The following are the minutes of the Planning Commission Meeting held on Thursday, May 17, 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, Adam Jacobson, Andrew Powell, Brody Rypien, Andrea Berbert, Jackson Ferguson, Lorin Palmer

Commission Members Absent: Curtis Noble

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

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

1. Training
Chair Morton called the meeting to order at 6:06 p.m.

City Planner Maloy thanked the Commissioners that have taken the time to meet with him for lunch. City Planner Maloy notified the Commissioners that the City would provide a training session with Envision Utah scheduled for Saturday, May 19 from 9:00 a.m. to 11:00 a.m. and an additional Land Use Academy of Utah (LUAU) training for appointed officials and he asked the Commissioners to inform him if they planned to attend. City Planner Maloy confirmed that Commissioners received an email from the American Planning Association. He recommended that their magazine and the book City Comforts by David Sucher would be
2. Review of City Council Decisions
City Planner Maloy explained the Utah State Legislature recently amended regulations administered by the Department of Alcoholic Beverage Control (DABC). The State extensively changed the ordinance which resulted in the City business license codes no longer matching up with the State terminology and requirements. This additionally created a separation between the City business license section and land use regulations. An idea was presented to City Council to update City licensing and regulations and they authorized the City to begin the process of initiating an amendment that would update these regulations. This would be a fairly large project and the City may need to bring in outside consultants to assist with the project. One of these amendments removed Dining Club from the list of available retail licenses. The state intended to convert all Dining Club licenses, which allowed 60% food sales, into a Bar Establishment license or a Restaurant license, which would require 70% food sales. Bout Time has held a Herriman City Conditional Use Permit and a Dining Club Business License since 2011 and has sought to be licensed as a bar establishment; however, Herriman does not currently permit bars to be located within any zoning districts. The City Council agreed to sign a local consent form to allow Bout Time to operate with 60% food sales as opposed to the State requirement to have minimum 70% food sales, temporarily. Staff recommended that the Commission table the item, and not make a recommendation tonight, due to more information being needed by the City. Commissioner Berbert requested clarification regarding the distance required between certain types of businesses between churches or schools and it was reported that these standards need to be determined.

City Council discussed freezing subdivisions as recorded and to not allow further subdivision amendments. This would halt further single lot subdivisions and preserve existing, large lots, but would restrict potential development. City Council suggested looking at this more broadly as part of the General Plan amendment.

City Council also discussed property that was owned by Utah Department of Transportation (UDOT), which they have recently sold to a private developer. This property has a large number of easements. City Planner Maloy presented a map which displayed portions with potential for commercial development. He suggested the area to the north would possibly be Class B office space with access from 11800 South. Possible storage business, with indoor availability, to the south with right of way from Mountain View Corridor, which would eliminate traffic in the neighborhoods. Photos were reviewed that have a more contemporary look. Council expressed they were comfortable with the developer submission and potential zoning updates.

The Planning Commission previously requested more information from the developer for the Herriman Crossroads development. The developer submitted a conditional use permit for the apartment project for 266 units, which the zoning supported. The City Council planned to examine the development agreement in greater detail prior to making their decision.

The Salt Lake County Planning Commission held a public hearing and recommended approval of a master plan amendment and zoning amendment for the Olympia Hills development. The property contained 937 acres of County property that borders Herriman and Daybreak and has 8,765 potential units with a mixture of single and multi-family housing, mixed use, commercial and open space. Next step would be for it to be
presented to the County Council for general plan and zoning approval. City Planner Maloy expressed that it was still at high level planning stage and Herriman City is monitoring the situation. The County was concerned with the housing shortage and that more housing would be necessary to attract commercial development to the State.

City Planner Maloy informed the Commission that the Jared Kelsch, proposal, which was recommended for denial by the Planning Commission, was approved by the City Council. The subdivision amendment would be scheduled for a future Planning Commission meeting.

3. **Review of Agenda Items**
Assistant City Planner McCarty explained that staff recommends to table the Text Change to the Land Development Code request. The developer for the LDS church near Athlos and Bastion Elementary has been working with the City for months, the Development Review Committee (DRC) meeting has already taken place and the plans have been revised. In the future conditional approval staff notes would be included in the packet.

4. **Review of Chapter 16, Table of Uses**
Assistant City Planner McCarty presented the Table of Uses. She reminded the Commission that during the last discussion, everything but commercial use had been reviewed. She discussed changing some uses to permitted use, such as home occupations and churches. She clarified some of the definitions and categories for different categories of restaurants. Home occupational daycares were considered conditional use, with requirements included in the ordinance. Other home occupations with customers, such as dance lessons or something with group instruction may be recommended as conditional use with requirements, due to having more significant traffic than detached single family dwellings. The Commissioners expressed concern that they would be problematic in townhomes and areas with shared driveways. Restrictions regarding the number of classes per day were discussed. The ordinance allowed produce stands on properties where the produce was grown onsite, by definition, however allowing it permitted in C-1 or C-2 may not make sense. Mobile store definition could accommodate for some in a parking lot. Assistant City Planner McCarty informed the Commission of a new overlay zone for auto dealerships with separate designations for new or used cars. Assistant City Planner McCarty recommended removing heavy industrial uses but keeping it as a conditional use and allowing recreational vehicle parking in M-1 but removing it from zone C-2. Assistant City Planner McCarty defined warehousing general and limited differences and recommended as conditional use in Technology and Manufacturing (T-M) and M-1 zones. Allowances for a second kitchen were defined. Assistant City Planner McCarty clarified that they were allowed in single-family homes in some areas but are not always allowed to be rented and offered an example of having essentially a mother-in-law quarters. Tiny homes or guest homes were not allowed as an accessory dwelling, or on their own lot. Herriman City has a minimum house size of 2,400 square feet. Assistant City Planner McCarty added that the requirements could be changed if Commissioners wished to allow for them with requirements based on lot size.

