioned that it might be better located at the dead end street near by. He felt the building would take away the ability for children to play there.

Water Director Edwards explained that the construction mentioned was in an effort to rehabilitate the well, there were maintenance issues to generate more yield. That took place through the winter. The location of the building needs to be in a close proximity to the well head because the further away it was located, there would be loss in yield and water that was pumped out. The city tried to move the building back as much as possible to create a direct line of site to the playground. There would be a spot for a driveway that could be used as a benefit to those using the area, making it easier to get to the pavilion. It

will take away the flooding issues which would improve the park. The driveway would be mainly for resident access. The main building housing the pump would be 16 feet wide and 35 feet long. The storage would be 13 feet by 16 feet. The pump will be quiet, avoiding loud noises.

Planning Commission further discussion. Commissioner Jacobson stated that unfortunately some times wells have to be located where they are. It makes sense for the city as a whole. Chair Clint Smith agreed and noted that that well had been in existence for sometime and was now being able to be utilized, sometimes the city does not have the luxury of picking the location.

*Commissioner Adam Jacobson MOVED to approve item C2017-54 with staff's three requirements.
Commissioner Jessica Morton SECONDED the motion.*

Requirements:

- 1. Meet with the Development Services Staff for review and final approval of the site plan.*
- 2. Receive and agree to the recommendations from other agencies.*
- 3. Work with engineering to meet City storm drain requirements.*

The vote was recorded as follows:

<i>Commissioner Chris Berbert</i>	<i>Yes</i>
<i>Commissioner Andrea Bradford</i>	<i>Yes</i>
<i>Commissioner Adam Jacobson</i>	<i>Yes</i>
<i>Commissioner Jessica Morton</i>	<i>Yes</i>
<i>Commissioner Curt Noble</i>	<i>Yes</i>
<i>Commissioner Robyn Shakespear</i>	<i>Yes</i>

The motion passed unanimously.

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 Request: Proposed Rezone From A-1 (Agricultural – 1 acre min.) to R-1-15 (Residential – 15,000 sq. ft. min.) (**Public Hearing**)

Applicant: Dansie Land LLC
Address: 7300 W Herriman Highway
Acres: 370.91
File Number: 15Z17

City Planner Bryn McCarty explained that item 3.1 and 3.2 would be discussed together because they were located on the same property. She oriented the commission with the proposed rezone for the entire property from A-1 to R-1-15. The applicant was also requesting the new adopted plan development overlay zone which would be a legislative item and no longer a conditional use. They applied for R-1-15 and the planned development overlay zone on top of that. The PUD would require a site plan or bubble plan to be approved as part of the zoning. The Planning Commission would likely

determine density and zoning so they match. They are legislative items with a recommendation to City Council who would make the final decision and the PUD site plan would be part of it. A development agreement for the property with design guidelines and other information was being reviewed. The zoning for the adopted general plan was displayed. There were areas of lower density, an area of open space with large parking and single family residential outlined. The preliminary site plan and information for proposed amenities, types of houses and lots was shown. There was a neighborhood meeting held a couple weeks ago and the minutes from the meeting were included in the packet.

Tim Soffe (applicant) representing the Dansie family reported on his experience from the neighborhood meeting. He was unsure what to expect and had hoped the meeting would be constructive and it was. There were many questions asked and he was very impressed with the questions asked. He learned of the concerns and specifically about areas that still needed to be looked at. He was very impressed. He felt it gave all involved a better understanding of how to make the project great. He continued with the premise of a PUD overlay and what was required. The city normally asks for 20% open space, not all open space was treated equally. For example, a hill side would be counted at less than acre per acre. He noted of a planned trail from east to west, about two miles long. It would wind along the water channel. Aspects of the trail were shown which would provide direct access to the two school sites. The formal part of the park would have pavilions, restrooms, trail heads and parking all of which would be manicured. The north portion of the property would have a soccer park, restroom and parking which was expected to join with the future expansion. The 20% open space was pointed out and it was noted that the developer was not asking for more density, they would be stay at 3 units per acre. The reason for requesting the PUD overlay was to allow flexibility in home sizes and lots sizes and address different marketability. The school recommended types of homes and lot sizes that would generate the most children. He viewed the development as a transitional property with smaller homes for children and areas within the same project with bigger lots and homes to transition into as they grow. The various pods generally refer to phasing and different product types. They were asked to consider half acre lots and the PUD allows them that type of flexibility and they are under consideration to buffer. He detailed the roads throughout the project.

Loyal Hulme, voiced excitement to be before the commission because they've been working on the property for a long time. The Dansie's would like to leave a legacy within the city. They have insisted that this property be the lowest density that the city has at 2.67 units per acre. It will have a world class trail system that people will love and will become a legacy for the city. He had an enjoyable time with the residents of the city at the neighborhood meeting. He reviewed some concerns from that meeting. The plan would allow for half acre lots, in response to those concerns. A concern voiced was for neighboring subdivisions to have a buffer. The plan would allow for that buffering for the existing residents. He was excited to present the plan and felt it would be great for the residents of Herriman. He reminded them about the parks and open space planned for throughout the project. He urged the commission to approve it and move it forward to the council.

City Planner Bryn McCarty reviewed the process. Each phase would come back to the Planning

Commission for final approval providing fine details with each pod. Chair Clint Smith asked Community Development Coordinator Sandra Llewellyn to review the process and the community outreach program including some of the concerns that took place. Community Development Coordinator Llewellyn briefly reviewed the process explaining that there would be a neighborhood meeting held with those affected by a project. Notices for the meeting would go out to residents within 300 feet (but anyone can attend). The notice for this meeting went out to residents within 500 feet or more. She noted that in the future a Facebook page would be set up too allowing a wide spread notice throughout the community. For this meeting, 101 notices were sent out and 26 residents attended. Concerns of sluffing were voiced for the homes that back the ravine. Mr. Soffe addressed those concerns explaining that he would have an engineer look at those properties. There was a concern with the size of lots and Mr. Soffe took time to explain the types of homes and who the builders would be. He addressed a lot of concerns that were voiced and the residents asked some great questions. That was the purpose for the meetings. The city wants to have residents involved in the process asking questions and voicing concerns to have the developer be made aware and be able to address specific issues. Chair Smith was appreciative of the process and mentioned that more resident involvement provided a better product at the end.

7:44 PM Chair Smith opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

Citizen Comments:

Sherry Ohrn thanked the city and developer for the community outreach program she thought it was great and Mr. Soffe and Mr. Hulme did great answering questions. Her biggest concern was that the item was premature. The master plan was just barely passed on September 13 and none of the supporting master plans, water, storm drain nor transportation had been updated to support that change. She wondered how they could move forward with any type of development until those plans were in place. She believed it was the city's job to figure out the infrastructure. She commented that they only have to come down her street to see what the problem was without the supporting documents. She was frustrated that 500 homes were going in but the road was still not paved. She believed they could not properly access impact fees without getting studies done first and felt it was illegal and unethical if they did. She wondered how they would assess an impact fee if those studies were not complete. She explained that the City Council approved \$90,000 for funding to complete those studies. She felt they were placing the cart before the horse and. The plan presented was a great plan but she believed the city needed to get impact studies completed first to make sure it works and how it would impact the city so that it would be properly developed.

Rob Van Horn explained that he lives by the Hi Country gate and Herriman Main Street on a five acre lot. He was told the road would be widened to 78 feet and was concerned that it would take away from his back property line. He suggested that the road be widened to the north where that property would be developed anyway. Right now he could turn into his property with a trailer, however, he wasn't sure

he would still be able to do that once the road was widened. There may no longer be access to his shop.

Dan DeLao described that he lives on a small acre west of the development, right next to where the high density was planned. He felt concerned that high density would be located next to owners with animal rights. He requested they be required to install a large wall, not a vinyl fence. He was worried that teenagers, being teenagers would get into his yard and bother the animals, he did not want those kids to get hurt.

Tauni Hawker explained that she lives on the north end of Herriman quite a ways from the proposed development. She wondered where the city planned to make another road to get out to the development. She didn't feel like the main roads were big enough nor did they have the capacities needed for the development. She divulged that children were walking home from Copper Mountain High School along flooded roads Heriman children were attending that school. She reminded the commission that all elementary, middle and high schools are over capacity and that was of great concern to her with another large development located in the same area as four of the schools.

David Watts was concerned with the density propped and what the acreage would be for specific lots. He believed the land owner was willing to commit to half acre lots, however, sometimes great promises are made with no follow through. He requested that the Planning Commission postpone it for two weeks to get an actual commitment with a minimum number of half acre lots to be included with the zoning agreement. He also believed that they should be required to have the buffer as a zoning condition.

Robert Schmidt had been a resident in Copper Creek for 18 years and briefly described the growth of Herriman. He believed the application was a good application and he liked the PUD aspect for housing and open space; he was supportive of the application. He agreed with Sherry Ohrn, however, that infrastructure and utilities need to be looked at and addressed before it was approved. He believed it could happen at a subdivision plat but should be a condition before approval.

7:57 PM Chair Smith closed the public hearing.

Planning Commission discussion. Commissioner Chris Berbert commented that when he was reviewing the new general plan, he was concerned with the middle green area and that same area on the Dansie plan because they were not showing it connecting. He liked how the general plan showed that location as a connection. Pod 18 was of concern due to the planned high density for that pod. His calculations show the area as 6.61 to 7.58 units per acre and he believed that made more sense further north and closer to the schools. It would then be within walking distance and would provide more of a buffer to the areas below. In regards to the trails, he didn't hear them mention of a horse trail beside it. He wanted to ensure that the A-1 zone to the south was not changing and was not part of the project. City Planner Bryn McCarty confirmed that it was not part of the development and would remain A-1. He requested that the applicant address the cited 2.6 overall density. He believed a more realistic picture

was that they would have higher density of 2.28 to 4.8 for the residential areas specifically. Residential areas would be 4.18. Chair Smith wondered how the acreage for the schools would be calculated for density. Commissioner Adam Jacobson heard the developer state that density was 2.67 but he could not see that density on the proposed plan and Commissioner Robyn Shakespear agreed. City Planner Bryn McCarty noted their concern was that the plan stated a density of 2.75. Commissioner Jacobson suggested that they outline the density per pod. He was also concerned with providing access to the future A-1 property on the south side of the road. He would like the developer to compare the densities and put them in different colors on the plan, as well as, the amount of lots with the size of lots for each pod as well. He felt the multi-family was in the wrong spot. Chair Clint Smith reiterated the comments of allowing for half acres lots; he would like further information on where those lots would be located and how many would be included. Commissioner Jacobson noticed a comment on the plan stating 'lots in lieu of school' he questioned what that meant. City Planner McCarty explained that density would be allocated if the school did not go there. Commissioner Jacobson noted that the total density would go in that case. City Planner McCarty suggested it should be addressed in the development agreement. Commissioner Jacobson felt that schools were a benefit for the city and if the schools chose not to locate in the development the density should go down. Chair Smith suggested that there should not be additional density approved if the school does not locate there. He asked City Engineer Blake Thomas to talk about the transportation master plan and how it relates to new properties added to the general plan and annexed into the city. City Engineer Thomas explained that it was not included before because it had not yet been annexed into the city. Now that it was the process had begun. The developer would provide their own master plan for the area with more in depth studies. City studies were scheduled for the next couple months; storm drain, transportation and water was almost done. Commissioner Jacobson asked if the developer provided any traffic studies because the property was like an island without a lot of transportation in the area. He would like to see that plan because it could change the timeline. City Engineer Thomas said he held a meeting regarding that very topic and the scope was done but the study was not complete. Commissioner Jacobson felt that was very important. Chair Smith thought that would be very important for both commission and council. Commissioner Chris Berbert asked for further details on the flood plain. City Engineer Thomas explained that the channels were owned and managed by Salt Lake County. They mapped it and drew a large Flood Zone A which was very wide and as development occurs along it, they would turn into Zone AE which was a more defined flood study. All flood areas are shown on a map for flood insurance, it would be dialed in tighter. Studies are required by FEMA, they have to show they aren't in a flood plain. Commissioner Jacobson thought there should be a reduced density for that type of situation. City Planner McCarty showed where the lower density would be. Mr. Soffe explained that it would be rerouted and that he would make that calculation and include it in the table and would bring it back. He explained that the area is dangerous and they would like to fix it. Commissioner Berbert asked about the precast wall around the agricultural property. Mr. Soffe responded that it would be appropriate to buffer them with a large wall. Commissioner Berbert asked for Mr. Soffe to provide the size of the lots so they have a better idea of the transition throughout the subdivision. Mr. Soffe responded affirmatively and reminded him that the flexibility of the PUD overlay allows them to modify the layout and lot sizes. The layout shown could be subject to change but would be about 90% set. Commissioner Jacobson noticed that there was only one area that would have

bigger lots. Everything else was drastically smaller lots. Mr. Soffe said the lot size and house size would increase as you go to the west. Commissioner Jacobson requested that they show the density for each pod. Mr. Soffe noted that it was a work in process but he would be happy to oblige. Commissioner Jacobson suggested that a buffer with larger lots be provided as a transition along the A-1 zone. Commissioner Berbert asked about the road and access for trailers. City Engineer Thomas had discussed that topic with the traffic engineers, there was some concern but the roundabouts would be designed for larger vehicles. He added that the roundabouts by the District had other issues with volumes. With the volumes planned for Herriman Parkway roundabouts should work.

Commissioner Chris Berbert MOVED to continue item 15Z17 without date.

Commissioner Curt Noble SECONDED the motion.

The motion passed unanimously.

3.2 Request: Proposed Rezone to Apply the Planned Development Overlay Zone (Public Hearing)

Applicant: Dansie Land LLC
Address: 7300 W Herriman Highway
Acres: 370.91
File Number: Z2017-30

City Planner Bryn McCarty oriented the commission with the proposed rezone to apply the planned overlay zone. She mentioned that it would include the plan with pods and densities. They will make changes and bring it back. Commissioner Berbert asked if the types of units would be required at this time. The response was that it would come with the plan and a max number of units.

8:33 PM Chair Smith opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

Citizen Comments:

None

8:33 PM Chair Smith closed the public hearing.

Commissioner Chris Berbert MOVED to continue item Z2017-30 without date.

Commissioner Jessica Morton SECONDED the motion.

The motion passed unanimously.

3.3 Request: Proposed Rezone From A-1 (Agricultural – 1 acre min.) to R-2-10 (Residential – Medium Density) and C-2 (Commercial) (Public Hearing)

Applicant: Anthem Utah, LLC
Address: 6200 W 12200 S

Acres: 275
File Number: Z2017-28

City Planner Bryn McCarty oriented the commission with the proposed rezone from A-1 to R-2-10 again a rezone and overlay zone. The general plan was shown for reference. The request was to rezone 50 acres to commercial and the remainder to R-2-10. The PUD overlay zone would include a bubble plan, design guidelines and development agreement. The grading and drainage plans were presented.

Doug Young (applicant) reported that the neighborhood meeting went well and with about 17 people attended. He reported that most of the questions were to find out what they were planning to do with the property. He turned the time over to Cory to review the design guideline book.

Cory Shupe with Blu Line Designs reported working with staff to create the guidelines and provided a preview of them. There were guidelines for the entire property and for each pod. There would be approximately 300 acres and it would be called Adalyn at Anthem. He presented a site map to illustrate the location of the property. The general plan was displayed to provide information about what changed. It was pointed out that each pod from 1 to 6 showed the acreage and number of units. Trails, open space, parks and different elements throughout the project were highlighted. There would be exercise segments all along the trail. There was even one trail with 8 feet of hard surface and soft surface.

Jared Henderson arrived at approximately 8:20 PM

The Anthem theme would be carried over to the entry features with monuments and street scapes. A fencing plan was displayed and detailed. He briefly went over the architecture and landscape. Pods 1 and 2 would be larger estate lots. Pods 3, 4 and 5 would be single family homes. Pod 6 would be senior living with single family and attached homes as well. He asked the Planning Commission for feedback. Commissioner Jessica Morton asked if the senior living was twin or town home style homes. The response was that the senior living would be twin/town homes as well as some single family detached. Commissioner Robyn Shakespear wondered if the homes would have basements. The response was that most will have basements, however, the senior living would not. Commissioner Adam Jacobson restated that all homes would have basements with the exception of the senior living area which was confirmed. He asked Mr. Young to include the percentage of homes with basements and those without when they brought back the plan.

An aerial map was displayed and the Heritage Place Estates subdivision was pointed out. Mr. Young explained that the plan was to replicate that development but require 3,600 square feet homes with three car garages and allow for animal rights. The trail through Midas Creek was described and would connect to the trail east and west. A bubble plan was displayed and the different areas of the plan were detailed, indicating home types and locations throughout the project. They expressed their hope of attracting businesses and creating a great place to live. They would provide more details as they go through the process.

8:57 PM Chair Smith opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

Citizen Comments:

Beth Todd had just recently moved into the Heritage Place Subdivision. Her main concern was with an increase in traffic causing fire safety and emergency access issues. She felt development in the city seemed to happen very quickly and encouraged the commission to take more time when planning out how to deal with increases in traffic and population.

Greg Poulson voiced appreciation for the ability to talk to the developer. He was grateful that the project would have .6 acre sized lots and believed that large lots and open space were a big reason people moved here. He felt fortunate to be able to live in an area with acre and half acre lots. He liked the proposed development. He suggested creating a boulevard look along 6400 South with large space for sycamore trees. He believed something like that would tie the whole neighborhood together.

Tauni Hawker claimed that she really was not against the city growing but felt like the horse should be put before the cart. She noted how long it takes to get home on 12600 South during peak times and during school times along 6000 West and 11800 South. She wondered if fences would be required for those that back 11800 South. She voiced concern with the senior living pod proposed because of another senior living building that had been left vacant for about five years.

Lorin Palmer divulged that he was heavily involved with the referendum and felt like the item should be continued to plan out the process more. He reported that people are angry with the city right now and moral was very low. He came to the city to raise his family and because of the good things he heard about the city. He asked the commission to continue the item.

9:10 PM Chair Smith closed the public hearing.

Planning Commission discussion. Commissioner Chris Berbert felt the amount of units per acre proposed in pod 5 was a concern. He felt placed in a hard position when the proposal was so different from what was shown on the general plan, especially because he thought much of the plan proposed was good with the varied lot and home sizes. However, he believed the commission was supposed to follow the general plan. Commissioner Adam Jacobson calculated open space at 27 acres, however it should be at least 44.6 acres. He wondered where the remaining open space was planned. He thought the proposed density for pods 1, 2, 3 & 4 made sense. However, he did not believe there was enough open space shown and would like a better illustration. Commissioner Jessica Morton wondered if the calculations for open space included the green space between the town homes. Chair Clint Smith requested an illustration of lot sizes and density be clearly illustrated on the plan. Commissioner Jacobson explained that the density would go up substantially if they were not to include the open space required and thought there should be more open space. Commissioner Jessica Morton liked the bubble plan

provided. Chair Smith appreciated the plan as well, he knew there had been a lot of hard work that went into the plan and he very much appreciated that work. He felt more time was needed for review and did not feel that the Planning Commission had enough time to understand how the new adopted general plan had been changed before approvals could take place. Commissioner Berbert asked for more detail of how density was calculated and how it would be distributed throughout the development. City Planner McCarty explained that there would be a base and maximum and the applicant could move it around a little bit. If pod 1 were to be at the max of 80 they would have to adjust that density from another pod. That was what Commissioner Jacobson was looking for. City Planner McCarty divulged that some lots at the bottom of the development could be zoned for family food production and wondered if the commission had any concern. Chair Smith would be in favor of preserving those rights in our community. Commissioner Chris Berbert questioned whether or not there was a horse trail and would like connections to be made. Chair Smith loved the trail connections planned. He felt that was one of the big things that the community was known for and would like more details provided, as well. City Planner McCarty briefly reviewed the design guideline requirements. Chair Smith was mainly concerned with pod 5. He would like to know the plan for additional parking in that area and whether or not on street parking would be allowed.

Commissioner Jessica Morton MOVED to continue item Z2017-28 without date.

Commissioner Robyn Shakespear SECONDED the motion.

The motion passed unanimously.

3.4 Request: Proposed Rezone to Apply the Planned Development Overlay Zone (Public Hearing)

Applicant: Anthem Utah, LLC
Address: 6200 W 12200 S
Acres: 225
File Number: Z2017-29

City Planner Bryn McCarty oriented the commission with the proposed rezone to apply the planned development overlay zone. It was a recommendation to City Council.

9:25 PM Chair Smith opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

Citizen Comments:

None

9:25 PM Chair Smith closed the public hearing.

Commissioner Jessica Morton MOVED to continue item Z2017-29 without date.

Commissioner Robyn Shakespear SECONDED the motion.

The motion passed unanimously.

3.4a Request: Text Change to the Land Use Ordinance to Create a Low-Density Agricultural Zone (Public Hearing opened on September 21, 2017)

Applicant: Herriman City

File Number: 17Z17

City Planner Bryn McCarty oriented the commission with a text change to the Land Use Ordinance to create a low-density agricultural zone. It was an ordinance recommended to the City Council but they did not approve it. She reviewed the changes made to the plan versus what was previously recommended and asked for any changes or suggestions. An allowance for some multi-family component in PUD's was removed. The ordinance would require single family only and 10% of the lots would have to be half acres. Minimum lots sizes increased allowing applicants to achieve the criteria on the density table. There was a requirement that allowed additional density if they had greater than 20% open space, it wasn't really achievable, so they removed it. Examples to demonstrate how it would apply in various applications was provided in the packet. The council was concerned with the five or ten acre lot developments. Commissioner Adam Jacobson was okay with the low density, his issue was that the A-.25 gave higher density criteria and he did not think that PUDs should even be allowed as an option. City Planner McCarty explained that she added in all the density criteria and had no problem removing the PUD criteria. Commissioner Chris Berbert questioned some of the criteria for the next item. He gave the example of the three acre park and how it did not seem feasible for a development under 15 acres. Commissioner Jacobson again suggested that all PUD references were removed in the A-.25 zone. Minimum lot sizes should be 10,000 square feet. City Planner McCarty was fine removing PUD references but thought it should remain as a conditional use. A lengthy discussion about options for the text of the zone took place. Commissioner Jacobson reiterated that he had no problem with the low density, he felt that there needed to be criteria to help drive people towards lower density. Chair Smith agreed that there should be a way to incentivize those wishing to rezone, that it would be more appealing to rezone to lower density.

9:43 PM Chair Smith opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

Citizen Comments:

Sherry Ohrn informed the commission that when the item was discussed with City Council they talked about clustering the 10% of half acre lots to create more harmony in a development.

9:45 PM Chair Smith closed the public hearing.

