The following are the minutes of the Planning Commission Meeting held on Thursday, January 18, 2018 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:** Chair Jessica Morton

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

**City Staff Present:** City Planner Michael Maloy, Assistant City Planner Bryn McCarty, Communications Specialist Jon LaFollette, Planning Administrative Coordinator Craig Evans, Assistant City Engineer Jonathan Bowers, City Attorney John Brems and Deputy Recorder Wendy Thorpe.

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

1. **Training – Video**
   Training video was presented for the Planning Commission.

2. **Election of Chair and Vice-Chair**
   Vice Chair Morton opened nominations for Chair and Vice Chair positions. Assistant Planner McCarty explained nomination procedures and seniority. Commissioners discussed procedures, options and who has previously held the positions.

   *Commissioner Shakespear moved to nominated Commissioner Morton as Chair. Commissioner Jacobson seconded the motion and all voted aye.*

   *Commissioner Bradford moved to nominate Commissioner Berbert as Vice Chair. Commissioner Jacobson seconded the motion and all voted aye.*
3. **Review of City Council Decisions**

Assistant City Planner Bryn McCarty informed the Commission of recent City Council decisions. At the last meeting the mobile food truck ordinance was approved. Low density agricultural and the A-.25 zone are coming back for review, because of the General Plan. The low density zones were written to specifically match the 2017 General Plan, which caused the densities to not match the 2014 General Plan. The process is a little convoluted because of the density criteria which caused the Council to remand the Low Density Agricultural Zone to the Planning Commission. She recommended the Planning Commission wait to offer a recommendation until the City has an adopted General Plan.

4. **Discussion of amendment to the General Plan**

City Planner Michael Maloy expressed his appreciation to Assistant City Planner Bryn McCarty and Planning Administrative Coordinator Craig Evans for the assistance and in depth knowledge. He added the department are working through roles and responsibilities. City Planner Maloy recently had a meeting with City Council as a follow up to the joint meeting where several topics were addressed. He quoted Daniel Burnham who is the father of modern City Planning and Director of Works for the Chicago World’s Fair in 1893. His work captured imagination of communities throughout America and beyond and encouraged the idea to work together in a coordinated fashion to create great communities. From that Planning became a distinct profession. He was on the team that created the 1909 plan of Chicago. “Make no little plans; they have no magic to stir men's blood and probably themselves will not be realized. Make big plans; aim high in hope and work, remembering that a noble, logical diagram once recorded will not die”.

He went on to say that the General Plan reflects the vision of our City and can be a great tool to guide development. The City continues to view long term development and should not limit accomplishments to five or ten years. The long term General plan should expand over the course of 30-40 years to unify elements in the community. Consistently applying plans will make a positive difference in community, small incremental stages really help.

City Planner Maloy also quoted General Dwight Eisenhower “In preparing for battle I have always found that plans are useless, but planning is indispensable”. The City will continue to work the General Plan and do the very best to learn from the community; however, when it comes to applying the principles of the plan the City should be amenable. He offered an example of the REAL Salt Lake (RSL) Complex. The City was able to accommodate the opportunity and its success to this community. Zoning changes should not be taken lightly, and should only be done for the best interest of the City. Changing the General Plan is difficult because of the invested community vision; however, adjustments are necessary sometimes. His impression depicted challenges for the community are due to rapid growth which needed amendments to the General Plan. When the General Plan is frequently amended, it does not adequately communicate the vision for the City. The City should reevaluate the vision of the City. He suggested frequent amendments show the low commitment to the General Plan which outlines a low predictability of the adopted plan. Property owners and potential property owners look to the General Plan to gain an understanding of what will be around their residence. City Planner Maloy anticipated the City would conduct a more thorough General Plan process for the City in increase commitment, have a guiding tool for residents and developers and to improve development predictability. He indicated there were a number of issues needing to be addressed including the rough outline to guide the General Plan process. The City has indicated the desire to seek a budget amendment to allocate additional
funds for the process to retain an outside consultant. The Council indicated they would work through their vision to help guide staff through the process and identify their values for the Planning Commission to make sure the City is focusing on the text of the General Plan and not just the Land Use Maps.

