



## PLANNING COMMISSION MINUTES

Thursday, February 1, 2018

Approved April 5, 2018

The following are the minutes of the Planning Commission Meeting held on **Thursday, February 1, 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

**Commission Members Absent:** Curtis Noble

**City Staff Present:** City Planner Michael Maloy, Assistant City Manager Gordon Haight, Communications Specialist Mitch Davis, Planning Coordinator Craig Evans, City Engineer Blake Thomas, City Attorney John Brems and Deputy Recorder Wendy Thorpe.

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

### 1. **Discussion of Revisions to the Adalynn Development**

City Planner Maloy presented a PowerPoint and explained revisions to the Adalynn Development. The modified plan decreased units from 1100 units down to total number of 820 single family detached units. Commercial total has been reduced from 50 to 30 acres. City Council could take action at next meeting February 14, 2018 and requested for Planning Commission to review and provide feedback before that meeting. City Planner Maloy distributed the development agreement draft and requested Commissioners to provide input, which City Planner Maloy would then forward to Council for their consideration. Commissioner Adam Jacobson asked if the CLOMAR and storm drain issue had been resolved and City Engineer Blake Thomas stated CLOMAR had been completed with Creek Ridge subdivision. City Planner Maloy explained revised plan that showed acreage for open space which would be emailed to Commissioners.

## 2. Discussion of Revisions to the Dansie Development

City Planner Maloy explained revised development would contain 1,021 units, with no attached product and development proposal would meet 20 percent open space requirement. Council would consider for potential action at meeting on February 14, 2018. Commissioners Jacobson and Berbert questioned totals with charter school in place. City Attorney John Brems clarified with schools in place the project would be 854 units. Commissioner Adam Jacobson requested an asterisk be added to clarify the development would lose 167 units if it included the school. City Attorney John Brems stated it does say that in the document and explained total residential units with school included totals 854. Commissioners Adam Jacobson and Chris Berbert wanted to be certain that information is communicated to the developer. Commissioners asked about density in the area. City Planner Mike Maloy stated Assistant Planner Bryn McCarty conducted a calculation that showed the density to be compliant with 2014 General Plan. City Planner Mike Maloy stated he would follow up and provide information with open space acreage to each Commissioner. Commissioner Adam Jacobson requested confirmation of 20-percent open requirement.

## 3. Review of City Council Decisions

Chair Jessica Morton opened discussion. City Planner Mike Maloy discussed which text amendments were discussed. City Planner Maloy said Council discussed the Dansie and Adalyn developments in addition to Ken Olsen and Gary McDougal projects which are in the area between Redwood and Mountain View Corridor. After reviewing his notes, City Planner Mike Maloy reported City Council had no action items related to Planning Commission.

City Planner Maloy explained Commissioner Robyn Shakespear resigned effective today, and reported the City received 12 or 13 applications for new Commission Members. City Planner Maloy said City Council and Mayor will review the applications and noted there were applicants from each Council District. Assistant City Manager Haight reminded the Commissioners to send comments to him before the February 14, 2018 City Council meeting. Commissioner Chris Berbert confirmed Commissioners should email comments regarding current developments to City Planner Maloy and Planning Coordinator Craig Evans would email all Commissioners the contact information.

## 4. Review of Agenda Items

City Planner Mike Maloy talked about efforts to bring more clarity to Staff Reports provided to Commission, asked if Commissioners would like to see more information on them and stated what he thought should be included. Commissioner Adam Jacobson said he thought it would be better for an explanation to state if project is in compliance or in violation of City ordinance and would prefer for Commission to do some calculations. Commissioner Chris Berbert reviewed Herriman City vision and stated that if projects have not met City vision they should not have been approved. Commissioner Adam Jacobson agreed and added access to general plans for surrounding areas bordering Herriman could be helpful. Commissioners Chris Berbert and Adam Jacobson discussed that the General Plan should have solid numbers and a clear vision of buffering. Commissioners Berbert and Jacobson would like to a clear definition of buffering.

City Planner Mike Maloy said zoning ordinances establish development standards and should fit with objectives of the City. General Plans sometimes have competing statements which is why the City added language which allowed City Council to interpret the intent. Commissioner Chris Berbert mentioned population is higher than projected. Commissioner Adam Jacobson added RSL was good for city, and it is an example for when General Plan should be amended.