Commissioner Adam Jacobson did not think that the 10% needed to be clustered. Commissioner Chris Berbert agreed. They would rather have a mixture. Chair Clint Smith recognized it might be beneficial

with properties that had animal rights. Commissioner Berbert felt it would make sense to cluster the lots if the lots had horses and were next to a horse trail.

Commissioner Adam Jacobson MOVED to continue item 17Z17 without date.

Commissioner Jessica Morton SECONDED the motion.

The motion passed unanimously.

3.5 Request: Text Change to the Land Use Ordinance to Allow the Use of the A-.25 Zone on Property Less Than 15 Acres (Public Hearing opened on September 21, 2017)

Applicant: Herriman City

File Number: Z2017-24

9:49 PM Chair Smith opened the public hearing and called for any citizen who would like to speak on the item to come to the podium, fill out a comment form and state their name for the record.

Citizen Comments:

None

9:49 PM Chair Smith closed the public hearing.

Commissioner Adam Jacobsen MOVED to continue item Z2017-24 without date.

Commissioner Chris Berbert SECONDED the motion.

The motion passed unanimously

3.6 Request: Text Change to the Land Use Ordinance to Adopt a Chapter Regarding Planned Development Overlay Zones (Public Hearing held on August 3, 2017)

Applicant: Herriman City

File Number: 20Z17

City Planner Bryn McCarty oriented the commission with the text change for overlay zones. She reported that the change had been discussed over the last several months. The proposal was for a new chapter in the ordinance that makes an overlay zone a legislative item and a recommendation to City Council. It would require a preliminary site plan/bubble plan to be approved and attached. Each phase would follow the site plan procedure. It would be very similar to what was already taking place, it would just add an additional step with the recommendation to City Council for preliminary approval. She briefly reviewed the text and explained that it outlines what would need to be submitted and reminded them that the site plan was a conceptual plan. Staff had been testing out the text with current proposals to see if it accomplishes what they expect. There would not be a lot of engineering required. The density would be determined with the underlying zone and has 20% open space reduction for unbuildable areas. Commissioner Adam Jacobson asked for more specifics about how the open space was calculated. He made comparisons between the two proposals presented that night and believed the way open space

was being calculated by a developer needed to be addressed. City Planner McCarty explained that the calculations would fluctuate throughout the process. Commissioner Jacobson reiterated that one presentation was missing almost 10 acres, a quarter of the open space required and should be addressed. City Planner McCarty reminded the commission that the definition of open space had been changed several times. The unbuildable open space had been reduced from 50% to 25% and detention does not count as open space. Another requirement was that half of the open space had to be in one contiguous large park. She said it could be tightened up further if they thought it needed to be and asked for further suggestions. Chair Clint Smith suggested that the percentage may need to be adjusted. The remainder of the open space would be spread out in tot lots and smaller parks throughout the development. However, City Planner McCarty felt it had been defined well. Commissioner Jacobson was leaning towards the idea that the 20% contiguous open space should be counted, however, any additional green space between complexes was something that the developer would not be allowed to count because it pushed the density envelope. He felt their open space expectation would never be met. City Planner McCarty suggested altering the setbacks as a solution. Commissioner Jacobson felt that the open space needed to be separated and then the density calculated. Several examples and ideas were discussed. City Attorney John Brems suggested requiring the 20% open space to be illustrated on the bubble plan right up front. Chair Smith suggested the language should state that it was required and the term generally be removed. City Planner McCarty explained that applicants were hesitant to show a plan because the commission ties them to what was shown and the plan needs to be flexible. Chair Smith felt that adding a chapter to outline the process of site plan review would help the commission to not tie them to it knowing the details would come back. City Planner McCarty asked if there were any other concerns. Commissioner Chris Berbert asked about the clustering in different areas. He was concerned that they were showing small and large lots but not anything in between. He would like to see more of the .25 acre sized lots. Commissioner Jacobson wondered if any studies had been done to see the amounts of lots at each size to see what is missing. City Planner McCarty said she could provide a report by lot size. Chair Smith suggested that it could be looked at during the site plan review. Commissioner Berbert thought it would be good to be able to show a balance. City Planner McCarty pointed out that letter J in the ordinance may include what they were asking for and felt it was important to see the open space up front.

Commissioner Jessica Morton MOVED to continue item 20Z17 without date.

Commissioner Curt Noble SECONDED the motion.

The motion passed unanimously.

3.7 Request: Text Change to the Land Use Ordinance to Adopt a Chapter Regarding Site Plan Review (Public Hearing held on August 3, 2017)

Applicant: Herriman City

File Number: 21Z17

City Planner Bryn McCarty oriented the commission with the proposed text change to the land use ordinance to adopt a chapter regarding site plan review. The chapter explains the process for final

phases of the PUD and for permitted uses.

Commissioner Adam Jacobson noted that there were flood references but he could not see where the ordinance would require that an applicant provide a flood plain plan. City Engineer Blake Thomas reported they were working through the engineering standards and felt it may fall under the standards.

Commissioner Chris Berbert MOVED to recommend approval of item 21Z17 to City Council with one change to add FEMA (to the flood plain requirement).

Commissioner Jessica Morton SECONDED the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Yes

Commissioner Andrea Bradford Yes

Commissioner Adam Jacobson Yes

Commissioner Jessica Morton Yes

Commissioner Curt Noble Yes

Commissioner Robyn Shakespear Yes

The motion passed unanimously.

4. Chair and Commission Comments

None

5. Future Meetings

5.1 City Council – Wednesday, **October 11, 2017 @ 7:00 PM**

5.2 Planning Commission Meeting – **October 25, 2017 @ 7:00 PM**

6. Adjournment

Chair Smith called for a motion to adjourn.

Commissioner Jessica Morton MOVED to adjourn the meeting. All voted yes and the motion passed unanimously. The meeting adjourned at 10:19 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 October 5, 2017. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Cindy Quick, CMC
Deputy Recorder



Date of Meeting: 10/19/2017	
File #	47C15
Applicant	Brad Murdock
Address	13322 S Rosecrest Rd
Request	Review Elevations for the Retail Building at Herriman Corner Lot 8



Staff Report

DATE: October 13, 2017

TO: Planning Commission

FROM: Bryn McCarty, City Planner

MEETING: PC Agenda 10/05/2017

REQUEST: Review Elevations for Retail Building at Herriman Corners Lot 8

Applicant: Brad Murdock
Address: 13322 S Rosecrest Rd
Zone: C-2 (Commercial)
Acres: .94
File Number: 47C15

Request

The applicant is requesting Planning Commission approval for the elevations of the retail building at Herriman Corner Lot 8.

Site

The parcel is located at 13322 S Rosecrest Rd in the Herriman Corners Commercial Subdivision and contains .94 acres.

Zoning

The site is zoned C-2.

Discussion

The retail building was approved as a conditional use by the Planning Commission on December 17, 2015. One of the conditions of approval required that elevations be reviewed and approved by the Planning Commission, as outlined below:

6. *Building elevations, including a materials board to be reviewed and approved by the Planning Commission. A minimum of 60 percent brick or stone, the balance of the exterior shall consist of 2 other materials including brick, stone, glass, decorative block or concrete, stucco or simulated stone parcels.*

Recommendation

Staff recommends approval of the elevations for the retail building to be located on lot 8 of Herriman Corners.



SAMUEL J. BRADY
ARCHITECTS

200 E. South Temple
Salt Lake City, Utah 84111
(801) 595-1752
FAX: (801) 595-1757
NOTE: THE DRAWING IS PROVIDED FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. DIMENSIONS COULD VARY.

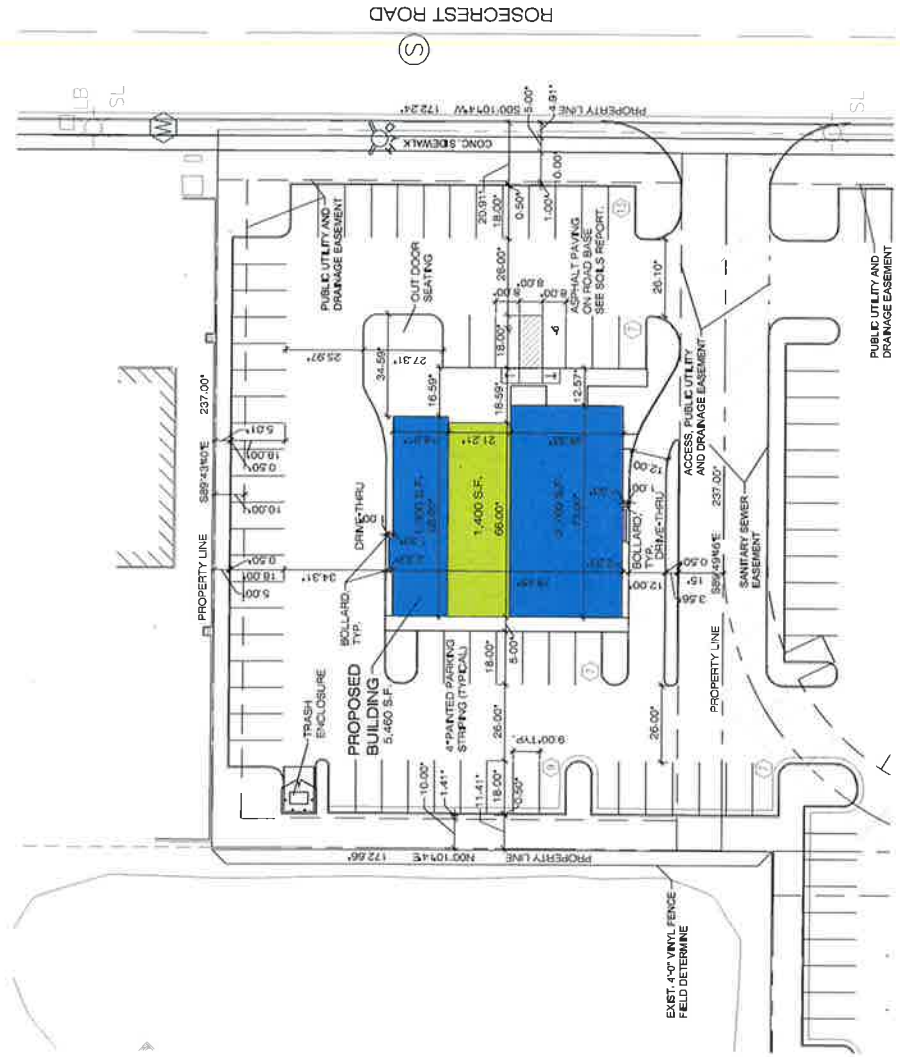
13322 SOUTH
ROSECREST ROAD
LOT 8

HERRIMAN, UTAH
**PROPOSED
BUILDING**

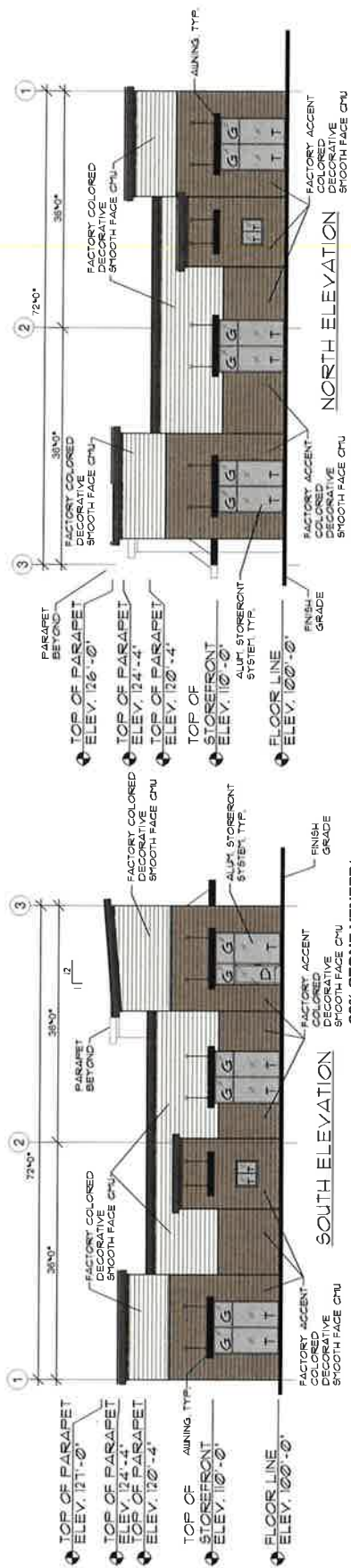
SITE PLAN

SCALE: 1" = 20'-0"
AUGUST 16, 2017
16363025X.dwg

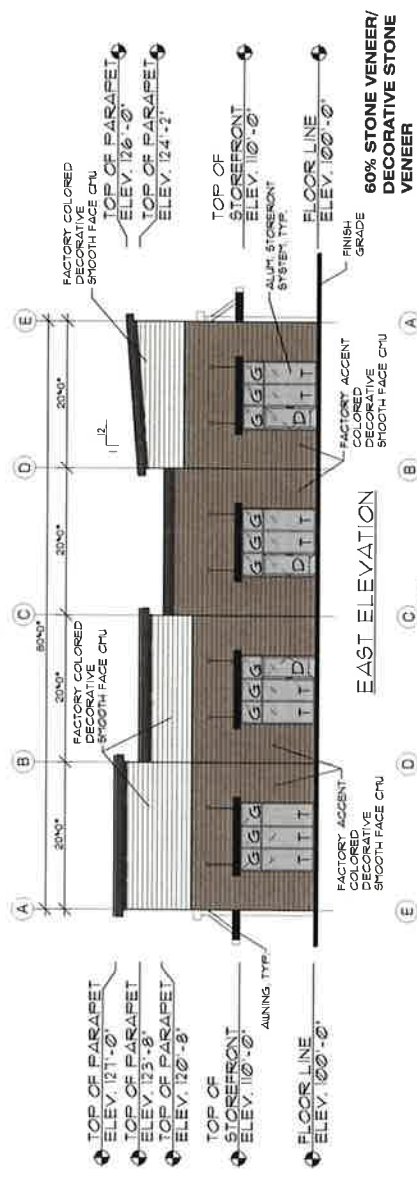
SD.3



Rcvd 9/26/17



**60% STONE VENEER/
DECORATIVE STONE
VENEER**

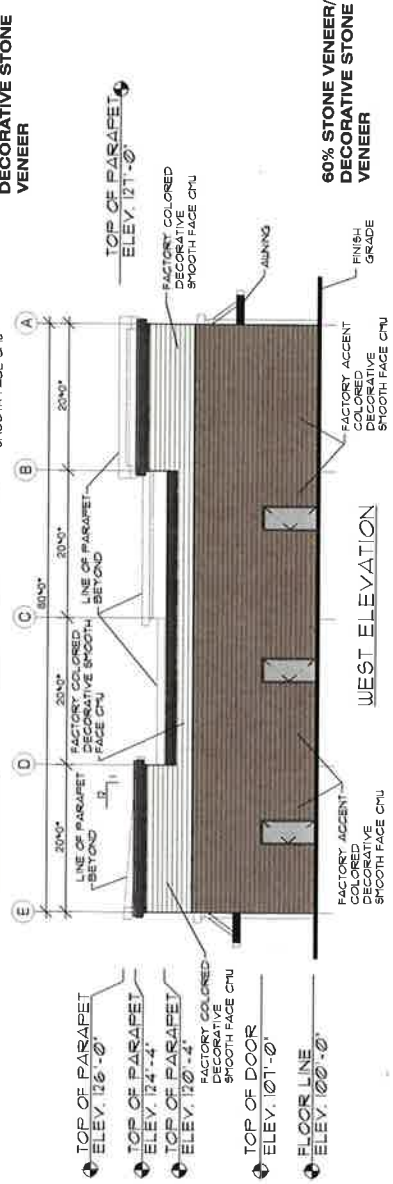


NOTE:
ALL STONE VENEER TO
BE INSTALLED PER
MANUFACTURERS
RECOMMENDATIONS
FIELD DETERMINE.

G= CLEAR 1" INSULATED 35 U FACTOR
TEMPERED GLASS .40 SHGC

T= CLEAR 1" INSULATED 35 U FACTOR
TEMPERED GLASS .40 SHGC

D= CLEAR 1" INSULATED 35 U FACTOR
TEMPERED GLASS (DOORS TYP.)
.40 SHGC



**60% STONE VENEER/
DECORATIVE STONE
VENEER**



Date of Meeting: 10/19/2017	
File #	Z2017-31
Applicant	Jessica & Bennett Bangerter
Address	
Request	Proposed Text Change to the Land Use Ordinance to add Kennels as a Conditional Use in Agricultural zones and the C-2 Zone



DATE: October 13, 2017

TO: Planning Commission

FROM: Craig Evans, Planning Administrative Coordinator

MEETING: PC Agenda 10/19/2017

REQUEST: Proposed Text Change to the Land Use Ordinance to add Kennels as a Conditional Use in Agricultural and Commercial Zones (*Public Hearing*)
Applicant: Jessica & Bennett Bangerter
File Number: Z2017-31

Request

Jessica and Bennett Bangerter are proposing a text change to the land use ordinance to add kennels with overnight boarding as a conditional use in the agricultural zones and C-2 zones.

Notice

The public hearing notice was posted in the newspaper and on the City website on October 9, 2017. The proposed text was posted on the City website on October 9, 2017. As of the date of this report, we have received no comments regarding the text change.

Process

A text change is a legislative action. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council holds a public meeting to discuss the item and then makes the final decision.

Discussion

Currently, kennels are not listed as a permitted or conditional use in any zone within Herriman City. The Bangerters are requesting that kennels be allowed in the agricultural zones, along with an attached residence, and in the C-2 zone with no residence. The primary concerns in regards to this issue relate to animal health and wellbeing, and then nuisances to adjacent lots – primarily noise, and possibly odor.

Salt Lake County Animal Services will still be conducting inspections of all facilities to determine their suitability for use as a kennel. They will also determine the maximum number of



animals that can be housed in the kennel at one time.

In regards to potential nuisances, the most likely drivers of this issue are the quality of the building construction as well as the size of the property/proximity to adjacent lots. Larger lots are most likely to mitigate potential nuisances for this use. One acre or larger parcels would likely be better suited for this use than .25 acre lots.

Recommendation

Staff recommends approval of the text change to add kennels with overnight boarding with an attached residence in the A-1 zone, and approval in the C-2 zone with no residence.

ARTICLE A. A-.25 AGRICULTURAL ZONE

10-8A-3: CONDITIONAL USES:

Conditional uses in the A-.25 zone include:

Accessory uses and buildings customarily incidental to a conditional use.

Animals and fowl for family food production, subject to section [10-2-1](#) of this title.

Any accessory building or buildings where the total square footage exceeds eight hundred (800) square feet on lots under one-half (1/2) acre. No accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard.

Bed and breakfast homestay.

Cemetery.

Daycare/preschool center, subject to section [10-19-25](#) of this title.

Fancier permit.

Golf course.

Hobby permit.

Home occupation.

Kennel with overnight boarding and attached residence.

Monopole, on a public or quasi-publicly owned utility site, and not in public parks unless an exception is granted by the planning commission, subject to section [10-19-30](#) of this title.

Pigeons, subject to health department regulations.

Private educational institution having an academic curriculum similar to that ordinarily given in public schools.

Public and quasi-public uses.

Residential healthcare facility for up to five (5) residents on streets less than eighty feet (80') in width, and up to ten (10) residents on streets eighty feet (80') and wider, excluding the facility operator and his/her related family, with a maximum of one nonresident part time relief employee on the premises at any one time, unless additional staffing is required by the state department of health, which use shall not change the residential appearance and character of the property.

Secondary unit within a single-family house. One parking stall must be provided for the unit.

Single-family dwelling planned unit development.

Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within ninety (90) days upon completion of construction and thirty (30) days after notice, the buildings will be

removed by the city at the expense of the owner.

Wild, dangerous and exotic animal permit. (Ord. 05-09, 2-3-2005; amd. Ord. 06-23, 5-18-2006; Ord. 08-06, 2-7-2008; Ord. 08-11, 4-3-2008; Ord. 09-01, 1-8-2009; Ord. 11-15, 7-14-2011; Ord. 12-28, 8-9-2012; Ord. 12-29, 8-9-2012; Ord. 14-22, 8-14-2014; Ord. 2015-19, 6-10-2015; Ord. 2015-22, 6-10-2015; Ord. 2016-21, 6-8-2016)

ARTICLE B. A-.5 AGRICULTURAL ZONE

10-8B-3: CONDITIONAL USES:

Conditional uses in the A-.5 zone include:

Airports.

Animals and fowl for family food production, subject to section [10-2-1](#) of this title.

Any accessory building or buildings where the total square footage exceeds eight hundred (800) square feet on lots under one-half ($\frac{1}{2}$) acre and no accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard on lots one-half ($\frac{1}{2}$) acre or larger.

Bed and breakfast homestay.

Campgrounds.

Cemetery.

Daycare/preschool center, subject to section [10-19-25](#) of this title.

Fancier permit.

Fruit and/or vegetable stand; provided, that the products are produced on the premises.

Golf course.

Hobby permit.

Home daycare/preschool, subject to the provisions as set forth in the definition of "home daycare/preschool" in section [10-2-1](#) of this title.

Home occupation.

Kennel with overnight boarding and attached residence.

Milk processing and sale; provided, that at least fifty percent (50%) of the milk processed or sold is produced on the premises.

Monopole, on a public or quasi-publicly owned parcel.

Nursery and/or greenhouse, excluding retail sales.

Nursing home.

Pigeons, subject to health department regulations.

Planned unit development.

Plant for storage or packing of fruit or vegetables produced on the premises.

Private educational institution having an academic curriculum similar to that ordinarily given in public schools.

Private nonprofit recreational grounds and facilities.

Public and quasi-public uses.

Radio and television transmitting and relay station and tower, excluding business office or studio, except such control room studio facilities as required for emergency broadcasts in the event of a national emergency or local disaster.

Residential healthcare facility for up to five (5) residents on streets less than eighty feet (80') in width, and up to ten (10) residents on streets eighty feet (80') and wider, excluding the facility operator and his/her related family, with a maximum of one nonresident part time relief employee on the premises at any one time, unless additional staffing is required by the state department of health, which use shall not change the residential appearance and character of the property.

Secondary unit within a single-family house. One parking stall must be provided for the unit.

Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within ninety (90) days upon completion of construction and thirty (30) days after notice, the buildings will be removed by the city at the expense of the owner.