The maps in the General Plan do not fully represent areas of change, areas of opportunity or immediate concerns. This information is outlined in the text of the General Plan. Unless a developer proposes an amendment, areas are already Master Planned and changes in the affected areas are not anticipated. City Planner Maloy explained the City should focus on areas of the General Plan that require change and not spend resources on the stable areas of the City. The community, Council, Planning Commission and staff will collaborate on the revision of the plan. Areas identified in the General Plan amendment have an element of commercial or industrial. Staff has been instructed to pursue an amendment to the General Plan for ten areas within the City and a Public Hearing has been scheduled for February 7, 2018. He suggested the Planning Commission relay their concerns of the ten areas especially if they are uncomfortable making a recommendation to the City Council.

Commissioner Adam Jacobson expressed his understanding that Council would like to see commercial development and if it isn’t planned, it will not come to fruition. He acknowledged the sales tax base would be better with commercial; however, Herriman City should not be compared with Salt Lake City and should look towards similar geographical communities like Alpine. Alpine has agreed they are a bedroom community and have established themselves as such. He suggested Herriman has done too much to try to bring commercial to the area which is a direct reflection of the higher density issues that have taken away from the look and feel of Herriman. Mountain View Corridor will be more of a transportation corridor, but not a business corridor. Commissioner Chris Berbert agreed and questioned if designated areas on the map would be conducive to commercial. Assistant City Planner McCarty responded some areas would be industrial, not retail space. Commissioner Berbert pointed out a large part of the recommended amendment which may not be reasonable as commercial areas as areas surrounding Redwood Road and Mountain View Corridor would be a more viable location. Commissioner Jacobson expressed his desire to focus on the areas that would have major thoroughfares. Commissioners Jacobson and Shakespear stated Riverton and South Jordan were more aggressive with their commercial development abutting Herriman City boundaries. Commissioner Jacobson suggested the City should be developed with commercial development buffered with some type of higher density rather than larger homes. Commissioner Berbert indicated there is a desire to be located in Herriman due to the open space, atmosphere and outdoor activities. The vision of Herriman seems to conflict as people living here aren’t provided with the opportunity to move up.

City Planner Mike Maloy acknowledged concerns regarding excessive commercial development, and explained that additional commercial areas along Mountain View Corridor makes sense. Commissioner Adam Jacobson agreed with commercial development should be close to Mountain View Corridor, and suggested the RSL stadium should have been closer to the highway. Developers include commercial as a ploy to get the density they want. Commissioner Chris Berbert said the City should play to the geographical strengths including Herriman Hills and Yellow Fork for horse riding and biking. Developments could be amazing if is planned correctly. Commissioner Adam Jacobson agreed and added the map does not show where Riverton and South Jordan retail centers are located which make it seems like areas are being created for big box stores that will never come to fruition. Commissioner Chris Berbert observed society trends of big box retail and suggested
Commissioner Jacobson expressed his opinion that area five would not be a viable commercial area. Assistant Planner Bryn McCarty responded that the Economic Development Department has several visions for these properties. In area five, Assistant City Manager Gordon Haight mentioned a Data Center opportunity with specialized flex space and offered the example of construction along Porter Rockwell. Commissioners Adam Jacobson and Robyn Shakespear agreed that it makes sense for areas seven and eight to be commercial. Assistant City Planner McCarty added area six would be mixed use commercial, as the City does not want more residential in that area. Sections eight and nine buffer Camp Williams. Area four will be a thoroughfare for Main Street. Commissioner Adam Jacobson met with Utah Department of Transportation and noted that Mountain View Corridor does not have a planned exit between 2100 North in Lehi and Porter Rockwell. There will be no planned exits throughout Camp Williams because of the proximity to Redwood Road. He recommended focusing commercial development around Porter Rockwell. Vice Chair Chris Berbert added that will be a huge traffic area. Commissioner Adam Jacobson said he has waited a mile plus to turn left at Porter Rockwell, and suggested a gas station would be great at that location. Commissioner Adam Jacobson explained his opinion that there would not be more commercial along Mountain View Corridor because of the Riverton commercial center. Commissioner Berbert suggested some restaurants could be located in the area. Commissioner Adam Jacobson said restaurants are only a third-acre development and there could be smaller commercial zones. Assistant Planner Bryn McCarty mentioned this amendment would be to preserve commercial area, which could decrease in the future. Commissioner Adam Jacobson suggested the area could be the right spot for a data center and potentially some commercial. He indicated in belief that area one should not be commercial. Commissioner Curtis Noble expressed his concern of 13400 South becoming a major thoroughfare with Daybreak residents. The City does have townhomes there where it should’ve been more commercial development. He would not want the same thing to happen in zone one. Commissioner Chris Berbert was concerned with four schools being located in the same area. Commissioner Adam Jacobson indicated that Smith’s is oldest commercial location within Herriman City other than Chevron. Chair Jessica Morton observed the commercial near the Holiday in Rosecrest, where the City has tried to pursue commercial unsuccessfully. Commissioner Chris Berbert understood the value in preservation; however, developers continue to promise commercial with the high density but the commercial has yet to come. Assistant Planner Bryn McCarty said that has not been part of the conversation with these properties. Commissioner Adam Jacobson asked if the City is aware of what Riverton has planned adjacent to area five. Assistant City Planner Bryn McCarty responded the area is master planned to be part of CenterCal. Commissioner Adam Jacobson indicated that is where their higher density will be located.