Commissioner Adam Jacobson stated some high density housing projects were approved because nearby commercial development was proposed with it. Commissioners Jacobson and Berbert requested advanced time to look at the proposed changes to prepare before meetings. They would have preferred to voice concerns during face to face meetings with staff. City Planner Maloy added the growth of the City has been challenging, which is why he thinks Council was so involved in zoning and planning activities. Commissioner Jacobson though the Council should have focused on budget issues and noted that citizen involvement led to the referendum. He suggested that more specific direction from Staff would have been beneficial to the Commission. City Planner Maloy stated more detailed information from Planning Commission would improve communication before projects are sent to Council, and noted the past timeline caused frustration, along with massive growth of the City.

Commissioner Chris Berbert stated larger developments should have longer time frame than smaller projects. City Planner Mike Maloy said being more deliberate at beginning would provide more efficient process. Commissioner Jessica Morton mentioned a situation when developers presented a project to Planning Commission for approval then completely changed it before it was presented to City Council. In that situation the developer should have re-submitted project with changes for Commission review. Commissioner Adam Jacobson stated Staff reports should state if projects are changed after they have been approved by the Commission. Citizens expected Commissioners to be aware of changes. City Planner Mike Maloy said City Council had authority to approve changes they thought was best for the City. Staff reports could've been used to clarify work of Commission for City Council.

Commissioner Adam Jacobson asked if economic study had been completed. Assistant City Manager Gordon Haight said it would be presented to Planning Commission in about a month.

Commissioner Adam Jacobson stated steering committees have been helpful to share hope of citizens.

City Planner Mike Maloy said Commissioners can join international planning commission at a reduced rate. If interested contact City Planner Maloy.

*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 7:04 pm and welcomed those in attendance.

#### **1.1 Invocation/Thought/Reading and Pledge**

Scout Jackson Spenst led the audience in the Pledge of Allegiance.

**1.2 Roll call**

Full Quorum Present.

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

It was pointed out that the incorrect minutes had been attached to the packet and Commissioners discussed options.

*Commissioner Adam Jacobson moved to continue approval of 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*

*The motion to continue passed with a 3:0 vote.*

**1.4 Conflicts of Interest**

**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 LDS Meetinghouse**

**Applicant:** BHD Architects  
**Address:** 5623 W Mirabella Dr  
**Zone:** C-2 (Commercial)  
**Acres:** 3.49  
**File Number:** C2018-02

Planning Coordinator Craig Evans explained the applicant request for conditional use for a LDS Meetinghouse on the southwest corner of Rose Crest Road and Mirabella.

Chair Morton invited the applicant to the podium.

Applicant Mike Davey with BHD Architects introduced himself and explained application is for a standard church meeting house, construction should begin this spring. The eight adjacent neighbors will be approached regarding fencing along the South and West sides of the property. Any gaps would be filled in with solid vinyl fence. Commissioner Adam Jacobson asked if fencing would undulate between different types. Applicant Davey stated they do not want to ask neighbors to take down the fences they have, one has rod iron fence, and another is slatted vinyl which is visually open. Applicant Davey asked if they could require neighbors to remove fences and allow for solid vinyl fencing to be installed. He explained the furthest North fence has masonry pillars. Chair Morton asked which part of the surrounding area this would affect. Applicant Davey clarified the furthest North section is