Wild, dangerous and exotic animal permit. (Ord. 05-09, 2-3-2005; amd. Ord. 06-28, 5-18-2006; Ord. 08-06, 2-7-2008; Ord. 08-11, 4-3-2008; Ord. 08-41, 10-16-2008; 2010 Code; Ord. 11-15, 7-14-2011; Ord. 12-13, 6-28-2012; Ord. 12-28, 8-9-2012; Ord. 12-29, 8-9-2012; Ord. 2015-22, 6-10-2015; Ord. 2016-21, 6-8-2016)

ARTICLE C. A-1 AGRICULTURAL ZONE

10-8C-3: CONDITIONAL USES:

Conditional uses in the A-1 zone include:

Agriculture experimental station.

Airport.

Animal hospital.

Animals and fowl for family food production, subject to section 10-2-1 of this title.

Any accessory building or buildings where the total square footage exceeds eight hundred (800) square feet on lots under one-half ($\frac{1}{2}$) acre and no accessory building or group of accessory buildings shall cover more than seventy percent (70%) of the rear yard on lots one-half ($\frac{1}{2}$) acre or larger.

Bed and breakfast homestay.

Campgrounds.

Cemetery.

Dairy or creamery.

Daycare/preschool center, subject to section 10-19-25 of this title.

Dude ranch.

Egg candling and sales.

Fancier permit.

Fertilizer and soil conditioner manufacturing, processing and sales; provided, that no objectional odors are created.

Fruit and/or vegetable stand; provided, that the products are produced on the premises.

Golf course.

Gun club.

Hay chopping.

Hobby permit.

Home daycare/preschool, subject to the provisions as set forth in the definition of "home daycare/preschool" in section 10-2-1 of this title.

Home occupation.

Kennel with overnight boarding and attached residence.

Manure spreading, processing, drying and sales.

Milk processing and sales.

Monopole, on a public or quasi-publicly owned parcel.

Nursery and/or greenhouse, excluding retail sales.

Nursing home.

Open storage, sales and rental of irrigation pipes.

Organic disposal site (minimum lot area 50 acres).

Pigeons, subject to health department regulations.

Planned unit development.

Plant for storage or packing of fruit or vegetables.

Private educational institution having an academic curriculum similar to that ordinarily given in public schools.

Private nonprofit recreational grounds and facilities.

Public and quasi-public uses.

Public or private stable.

Radio and television tower; radio transmitting station; business office; studio and relay station.

Residential facility for elderly persons.

Riding academy.

Rodeo grounds.

Sanatorium.

Secondary unit within a single-family house. One parking stall must be provided for the unit.

Slaughterhouse.

Stockyard.

Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within ninety (90) days upon completion of construction and thirty (30) days after notice, the buildings will be removed by the city at the expense of the owner.

Veterinary.

Wild, dangerous and exotic animal permit. (Ord. 00-06, 1-20-2000; amd. Ord. 03-11, 2-6-2003; Ord. 06-28, 5-18-2006; Ord. 08-06, 2-7-2008; Ord. 08-15, 3-6-2008; Ord. 08-11, 4-3-2008; 2010 Code; Ord. 11-15, 7-14-2011; Ord. 12-13, 6-28-2012; Ord. 12-28, 8-9-2012; Ord. 13-01, 1-10-2013; Ord. 2015-22, 6-10-2015; Ord. 2016-21, 6-8-2016)

ARTICLE B. C-2 COMMERCIAL ZONE

10-13B-4: CONDITIONAL USES:

Conditional uses include:

Agency for the rental of motor vehicles, trailers or campers.

Agency for the sale of new or used motor vehicles, new trailers and new campers, including the incidental sale of used trailers and campers, provided this use is incidental and located on the same property as the primary use.

Ambulance service.

Arcade, not to be located within a one thousand foot (1,000') distance, via the most direct pedestrian route, of the property line of any school or private educational institution having an academic curriculum similar to that ordinarily given in public schools. For purposes of measuring distance, a "pedestrian route" shall not include a route which requires crossing a physical barrier, such as a fence, canal or freeway, or include trespassing across private property.

Athletic club and/or health club.

Automatic automobile wash.

Automobile repair, including incidental body and fender work, painting and upholstering and/or welding; provided, that there is no more than three (3) vehicles parked outside overnight.

Automobile service center, which is limited to tune ups, lubrication and oil change, front end alignment, brake repair and muffler repair, providing there is not outside storage of parts or materials.

Baking, ice cream making and/or candy making.

Bed and breakfast inn, which may include a restaurant and conference meeting rooms.

Cabinet shop.

Cemetery, mortuary, etc.

Check cashing businesses; provided, that it meets the following requirements:

- A. No check cashing or deferred deposit loan business shall be located within one thousand feet (1,000') of any other check cashing business. Distance requirements defined in this section shall be measured in a straight line, without regard to intervening structures on the zoning districts, from the entry door of each business.
- B. One check cashing or deferred deposit loan business shall be allowed for every ten thousand (10,000) citizens living in the city.

Class C fireworks store.

Congregate living facility.

Convenience store.

Copy service.

Daycare/preschool center.

Dining club.

Dog and cat grooming, excluding overnight boarding.

Golf course.

Hardware store; provided, that there is no outside storage display, except for summer season garden supplies.

Hospital.

Hotel/motel.

Indoor firearms and/or archery range.

Kennel with overnight boarding.

Massage therapist (every massage technician shall be licensed by the state).

Mini-storage units, secondary to the main use of the parcel.

Mobile store; provided, that it meets the following requirements:

- A. A location on improved property, including a main building with paved parking, and landscaping, curb, gutter and sidewalk, if required by the city;
- B. A maximum display area of one hundred (100) square feet outside the portable structure, a minimum of ten feet (10') behind the property line, not on landscaped areas, and not obstructing access to the property;
- C. Compliance with the city sign ordinance;
- D. The structures comply with the yard requirements of the zone;
- E. The mobile store, including display area, shall not be located within the clear view of intersecting streets;
- F. Written approval from the property owner to locate on the site.

Monopole, on a public or quasi-publicly owned utility site, and not in public parks unless an exception is granted by the planning commission, subject to section [10-19-30](#) of this title.

Open storage for recreational vehicles only (campers, snowmobiles, etc.), but not to include the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof, as in an impound lot or junkyard, etc.; and such use will be required to install a six foot (6') solid visual barrier fence or masonry wall around the entire storage area (chainlink with slats is acceptable) as a conditional use in the commercial C-2 zone, and as an accessory use only to a main use, such as a service station, car wash or similar use. Gravel or grass surfacing will be allowed for the storage area.

Package agency.

Parking lot.

Planned unit development, commercial.

Plumbing shop.

Printing shops.

Private nonprofit locker club.

Private post office box service.

Private school.

Public and quasi-public use.

Reception center and/or wedding chapel.

Recreation, commercial.

Rent all store; provided, that there is no outside storage.

Resource recycling collection point; provided, that it meets the following requirements:

- A. A location on improved property, including a main building with paved parking, and landscaping, curb, gutter and sidewalk, if required by the city;
- B. All material shall be contained within an enclosed container;
- C. The structures or bins comply with the yard requirements of the zone;
- D. Written approval from the property owner to locate on the site;
- E. Maintenance of the site in a clean, neat and orderly manner.

Restaurant liquor license.

Secondhand shop.

Seed and feed store.

Sign painting shop.

Sign, pylon, provided the following conditions apply to the site the signs are located:

- A. A commercial property with multiple retail tenants;
- B. In no case shall a sign exceed a maximum of two hundred (200) square feet, or a maximum height of fifteen feet (15'); and
- C. Limited to commercial projects with a minimum three (3) acre parcel.
- D. Sign shall provide spaces for multiple tenants to advertise.

State store.

Tanning studio.

Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.

Transfer company, provided trucks no larger than two (2) ton capacity are used.

Unoccupied model buildings for display, accessory to a sales office.

Veterinary, providing operation is completely enclosed within an air conditioned building.

Warehouse space, enclosed; no outside storage. (Ord. 07-25, 5-3-2007; amd. Ord. 08-11, 4-3-2008; Ord. 08-41, 10-16-2008; Ord. 09-26, 8-20-2009; 2010 Code; Ord. 11-23, 9-22-2011; Ord. 11-35, 12-8-2011; Ord. 12-28, 8-9-2012; Ord. 13-29, 8-22-2013; Ord. 14-32, 7-10-2014; Ord. 14-22, 8-14-2014; Ord. 2015-40, 11-17-2015)



Date of Meeting: 10/19/2017	
File #	Z2017-28
Applicant	Anthem Utah, LLC
Address	6200 W 12200 S
Request	Rezone from A-1 to R-2-10 and C-2 (Adalynn Subdivision)



DATE: October 12, 2017

TO: Planning Commission

FROM: Bryn McCarty, City Planner

MEETING: PC Agenda 10/19/2017

REQUEST: Proposed Rezone From A-1 (Agricultural – 1 acre min.) to R-2-10 (Residential – Medium Density) and C-2 (Commercial) (*Public Hearing held on Oct 5, 2017*)

Applicant: Anthem Utah, LLC

Address: 6200 W 12200 S

Acres: 275

File Number: Z2017-28

Request

Anthem Utah, LLC is requesting to rezone property from A-1 to R-2-10 and C-2.

Site

The parcel is located at approximately 6200 W 12200 S and contains 275 acres.

Zoning

The site is zoned A-1.

General Plan

The current General Plan designation on the property is Commercial, Single Family Residential (2.6 – 4.5 units per acre), and Medium Density Cluster (4.6 – 8 units per acre). The ordinance states that zoning must meet the “intent” of the General Plan. A copy of the General Plan has been included in your packet.

Notices

Staff mailed notices to all property owners within 300 feet of the subject property. Notices were mailed to 114 property owners on September 25, 2017. We received several emails concerend about the proposed development, including issues regarding traffic and density.



Staff Report

Neighborhood Meeting

A neighborhood meeting was held on September 26, 2017. Notices were mailed to 222 residents. There were 15 residents that attended the meeting. The minutes from that meeting are included in the packet.

Discussion

The applicant is also requesting to rezone the property from A-1 (Agricultural, 1 acre minimum) to R-2-10 and C-2. The maximum density in R-2-10 is 8.7 units per acre. The applicant is requesting 4.91 units per acre over the entire PUD area. The applicant has also indicated that they would zone the southern 50 acres of the property to R-1-21, which would allow agricultural uses such as horses and family food production.

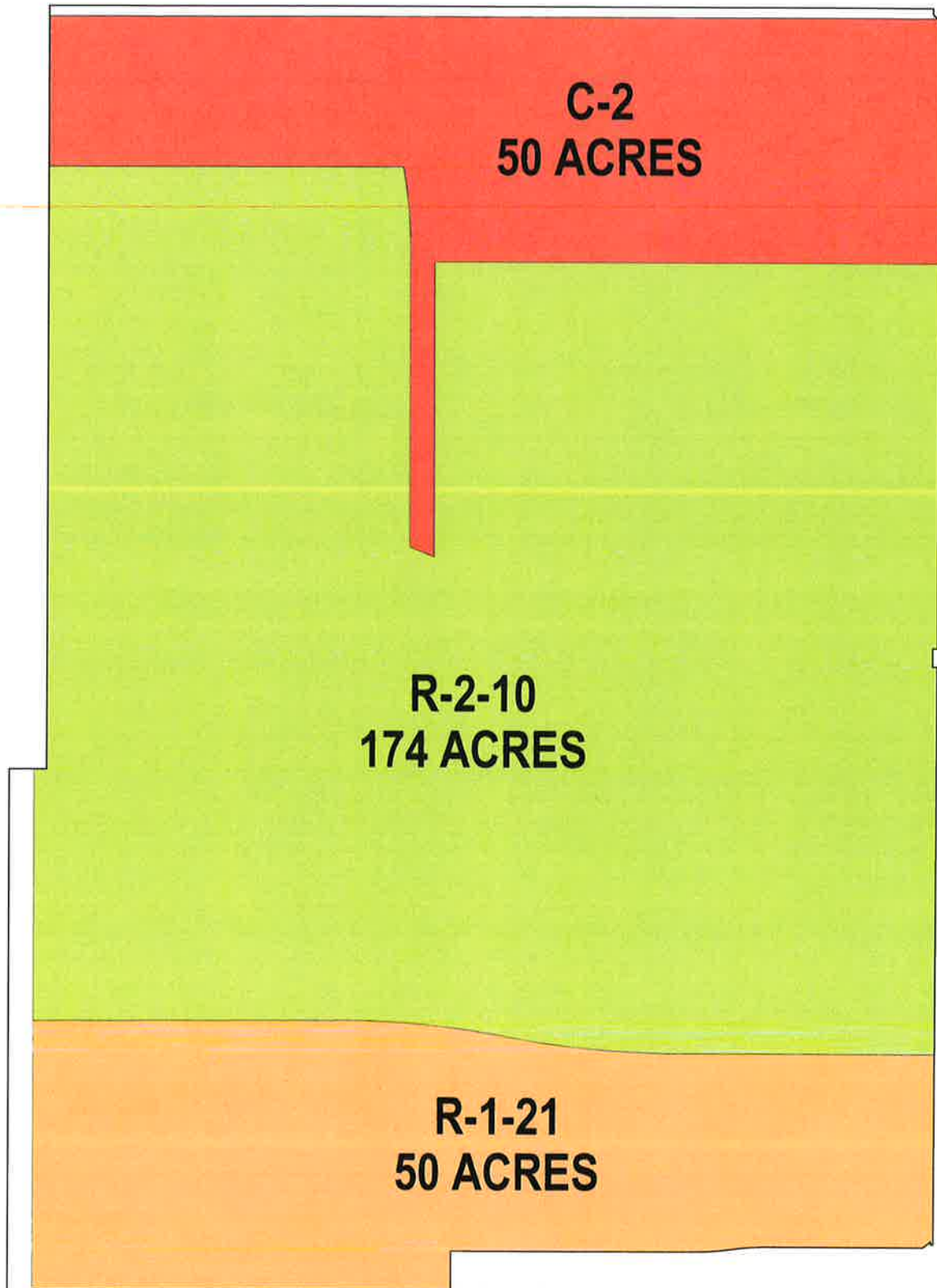
The applicant has also applied for the Planned Development Overlay Zone. This is the new process that creates the PUD as an overlay zone, and no longer a conditional use. The property has to be rezoned with a "base" zone, and then the PUD overlay zone is applied over the base zone. The density is determined by the requirements of the base zone. However, the PUD overlay zone allows the density to be moved around and clustered within the development. A preliminary site plan has to be submitted and approved as part of the overlay zone.

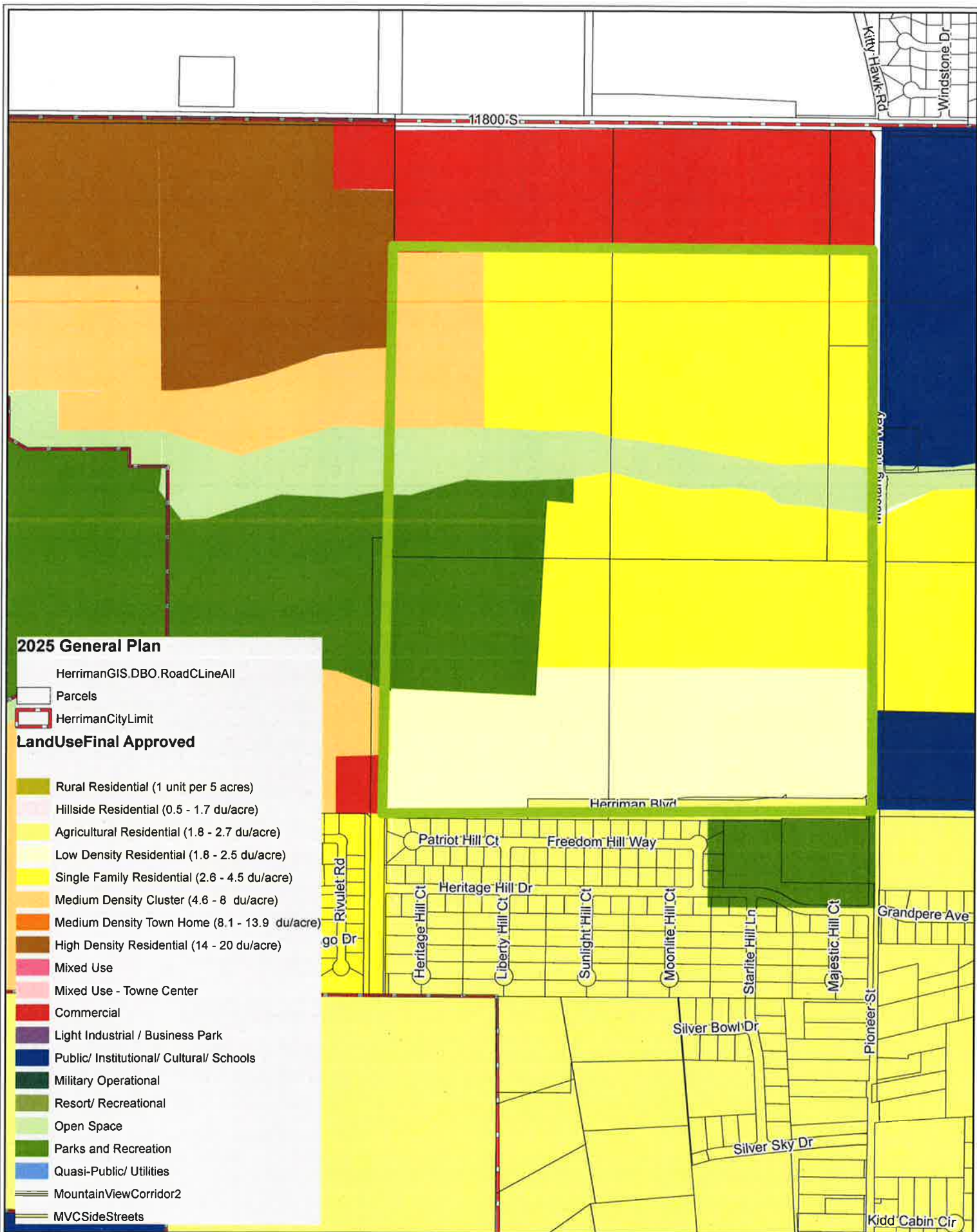
The rezone to R-2-10 and the PUD overlay zone should be considered concurrently. The PC may want to recommend a zoning condition (z/c) on the rezone to correspond to the density of the proposed PUD preliminary site plan.

Recommendation

Staff recommends approval of the rezone to C-2 (50 acres), R-1-21 (50 acres), and R-2-10 (174 acres) with a zoning condition of a maximum density of 4.91 units per acre over the residential property.

ZONING EXHIBIT





NOTICE OF COMMUNITY MEETING

9/19/17

Re: *Application for a re-zone/subdivision*

My name is Doug Young and I am applying for a re-zone and subdivision of my property from A-2 to R2-10 and C-2. I am proposing the re-zone to follow the recently adopted General Plan. My property is approximately 275 acres in size.

This meeting is being held so that I can explain to you why I am asking for the rezone. It also gives you the opportunity to give your input and to ask me any questions prior to my application being considered by the Planning Commission. I would invite you to come with any specific input you have for this proposed project.

The meeting is scheduled for **Tuesday, September 26, 2017 at 6:30 p.m.**, and will be held at the Old Herriman City Hall (13011 South Pioneer Street).

Included with this notice is a site plan for my proposed re-zone and subdivision.

Should you desire further information, you may contact:

Doug Young (Applicant) – (801) 205-5500 or Doug@projectutah.com
(information regarding the project)

Sandra Llewellyn (Community Outreach Coordinator) (801) 446-5323
(information regarding the application process or city code requirements)

Neighbors are strongly encouraged to attend

Community Outreach Neighborhood Meeting

Date: September 26, 2017

Development: Adalynne Proposal

Community #: 2

Community Facilitator: Sandra Llewelyn

The following were responses to questions from the audience:

- Robert B. asked about who will be developing the site. Responses from the developer to his questions were;
 - o The pods will be sold to different developers. The lot sizes and subdivision layout along the southern portion are to match the development to the south.
 - o The subdivision will incorporate cul-de-sacs.
 - o Subdivisions along the linear park are going to have access to it.
 - o The portion across from the High School will be a gated community.
 - o A development agreement will be prepared and submitted to the city to lock in design details.
 - o Movement of the 55+ community from across from the High School to the other side of the development will be considered.
 - o The vision of the southern portion of the development is to provide for horse pasturing with the home lots.
- Kevin K. asked about how the streets will look. His questions led to discussion about the following;
 - o The streetscape will be landscaped with stone perimeter walls.
 - o Use of the park will be programmed by the city. It will be 20 acres in size and paid for by development fees.
 - o The architecture will be consistent with the existing development in the area.
 - o Tenants for the commercial portion have been contacted.
- Glen F asked about the development to the north of the commercial portion. The following was discussed:
 - o North of 11800 South in Daybreak in South Jordan.
 - o The commercial portion is to be 50 acres which is comparable to the size of The District. Smaller restaurants are envisioned for the commercial area.
 - o The southern portion of the development is planned that 1,800 sq ft floor plans on ½ an acre.
 - o Large street frontages are planned for the single-family subdivisions.

- North/ south equestrian trails are to connect the southern development to the development north of the linear park.
- Shrinking the townhome portion and enlarger the senior development will be consid3erd.
- Becky – asked about schools. The developer said:
 - The schools for are preplanned and the increase on population was considered in the planning of the schools.
 - The schools are to be outside of the development area.
- Le B. asked about the townhomes- these were the responses:
 - The Townhomes will have shared driveways but will not be clustered around one drive.
 - Planning of locating the four development areas was taken from the new General Plan.
 - Density is based on net development.
 - The project will be developed with an expected completion in 5 to 7 years.
 - Lot sizes to range from $\frac{1}{4}$ to $\frac{1}{2}$ acre.
 - Single family detached homes will be incorporated in the townhome section.
- Sam k. asked about the streetscape.
 - Maples, sycamores, and ponderosas in a 5-foot landscaped area with berms to separate the street from the perimeter wall.



Date of Meeting: 10/19/2017	
File #	Z2017-29
Applicant	Anthem Utah, LLC
Address	6200 W 12200 S
Request	Rezone to Apply the Planned Development Overlay Zone (Adalynn Subdivision)



DATE: October 12, 2017

TO: Planning Commission

FROM: Bryn McCarty, City Planner

MEETING: PC Agenda 10/19/2017

REQUEST: Proposed Rezone to Apply the Planned Development Overlay Zone (*Public Hearing held on October 5, 2017*)

Applicant: Anthem Utah, LLC

Address: 6200 W 12200 S

Acres: 225

File Number: Z2017-29

Request

Anthem Utah, LLC is requesting to rezone property to add the Planned Development Overlay Zone.

Site

The parcel is located at approximately 6200 W 12200 S and contains 225 acres. Midas Creek runs through the center portion of the property.

Zoning

The site is currently zoned A-1.