City Planner Mike Maloy indicated that staff will pass along as much information as possible so the Planning Commission can make an informed recommendation to the City Council when the time has come. The City Council has requested to move forward with the process of placing these areas as commercial locations. Commissioner Chris Berbert said the Council will try to preserve it and when a consultant has been hired there will need to be a feasibility study conducted to ensure these areas are adequately planned. Assistant City Planner Bryn McCarty added Assistant City Manager Gordon Haight and Economic Development Manager Heather Upshaw have commenced on the commercial development study and would present it to the City Council in the near future. That study will be forwarded on the Planning Commission once available.
City Planner Mike Maloy validated the concerns of the Planning Commission and acknowledged that changes need to be made to the commercial elements of the General Plan. Administration has not thought about traditional Brick and Mortar stores and the City will look at a more creative type of commercial land uses. The City needs to balance our revenues and expenditures in the long term to be a viable community. Residential development will never pay for itself without increasing property taxes. Vice Chair Berbert asked if all of area ten would be commercial. Assistant Planner McCarty responded that the area would be light industrial business parks with some commercial at the major intersection. Commissioner Curtis Noble recommended additional discussions should be pursued for areas one through four. Chair Jessica Morton asked if Council has planned on taking out commercial, or adding commercial to remove residential. City Planner Maloy indicated that discussion would be a part of the General Plan process.

5. Discussion of amendments to the Land Use Table
In response to a question posed by Commissioner Jacobson, Assistant City Planner Bryn McCarty indicated that the Council talked about the Dansie and Teton Development discussion during the next City Council work meeting as the developers have made several changes.

6. Review of Agenda Items
   Item 2.1 - Conditional Use Permit for a Check City Retail Location
Commissioner Adam Jacobson relayed his impression the City would not allow Check City establishments. Assistant Planner Bryn McCarty responded in the affirmative and explained an application had been submitted on December 6, 2017 and the ordinance was amended December 13, 2017.

Commissioner Adam Jacobson mentioned a scrolling sign for Rosenval Dentistry, and acknowledged a large wall mounted sign on the building and asked if the Commission should consider reviewing signage. Assistant Planner McCarty agreed. Commissioner Jacobson reminded the Commission the scrolling sign on dentist office was denied; however, they have installed a huge scrolling sign on the building which seems to be excessively illuminated.

   Item 2.2 – Exception to the Single Family Design Standards
Assistant Planner Bryn McCarty handed out paperwork about changing zoning which was also submitted with packet and mentioned some zoning changes being considered with the rezone for storage facilities. City Planner Maloy recommended highlighting which areas should be permitted.

Planning Commission work meeting adjourned by consensus at 7:00 p.m.

7:00 PM - Regular Planning Commission Meeting
1. Call to Order
Chair Jessica called the meeting to order at 7:03 pm and welcomed those in attendance. She reported that during the work meeting she was elected Chair and Commissioner Berbert was elected Vice Chair.

1.1 Invocation/Thought/Reading and Pledge
1.2  Roll Call
Full Quorum Present.

1.3  Approval of Minutes for: December 7, 2017
Commissioner Noble moved to continue item 1.3 Approval of Minutes for: December 7, 2017, Commissioner Berbert seconded the motion.