masonry pillars with visually open sections and another area has slatted vinyl fencing. Commissioner Berbert asked if there would be a retaining wall. Applicant Davey replied there were plans for a retaining wall about 18 feet below the current fences. Commissioner asked if neighbors have been met with yet, applicant Davey replied they have not. Commissioner Jacobson asked if the applicant has color board samples for the Commission to review which Applicant Davey provided. Chair Jessica Morton asked if color would be the same as the Meetinghouse down the street and Applicant Davey said it may be similar but will not match exactly. Commissioner Adam Jacobson asked if parking lot access would be blocked with bollards due to nearby school and Applicant Davey stated he thought there might be. Commissioner Adam Jacobson asked if the parking lot will shortcut through the corner. He suggested people would cut through the parking lot while dropping children off at school. He also asked for photos of the area which Applicant Davey provided and the Commissioners reviewed. City Planner Maloy stated the photos would be retained for the record. Commissioner Jacobson suggested the fencing should be standardized and asked if retaining wall would be inlaid and tie straight into retaining wall or step it back. Applicant Davey stated it would probably be a 6 foot gap. Commissioner Jacobson would like fencing look to be consistent. Applicant Davey asked if that would require applicant to approach families to remove fences, which are right on the property line, in most areas, and double fence is prohibited by ordinance. Commissioner Adam Jacobson stated homes have been there a long time. Chair Morton added she thought the entire area needs to be fenced for security. City Planner Maloy asked if Commissioners would be comfortable with deferring the fencing issue to staff. Commissioner Jacobson recommended the fencing should be consistent. City Planner Maloy added the applicant should work with homeowners regarding fencing issue and it could be brought back as an amendment. Commissioner Chris Berbert stated the tough part is the home on the corner has an expensive fence, and he doesn't feel the City should ask them to remove it. City Planner Maloy stated nothing can be changed without consent of the homeowner.

*Commissioner Jacobson moved to recommend approval of item 2.1 Conditional Use Permit for a LDS Meetinghouse with 9 Staff recommendations along with an adjustment to number 6 to provide solid vinyl fence along the South and West property line that is consistent with all the property lines, that Staff can evaluate according to City standards. Commissioner Berbert seconded the motion.*

*The vote was recorded as follows:*

*Commissioner Chris Berbert      Aye*

*Commissioner Andrea Bradford      Aye*

*Commissioner Adam Jacobson      Aye*

*The motion passed with a 3:0 vote.*

*The requirements are as listed:*

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. Submit landscaping plans showing types, sizes and placement of plant material to the Staff for review and final approval. At least 5% of the parking lot must be

landscaped, and at least 20 feet of landscaping along both public streets.

4. Building elevations are approved as submitted, including the stone accents as shown.
5. Install curb, gutter and sidewalk on all public streets.
6. Provide a 6 foot vinyl privacy fence along the south and west property line.
7. All air conditioning units, dumpsters, and outside utilities shall be fenced with masonry enclosures.
8. Parking shall be provided at 1 space for each 6.5 feet of linear pew, or 3.5 seats in the meeting hall; except when used by two congregations, 1.5 parking spaces shall be provided for each 3.5 seats in the meeting hall.
9. A text change to allow churches as a conditional use in the C-2 zone must be approved by the City Council before a building permit application for the LDS meetinghouse may be submitted to the City.

**2.2 Request: Subdivision Amendment for a Lot Line Adjustment in Miller Crossing Pod 5 Phase 2 (Public Hearing)**

**Applicant:** Herriman City  
**Address:** 5296 W Croyden Ln  
**Zone:** R-2-10 (Residential – Medium Density)  
**Acres:** .027 Acres  
**File Number:** S2016-05-02

Planning Coordinator Craig Evans explained that miscalculations due to the slope of the channel required the trail to be constructed a little further south than was originally intended. The wall and trail are encroaching on the back of five lots located at 5296 W Croyden Ln and contains .027 acres. The lot line adjustment would move the property line to the south side of the trail and fence. City Engineer Blake Thomas was present to answer specific questions. Commissioner Adam Jacobson clarified that lot sizes would decrease and adjacent open space would increase.

Chair Jessica Morton briefly reviewed the public comment policy and procedure and opened the Public Hearing.

There were no comments offered.

Chair Morton closed the Public Hearing.

*Commissioner Bradford moved to recommend approval of item 2.2 Subdivision Amendment for a Lot Line Adjustment in Miller Crossing Pod 5 Phase 2, File Number: S2016-05-02 to the City Council. Commissioner Jacobson seconded the motion*

*The vote was recorded as follows:*

*Commissioner Chris Berbert      Aye*  
*Commissioner Andrea Bradford      Aye*  
*Commissioner Adam Jacobson      Aye*

*The motion passed with a 3:0 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 the Land Development Code to Modify the Maximum Allowable Accessory Building Heights (Public Hearing)