General Plan

The current General Plan designation on the property is Commercial, Single Family Residential (2.6 – 4.5 units per acre), Medium Density Cluster (4.6 – 8 units per acre), and Low Density Residential (1.8 - 2.5 units per acre). The ordinance states that zoning must meet the “intent” of the General Plan. A copy of the General Plan has been included in your packet.

The Planned Development Overlay zone allows density to be moved and clustered over the property. However, the average density of the PUD cannot exceed the density in the underlying zone, or exceed the density as shown in the General Plan. The density on the General Plan would allow between 657 and 1,107 units on the property. This includes density for the open space property that is required for the PUD approval. The applicant is requesting a maximum of 1,100 units.



Staff Report

Notices

Staff mailed notices to all property owners within 300 feet of the subject property. Notices were mailed to 114 property owners on September 25, 2017. We received several emails with concerns about the traffic and proposed density of the project.

Neighborhood Meeting

A neighborhood meeting was held on September 26, 2017. Notices were mailed to 222 residents. There were 15 residents that attended the meeting. The minutes from that meeting are included in the packet.

Discussion

The applicant has applied for the Planned Development Overlay Zone. This is the new process that creates the PUD as an overlay zone, and no longer a conditional use. The property has to be rezoned with a “base” zone, and then the PUD overlay zone is applied over the base zone. The density is determined by the requirements of the base zone. However, the PUD overlay zone allows the density to be moved around and clustered within the development. A preliminary site plan has to be submitted and approved as part of the overlay zone.

The applicant is also requesting to rezone the property from A-1 (Agricultural, 1 acre minimum) to R-2-10. The maximum density in R-2-10 is 8.7 units per acre. The applicant is requesting 4.91 units per acre over the entire PUD, which is 1,100 units. The applicant has also indicated that they would zone the southern 50 acres of the property to R-1-21, which would allow agricultural uses such as horses and family food production.

The rezone to R-2-10 and R-1-21 should be considered concurrently with the PUD overlay zone. The PC will want to recommend a zoning condition (z/c) on the rezone to correspond to the density of the proposed PUD preliminary site plan. The density needs to comply with the density in the underlying zone. The portion of the property (50 acres) zoned R-1-21 could not exceed 2 units per acre. The 174 acres zoned R-2-10 could not exceed an average of 8.7 units per acre.

The ordinance requires a PUD to provide 20% open space. Open space that is unbuildable because of slope or flood drainage shall be counted at 25% of the acreage to satisfy open space requirements. The plan shows the 20% open space, and also the reduction of acreage in the slope/drainage areas. A Conditional Letter of Map Revision (CLOMR) was recently completed on Midas and Copper Creek. An updated flood map is included in your packet.



The applicant has modified their preliminary site plan to add an open space summary. The open space is shown in approximate locations. The exact location of the open space will be determined when the pods come back for final site plan approval.

The applicant has provided Design Guidelines to address architecture, landscaping, setback, fencing, minimum lot size, and other elements of the development. These will be approved as part of the PUD.

Recommendation

Staff recommends that the Planning Commission recommend approval of the rezone to apply the Planned Development Overlay zone with a zoning condition of 4.9 units per acre and the following requirements:

1. Receive and agree to the recommendations from other agencies.
2. The preliminary site plan is approved as attached with a maximum of 1100 units. Overall density is to be no greater than 4.91 units per acre.
3. When each pod comes in for final site plan approval, the applicant shall demonstrate how the proposal complies with the overall density of the project.
4. Design guidelines are approved as submitted, including setbacks, architectural requirements, and minimum lot sizes.
5. At least 20 percent of the planned unit development shall be preserved as permanent open space. At least one-half of the open space required shall be maintained in single contiguous lot, not including any unbuildable property, configured in a usable size and shape. Open space that is unbuildable because of, among other things, slope, wetlands, flood drainage, or contamination, shall be counted at 25 percent of the acreage required to satisfy applicable open space requirements. Detention basins may count as open space only if they provide recreational amenities, including, but not limited to, playgrounds, gazebos, exercise stations, or sports fields with parking lots. Park strips adjacent to a street shall not count as open space.
6. The developer shall incorporate the designated open space in each pod. With each phase submitted, the applicant shall submit an open space summary.
7. Trails shall provide connectivity throughout the development, to residential, schools, and commercial. Trails between lots shall be at least a 20 feet wide with an 8 foot hard surface trail and landscaping approved by the Parks Department.
8. Provide a 20 foot wide trail along the south side of Midas Creek. The trail shall be outside the top of bank. The trail should include an 8 foot paved trails and an 8 foot unpaved/aggregate trail.
9. Construct a 6 foot precast wall along 6000 West and 6400 West. Construct an 8 foot precast wall or a 6 foot precast wall with a minimum 2 foot berm along Herriman Blvd.



Staff Report

The wall along Herriman Blvd to match the “Farm” pattern. The walls shall be installed when the adjacent pod is being constructed. Fencing on the interior of the project will be discussed with each phase.

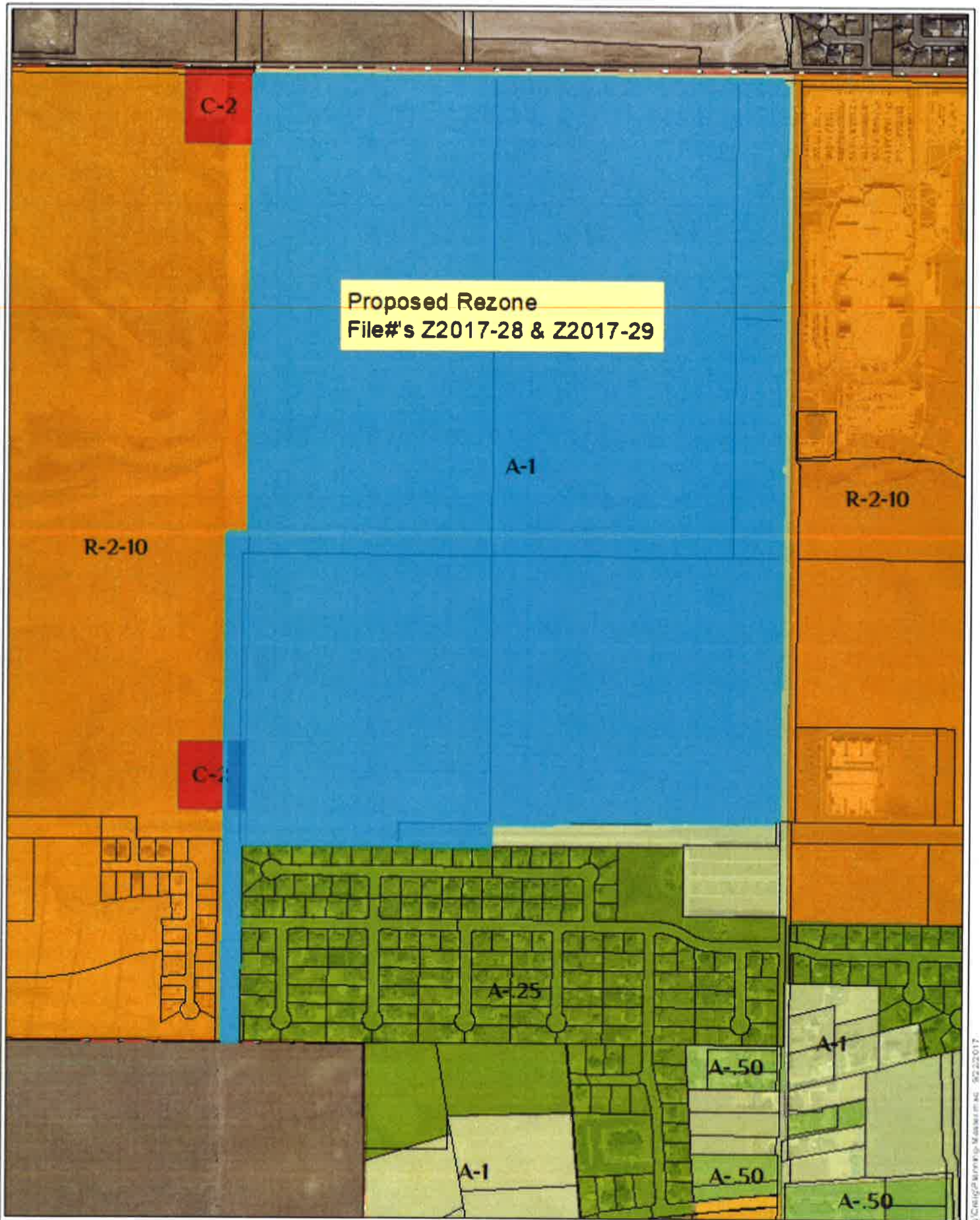
10. Herriman Blvd, 6200 West and 6000 West shall be built adjacent to the phase being constructed. Roads shall be built curb to curb, with sidewalks, park strips, and street lights being installed along the phase being developed.
11. No residential driveways shall access onto 6200 W, 6400 W, 6000 W, Herriman Blvd, or 11800 South.
12. Infrastructure for each phase shall be reviewed and approved by Engineering to verify that adequate systems are in place for that pod. This shall include review of transportation, water, and storm drain systems.
13. If there is going to be regional storm water detention for the project, temporary retention/detention may be used in each pod as long as it is owned and maintained by the developer and has temporary storm water easements placed over the property as well as easements for any necessary conveyance.
14. All single family dwellings shall provide basements, excluding homes in pod 6 (Active Senior).
15. The active senior pod (pod 6) shall have at least 40 percent single family dwellings.
16. Comply with all recommendations from the Traffic Study, including additional right of way dedication for future traffic signals or turn lanes.
17. Comply with all off-street parking requirements for single family detached and attached dwellings.
18. The size, location, design, and nature of entry monument signs, and the intensity and direction of area floodlighting, shall be detailed in a separate site plan application.
19. Infrastructure improvements, including but not limited to utilities, street signs, street lighting, fencing, and other required improvements, shall be provided in accordance with city standards and specifications.
20. Install curb, gutter, sidewalk, park strip, and street lights along all public streets in accordance with city standards.
21. A development agreement for the entire project shall be reviewed and approved by the City Council prior to any pods receiving final site plan approval.
22. Each pod shall submit an application for approval of a site plan pursuant to chapter 30 of this title. The site plan for each pod shall include, but not be limited to, the following:
 - a. Lot area and widths shall be shown on an approved site plan for each phase.
 - b. Traffic studies will be required for each pod in compliance with the Engineering Design Standards.
 - c. Each pod that is adjacent to Midas Creek shall provide verification from Salt Lake County Flood Control that the top of bank line has been established and there is an additional 20 foot maintenance access outside the top of bank. This access



Staff Report

should be dedicated to the City. No lots can be located within the top of bank or 20 foot access. The access can be combined with the trail.

- d. A detailed grading and drainage plan shall be submitted as part of a site plan application.
- e. Landscaping, fencing, and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be submitted as part of a site plan application.
- f. Open space that is provided in each pod shall demonstrate any unbuildable area that counts as 25%. The overall open space acres required shall be adjusted accordingly.



Proposed Rezone
File#s Z2017-28 & Z2017-29

A-1

R-2-10

R-2-10

C-2

A-25

A-50

A-1

A-50

A-50



Proposed Rezone
File#s: Z2017-28 & Z2017-29





SITE SUMMARY		
TOTAL SITE AREA	274.07 ACRES	
TOTAL SITE AREA (EXCLUDING COMMERCIAL AREA)	224.07 ACRES	
TOTAL RESIDENTIAL UNITS	1,100 UNITS	
TOTAL OPEN SPACE AREA	44.90 ACRES	
GROSS DENSITY	4.01	
NET DENSITY (EXCLUDES COMMERCIAL ACREAGE)	4.91	

20.04%

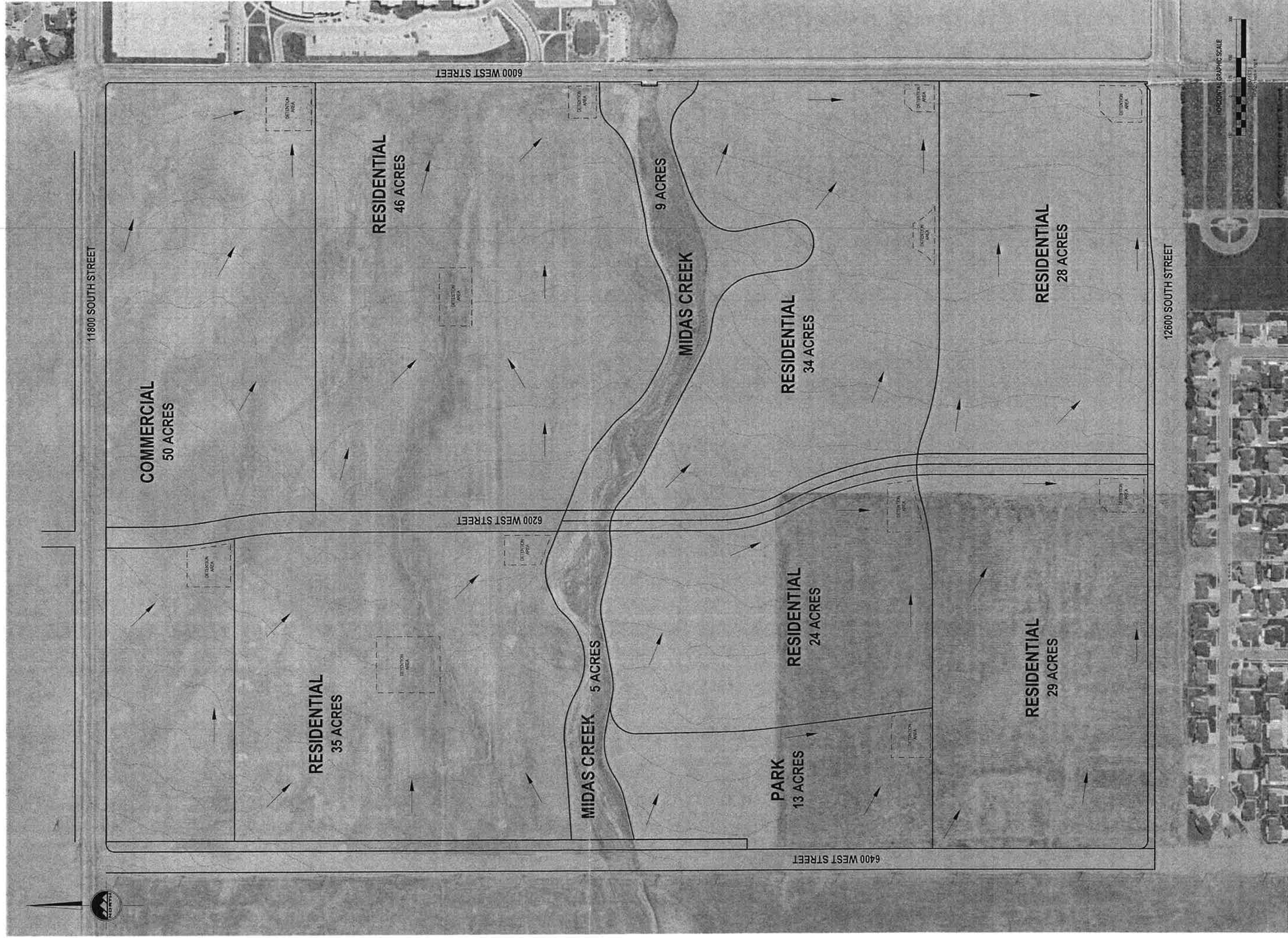
LAND USE SUMMARY			
POD #/S	LAND USE	ACRES	MAXIMUM
1	ESTATE	27.14	61
2	ESTATE	24.62	54
3	MEADOW	31.56	136
4	MEADOW	20.91	117
5	VILLAS	31.62	446
6	ACTIVE SENIOR	42.51	286
TOTAL		178.26	1100

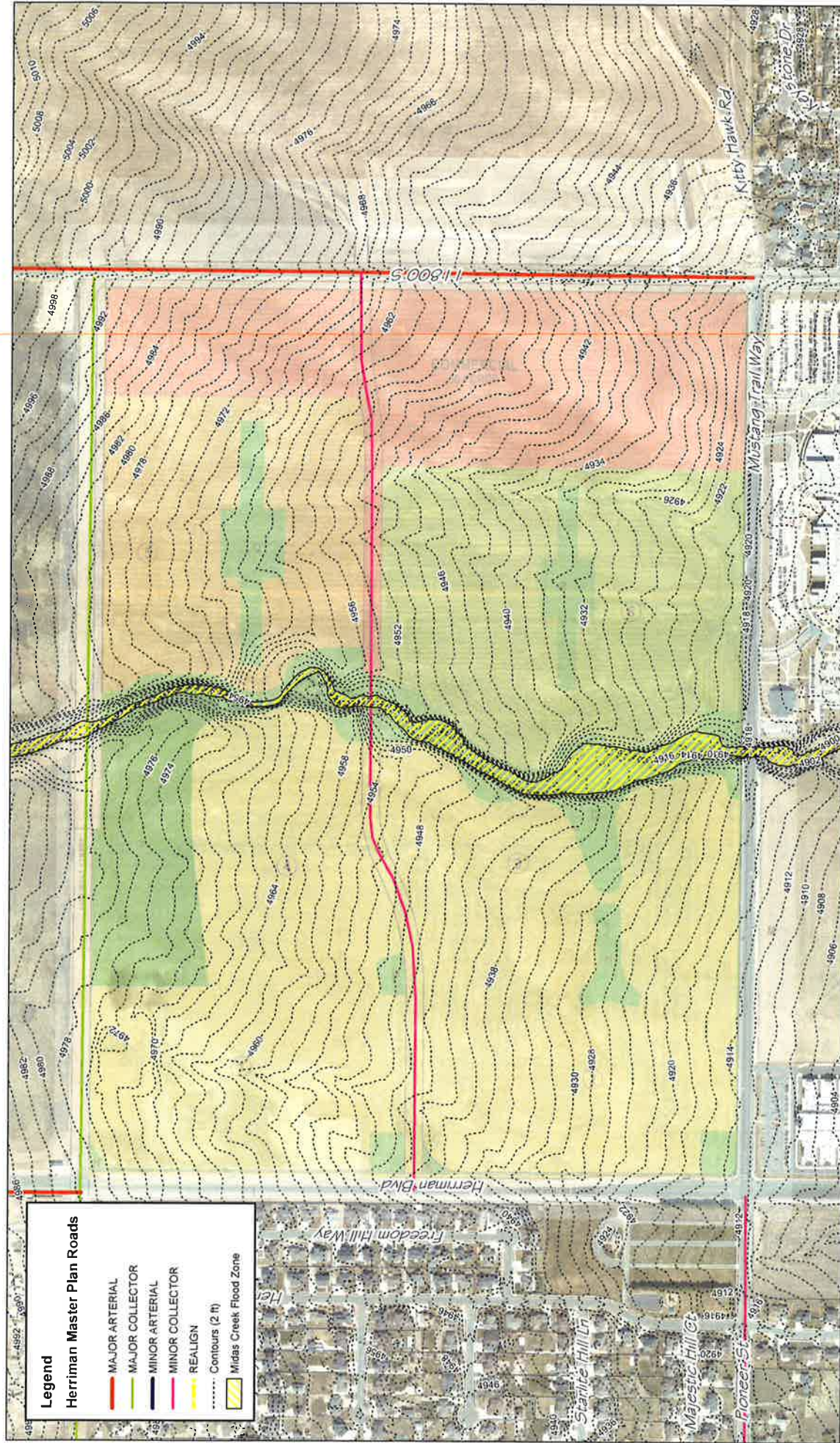
* TOTAL UNITS MAY NOT EXCEED 1100

OPEN SPACE SUMMARY				
POD #/S	LAND USE	ACRES	RATIO	WEIGHTED
A	MIDAS CREEK TRAIL	4.53	100%	4.53
B	MIDAS CREEK	0.63	25%	0.16
C	MIDAS CREEK TRAIL	5.60	100%	5.60
D	MIDAS CREEK TRAIL	3.23	100%	3.23
E	MIDAS CREEK	0.51	25%	0.13
F	MIDAS CREEK TRAIL	2.71	100%	2.71
G	ADALYNN PARK	12.96	100%	12.96
H	6400 WEST BUFFER	0.25	100%	0.25
I	12600 SOUTH BUFFER	0.32	100%	0.32
J	OPEN SPACE	0.61	100%	0.61
K	12600 SOUTH BUFFER	0.48	100%	0.48
L	OPEN SPACE	0.69	100%	0.69
M	6000 WEST BUFFER	0.21	100%	0.21
N	TRAIL / PARK	1.85	100%	1.85
O	OPEN SPACE	0.64	100%	0.64
P	6000 WEST BUFFER	0.09	100%	0.09
Q	TRAIL / PARK	5.40	100%	5.40
R	TRAIL / PARK	4.84	100%	4.84
TOTAL		45.75		44.90

NOTE: THE PROJECT SHALL INCLUDE A MINIMUM OF 26% OPEN SPACE. TOTAL OPEN SPACE SHOWN IN APPROXIMATE LOCATIONS AND MAY BE SUBJECT TO CHANGE.