The vote was recorded as follows:
Commissioner Chris Berbert  Aye
Commissioner Andrea Bradford  Aye
Commissioner Adam Jacobson  Aye
Commissioner Curt Noble  Aye
Commissioner Robyn Shakespeare  Aye
The motion passed unanimously.

1.3  Conflicts of Interest
No conflicts of Interest were reported.

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

2.1  Request: Conditional Use Permit for a Check City Retail Location
Applicant:  Tracy Rawle
Address:  5136 W 13400 S
Zone:  MU-2 (Mixed Use)
Acres:  .98
File Number:  C2017-66

Assistant City Planner Bryn McCarty explained the applicant requested a Conditional Use Permit for Check City location at 13400 South, part of the Towne Center. In a building that was constructed last year which allows for four tenant spaces. Check City applied for the conditional use prior to the ordinance being amended to not allow check cashing businesses and are looking to open in one of the tenant spaces. Parking is already there, lot and building have been established as a conditional use, so Planning Commission has to review the conditional use. No signage has been submitted to date.

Applicant Tracy Rawle representing Check City introduced himself. Chair Morton asked him if there was anything he would like to add in addition to Assistant City Planner McCarty’s remarks. Mr. Rawle stated Planning Coordinator Craig Evans has been great to work with during the process. Signage has been approved by developer and landlord, and they will look to submit for a sign permit in the near future. Mr. Rawle expressed his opinion that landscaping had been approved with the original building site and he would not have to complete those requirements as outlined in the Staff Report. Assistant City Planner Bryn McCarty confirmed the landscaping has already been approved.
Chair Morton asked about the hours of operation. Applicant Rawles stated the service would be provided between 8:00 a.m. – 10:00 p.m.; however, the hours would vary. He added some locations are open Sunday, but he is not sure if this location would follow suit. Chair Morton asked if the Commission had any other questions and asked if any Commissioners were ready to make a motion.

Chairman Morton asked questions about the hours of operation. Applicant Rawles stated that the service would be provided between 8:00 a.m. – 10:00 p.m.; however, the hours would vary. He added that some locations are open Sunday, but he is not sure if this location would follow suit. Chair Morton asked the Commission if they had any other questions and if any Commissioners were ready to make a motion.

Commissioner Jacobson said that since it was grandfathered in by ordinance he would move to approve item 2.1, with Staff’s three recommendations: 1. Receive and agree to the recommendations from other agencies, 2. At least 15 percent of the total site must be landscaped. At least five percent of the parking lot interior must be landscaped, and 3. No signs are approved with this request, separate approval will be required. Commissioner Noble seconded the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Aye
Commissioner Andrea Berger Aye
Commissioner Adam Jacobson Aye
Commissioner Curt Noble Aye
Commissioner Robyn Shakespear Aye

The motion passed unanimously.

2.2 Request: Exception to the Single Family Design Standards

Applicant: Zachary Gordon
Address: 13683 S Blue Sage Ln
Zone: A-25 (Agricultural – 10,000 sq. ft. min.)
Acres: 0.45
File Number: C2018-02

Assistant Planner McCarty oriented the Commission of the location of the parcel along Gina Road. The parcel faces the private lane where the driveway would be located, and the side yard would abut Gina Road. Commissioner Jacobson asked which of the artist’s renderings would face Gina Road. Assistant City Planner observed the correct rendering. Chair Morton invited the applicant to address the Commission.

Applicant Zachary Gordon explained the façade of the home being constructed with James Hardie, which is an eight-inch 50-year structural concrete masonry material. The colors of the home would be black and white in color with tigerwood accents. The home is a contemporary prairie style home which is popular back east because it holds up to climates. Mr. Gordon relayed his concern with constructing the home with stucco due to probability of cracking after a few years. He explained other architectural design elements around the exterior of the home that weren’t easily depicted in the pictures shown. Commissioner Noble asked if the applicant had plans to fence the yard. Mr. Gordon replied in the affirmative, after landscaping has been installed. He suggested the side of the home would not be visible once the fence has been installed. The high scale home would be an asset to the neighborhood as construction materials utilized are of higher quality. The home is being built to be a low maintenance home. Commissioner Jacobson asked if the Tigerwood accent would also be utilized on the side of the home. Mr. Gordon indicated the side of the home would be a similar design including Tigerwood. Commissioner Jacobson asked if the Pergola will be on that side. Mr. Gordon
Assistant City Planner McCarty asked how much of the façade would be covered by the fence. Mr. Gordon indicated the fence would be installed along the whole side of the home as far as the City would permit. Commissioner Robyn Shakespear asked about the finish of the wood. Mr. Gordon indicated that Tigerwood is a cedar type material and it is the densest wood someone could purchase. The material would not have to be finished. Commissioner Jacobson asked if the planks were plans or a tongue and groove material. Mr. Gordon indicated the material is a 1x8 plank. Commissioner Shakespear asked if the material would age. Mr. Gordon responded in the negative.