**Applicant: Herriman City**

**File Number: Z2018-01**

Planning Coordinator Craig Evans explained Herriman City has proposed a text change to the land use ordinance to change the maximum allowable building heights for accessory buildings. The Land Development Ordinance has been rewritten and was adopted on December 13, 2017. As part of the revision, the maximum height prescribed for accessory buildings is located in multiple places, and is contradictory. This proposed change will point all relevant zoning information to one single, consistent portion of the ordinance. This ensures that only one code location dictates accessory building height limits and if any changes are necessary now or in the future this will be the only section that needs to be modified. The original ordinance limited accessory building height to 16 feet, except for lots .50 acres or larger located in either agricultural zones or the R-1-21 and R-1-43 zones. For these lots the height limit was 20 feet, with the ability to build up to 25 feet if side and rear yard setbacks of at least 10 feet were maintained.

One important consideration for the Planning Commission would be to determine whether or not the maximum allowed heights should be modified. The Land Development Ordinance has been rewritten and was adopted on December 13, 2017. As part of the revision, the maximum height prescribed for accessory buildings is located in multiple places, and is contradictory. This proposed change will point all relevant zoning information to one single, consistent portion of the ordinance. This ensures that only one code location dictates accessory building height limits and if any changes are necessary now or in the future this will be the only section that needs to be modified. The original ordinance limited accessory building height to 16 feet, except for lots .50 acres or larger located in either agricultural zones or the R-1-21 and R-1-43 zones. For these lots the height limit was 20 feet, with the ability to build up to 25 feet if side and rear yard setbacks of at least 10 feet were maintained.

Commissioner Adam Jacobson stated he could only see what was to be cut out and he did not see a table with recommended building heights. Planning Coordinator Craig Evans pointed out the first two pages should contain the information to determine maximum height, subsection F. Commissioner Adam Jacobson thought the intention was to remove text references and make tabular form with the heights. Planning Coordinator Craig Evans asked if Commissioners preferred information separate by zone. Commissioners Jacobson stated a preference for the information to be contained in a table. Commissioner Chris Berbert explained information is missing from the handout and he stated heights were not mentioned. Planning Coordinator Craig Evans pointed out where height restrictions were explained in the handout and the ones that are not likely to change have remained the same. Commissioners Adam Jacobson and Chris Berbert would prefer more user friendly tables. Planning

Coordinator Craig stated previous confusion had to do with different zones. City Attorney John Brems stated that if the Commissioners prefer the information in one place, but with a table, then send it back, for Staff modifications. Commissioner Adam Jacobson stated accessory buildings should look like the homes and he is concerned that if the City changed where they are measured to they will not match. Commissioner Chris Berbert asked if complaints have been received. Planning Coordinator Craig Evans stated complaints have been received that height is too low and complaints have been from residents that want to build taller. Commissioners Adam Jacobson and Chris Berbert are okay with the way it was. Planning Coordinator clarified if Commissioners would like to revert back to measurement from original grade or from finished grade, Commissioner Adam Jacobson stated his preference for measurement method from the original grade, deviations would be looked at individually. Commissioner Berbert and Morton expressed preference for tables.

Chair Jessica Morton opened the Public Hearing.

There were no comments offered.

Chair Morton closed the Public Hearing.

*Commissioner Jacobson moved to continue item 3.1 Request for Text Change to the Land Development Code to Modify the Maximum Allowable Accessory Building Heights, File Number: Z2018-01. Commissioner Berbert seconded the motion.*

*The vote was recorded as follows:*

*Commissioner Chris Berbert           Aye*

*Commissioner Andrea Bradford    Aye*

*Commissioner Adam Jacobson       Aye*

*The motion passed with a 3:0 vote.*

#### 4. **Chair and Commission Comments**

Commissioner Berbert requested for City Council to provide better definition of what buffering means between different zoning and lot sizes. Chair Morton informed the Commission that Commissioner Robyn Shakespear has resigned from the Commission and expressed her appreciation for her many years of service.

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

5.1 City Council – Wednesday, **February 14, 2018 @ 7:00 PM**

5.2 Planning Commission Meeting – **February 15, 2018 @ 7:00 PM**

#### 6. **Adjournment**

*Commissioner Berbert moved to adjourn the Planning Commission meeting at 7:40 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 a true, accurate and complete record of the meeting held on February 1, 2018. This document constitutes*

*Wendy Thorpe*

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*Wendy Thorpe*  
*Deputy City Recorder*