GRADING AND DRAINAGE PLAN



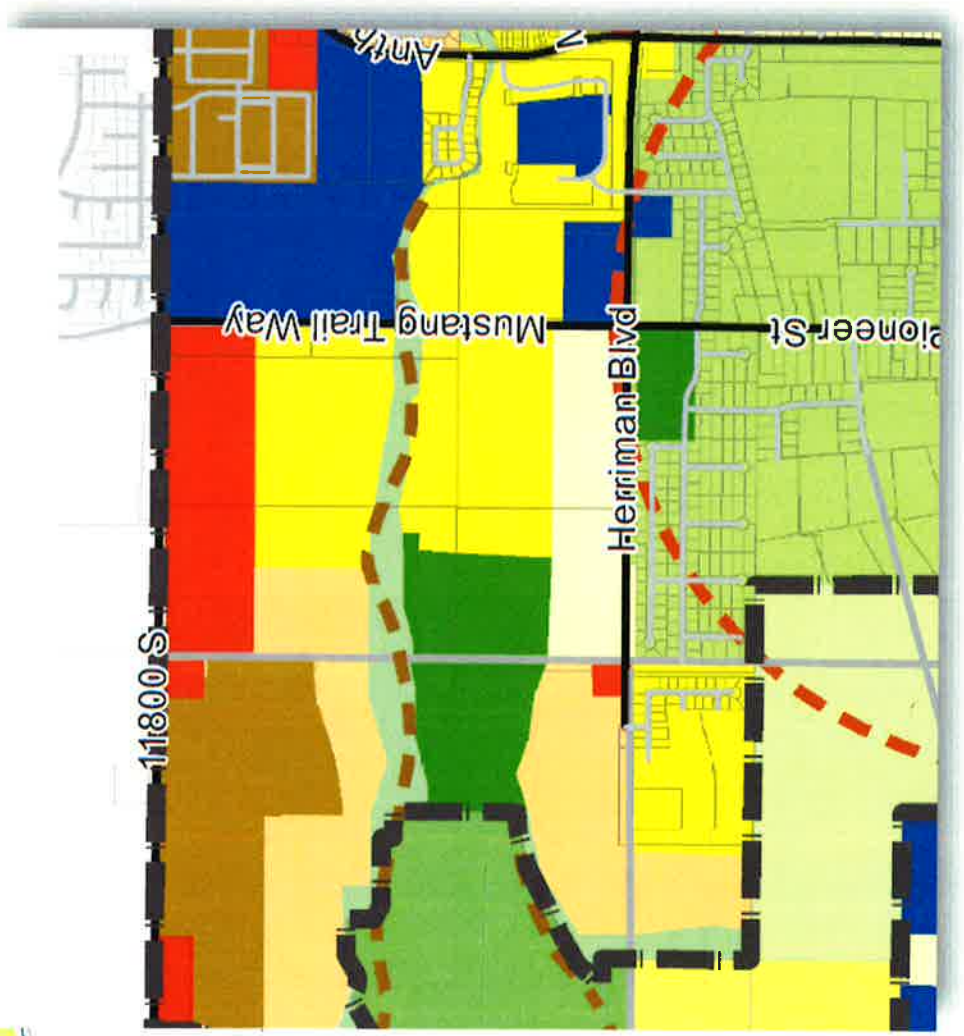


Legend
Herriman Master Plan Roads

- MAJOR ARTERIAL
- MAJOR COLLECTOR
- MINOR ARTERIAL
- MINOR COLLECTOR
- REALIGN
- Contours (2 ft)
- Midas Creek Flood Zone

**HERRIMAN CITY
ENGINEERING DEPARTMENT**





Adalynn example 3.2	Acres	Range	
Commercial	50		
Low Density Residential (1.8 - 2.5 du/acre)	52	94	130
Medium Density Cluster (4.6 - 8 du/acre)	13	60	104
Open Space	19	86	149
Parks & Recreation	27	126	220
Single Family Residential (2.6 to 4.5 du/acre)	112	291	504
Total	273	657	1107



11800 SOUTH STREET



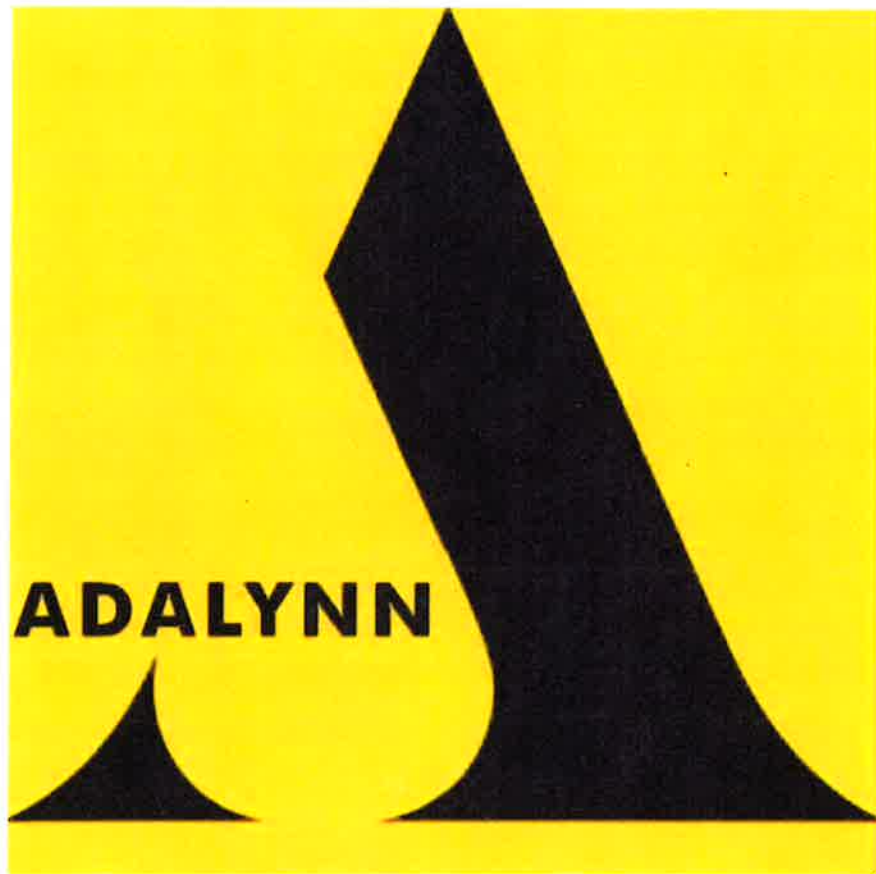
land use plan

September 29, 2017



Adalynn

Traffic Impact Study



Herriman, Utah

October 2017

UT17-1126



EXECUTIVE SUMMARY

This study addresses the traffic impacts associated with the proposed Adalynn development located in Herriman, Utah. The proposed project is located west of Mustang Trail Way (6000 West) between 11800 South and Herriman Parkway (12600 South).

Included within the analyses for this study are the traffic operations and recommended mitigation measures for existing conditions and plus project conditions (conditions after development of the proposed project) at key intersections and roadways in the vicinity of the site. Future 2024 and 2040 conditions were also analyzed.

The morning peak hour level of service (LOS) was computed for each study intersection. The results of this analysis are shown in Table ES-1. Recommended storage lengths are shown in Table ES-2.

Herriman City has set the minimum level of service (LOS) threshold as LOS D during peak traffic periods. LOS D is the standard threshold used by municipalities and other government entities throughout the country. Having a threshold of LOS D strikes a balance between avoiding long delays at intersections and using up precious resources and space to build facilities that would further reduce delays. Most intersections operate at a much higher level of service throughout most of the day, with the lower levels of service only occurring for one or two hours in the morning and evening peak periods. Mitigating delays at intersections to raise the level of service above a D is generally considered to not be cost effective.

As shown in Table ES-1, all study intersections are currently operating at acceptable levels of service (LOS C or better) during the morning peak hour. This shows that, with the current traffic conditions, there is excess capacity in the roadway network. With project traffic added to the roadway network, all intersections are anticipated to continue to operate at acceptable level of service, with the exception of the East Commercial Access / Herriman Parkway intersection, of which the northwest Herriman High School access constitutes the east leg. This poor level of service can be attributed to the high influx of traffic generated by the high school during the morning peak hour. This could be mitigated by eliminating left-turns at the intersection, or by creating a traffic flow plan at the high school that eliminates egress movements at this access.

Also shown in Table ES-1, several study intersections are anticipated to deteriorate to LOS E or LOS F by 2024. This is a result of the background traffic growth attributed mainly to the development of thousands of acres of empty land to the west of the city, as well as elsewhere in the surrounding area.

TABLE ES-1
LOS Analysis - Morning Peak Hour
Herriman - Adalynn TIS

Intersection	Level of Service (Sec/Veh) ¹					
	Existing (2017) Background	Existing (2017) Plus Project	Future (2024) Background	Future (2024) Plus Project	Future (2040) Background	Future (2040) Plus Project
11800 South / Mustang Trail Way	B (12.1)	B (17.0)	D (38.8)	F (>80.0)	E (57.8)	E (79.3)
Herriman Parkway / Mustang Trail Way	A (6.0)	B (15.3)	E (77.5)	F (>80.0)	D (51.5)	D (53.6)
Jeannette Lane / Herriman Parkway	A (8.2) / SB	B (12.2) / SB	F (>50.0) / SB	F (>50.0) / SB	F (>50.0) / SB	F (>50.0) / SB
Anthem Park Boulevard / Herriman Parkway	C (22.6)	C (25.3)	F (>80.0)	F (>80.0)	F (>80.0)	E (67.1)
East Commercial Access / Mustang Trail Way ²	-	F (>50.0) / WB	-	F (>50.0) / WB	-	F (>50.0) / WB
Pod 6 Access / Mustang Trail Way ²	-	A (7.9) / EB	-	A (10.1) / EB	-	B (14.7) / EB
Pod 3 Access / Mustang Trail Way ²	-	A (6.7) / EB	-	A (9.9) / WB	-	C (16.3) / WB
Pod 2 Access / Mustang Trail Way ²	-	A (8.6) / EB	-	A (6.8) / EB	-	C (16.3) / EB
Northwest Commercial Access / 11800 South ²	-	A (2.9) / NB	-	A (5.2) / NB	-	B (10.2) / NB
6200 West / 11800 South ²	-	A (8.2) / SB	-	C (22.2) / SB	-	F (>50.0) / SB
Northeast Commercial Access / 11800 South ²	-	A (3.8) / NB	-	B (12.3) / NB	-	C (24.2) / NB
6200 West / Herriman Parkway ²	-	A (6.5) / NB	-	F (>50.0) / SB	-	F (>50.0) / SB
6400 West / 11800 South	-	-	B (10.5)	A (8.2)	B (12.4)	B (10.6)
6400 West / Herriman Parkway	-	-	C (24.9)	C (23.9)	C (22.9)	C (23.0)

¹ Intersection LOS and delay (seconds/vehicle) values represent the overall intersection average for roundabout, signalized, all-way stop controlled intersections and the worst approach for all other unsignalized intersections.

² This intersection is a project access and was only analyzed in "plus project" scenarios.

Source: Hales Engineering, October 2017

These poor levels of service can also be attributed to the presence of several schools in the immediate area. Schools generate traffic that is very concentrated to specific times of the day, immediately preceding the school day and immediately after. The after-school traffic is generally not as concerning as the traffic volumes on the surrounding roadway network are relatively low during this afternoon period. The before-school traffic generated by the schools coincides with the morning commute, compounding delays for a short time during the morning peak period.

These poor levels of service can be mitigated, as explained in this report, but investing in the infrastructure necessary to completely mitigate delays associated with morning school traffic would be very impractical, and near impossible.

The poor anticipated level of service at the Jeannette Lane / Herriman Parkway intersection can be attributed to background traffic growth as well, due to the difficulty of executing a left-turn movement from a stop controlled approach onto a busy roadway. These delays could be mitigated by a future traffic signal, or by restricting the north- and southbound approaches to right-in right-out movements only. The availability of alternative routes connecting the neighborhoods served by Jeannette Lane make the right-in right-out option feasible. It is also likely that drivers will elect to use an alternative route when delays at on Jeannette Lane become too great.

The roadways internal to the Adalynn project are not anticipated to experience any problems related to traffic operations. With the addition of the traffic generated by the Adalynn development, the surrounding roadway network is still anticipated to operate within the standards set forth by the City. Like any other development, the traffic generated by the Adalynn project will have mitigatable impacts to the transportation network. Future developments to the west will create their own impacts to the transportation network, and those impacts will need to be identified and mitigated as those projects are developed.

TABLE ES-2 Recommended Storage Lengths Herriman - Adalynn TIS								
Intersection	Storage Length (feet)							
	Northbound		Southbound		Eastbound		Westbound	
	LT	RT	LT	RT	LT	RT	LT	RT
11800 South / Mustang Trail Way	200	400	150	75	140	385	215	-
Herriman Parkway / Mustang Trail Way	100	275	250	275	650	100	160	375
Anthem Park Boulevard / Herriman Parkway	215	300	225	315	215	230	200	435
6400 West / 11800 South	150	100	150	100	100	100	100	100
6400 West / Herriman Parkway	100	100	175	100	115	115	165	180
Source: Hales Engineering, October 2017								

SUMMARY OF KEY FINDINGS/RECOMMENDATIONS

The following is a summary of key findings and recommendations:

- All study intersections are currently operating at acceptable levels of service during the morning peak hour in existing (2017) background conditions.
- 11800 South / Mustang Trail Way
 - Anticipated to deteriorate to LOS F in future (2024) plus project conditions.
 - It is also recommended that the left-turn lane on the westbound approach be extended to accommodate the large number of left-turning vehicles on this approach. This improvement will impact the raised medians installed to channelize left-turn movements at the Windstone Drive intersection.
- Herriman Parkway / Mustang Trail Way
 - Anticipated to deteriorate to LOS E in future (2024) background conditions.
- Jeannette Lane / Herriman Parkway
 - Anticipated to deteriorate to LOS F in future (2024) background conditions.
 - It is recommended that the city consider eliminating left-turn movements at this intersection.
- Anthem Park Boulevard / Herriman Parkway
 - Anticipated to deteriorate to LOS F in future (2024) background conditions.
 - Due to the proximity to several schools, mitigating the poor LOS during the morning peak hour will be difficult at this intersection. It is likely that this intersection operates with little delay or queueing during the rest of the day.
- 6200 West / 11800 South
 - Anticipated to deteriorate to LOS F in future (2040) conditions.
 - When this intersection is signalized in the future, the congestion and delay will be mitigated.
- 6200 West / Herriman Parkway
 - Anticipated to deteriorate to LOS F in future (2024) conditions.
 - When this intersection is signalized in the future, the congestion and delay will be mitigated.
- It is recommended that right-turn pockets be constructed at all intersections where applicable.
- It is recommended that the traffic signals in the area be coordinated to increase efficiency of the roadway network.

An architectural rendering of a building facade, featuring a prominent yellow rectangular overlay in the center. The rendering shows a multi-story building with a series of columns and a balcony. The yellow overlay is semi-transparent, allowing the architectural details to be visible through it. The text "ADALYNN" is written vertically across the yellow overlay.

DESIGN GUIDELINES

for
ADALYNN
at

ANTHEM

ADALYNN



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		4.5	Active Senior Living (Pod 6)
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1.0 Introduction to Adalynn at Anthem

Site, Landscape and Architectural Design Guidelines



The Midas Creek Trail shown above connects residents to neighbors, schools, churches, shopping, transportation options, open space and recreation opportunities.

1.1 Overview

Adalynn is a 300 acre area within the greater Anthem Community. The area consists of a collection of interconnected neighborhoods, each with its own identity. The community is built upon a walkable network of trails connecting neighborhoods to surrounding schools, churches, shopping, transit, and opportunities for fitness and recreation. This document focuses on the neighborhoods and amenities within Adalynn.

1.2 Vicinity Map

Adalynn is bounded on the north by 11800 S, east by 6000 W, south by 12600 S, and west by 6400 W. Midas Creek bisects the community from west to east.



1.3 Neighborhood Map

Represented by the adjacent graphic, Adalynn will offer a mix of residential products including: single family estates (Pods 1 & 2), single family meadows (Pods 3 & 4), villas (Pod 5), and active senior living (Pod 6).

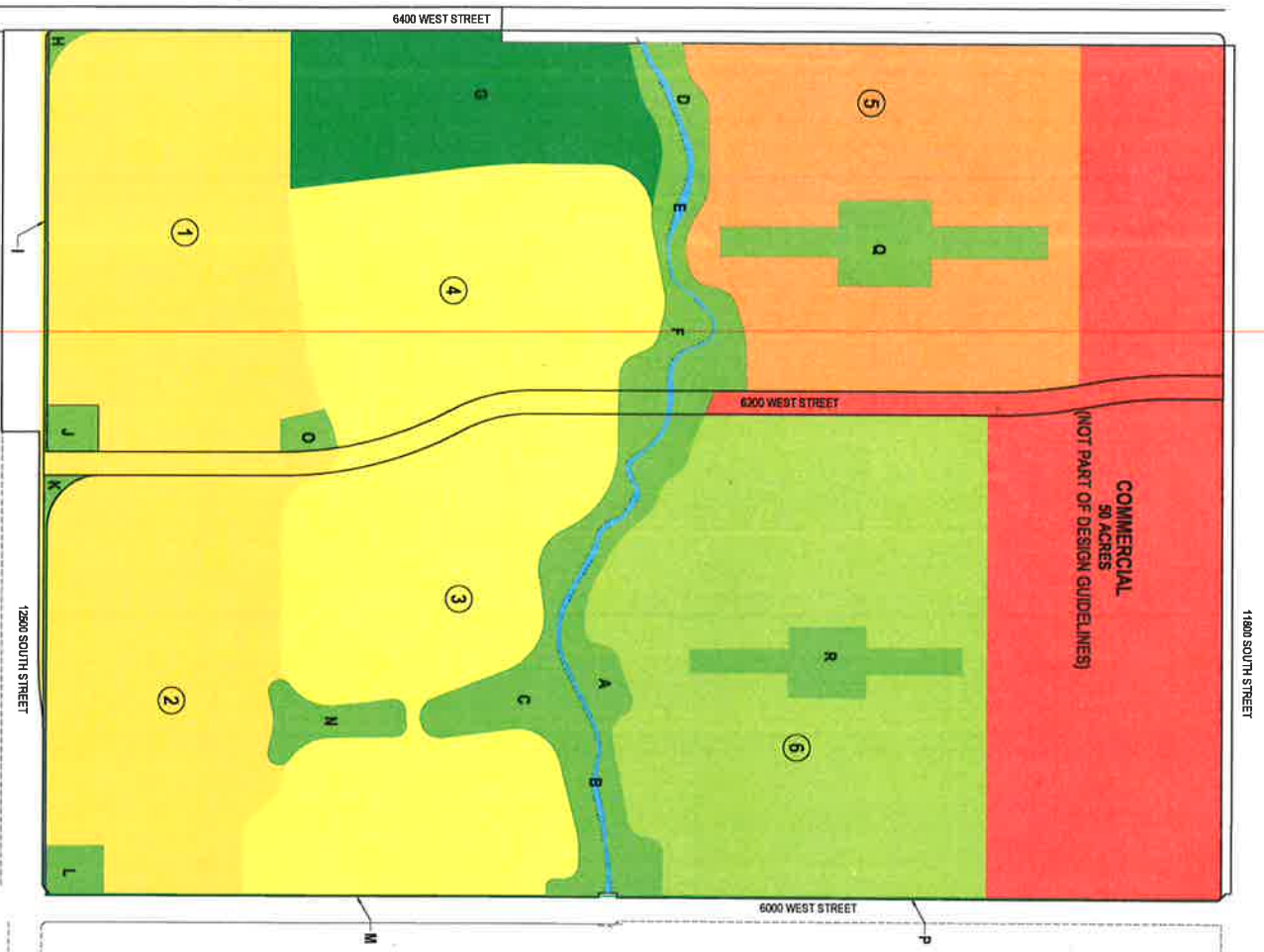
SITE SUMMARY	
Total Site Area	274.01 ac
Total Site Area (Excluding Commercial)	224.01 ac
Total Residential Units	1,100 units
Total Open Space Area	44.90 ac (20.04%)
Gross Density	4.01
Net Density (Excludes Commercial)	4.91

LAND USE SUMMARY			
POD #’S	LAND USE	ACRES*	BASE MAXIMUM
1	Estate	24.81	61 80
2	Estate	22.19	54 75
3	Meadow	33.90	136 165
4	Meadow	23.23	117 145
5	Villas	31.62	446 495
6	Active Senior	42.51	286 340
TOTAL		178.26	1,100 **

* Net acreage (excludes commercial & open space)

** Total units may not exceed 1,100

NOTE: The project shall include a minimum of 20% open space. Open space shown in each pod is representative of the approximate open space total. Actual location and configuration are subject to change.



1.4 Project Objectives

The natural environment surrounding Adalynn will provide the inspiration for design within the community. The Herriman area has sweeping mountain views to the east, south and west that should be maintained. The natural drainages are to be used as the main artery of the trail network within Adalynn and will help to preserve the natural drainages and facilitate proper storm-water management.

The three main objectives, shown to the right, are meant to guide owners and developers in creating high quality developments that support the interconnected community of Adalynn at Anthem and enhance the sense of place experienced by the residents.

A. *The Architecture and site planning are to reinforce community identity and allow future development to reflect the time in which it is built.* Each neighborhood pod will have its own palette of architectural elements that will help to identify the neighborhood in addition to reinforcing and unifying the community identity.

B. *Trails and landscape designs should emphasize and reinforce the community-wide circulation system that links and interconnects neighborhoods within Adalynn as well as the outlying Herriman City area.* Adalynn is designed as a pedestrian-friendly community with a vast trail network. All Residences at Adalynn, whether townhomes, single family detached lots, senior housing, etc. are to include design principles that connect, enhance and support this community-wide system of trails and paths, offering recreation, fitness, and gathering spaces while utilizing the unifying elements described within these design guidelines.

C. *Unifying elements throughout Adalynn will strengthen community identity and are important to maintain as new developments are built within Adalynn.* These elements are common throughout Adalynn, which are: lighting, monuments, fencing, and a common landscape theme.

2.0 Open Space & Trails

Site, Landscape and Architectural Design Guidelines

2.1 Open Space

Adalynn is united through a variety of parks, trails and open space.