Commissioner Jacobson expressed he likes what is being proposed, but didn’t know if it would warrant a deviation from City Standards. Commissioner Shakespear agreed. Commissioner Jacobson mentioned it looks great but we just need more to rationalize deviation. Assistant City Planner McCarty asked for clarification. Commissioner Jacobson indicated the products are of high quality, but needed more of a reason to deviate from the standard to this project cannot be used to set precedence. To this statement, Mr. Gordon indicated the structural windows alone are more money than it would cost to install stone to the entire front façade of the home. He indicated he could reduce the cost of construction by installing stone, but wasn’t the design he wanted. Commissioner Jacobson indicated this project would establish a precedent and that is why the Commission has been asking so many questions. Commissioner Berbert acknowledged the home would not be visible on Gina Road, and even though he doesn’t like to grant exceptions on the standards, he was comfortable deviating from the standard on this project. Commissioner Noble indicated that compensating factors are a consideration when approvals are granted. Chair Morton added the project being located on a private road would be another important factor to consider. Commissioner Jacobson said it would be a nice looking home, but couldn’t think of how to relay it in a motion.

*Commissioner Chris Berbert moved to recommend approval based on increased use of fiberglass composite, high quality windows, the private lane it faces and fence that surrounds the side of the home that faces a main road, and also the use of the wood elements and the Hardie Board, you’re using is a good product, I don’t typically do this but I think what you’re accomplishing allows me to recommend approval of item 2.2. C2018-02. Commissioner Noble seconded the motion and added that the garage windows are another contributing factor for the approval.*

The vote was recorded as follows:

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<th>Commissioner</th>
<th>Vote</th>
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<tr>
<td>Commissioner Chris Berbert</td>
<td>Aye</td>
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<tr>
<td>Commissioner Andrea Bradford</td>
<td>Aye</td>
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<tr>
<td>Commissioner Adam Jacobson</td>
<td>Aye</td>
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<tr>
<td>Commissioner Curt Noble</td>
<td>Aye</td>
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<tr>
<td>Commissioner Robyn Shakespear</td>
<td>Nay</td>
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The motion passed with a 4:1 vote.
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: Text Change to Remove Storage Units from the C-2 Zone in Chapter 16 (Table of Uses) of the Land Development Code

Applicant: Herriman City
File Number: Z2017-33

Assistant City Planner McCarty explained the new Land Use Code adopted in December has a couple things that had been omitted. Several years ago, the City removed storage units from the C-2 zone. The recent update overlooked this conditional use and recommended it be put back into the ordinance.

Chair Morton opened the Public Hearing.

There were no comments offered.

Chair Morton closed the Public Hearing.

Commissioner Noble pointed out the notes at the bottom where number 11 was stricken, and he wanted to confirm the numbering would be corrected. Assistant City Planner McCarty confirmed.

Commissioner Jacobson moved to recommend approval of item 3.1 to the City Council. Commissioner Bradford seconded the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Aye
Commissioner Andrea Bradford Aye
Commissioner Adam Jacobson Aye
Commissioner Curt Noble Aye
Commissioner Robyn Shakespear Aye

The motion passed unanimously.

4. Chair and Commission Comments

Adam expressed appreciation to new Chair and Vice Chair for their willingness to serve.

5. Future Meetings

5.1 City Council – Wednesday, January 24, 2018 @ 7:00 PM
5.2 Planning Commission Meeting – February 1, 2018 @ 7:00 PM

6. Adjournment

Commissioner Noble moved to adjourn the Planning Commission meeting at 7:31 p.m. Commissioner Jacobson seconded the motion and all voted aye.
I, Wendy Thorpe, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on January 18, 2018. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.

Wendy Thorpe
Deputy City Recorder