*Planning Commission work meeting adjourned by consensus at 7:02 p.m.*

**7:00 PM - Regular Planning Commission Meeting**
1. Call to Order
Chair Jessica Morton called the meeting to order at 7:06 p.m. and welcomed those in attendance.

1.1 Invocation/Thought/Reading and Pledge
Commissioner Andrea Berbert led the audience in the Pledge of Allegiance.

1.2 Roll call
Full Quorum Present.

1.3 Conflicts of Interest
No conflicts of interest were offered.

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 an LDS Meetinghouse
   Applicant: Evans & Associates Architecture
   Address: 12352 S Bigbend Creek Dr
   Zone: R-2-10
   Acres: 4.399
   File Number: C2018-012
Assistant City Planner Bryn McCarty briefly explained the location, layout, site plan, landscaping plan and pavilion location. She further stated the elevations included brick and stone, as required, and that a precast wall and landscaping along the north side of the property, were present next to the residential area.

Applicant Chad Spencer was present and had nothing else to add.

Requirements:
1. Receive and agree to the recommendations from all departments, including those on the DRC comments.
2. Building elevations are approved as submitted, including the stone accents as shown.
3. Install curb, gutter, sidewalk, and street lights on all public streets.
4. Provide a 6 foot precast wall along the north and west property lines.
5. All air conditioning units, dumpsters, and outside utilities shall be fenced with masonry enclosures.
6. 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.
7. Must be a 15 foot landscape buffer adjacent to residential on the north side of the property. Evergreen landscaping anticipated to grow to more than six feet in height shall be provided at distances sufficient to provide a visual and noise reducing barrier. Such landscaping shall consist of at least one tree for every 20 feet of fencing. A minimum of one tree shall be provided for every 500 square feet of landscaped area.
8. Park strips must be landscaped and maintained by the applicant. Trees must be provided every 30 feet in the park strip. Trees must meet the approved City tree list. Trees must maintain the appropriate distance from street lights, signage, and intersections.
9. Please make note in the plans that the parkstrip landscaping and irrigation is to be installed and maintained by the applicant.
10. Please provide Fire Flow Test Report per the UFA test report requirements.
11. Parking lot lights need to meet the city standard per the street light fee study that was adopted by the City Council.
12. Underground detention will require a long term maintenance agreement, form to be provided by engineering department.
13. Underground detention will require an injection well permit.

Commissioner Berbert moved to approve Item 2.1 File No. C2018-012 Conditional Use Permit for an LDS Meetinghouse at 12352 S Big Bend Creek Dr with requirements, Commissioner Bradford seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford  Aye
Commissioner Andy Powell  Aye
Commissioner Chris Berbert  Aye
Commissioner Adam Jacobson  Aye
Commissioner Brody Rypien  Aye
Commissioner Lorin Palmer  Aye

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: Text Change to the Land Development Code to add Bar Establishment as a conditional use (Public Hearing)
Applicant: Curtis George
File Number: Z2018-010

Assistant City Planner McCarty explained that due to Legislative changes, the dining club category was removed from the state statute and all dining clubs were required to choose classification as either a restaurant or a bar. Bout Time Pub and Grub requested to be re-classified as a bar, which was not part of the City ordinance. The applicant submitted an application requesting to change the ordinance. City Council suggested a comprehensive review of all of the different alcohol and liquor licenses as well as business license ordinance to ensure compliance with State statute. Staff recommended tabling the request until a comprehensive ordinance update had been completed.

Chair Morton reviewed the public hearing guidelines.
Chair Morton opened the public hearing.

No comments were offered.

Chair Morton closed the public hearing.

*Commissioner Jacobson moved to continue without date Legislative Item 3.1 Text Change to the Land Development Code to add Bar Establishment as a conditional use, File Number Z2018-010, Commissioner Rypien seconded the motion.*

*The vote was recorded as follows:*

- Commissioner Andrea Bradford: Aye
- Commissioner Andy Powell: Aye
- Commissioner Chris Berbert: Aye
- Commissioner Adam Jacobson: Aye
- Commissioner Brody Rypien: Aye
- Commissioner Lorin Palmer: Aye

The motion passed unanimously.

No comments were offered.

Commissioner Jacobson moved to adjourn the Planning Commission meeting at 7:14 p.m. and all voted aye.

4. **Chair and Commission Comments**

No comments were offered.

5. **Future Meetings**

- **5.1** City Council – Wednesday, **May 23, 2018** @ 7:00 PM - CANCELLED
- **5.2** Joint PC/CC Work Meeting – Thursday, **May 31, 2018** @ 7:00 PM
- **5.3** Planning Commission Meeting - **June 7, 2018** @ 7:00 PM

6. **Adjournment**

Commissioner Jacobson moved to adjourn the Planning Commission meeting at 7:14 p.m. 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 May 17, 2018. This document constitutes the official minutes for the Planning Commission Meeting.

*Wendy Thorpe*

Wendy Thorpe