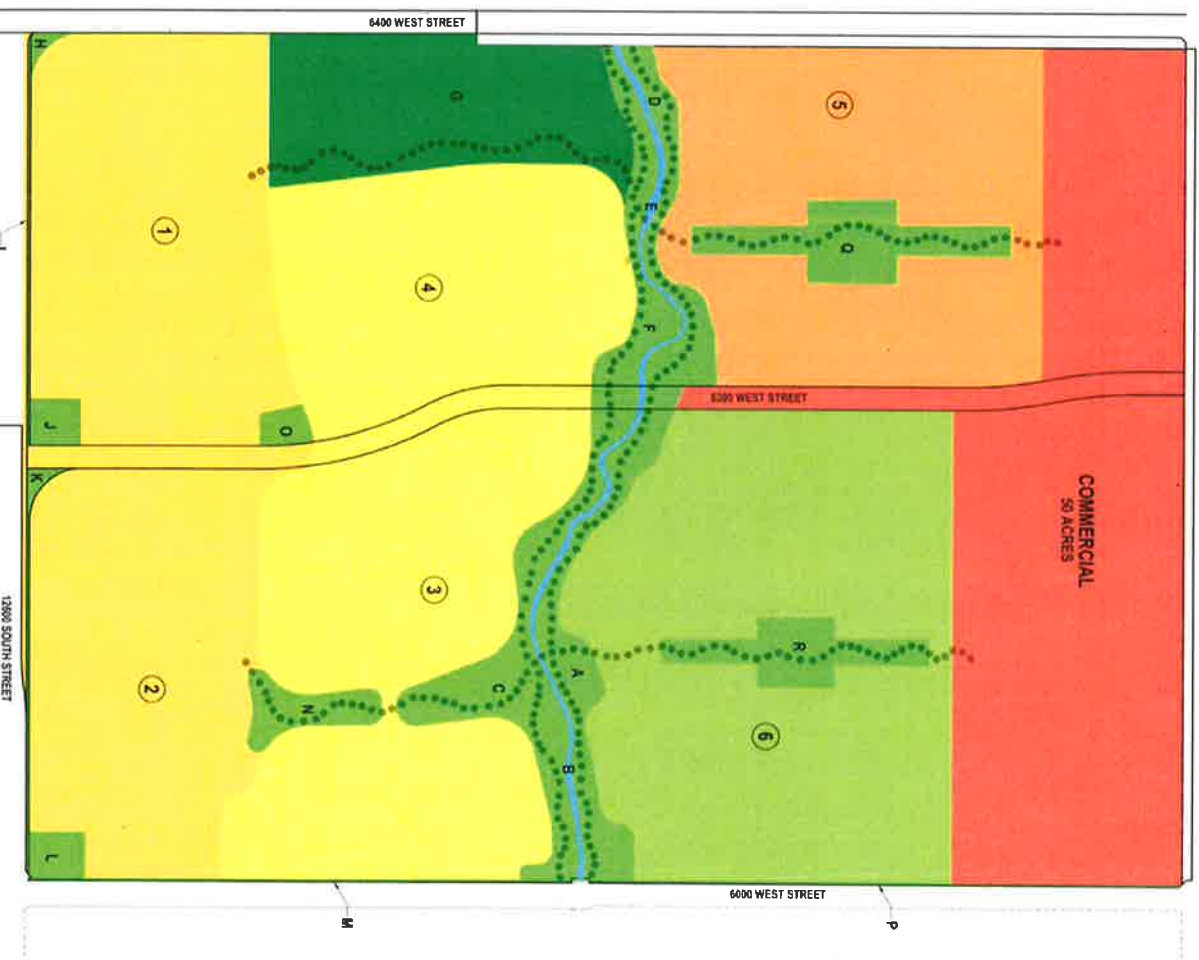
OPEN SPACE SUMMARY				
POD #'S	LAND USE	ACRES	RATIO	WEIGHTED
A	Midas Creek Trail	4.53	100%	4.53
B	Midas Creek	0.63	25%*	0.16
C	Midas Creek Trail	5.80	100%	5.80
D	Midas Creek Trail	3.23	100%	3.23
E	Midas Creek	0.51	25%*	0.13
F	Midas Creek Trail	2.71	100%	2.71
G	Adalynn Park	12.96	100%	12.96
H	6400 West Buffer	0.25	100%	0.25
I	12600 South Buffer	0.32	100%	0.32
J	Open Space	0.61	100%	0.61
K	12600 South Buffer	0.48	100%	0.48
L	Open Space	0.69	100%	0.69
M	6000 West Buffer	0.21	100%	0.21
N	Trail/Park	1.85	100%	1.85
O	Open Space	0.64	100%	0.64
P	6000 West Buffer	0.09	100%	0.09
Q	Trail/Park	5.40	100%	5.40
R	Trail/Park	4.84	100%	4.84
TOTAL		45.75		44.90

*Pursuant to 10-20-9(A) of Herriman City Code, the water flow line acreage is valued at 25% of the actual area.

NOTE: The project shall include a minimum of 20% open space. Open space shown in each pod is representative of the approximate open space total. Actual location and configuration are subject to change.

Adalynn at Anthem

Design Guidelines



October 2017

Page 7

2.2 Midas Creek Trail Connections

One of the main elements that unites and connects Adalynn is Midas Creek. It functions as the primary corridor of a trail network where trails branch off to offer the community pedestrian links to recreational, commercial, and residential areas within Adalynn.

Midas creek is the spine that links community parks, schools, churches, trails, and other community elements. The trail will also link to the existing trail network within Herriman city.

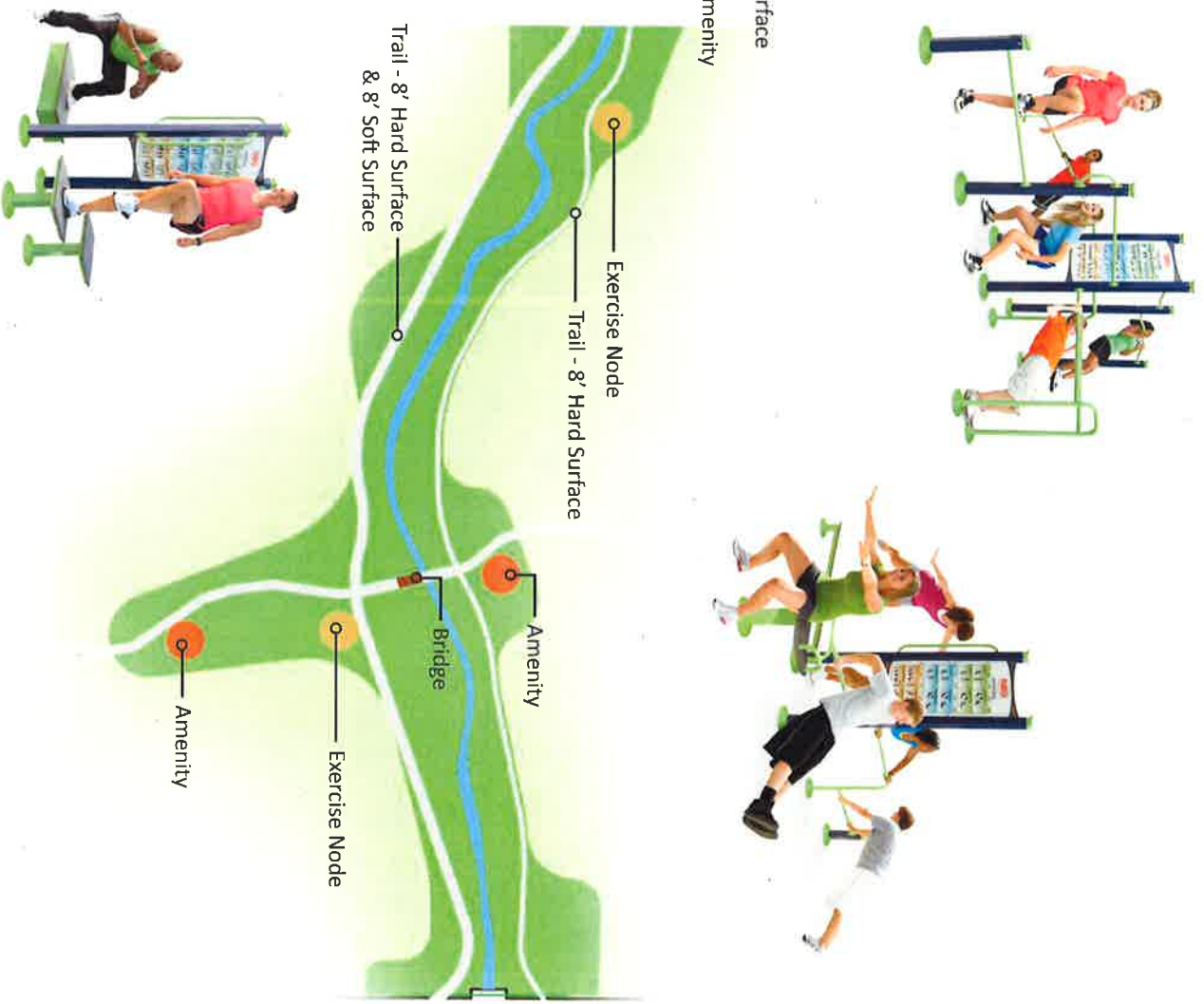
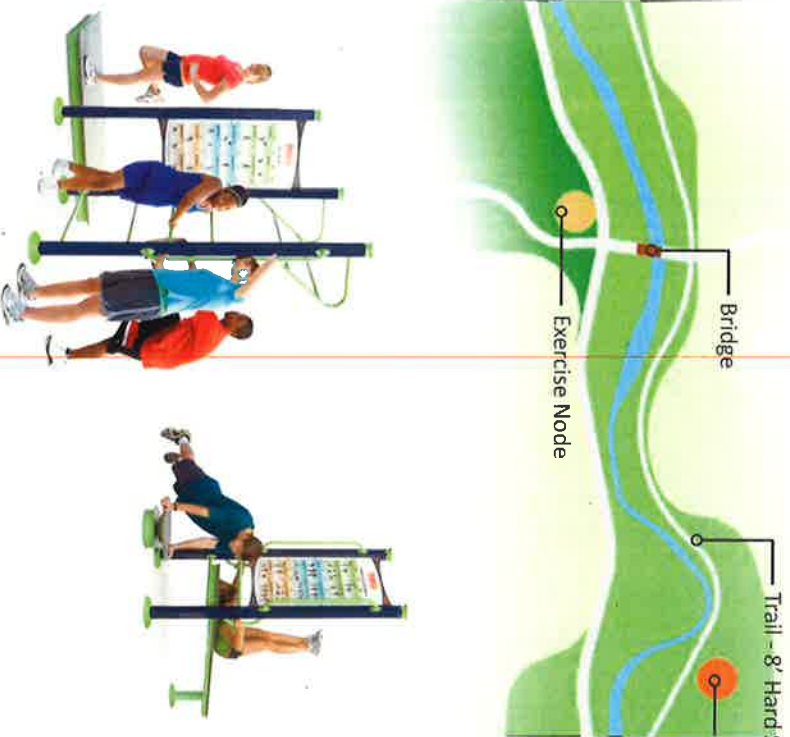
The trail system will help preserve the natural storm-water drainage system as well as provide the residents of Adalynn access to nature and some of the most desired recreation opportunities and trails.



Midas Creek Trail & Bridge

2.3 Trail Amenities

The Midas Creek trail system provides residents and travelers of the with a number of amenities including a fitness trail and linkages to surrounding neighborhoods and amenities.



3.0 Design Guidelines

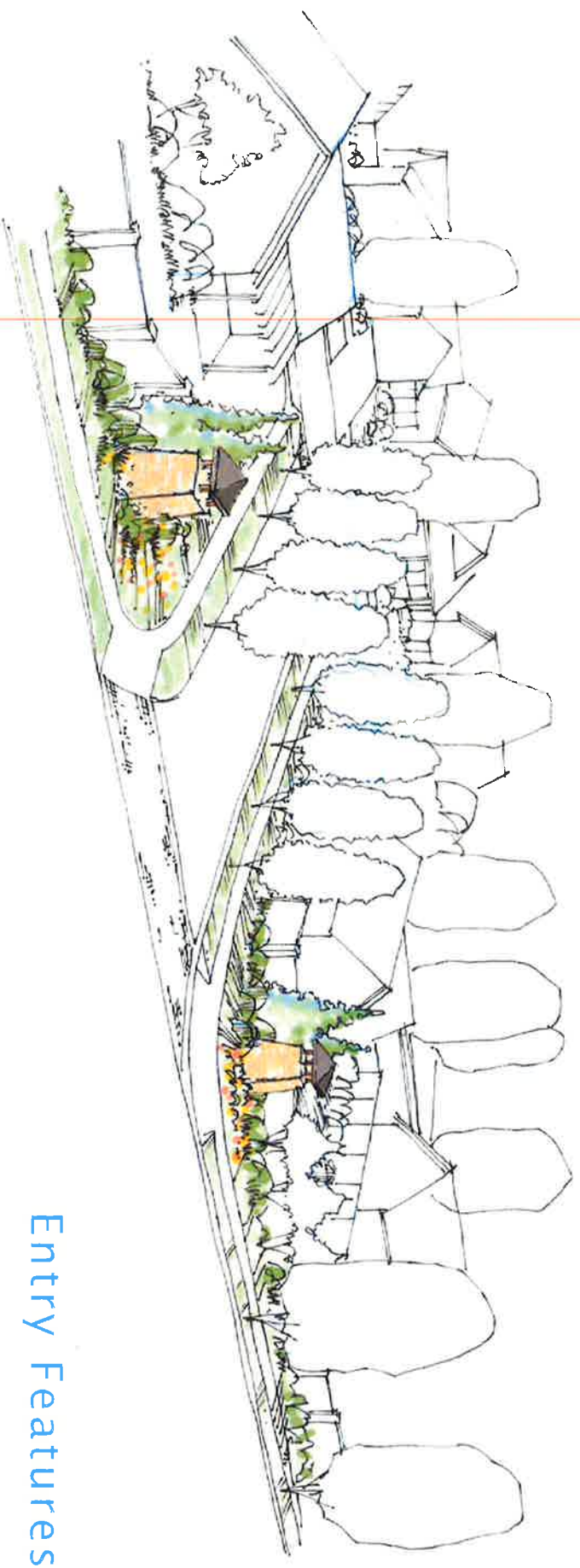
Site, Landscape and Architectural Design Guidelines

3.1 Unifying Design Elements

The unifying elements identified to the right, will help to ensure that developments within Adalynn can be identified as part of the same community; providing visual links, landmarks, and these common elements will also ensure that the connectivity within Adalynn can continue through as the area is developed.

The idea is to create quality architecture and landscapes by requiring minimums of architectural and landscape elements demonstrated in examples within these design guidelines.

- **Entry Features.** A hierarchy of entrance features help with identifying and way-finding to streets, parks, trails, open space, neighborhoods, and retail centers; signage and monumentation and community directional signage.
- **Monuments.** Monuments will act as visual landmarks, helping residents and visitors find their way through Adalynn.
- **Streetscapes.** The streetscapes within Adalynn will promote walkability and provide a strong unifying visual element to the neighborhoods of Adalynn.
- **Street Lighting.** The street lighting is to be consistent throughout Adalynn, adding to its identity.
- **Fencing.** The fencing permitted within Adalynn will match the architectural style of the homes and tie into the neighborhood look.
- **Architectural Styles.** The architectural styles shown in this book, are to be used as inspiration for the design of Adalynn.



Entry Features

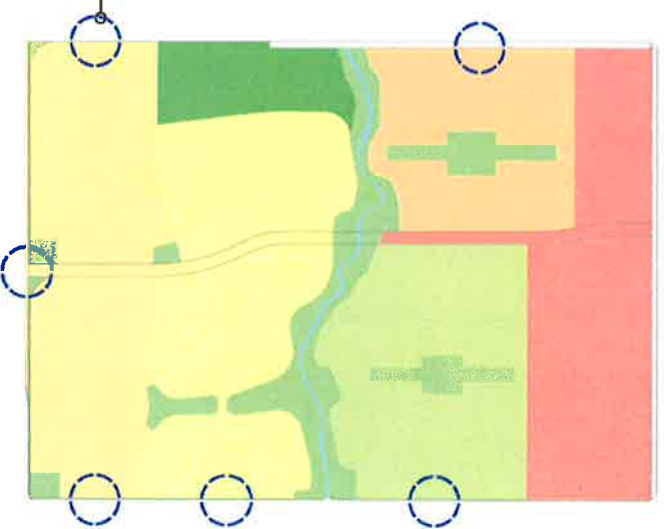
3.2 Community Entry Features

The identity of each neighborhood may differ slightly in architectural style and character, but they will be unified by a number of elements. The entrance specs listed below provide visual cues to visitors and residents when they are within Adalynn. The elements common to the Adalynn character include a consistent landscape palette, Midas Creek, lighting, fencing, monuments and entrance features.

Entrance Specifications:

- *Monuments*
- *Monument Lighting*
- *Parkstrip ~ 7' wide*

Proposed Entry
Feature Location



3.3 Wall Plan & Images

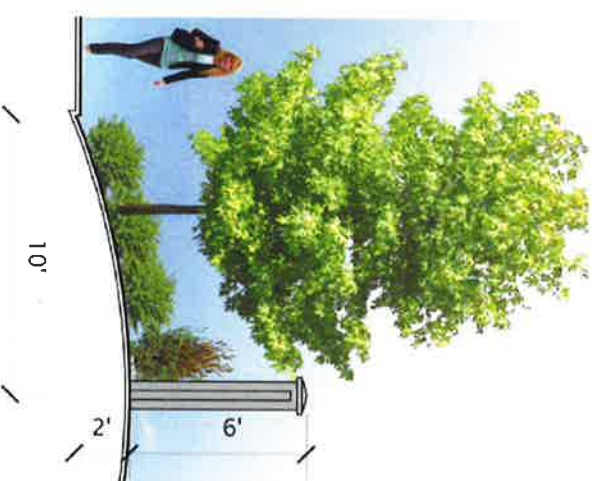
The map at right illustrates location of precast concrete walls around the development. Images below illustrate type of wall represented in locations shown.

WALL LEGEND

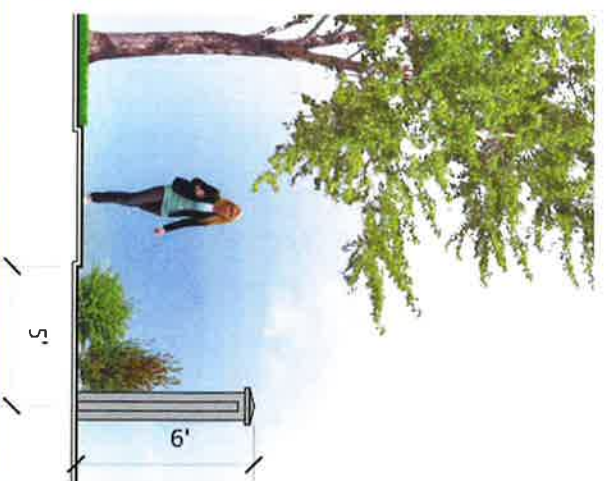
- 6' Standard Herriman Wall with 2' Berm
- 6' Owell Precast Concrete Wall



6' Standard Herriman Wall with 2' Berm (Installed on top of Berm)



6' Olympus Precast Concrete Wall



4.0 Prototypical Architecture & Landscape

Site, Landscape and Architectural Design Guidelines

4.1 Overview

Design at Adalynn draws inspiration from Craftsman architecture, using common elements that help to unify a neighborhood; one example is demonstrated in the illustration below.



The Design Guidelines and these general characteristics provide opportunities for creative architectural design within Adalynn that still fits with the desired character.

Architectural designs:

- Buildings should be oriented to face the street whenever possible.
- Front elevations will have a minimum of three architectural elements visible.
- Side and rear elevations will have a minimum of two architectural elements and colors visible.
- Permitted materials will consist of a mixture of Stone, Brick, Masonry Products, Stucco, and Wood.
- Vinyl Siding is prohibited.

Landscape designs:

- Street trees will be planted every 30' on center.
- One deciduous and one evergreen tree per lot (excludes street trees).
- Six 5 gal. Shrubs per front yard.
- Twelve 1 gal. Shrubs per front yard.

4.2 Single Family Estates (Pods 1 & 2)

Estate lots are spacious ranging from .25 ac to .60 ac in size. Homes within the ranch area utilize current architectural styling with a flavor of country.

LAND USE SUMMARY				
POD #'S	LAND USE	ACRES*	BASE	MAXIMUM
1	Estate	24.81	61	80
2	Estate	22.19	54	75

* Net acreage (excludes open space)



4.2 Single Family Estates (Pods 1 & 2)

The sample images to the right illustrate a few of the architectural design principles used in the Estate area.

SETBACKS	
Front Yard	20'
Driveway	25'
Side Yard - Standard	8' / 10'
Side Yard - Corner Lot Street Side	18'
Rear Yard	25'
Deck/Covered Patio	15'

DESIGN ELEMENTS	
Roof Pitch	-75% of roof surfaces 4/12 or steeper
Facade Treatment	-Minimum 3 design elements on front including a minimum of 40% brick and/or stone -Minimum 2 design elements on side and rear
Minimum Home Size	-3,600 SF
-3 car garage	
Prohibited Items	-Vinyl Siding



- Architectural Accent
- Roof Detail
- Change in Materials
- Large Porch



- Variation in Roof Orientation & Pitch
- Prominent Entrance
- Screened Garage
- Columns

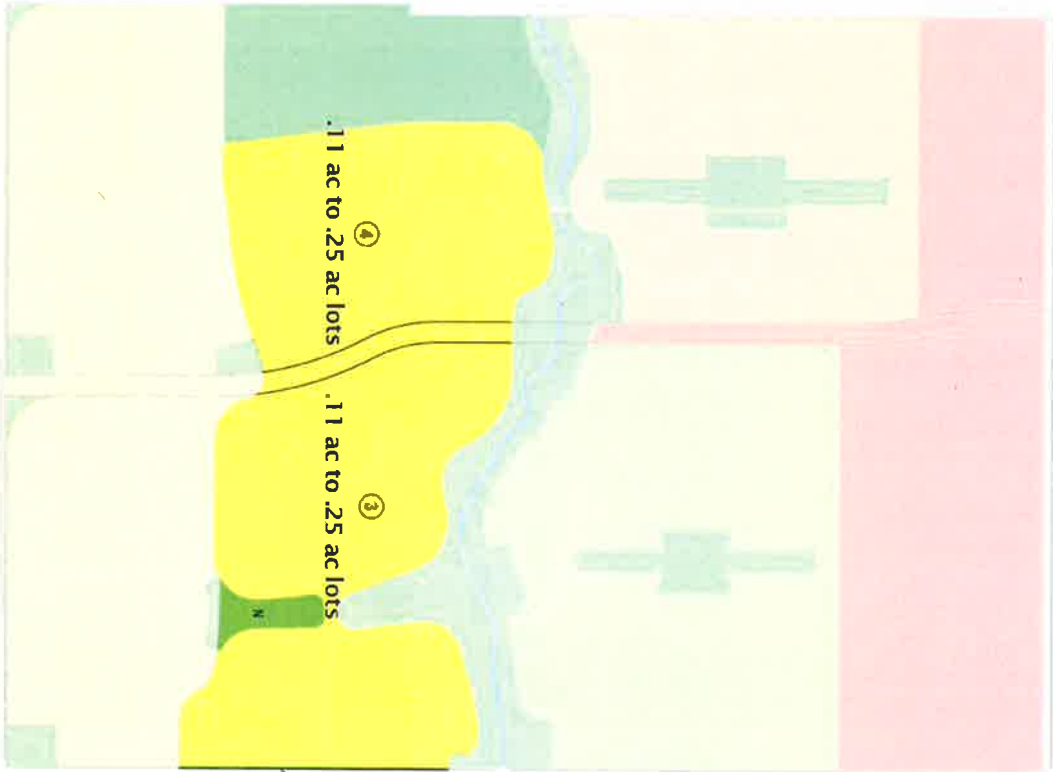
*Images shown are only intended to represent design elements that may be utilized and do not necessarily represent the specific products that will be used in the community

4.3 Single Family Meadows (Pods 3 & 4)

Meadow lots provide midrange housing with lots ranging between .11 ac and .25 ac. Architectural elements are inspired by the Craftsman style.

