PLANNING COMMISSION MINUTES
Thursday, May 3, 2018
Approved June 21, 2018

The following are the minutes of the Planning Commission Meeting held on Thursday, May 3, 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 Chris Berbert

**Commission Members Present:** Jackson Ferguson, Adam Jacobson, Curtis Noble, Lorin Palmer, Andrew Powell, Brody Rypien

**Commission Members Absent:** Curtis Noble, Jessica Morton, Andrea Bradford

**City Staff Present:** City Planner Michael Maloy, Assistant City Manager Gordon Haight, Communications Specialist Mitch Davis, Planning 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**
   Chair Chris Berbert called the meeting to order at 6:05 pm and welcomed those in attendance.

City Planner Maloy explained that a population of 50,000 was anticipated with completion of 2020 Census. He also expressed a desire to get to know the Commissioners better by scheduling lunches or dinners with them all individually. As part of ongoing training he planned to articles of interest to the Commissioners as well as continue formal training opportunities.

City Planner Maloy presented a training video hosted by the State Ombudsman Brett Bateman.

He communicated to the Commissioners the City code was still being codified. The codifying
company sent questions to the City, Assistant Planner McCarty was working on responding to their inquiries.

He communicated that the City Council was not the appeals authority for Herriman City and that David Church filled that role. An appeal was received recently regarding the Holiday Oil gas station. Planning Commission was identified as a Land Use Authority.

Commissioner Jacobson asked if closed meetings would be released if the City received a GRAMA request. Attorney Brems stated they would not be, as they were protected records.

2. **Review of Accessory Buildings Chapter**

Planner Craig Evans distributed the packet containing the new accessory buildings chapter. He requested that the Commissioners review it and contact him with any questions or comments. The Commissioners were asked to consider side yard size and maximum structure lot coverage allowed, based either on percentage or square feet. Staff would approve up to 1600 square feet with conditional use permit. Measurements from final grade to peak would be altered back to original grade to midpoint. City Planner Maloy added that the older ordinance had different language. Commissioner Jacobson inquired about placement of accessory buildings on corner lots. Different requirements for corner lots, side yard, 20 feet from street and back yard 3 feet from street requirements were clarified. Front yard was defined as measurement from front corners of the house to the side, same for the backyard, side yard was the area in between. Setback varies from side yard to back yard. Side yard accessory building had to be 20 feet from the property line, accessory buildings in backyard had to be 3 feet from property line. Commissioner Berbert clarified that visible side yard buildings were required to match structure, material and color of house. Planner Evans clarified that pre-made sheds were required to match the color but not the material. Commissioner Jacobson questioned if distance from main structure was defined. Fire code required fire grade construction within 6 feet of the main home. City Planner Maloy stated Commissioners had authority to limit the size of accessory buildings. Planner Evans provided recent samples that showed how proposed accessory building sat on the lots and asked if Commissioners wished to approve placement on unique lots or have routine requirements approved by Staff. Commissioner Berbert stated they should be at least parallel with the neighboring house. Commissioners discussed options for locations of accessory buildings and emphasized the importance for people to understand the placement depended on the orientation of abutting homes. Commissioner Jacobson stated smaller structure placement should not be dictated by City. Commissioner Berbert added that very small lots had no room for accessory structures. Commissioner Berbert commented that cul-de-sacs can have unique yard sizes. Commissioner Jacobson recommended measurement from fence with some unique lots, not from distance to street. Rear setback and side setback sizes were further discussed. Commissioner Berbert asked for example of 45-foot tall accessory building. Planner Evans proposed that a structure of that size would probably be business related. City Planner Maloy advised that accessory structures that large were rarely seen in dense communities. Staff would provide Commissioners with an updated version at the next meeting. Commissioner Jackson Ferguson inquired if covered parking would be covered under accessory building considerations. Planner Evans defined accessory structures as anything with a roof. Commissioners expressed an interest to separate covered parking, arbors and pergolas to a category
3. **Review of City Council Decisions**
City Planner Maloy informed the Commissioners that no land use items were discussed at the last Council meeting. However, he did provide the Commissioners with information regarding the license regulation changes that affected ‘Bout Time. The State had changed alcohol licensing requirements, Restaurant licensing required a greater percentage of sales than they could meet. Council would need to consider a text amended to allow bars as conditional use in a C-2 zone for the establishment to maintain an alcohol license with the State.

City Planner Maloy requested feedback regarding the level of involvement and planning for the development at the south end of Herriman. He inquired if the Commissioners were ready to re-visit the proposal on the next meeting agenda. Commissioners expressed a desire to meet with the applicant after they had updated plans to match the Commission requirements.

4. **Review of Agenda Items**
City Planner Maloy expressed interest to have more preliminary presentations during work session meetings that would explain projects in detail before the final package was presented. Commissioners requested more accurate design and concept drawings that include Commission requirements.

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

7:00 PM - Regular Planning Commission Meeting

1. **Call to Order**
Chair Berbert called the meeting to order at 7:02 pm and welcomed those in attendance. Chair Berbert reviewed the Public Hearing and Comment procedures.

1.1 **Invocation/Thought/Reading and Pledge**
Steve Cloward led the audience in the Pledge of Allegiance.

1.2 **Roll call**
Full Quorum Present.

1.3 **Approval of Minutes for: February 15, 2018**

*Commissioner Jacobson moved to approve item 1.3 Approval of Minutes for February 15, 2018. Commissioner Powell seconded the motion.*

*The vote was recorded as follows:*

- Commissioner Lorin Palmer  Aye
- Commissioner Brody Rypien  Aye
- Commissioner Jackson Ferguson  Aye
- Commissioner Andy Powell  Aye
The motion passed with a 5:0 vote.