LAND USE SUMMARY				
POD #'S	LAND USE	ACRES*	BASE	MAXIMUM
3	Meadow	33.90	136	165
4	Meadow	23.23	117	145

* Net acreage (excludes open space)



4.3 Single Family Meadows (Pods 3 & 4)

The sample images to the right illustrate a few of the architectural design principles used in the Meadow area.

SETBACKS	
Front Yard	15'
Driveway	20'
Side Yard - Standard	6'
Side Yard - Corner Lot Street Side	15'
Rear Yard	15'
Deck/Covered Patio	10'

DESIGN ELEMENTS	
Roof Pitch	-75% of roof surfaces 4/12 or steeper
Facade Treatment	-Minimum 3 design elements on front including a minimum of 40% brick and/or stone -Minimum 2 design elements on side and rear
Minimum Home Size	-2,600 SF
-2 car garage	
Prohibited Items	-Vinyl Siding



Wood Shakes
Thick Trim & Visually
Sturdy Columns

Windows on Garage Door



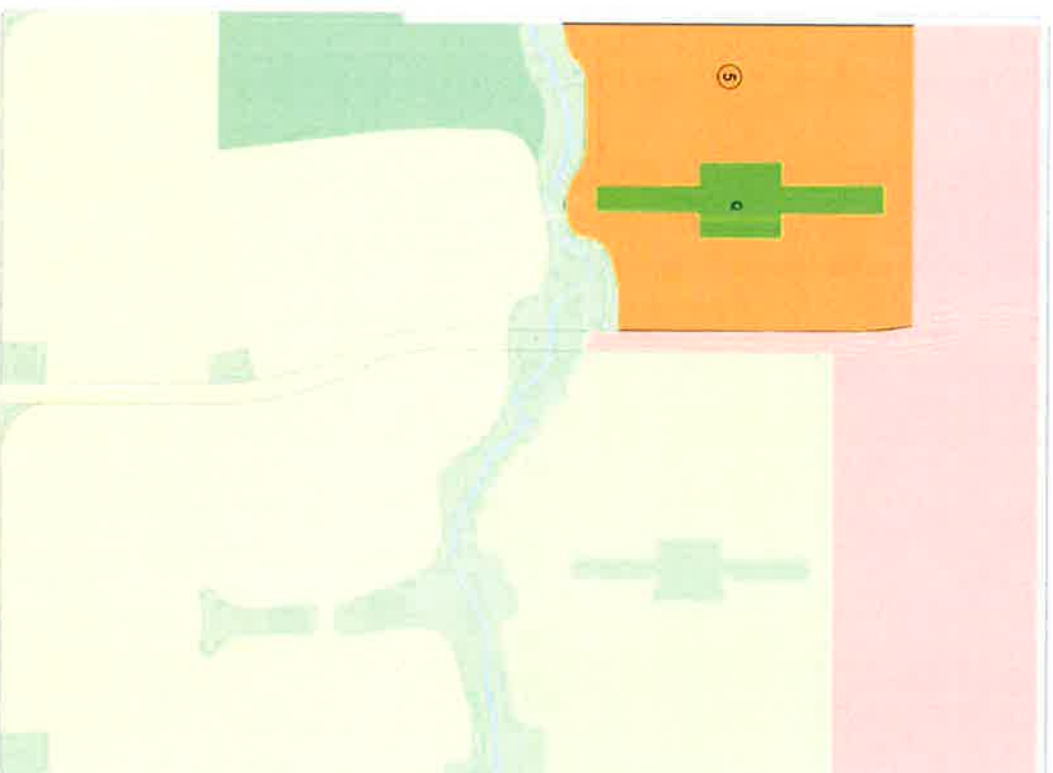
Articulation of Facade
Minimal Distance Between
Garage and Eaves
Bay Window

*Images shown are only intended to represent design elements that may be utilized and do not necessarily represent the specific products that will be used in the community

4.4 Villas (Pod 5)

LAND USE SUMMARY				
POD #'S	LAND USE	ACRES*	BASE	MAXIMUM
5	Villas	31.62	446	495

* Net acreage (excludes open space)



4.4 Villas (Pod 5)

The sample images to the right illustrate a few of the architectural design principles used in the Villas area.

SETBACKS	Front Loaded	Alley Product
Front Yard	15'	15'
Driveway	20'	3'
Side Yard - Standard	0'	0'
Side Yard - Corner Lot Street Side	12'	12'
Rear Yard	10'	n/a

DESIGN ELEMENTS

Roof Pitch

-75% of roof surfaces 4/12 or steeper

Facade Treatment

-Minimum 3 design elements on front including a minimum of 40% brick and/or stone

-Minimum 2 design elements on side and rear

Minimum Requirements

-1,200 SF

-2 car garage

-2 additional parking stalls (driveway, on-street, or parking lot)

Prohibited Items

-Vinyl Siding



Architectural Ornamentation

Minimal Distance Between Garage and Eaves

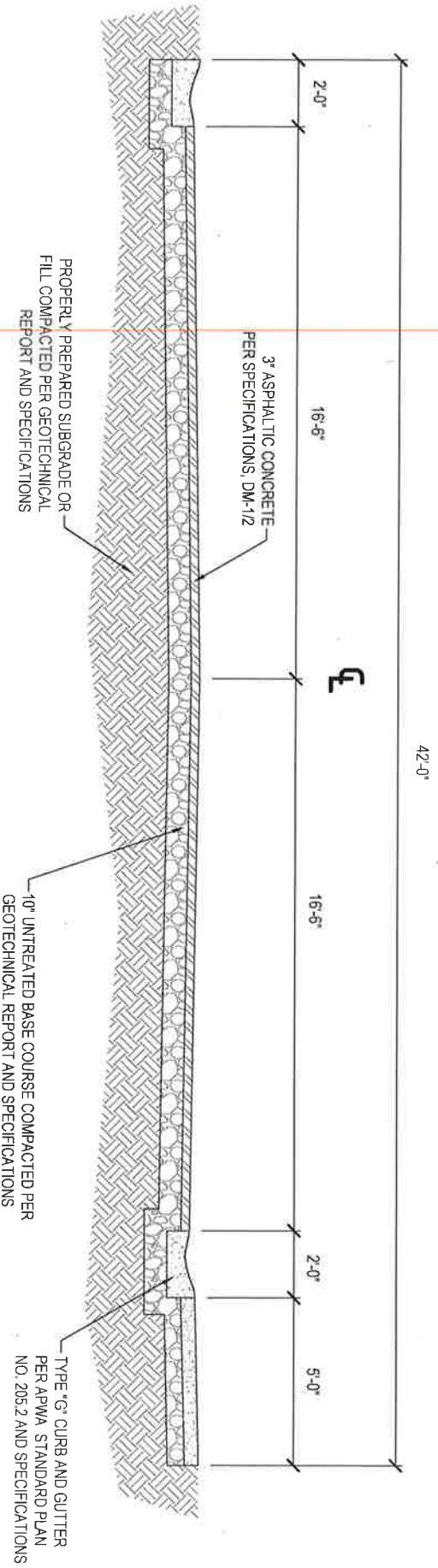
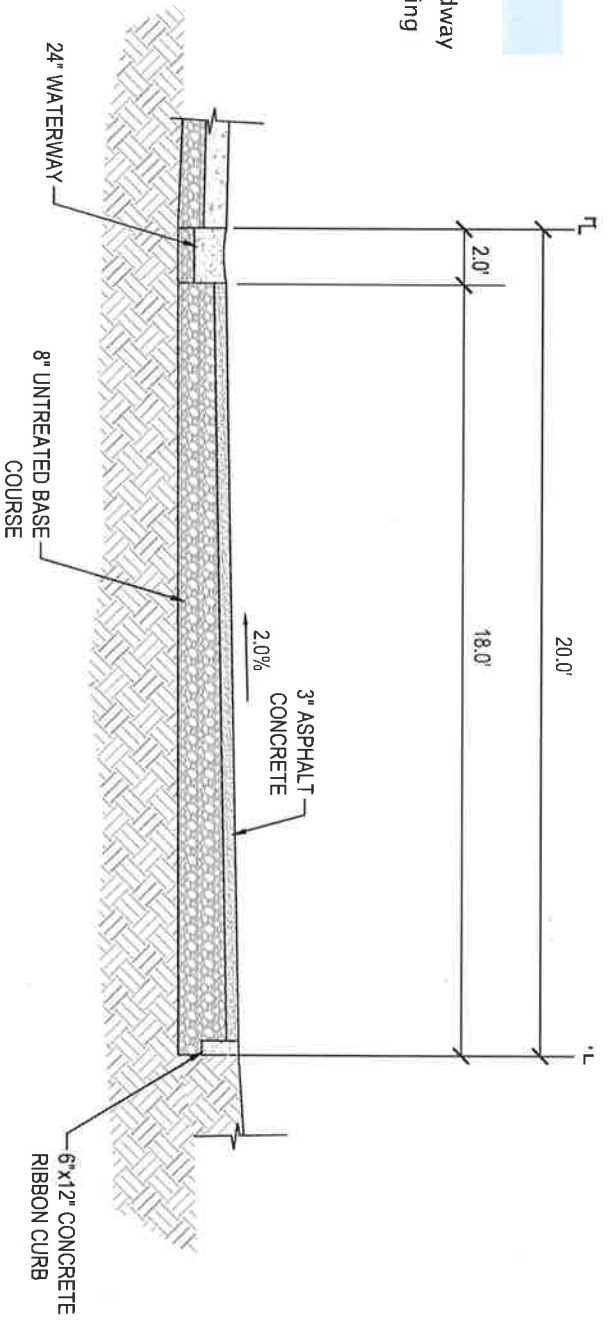


Building segmentation using projections and pop-outs

*Images shown are only intended to represent design elements that may be utilized and do not necessarily represent the specific products that will be used in the community

4.4 Villas Private ROW

In addition to the Herriman City's typical roadway cross section, it is anticipated that the following cross sections will be used with in the Villas portion of the development.

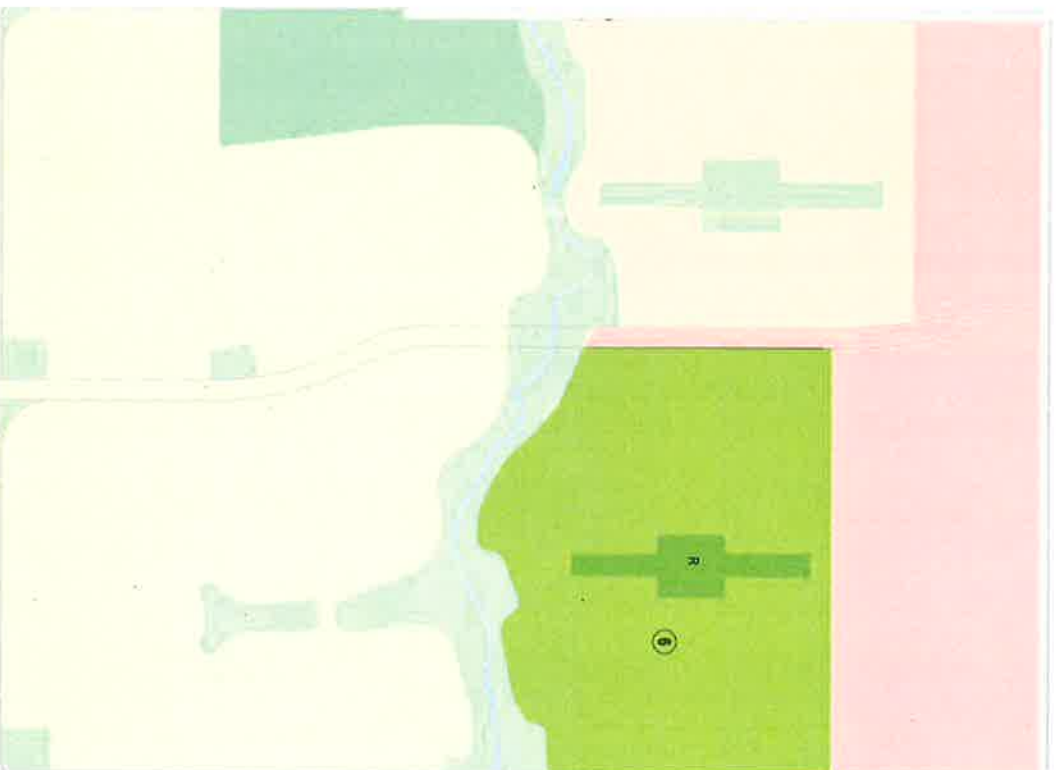


4.5 Active Senior Living (Pod 6)

The Active Senior Living neighborhood is a gated community which specifically caters to those 55+. Homes within the neighborhood are a mix between single family and attached.

LAND USE SUMMARY				
POD #'S	LAND USE	ACRES*	BASE	MAXIMUM
6	Active Senior	42.51	286	340

* Net acreage (excludes open space)



4.5 Active Senior Living (Pod 6)

The sample images to the right illustrate a few of the architectural design principles used in the Active Senior Living area.

SETBACKS	Single Family Detached	Front Loaded Attached	Alley Product Attached
Front Yard	15'	15'	15'
Driveway	20'	20'	3'
Side Yard (Standard)	5'	0'	0'
Side Yard (Corner Lot Street Side)	15'	12'	12'
Rear Yard	10'	10'	n/a

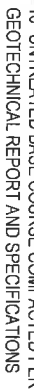
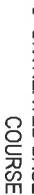
DESIGN ELEMENTS	
Roof Pitch	-75% of roof surfaces 4/12 or steeper
Facade Treatment	-Minimum 3 design elements on front including a minimum of 40% brick and/or stone
	-Minimum 2 design elements on side and rear
Minimum Home Size	-1,200 SF
	-2 car garage
Prohibited Items	
	-Vinyl Siding



*Images shown are only intended to represent design elements that may be utilized and do not necessarily represent the specific products that will be used in the community

4.5 Active Senior Living Private ROW

Senior portion of the development.





Date of Meeting: 10/19/2017	
File #	17Z17
Applicant	Herriman City
Address	
Request	Text Change to the Land Use Ordinance to Create a Low-Density Agricultural Zone



Staff Report

DATE: October 13, 2017

TO: Planning Commission

FROM: Bryn McCarty, City Planner

MEETING: PC Agenda 10/19/2017

REQUEST: Text Change to the Land Use Ordinance to Create a Low-Density Agricultural Zone (*Public Hearing opened on September 21, 2017 and closed on October 5, 2017*)
Applicant: Herriman City
File Number: 17Z17

Request

Herriman City is proposing a text change to the land use ordinance to create a low-density agricultural zone.

Notice

The public hearing notice was posted in the newspaper and on the City website on September 11, 2017. The proposed text was posted on the City website on September 11, 2017. As of the date of this report, we have received no comments regarding the text change.

Process

A text change is a legislative action. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council holds a public meeting to discuss the item and then makes the final decision.

Discussion

During the 2013 General Plan Amendment, the City added a new Agricultural Residential designation. The ordinance requires that all rezones match the intent of the General Plan. The City made several changes to the A-.25 zone in order to better align with the General Plan. Additional changes were being considered, however, in order to not create nonconforming uses in several subdivisions currently zoned A-.25, staff has created a new zone instead. This zone could be used for properties that have the General Plan designations of "Agricultural Residential".



Staff Report

The zone was reviewed and recommended by the Planning Commission last year (file 09Z16). The City Council had several discussions and made changes to the text, however, the Council failed to approve the zone.

The Council has recently directed staff to bring back the ordinance for further consideration. The Council has also directed changes to the A-.25 zone to allow it to be used in certain circumstances.

The new zone has a base density of 1.8 units per acre, and has criteria listed that allow a development to achieve greater density. The zone is proposed to have a max density of 2.1 units per acre for a subdivision. The PUD density has been lowered from 2.8 to 2.7 units per acre. This has been reduced from 3 units per acre in previous drafts.

The density hopes to encourage PUD's by giving greater density to larger PUD's, and limiting the density for regular subdivisions.

The proposed zone has a requirement for 10 percent of all the lots in a development to be half acres. This provides the horse property that the Council wants to maintain, particularly in the old town area of the City.

The previous draft allowed some multi-family townhomes in PUD's that were greater than 300 acres. The new draft removes any allowances for multi-family. Only single family residential will be allowed within the zone. It also removes additional density for PUD's over 300 acres.

This draft also removes the density criteria that gave additional density for open space greater than 20%. The concern in working through different scenarios is that providing more open space requires the rest of the lots to get smaller. For example, if a 200 acre PUD provides 24% open space, they could not meet the minimum lot size of 8,500 square feet on the remainder of the lots.

An additional section has also been added which allows the City Council to allow greater density as part of a development agreement.

Examples have been provided below to demonstrate how the zone would work on different sizes of property.

Recommendation

Staff recommends approval of the text change to the land use ordinance to create the low-density agricultural zone.



Staff Report

Below are examples that illustrate how 3 different size lots could develop under the requirements of the new zone.

Example #1:

Property is 1.46 acres located on 6000 West. (see map below)

They would start with the base density of 1.8 units per acre. They would not likely qualify for any of the density criteria, so would be allowed a density of 1.8 units per acre. This would give them 2.6 lots on the property. The ordinance requires 10% of the lots to be half acres. In this scenario, at least 1 of the lots would be a half acre. Since this property is on 6000 W, which is a collector, they could not do a flag lot.

They could build a full 53 foot public road, and get 2 additional lots in the back. This would get them a total of 3 lots. At least one of them would need to be a half acre.

In this scenario, the new Ag Low Density zone gives them the exact same density and options as the requirements in the existing A-.25 zone.





Staff Report

Example #2:

Property is 5 acres located on 6600 West.

They would start with the base density of 1.8 units per acre. They could qualify for 0.2 units per acre for “dedicating and installing infrastructure” for 6600 W, so would be allowed a density of 2.0 units per acre. This would give them 10 lots on the property. The ordinance requires 10% of the lots to be half acres, so at least 2 of the lots would need to be half acres. The remainder of the lots would have to meet the minimum lot size, which is 14,520 square feet for a subdivision.





Example #3:

Property is 52 acres located on Herriman Boulevard and Mustang Trail Way. (see map below)
They would start with the base density of 1.8 units per acre. They could qualify for at least two of the density criteria:

1. Dedicating and installing infrastructure for 6000 W – 0.2 units/acre
2. Developing a PUD of at least 50 acres and providing 20% open space – 0.1 units/acre

The criteria would qualify them for 2.1 units per acre. This would give them 110 lots on the property. The ordinance requires 10% of the lots to be half acres, so at least 11 of the lots would need to be half acres. The remainder of the lots would have to be at least the minimum listed in the ordinance, which is 10,500 square feet.

Approximately 10 acres would be open space to meet the PUD requirement.

Since the property is over 50 acres, it would also require a development agreement be reviewed and approved by the City Council.



ARTICLE A. AGRICULTURAL LOW DENSITY (THE ENTIRE CHAPTER IS NEW)

10-8A-1: PURPOSE OF PROVISIONS:

10-8A-2: PERMITTED USES:

10-8A-3: CONDITIONAL USES:

10-8A-4: LOT AREA:

10-8A-5: LOT WIDTH:

10-8A-6: YARDS:

10-8A-7: BUILDING HEIGHT:

10-8A-8: COVERAGE OF REAR YARD:

10-8A-9: DENSITY:

10-8A-9-1: BASELINE DENSITY CALCULATIONS:

10-8A-10-2: ADDITIONAL DENSITY

10-8A-1: PURPOSE OF PROVISIONS:

The purpose of the Agricultural Low Density zone is to provide areas in the city for large lot agricultural residential development. This zone is meant to encourage Planned Unit Developments with a range of larger lot sizes. Ideal developments should include a range of lot sizes and housing options in order to create a sustainable community with a high quality of life.

10-8A-2: PERMITTED USES:

Permitted uses in the Agricultural Low Density zone include:

Accessory uses and buildings customarily incidental to permitted uses; provided the total square footage of all accessory buildings does not exceed eight hundred (800) square feet nor cover more than twenty five percent (25%) of the rear yard on lots under one-half ($\frac{1}{2}$) acre. On lots one-half ($\frac{1}{2}$) acre or larger no accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard.

Agriculture.

Animals and fowl for family food production, subject to section 10-2-1 of this title.

Apiary, subject to section 10-19-34 of this title.

Charter schools, subject only to setback, height, bulk and massing regulations, off site parking, curb cut, traffic circulation and construction staging requirements.

Foster animals.

Home business.

Model home sales office, subject to section 10-19-36 of this title.

Raising and grazing horses or cows as a secondary use on a lot with a single-family residence.

Residential facility for elderly persons.

Second kitchen in a single-family dwelling, subject to section 10-19-35 of this title.

Single-family dwelling.

10-8A-3: CONDITIONAL USES:

Conditional uses in the Agricultural Low Density zone include:

Accessory uses and buildings customarily incidental to a conditional use.

Animals and fowl for family food production, subject to section 10-2-1 of this title.

Any accessory building or buildings where the total square footage exceeds eight hundred (800) square feet on lots under one-half ($\frac{1}{2}$) acre. No accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard.

Bed and breakfast homestay.

Cemetery.

Daycare/preschool center, subject to section 10-19-25 of this title.

Fancier permit.

Golf course.

Hobby permit.

Home occupation.

Monopole, on a public or quasi-publicly owned utility site, and not in public parks unless an exception is granted by the planning commission, subject to section 10-19-30 of this title.

Pigeons, subject to health department regulations.

Private educational institution having an academic curriculum similar to that ordinarily given in public schools.

Public and quasi-public uses.

Raising of a maximum of two (2) pigs, not to exceed two hundred seventy five (275) pounds each; provided, that the parcel upon which the animals are kept is at least one acre; provided, that

such raising is for a bona fide youth project, such as 4-H and fair projects; and provided further, that such raising is not a part of, nor conducted in conjunction with, any livestock feed yard, livestock sales yard or animal byproduct business.

Residential healthcare facility for up to five (5) residents on streets less than eighty feet (80') in width, and up to ten (10) residents on streets eighty feet (80') and wider, excluding the facility operator and his/her related family, with a maximum of one nonresident part time relief employee on the premises at any one time, unless additional staffing is required by the state department of health, which use shall not change the residential appearance and character of the property.

Secondary unit within a single-family house. One parking stall must be provided for the unit.

Planned Unit Development, subject to Title 10 Chapter 20 and the following requirements in section 10-8A-9

Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within ninety (90) days upon completion of construction and thirty (30) days after notice, the buildings will be removed by the city at the expense of the owner.

Wild, dangerous and exotic animal permit.

10-8A-4: LOT AREA:

A. In the Agricultural Low Density zone, the minimum lot area shall be fourteen thousand five hundred twenty (14,520) square feet, except smaller lots may be allowed in a planned unit development subject to the requirements found in section 10-8A-9. For the raising or grazing of up to two (2) horses or two (2) cows, the minimum lot area shall be one-half ($\frac{1}{2}$) acre.

B. Ten (10) percent of all of the lots in new developments shall be one-half acre lots.

10-8A-5: LOT WIDTH:

In the Agricultural Low Density zone, the minimum width of any lot shall be eighty five feet (85').

10-8A-6: YARDS:

A. The minimum yard requirements for a dwelling unit are set forth in the chart at subsection 10-9A-5A of this title.

B. The minimum yard requirements for an accessory building are set forth in the chart at subsection 10-9A-5B of this title.

10-8A-7: BUILDING HEIGHT:

Except as otherwise specifically provided in this title, no building or structure shall exceed the following height:

- A. Residential buildings shall be a maximum of thirty five feet (35').
- B. No dwelling shall contain less than one story.
- C. Accessory buildings shall be a maximum of sixteen feet (16') in height, except on lots one-half ($\frac{1}{2}$) acre or larger, the accessory building may be a maximum of twenty feet (20') in height. The planning staff may approve up to twenty five feet (25') high on lots one-half ($\frac{1}{2}$) acre or larger if the side and rear setbacks are increased to ten feet (10') each.

10-8A-8: COVERAGE OF REAR YARD:

No accessory building or group of accessory buildings shall cover more than twenty five percent (25%) of the rear yard.

10-8A-9 REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT

Planned Unit Developments shall be subject to Title 10 Chapter 20 and the following requirements:

1. Ten (10) percent of all of the lots in PUDs shall be one-half acre lots.
2. All PUDs shall consist of single family dwellings only.
3. All PUDs of 50 acres and greater shall have a development agreement that has been reviewed and approved by the City Council.
4. The minimum lot size in a PUD shall be as follows:
 - a. A PUD of less than 100 acres shall have a minimum lot size of 10,500 square feet;
 - b. A PUD of 100 – 199 acres shall have a minimum lot size of 10,000 square feet;
 - c. A PUD of 200 acres or more shall have a minimum lot size of 8,500 square feet.

10-8A-10: DENSITY:

The baseline density in any residential development in the Agricultural Low Density zone shall be one and eight-tenths (1.8) lots per acre. A density bonus may be considered for projects which comply with the bonus density requirements of this section. The amount of density bonus shall be determined by the type of bonus density requirements and improvements incorporated in the development proposal as set forth in the following chart.

For applicants requesting a density greater than the baseline density, the planning commission shall determine whether the applicant has complied with the necessary design components as set

forth in the following chart and shall determine the resulting density. The additional units per acre allowed above the baseline density shall be determined by adding the density bonus points to the baseline density. This figure is the additional number of units per acre allowed above the baseline density. This number, when added to the baseline, will determine the total density per acre for the project. (Example: A 100 acre Planned Unit Development is proposed. The resulting maximum density per acre is 2.0 lots per acre calculated by adding the 1.8 baseline density and the 0.2 density bonus points.)

Provided, however, in no event shall the resulting density exceed two and one-tenths (2.1) lots per acre in a subdivision or two and seven-tenths (2.7) lots per acre in a planned unit development.

Bonus Density Requirements	Density Bonus Points
Dedicating and installing at least 10 feet of additional landscaping behind the sidewalk adjacent to a collector or arterial road.	0.1 units per acre
In a subdivision, dedicating and installing a trail that provides an amenity for the larger community and is designated in the parks master plan.	0.1 units per acre
Dedicating and installing infrastructure that is identified as a "system improvement" by the city.	0.2 units per acre; maximum credit of 0.4 units per acre
Donating to the city a site for a public school, public buildings, or other public community facilities. This donation can be used for bonus density, but the acreage does not count towards any open space requirements.	0.3 units per acre
Combining 2 or more properties to create 1 larger project of at least 50 acres. The properties must be contiguous to each other	0.05 units per acre for each 10 acres combined ; maximum credit of 0.2 units per acre
Developing a planned unit development of less than 100 acres and providing the required 20 percent open space and trails designated in the parks master plan. The minimum lot size shall be 10,500 square feet.	0.1 units per acre
Developing a planned unit development of 100 -199 acres and providing the required 20 percent open space and trails designated in the parks master plan. The minimum lot size shall be 10,000 square feet.	0.2 units per acre
Developing a planned unit development of 200 acres or more and providing the required 20 percent open space and trails designated in the parks master plan. The minimum lot size shall be 8,500 square feet.	0.3 units per acre

10-8A-10-1: BASELINE DENSITY CALCULATIONS:

The baseline density shall be calculated by dividing the total number of units anticipated with respect to the project by the total aggregate acreage of the project. (Example: The total acreage of a proposed project is 50 acres and 90 units are anticipated in the project resulting in a baseline density of 1.8 calculated by dividing 90 by 50.)

10-8A-10-2: ADDITIONAL DENSITY

Additional density may be approved by the City Council as part of a development agreement.



Date of Meeting: 10/19/2017	
File #	Z2014-24
Applicant	Herriman City
Address	
Request	Text Change to the Land Use Ordinance to Allow the Use of the A-.25 Zone on Property Less Than 15 Acres



Staff Report

DATE: October 13, 2017

TO: Planning Commission

FROM: Bryn McCarty, City Planner

MEETING: PC Agenda 10/19/2017

REQUEST: Text Change to the Land Use Ordinance to Allow the Use of the A-.25 Zone on Property Less Than 15 Acres (*Public Hearing opened on September 21, 2017 and closed on October 5, 2017*)
Applicant: Herriman City
File Number: Z2017-24

Request

Herriman City is proposing a text change to the land use ordinance to allow the use of the A-.25 zone on property less than 15 acres.

Notice

The public hearing notice was posted in the newspaper and on the City website on September 11, 2017. The proposed text was posted on the City website on September 11, 2017. As of the date of this report, we have received no comments regarding the text change.

Process

A text change is a legislative action. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council holds a public meeting to discuss the item and then makes the final decision.

Discussion

The City Council approved a text change in June, 2016, to eliminate the future use of the A_.25 zone. It could continue to be used on property that already had the zone, but no new property would be zoned A-.25. The Low Density Agricultural zone would essentially replace the A-.25 zone and would be used for all future rezones.

The Council has directed staff to bring back a text change to allow property smaller than 15 acres to still ask for the A-.25 zone. The proposed text would only allow property less than 15 acres to



Staff Report

request the A-.25 zone.

The Planning Commission asked for some changes to the ordinance to remove the incentives for PUD and encourage smaller properties in A-.25 to do subdivisions.

Recommendation

Staff recommends approval of the text change to the land use ordinance to allow the use of the A-.25 zone on property less than 15 acres.

10-8A-1: PURPOSE OF PROVISIONS:

The purpose of the A-.25 zone was to provide areas in the city for low density residential development; however, the city council has determined that this zone does not adequately provide for low density residential development. Therefore, the City Council hereby declares its intent that it will no longer consider rezoning any property to the A-.25 zone if it is 15 acres or more. Property that is less than 15 acres may be considered for a rezone to A-.25 if the Council determines that it is in the best interest of the City.

10-8A-9: DENSITY:

The baseline density in any residential development in the A-.25 zone shall be one and eight-tenths (1.8) lots per acre. A density bonus may be considered for projects which comply with the bonus density requirements of this section. The amount of density bonus shall be determined by the type of bonus density requirements and improvements incorporated in the development proposal as set forth in the following chart. For applicants requesting a density greater than the baseline density, the planning commission shall determine whether the applicant has complied with the necessary design components as set forth in the following chart and shall determine the resulting density. The additional units per acre allowed above the baseline density shall be determined by adding the density bonus points to the baseline density. This figure is the additional number of units per acre allowed above the baseline density. This number, when added to the baseline, will determine the total density per acre for the project. (Example: A subdivision develops a splash pad as part of their development. The resulting maximum density per acre is 2.1 lots per acre calculated by adding the 1.8 baseline density and the 0.3 density bonus points.) Provided, however, in no event shall the resulting density exceed two and one-half (2.5) lots per acre in a subdivision ~~or two and eight tenths (2.8) lots per acre in a planned unit development.~~

Bonus Density Requirements	Density Bonus Points
Dedicating and installing at least a 10 foot park strip behind the sidewalk adjacent to a collector or arterial road.	0.1 units per acre
Dedicating and installing a trail connection to an existing trail that provides an amenity for the residents of the proposed project.	0.1 units per acre
Dedicating and installing a trail that provides an amenity for the larger community and is designated in the parks master plan.	0.2 units per acre
Dedicating and installing infrastructure that is identified as a "system improvement" by the city.	0.2 units per acre

Combining 2 or more properties to create 1 larger project of at least 10 acres. The properties must be contiguous to each other and must be consolidated from different property owners.	0.05 units per acre for each 10 acres combined; maximum of 0.2 units per acre for this category
Providing 1/2 acre lots that buffer lots adjacent to existing larger lots or agricultural uses or zones.	0.1 units per acre
In addition to providing 1/2 acre lots adjacent to existing larger lots, developing at least 10 percent of the lots throughout the project as half acre lots.	0.1 units per acre
Developing a planned unit development of at least 15 acres and providing the required 20 percent open space and trail connections.	0.3 units per acre
Developing a planned unit development of at least 30 acres and providing the required 20 percent open space and trails designated in the parks master plan.	0.6 units per acre
In a subdivision providing a local park at least 1/2 acre in size or upon approval of the city paying to the city a fee in lieu. For purposes of this provision a park must include a playground or other amenities consistent with the size of the park and not just be a detention pond.	0.1 units per acre
In a subdivision providing a neighborhood park at least 1 acre in size or upon approval of the city paying to the city a fee in lieu. For purposes of this provision a park must include a playground or other amenities consistent with the size of the park and not just be a detention pond.	0.2 units per acre
In a subdivision, providing a community park of at least 3 acres that includes a splash pad, skatepark, or other necessary facility as outlined in the parks master plan or upon approval of the city paying to the city a fee in lieu.	0.3 units per acre
Donating to the city a site for a public school, public buildings, or other public community facilities.	0.3 units per acre



Date of Meeting: 10/19/2017	
File #	20Z17
Applicant	Herriman City
Address	
Request	Text Change to the Land Use Ordinance to Adopt a Chapter Regarding Planned Development Overlay Zones



Staff Report

DATE: October 13, 2017

TO: Planning Commission

FROM: Bryn McCarty, City Planner

MEETING: PC Agenda 10/19/2017

REQUEST: Text Change to the Land Use Ordinance to Adopt a Chapter Regarding
Planned Development Overlay Zones (*Public Hearing held on August 3, 2017*)
Applicant: Herriman City
File Number: 20Z17

Request

Herriman City is proposing a text change to the land use ordinance to adopt a chapter regarding Planned Development Overlay Zones.

Notice

The public hearing notice was posted in the newspaper on July 19, 2017 and on the City website on July 14, 2017. The proposed text was posted on the City website on July 14, 2017. As of the date of this report, we have received no comments regarding the text change.

Process

A text change is a legislative action. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council holds a public meeting to discuss the item and then makes the final decision.

Discussion

This is a new chapter that has been done as the update to the entire ordinance. We are reviewing this chapter separately since it is such a major change from our current ordinance.

Currently, Planned Unit Developments are a conditional use that is approved by the Planning Commission. The proposed ordinance creates a Planned Development (PD) Overlay zone. The applicant will submit an application to place the PD Overlay zone on a piece of property. The underlying zoning and requirements remain the same. The density of the development is



Staff Report

determined from the underlying zone. The PD zone application includes a preliminary or “bubble” plan for the development.

The Planning Commission holds a public hearing and makes a recommendation on the zoning, including the preliminary plan, to the City Council. The City Council then makes the final decision on the zoning. The plan is part of the zoning approval. Each phase of the project would then come back to the Planning Commission with additional details for final approval, similar to our current process.

Planning Commission had concerns regarding how open space would be allocated and counted to meet the 20 percent requirement. The text in the ordinance allows the PC to review the location and amenities for all open space. This will allow the PC to review the site plan for each pod and determine whether the open space is adequate.

Recommendation

Staff recommends approval of the proposed Planned Development Overlay Zone.

Chapter 20

PLANNED DEVELOPMENT OVERLAY ZONE

10-20-1:	Purpose:
10-20-2:	Scope:
10-20-3:	Definitions:
10-20-4:	Uses Allowed:
10-20-5:	Development Approval:
10-20-6:	Development Standards:
10-20-7:	Other Applicable Regulations:

10-20-1: PURPOSE:

The purpose of a planned development is to allow diversification in the relationship of various uses and structures on a particular site and to permit flexibility in the use of the site. The application of the planned development concept is intended to encourage good neighborhood, housing, and area design, thus ensuring substantial compliance with the intent of zone regulations and other provisions of this title related to public health, safety, and general welfare, and at the same time securing the advantages of large scale site planning for residential, commercial, or industrial development, or combinations thereof.

10-20-2: SCOPE:

The provisions of this chapter shall apply to all property located within the planned development overlay zone as shown on the official zoning map.

10-20-3: DEFINITIONS:

Certain words and phrases in this chapter are defined in chapter 2 of this title.

10-20-4: USES ALLOWED:

The uses allowed on any lot in the planned development overlay zone shall be the same uses allowed in the underlying zone in which the lot is located.

10-20-5: DEVELOPMENT APPROVAL:

A. Generally: The use and development of land located in the planned development overlay zone shall be approved according to applicable administration and development review procedures applicable to the underlying zone set forth in this title except as modified by this chapter.

1. The planned development overlay zone may be used in combination with any zone subject to the requirements of this chapter. The provisions of the planned development overlay zone shall be supplementary to the provisions of the zone with which it is combined and shall not be applied to any land area as an independent zone.

2. Variations from applicable development standards of an underlying zone may be approved for a planned development pursuant to the provisions of this chapter.

B. Preliminary Site Plan Approval: A preliminary site plan shall be submitted and considered concurrently with an application for approval of a planned development overlay zone. Such plan shall be considered pursuant to provisions of chapter 30 of this title except as modified by this section.

1. The preliminary site plan shall show:

a. Generally, the proposed residential use density, building locations, building elevations, open space, parking, landscaping, pedestrian and traffic circulation, drainage, and utility layout; and

b. The information required by section 10-30-4 of this title, except that plans for grading and drainage, utilities, landscaping, and building elevations may be conceptual in nature.

2. If the planned development is proposed to be developed in phases, the preliminary site plan shall also show phase boundaries. Each phase shall be of such size, composition, and arrangement so that construction, marketing, and operation of each phase is feasible as a unit, independent of any subsequent phases.

3. A planned development shall be in single ownership and control or under option to purchase by an individual or a corporate entity at the time of application, or the application shall be filed jointly by all owners of the property.

4. The planning commission shall make a recommendation to the city council regarding the proposed planned development overlay zone as required by chapter 6 of this title. At the same time, the planning commission shall approve, approve with conditions, or disapprove a preliminary site plan for property where the planned development is proposed to be located. Planning commission approval of a preliminary site plan shall not be effective unless and until a corresponding planned development zone is approved by the city council.

C. Zone Change: After action by the planning commission, the city council shall consider the application for a planned development overlay zone as provided in chapter 6 of this title regarding amendment of the official zoning map.

1. Submittal of an application for a planned development overlay zone does not guarantee the application will be approved. A zoning map amendment may be approved only if the city council, after receiving a recommendation from the planning commission, finds the proposed planned development overlay zone and the associated preliminary site plan:

a. Do not conflict with any applicable policy of the general plan;

b. Meet the spirit and intent of this chapter;

c. Will allow integrated planning and design of the site and, on the whole, better development than would be possible under conventional zoning regulations;

d. Meets the density, use, and other requirements of this chapter and the zone with which the planned development overlay zone will be combined, except as otherwise allowed by this chapter.

2. In order to make findings necessary to approve a planned development overlay zone, conditions of approval may be imposed to assure the planned development will:

a. Accomplish the purpose of this chapter;

b. Be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses; and

c. Meet the requirements of the zone in which the proposed development is located except as such requirements are modified by this chapter and as shown on an approved preliminary site plan for the planned development.

3. Zoning conditions, as provided in section 10-6-4 of this title, also may be placed on property at the time of zoning to restrict or prohibit uses or development that would not be compatible with adjoining uses, notwithstanding whether such uses are existing or future uses as shown in the general plan.

D. Site Plan Approval: Within 24 months after approval of a planned development overlay zone and a corresponding preliminary site plan, and before the issuance of any building permit, an applicant shall submit an application for approval of a site plan pursuant to chapter 30 of this title. If a planned development is to be constructed in phases as shown on an approved preliminary site plan, a site plan shall be submitted for each phase.

E. Subdivision Requirements: An application for subdivision approval may proceed concurrently with an application for a site plan approval. Compliance with the requirements of this chapter does not exempt any applicant from meeting other applicable requirements of this title.

F. Construction Limitations: Upon approval of a site plan for a planned development, construction shall proceed in accordance with approved plans and specifications, and in conformity with any conditions associated with the preliminary site plan, zone change, or site plan approval.

G. Amendments: Amendments to approved plans shall be obtained by following the same procedure required for the original approval.

H. Development Agreement. In conjunction with approval of a preliminary site plan or a zone change application, the city may elect to enter into a development agreement with the owner of a proposed planned unit development which includes the following provisions.

1. Upon approval of a preliminary site plan and a related development agreement, the preliminary site plan shall vest in the owner the right to develop the subject property as a planned unit development, subject to the right of the planning commission to approve a site plan as provided in this chapter, within the parameters set forth in the approved preliminary site plan and approved development agreement.

2. The development agreement may, among other things, provide that:

a. The land subject to the preliminary site plan may be subdivided and the subdivided tracts may be sold to different owners;

b. Each individual owner of a tract within the property may submit separate site plan applications which shall be independently reviewed, provided such that such applications conform to applicable requirements of the approved site plan for the associated planned development; and

c. Any grading and drainage plans, landscaping, fencing, and screening plans, signs and floodlighting, and site plans will be required as part of the site plan approval.

I. Expiration of Preliminary Site Plan: An approved preliminary site plan shall not expire if a corresponding planned development overlay zone is approved by the city council

10-20-6 DEVELOPMENT STANDARDS:

A. Generally: The development standards for any lot in the planned development overlay zone shall be the same as in the underlying zone in which the lot is located except as modified by this chapter and an approved site plan.

B. Minimum Area: No planned unit development shall have an area of less than 15 acres.

C. Density: Total density of dwelling units shall not exceed the density allowed in the underlying zone in which the planned unit development is located. Density shall be determined by calculating the number of dwelling units that could be developed on lots in a conventional subdivision under the provisions of the underlying zone where the planned development will be located.

D. Effect On Adjacent Properties: The arrangement of structures and open spaces within a planned development shall assure that adjacent properties will not be adversely affected.

1. Height and intensity of buildings and uses shall be arranged around the boundaries of the planned unit development in manner compatible with existing adjacent developments and zones.

2. Buildings located on the periphery of the development shall be limited to a maximum height of two stories.

E. Lot Area and Width: A planned development shall not be subject to the lot width and lot area requirements of the underlying zone in which the development is located. Lot area and widths shall be shown on an approved site plan.

F. Lot and Dwelling Location Requirements:

1. Where possible, views of dwelling lots from exterior roads and abutting properties should be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets requirements of the underlying zone where the planned development will be located.

2. Where possible, dwelling lots should be accessed from interior streets rather than from streets bordering a planned development.

G. Tract Perimeter Setback and Buffer Requirements: Structures shall be situated so as to maintain a minimum setback from any property line equivalent to the front yard setback of the underlying zone. When a site adjoins land used for single-family dwellings, a landscape buffer 30 feet in width shall be provided. Such buffer shall meet the development standards of the underlying zone where the planned development is located.

H. Walls and Fences: Walls and fences shall conform to the requirements of chapter 29 of this title and shall be required around the perimeter of a planned development where the development abuts an adjacent zone.

I. Height of Buildings: Maximum building height shall not exceed the height limits of the underlying zone where the planned development will be located.

J. Preservation Of Open Space: The location and amenities of all required open space shall be reviewed and approved as part of the preliminary site plan process.

1. At least 20 percent of the planned unit development shall be preserved as permanent open space.

a. At least one-half of the open space required shall be maintained in single contiguous lot, not including any unbuildable property, configured in a usable size and shape.

b. Open space that is unbuildable because of, among other things, slope, wetlands, flood drainage, or contamination, shall be counted at 25 percent of the acreage required to satisfy applicable open space requirements.

c. Detention basins may count as open space only if they provide recreational amenities, including, but not limited to, playgrounds, gazebos, exercise stations, or sports fields with parking lots.

d. Park strips adjacent to a street shall not count as open space.

2. A method approved by the city to maintain open space shall be established prior to sale of any lots in a planned unit development. Preservation, maintenance, and ownership of required open spaces within the development may be accomplished by:

a. Dedication of the land as a public park or parkway system;

b. Granting to the city a permanent open space easement on or over the private open spaces to guarantee that the open space remains perpetually in

recreational use, with ownership and maintenance being the responsibility of the owner or an owners association established with bylaws which are satisfactory to the city; or

c. Compliance with the provisions of the Utah Condominium Ownership Act which provides for payment of expenses for upkeep of common areas and facilities.

K. **Public and Community Facilities:** In addition to dwellings and commercial facilities allowed the by underlying zone, a planned development may include areas for schools, churches, public or private recreation buildings, and other similar community facilities.

L. **Required Improvements:**

1. All streets in a planned development shall be constructed according to city standards and specifications adopted by the city, except that the minimum width of such streets may be reduced as shown on an approved site plan.

2. Curb and gutter shall be required along each side of all streets except where:

a. An approved stormwater management system eliminates the necessity of the curb and gutter function, and

b. The street is approved for construction according to city standards and specifications.

3. Sidewalks shall be installed along both sides of all streets except where alternate pedestrian ways are provided as part of an approved site plan.

4. Stormwater shall be controlled and managed according to a plan approved by the city.

5. Infrastructure improvements, including but not limited to utilities, irrigation, street signs, street lighting, fencing, and other required improvements, shall be provided in accordance with city standards and specifications.

M. **Grading And Drainage Plans:** A detailed grading and drainage plan shall be submitted as part of a site plan application.

N. **Landscaping, Fencing And Screening Requirements:**

1. Landscaping, fencing, and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be submitted as part of a site plan application.

2. Where a specific nonvisual barrier fence is required within a planned development, double fencing shall not be installed within six feet of an existing fence.

O. Signs And Floodlighting: The size, location, design, and nature of signs, if any, and the intensity and direction of area floodlighting, shall be detailed in a site plan application.

10-20-7: OTHER APPLICABLE REGULATIONS:

To the extent that use and development of land located in a planned development overlay zone includes any matter governed by other applicable regulations set forth in this title, such regulations shall apply in addition to the requirements of this chapter.