1.4 Conflicts of Interest
No conflicts 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: Review of a permitted use for Jordan School District Elementary School #6
Applicant: Jordan School District
Address: 14120 S Greenford Ln
Zone: R-2-10
Acres: 12.5
File Number: C2018-001
Planner Evans explained the applicant request for a permitted use for Jordan School District Elementary School on east side of Mountain View Corridor.

Applicant Scott Thomas spoke on behalf of Jordan School District and set forth the basics for the construction of the school. Commissioner Berbert requested clarification regarding roads in the area. Mr. Thomas explained Autumn Crest Boulevard would be separated from the school by a precast wall. Greenford Lane would provide access to the school on the Northeast side of the building for residents, with a separate drop off for buses available on the North side. Mr. Scott thanked the staff for feedback regarding roads and traffic patterns.

Commissioner Jacobson requested information regarding fencing. Mr. Scott described fence and wall locations were all along the full length of Autumn Crest Boulevard. Commissioner Berbert asked where additional parking would be available and Commissioner Jacobson asked where faculty parking was located. Mr. Thomas stated there were locations for overflow parking across the street for school events and programs. Commissioner Powell questioned if safe walking routes had been designated. Mr. Thomas reported the safe routes would be discussed after boundaries were established and that the District would work with the City to determine the best locations for crosswalks. Commissioner Rypien inquired as to community access to soccer fields. Mr. Thomas replied there would be no access from Autumn Crest Road to the sport fields, due to installation of fence or wall along that property line. Mr. Thomas expressed his appreciation for the assistance from City staff.

Commissioner Powell moved to recommend approval of item 2.1 permitted use for Jordan School District Elementary School #6. Commissioner Rypien seconded the motion.

The vote was recorded as follows:
The requirements are as listed:

1. A plat for a one lot subdivision shall be approved and recorded before issuance of a building permit.
2. No access permitted on Autumn Crest Boulevard.
3. Access road must meet or exceed the 60-foot standard road cross section.
4. School district will provide boundary information to the city by November 2018 to establish the school safe walking route and install appropriate safety measures as per the Manual on Uniform Traffic Control devices (MUTCD).

2.2 Request: Subdivision Plat Amendment to add one lot to the Herriman corners subdivision

Applicant: Steve Cloward
Address: 5708 West 13400 South
Zone: C-2 (Commercial)
Acres: 1.395 Acres
File Number: S2018-009

Planner Craig Evans stated that Planning Commission recently approved the car was hand quick lube. Since then the fencing had been approved and presented site plan to divide lot, one for each location.

Chair Berbert invited the applicant to the podium.

Applicant Steve Cloward stated he thought Planner Evans explained the amendment very well. He expressed a desire to have the lots separate to be prepared for the possibility of selling one at a later date.

Commissioner Berbert opened the Public Hearing.

There were no comments offered.

Commissioner Berbert closed the Public Hearing.

Commissioner Rypien inquired if parking would be shared by both businesses. Mr. Cloward indicated that parking would be shared. Commissioner Ferguson asked if there was access between each property. Commissioner Jacobson stated requirement for ingress and egress would need to be added to an approval motion. Mr. Cloward stated the intent is to have open access for traffic between the businesses.
Commissioner Jacobson moved to recommend approval of item 2.2 Subdivision Plat Amendment for a Lot Line Adjustment in Miller Crossing Pod 5 Phase 2, File Number: S2016-05-02 with two staff requirements and an additional third requirement that states the ingress and egress and easements be denoted on the plat for conveying traffic through both parcels. Commissioner Powell seconded the motion.

The vote was recorded as follows:

- Commissioner Lorin Palmer: Aye
- Commissioner Brody Rypien: Aye
- Commissioner Jackson Ferguson: Aye
- Commissioner Andy Powell: Aye
- Commissioner Adam Jacobson: Aye

The motion passed with a 5:0 vote.

The requirements are as listed:

1. Final subdivision plat to be reviewed and approved by the City Engineer.
2. Any utilities, utility boxes, or street lights that need to be relocated shall be done at the expense of the property owner.

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 Regarding Planning Commission and Appeals Authority Appointments (Public Hearing)

   **Applicant:** Herriman City
   **File Number:** Z2018-008

   Planner Craig Evans explained this item was referred by City Council and it would modify the ordinance to establish how Planning Commissioners and Appeals Authority were appointed. The ordinance stated that the Planning Commission was appointed “by the Mayor, with the advice and consent of the City Council”. The proposed change would state the Planning Commissioners would be “appointed by the City Council”. This amendment also affected the process of appointing and removing members from the Planning Commission and Appeals Authority.

   Chair Berbert opened the Public Hearing.

   There were no comments offered.

   Chair Berbert closed the Public Hearing.

   Commissioner Jacobson moved to recommend approval of item 3.1 Request for Text Change to the Land Development Code Regarding Planning Commission and Appeals Authority Appointments, File Number: Z2018-008. Commissioner Lorin seconded the motion.

   The vote was recorded as follows:
The motion passed with a 5:0 vote.

No comments were offered.

5. Future Meetings
5.1 City Council – Wednesday, May 9, 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 7:23 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 are a true, accurate and complete record of the meeting held on May 3, 2018. This document constitutes the official minutes for the Planning Commission Meeting.

Wendy Thorpe
Deputy City Recorder