PLANNING COMMISSION MINUTES
Thursday, June 7, 2018
Approved July 19, 2018

The following are the minutes of the Planning Commission Meeting held on Thursday, June 7, 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: Vice Chair Chris Berbert

Commission Members Present: Adam Jacobson, Andrea Bradford, Andy Powell, Brody Rypien, Jackson Ferguson, Lorin Palmer

Commission Members Excused: Jessica Morton

City Staff Present: City Planner Michael Maloy, Assistant City Manager Gordon Haight, Mayor David Watts, Communication Specialist Mitch Davis, Planner 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)

Vice Chair Chris Berbert called the meeting to order at 6:04 pm.

Assistant City Manager Haight discussed the Olympia Hills County development. He stated information regarding the development may be eventually presented to the Planning Commission. He stressed the importance for the Commissioners be non-biased and to avoid discussing the development on social media or away from meetings. Commissioner Palmer asked for clarification whether a personal involvement with the developer was considered conflict of interest. City Manager Haight suggested that Commissioners have an open mind and not be swayed by outside discussions. Commissioner Jacobson stated a vote could be changed based on participation.

Assistant City Manager Hght was excused at 6:11 p.m.

City planner Maloy discussed registration for Commissioners at the upcoming Land Use Academy of Utah
1. Training – Video
City Planner Maloy presented two training videos, which were discussed. Commissioner Jacobson mentioned Copper Creek and Rose Creek areas have the most open space and were developed by the county. Commissioner Berbert emphasized a long-term vision for the common good of the City and stated lots of opportunities exist near Yellow Fork Canyon and the City should act now to ensure smart development later. Commissioner Jacobson appreciated that open space in the video was more important than commercial development. Commissioner Palmer acknowledged the importance of a great trail system. Commissioner Berbert stated open space will draw and keep people to the area. City Planner Maloy explained that Mayor Giuliani wanted to tear down the elevated train tracks, and it took citizens and City staff in a healthy relationship to point out opportunities. He also expressed hope for an abundance of local resident involvement in the General Plan Process.

2. Review of City Council Decisions
City Planner Maloy informed the Commission regarding the Herriman Crossroads development and identified some things that needed to be addressed regarding the Master Development Plan, which will be discussed with the developer next week. He noted his anticipation the budget to be approved at the next City Council Meeting.

3. Review of Accessory Buildings Chapter
Planner Evans explained the motivation behind the updated chapter was to make the code more concise and to eliminate duplicate material. Unique lots were discussed and it was emphasized that every situation can’t be anticipated, which would mean exceptions must be created through the code. Options could include implementation of a design review phase with regards to oddly shaped yards and consideration by the Planning Commission. Another possibility would be to consider unique lots to be treated as special exceptions, in the same manner as a conditional use permit. City Planner Maloy explained the special exception would have more listed standards for approval or denial. He proposed the design review process would introduce a layer of subjectivity and create an avenue for additional requirements for the City. Different exceptions would be considered with regard to fence location. City Planner Maloy anticipated unusual circumstances condition would be more necessary in residential areas and as the open space of the community shrinks this would be less common. City Planner Maloy mentioned possibly soliciting an outside opinion. Commissioner Berbert mentioned side yard and outlined the negative and positive aspects of exceptions. Commissioner Jacobson stated most residential zones were smaller lot sizes and questioned if intent for accessory structures is in all zones. Planner Evans clarified that a section was missing and the entire document would include all zones. Commissioner Jacobson stated some zones were too small for any accessory buildings, but some smaller options could be considered. Commissioners were asked to email any comments or suggestions to Planner Evans or 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 Chris Berbert called the meeting to order at 7:04 p.m. and welcomed those in attendance.

### 1.1 Invocation/Thought/Reading and Pledge
Commissioner Ferguson led the audience in the Pledge of Allegiance.

### 1.2 Roll call
Full Quorum Present; Chair Morton was excused.

### 1.3 Approval of Minutes for: March 1 & March 15, 2018
Commissioner Jacobson moved to recommend approval of item 1.3 Minutes for: March 1 & 15, 2018. Commissioner Bradford seconded the motion.

The vote was recorded as follows:
- Commissioner Adam Jacobson: Aye
- Commissioner Andrea Bradford: Aye
- Commissioner Andy Powell: Aye
- Commissioner Brody Rypien: Aye
- Commissioner Jackson Ferguson: Aye
- Commissioner Lorin Palmer: Aye

The motion passed unanimously.

No conflicts of interest were offered.

### 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: Proposed Two Lot Subdivision (Public Hearing held on April 19, 2018)

- **Applicant:** Jared Kelsh
- **Address:** 15705 S 7300 W
- **Zone:** A-50
- **Acres:** 1.125
- **File Number:** S2018-03

Planner Evans informed the Commission that the rezone to A-.50 zone had been approved by City Council, and the applicant requested to subdivide property into two lots.

Mr. Jared Kelsh approached the podium and offered to answer questions if necessary.

Commissioner Jacobson stated rezoning resolved previous issues. Commissioner Rypien appreciated that each lot had separate access. Commissioner Powell stated neighbors offered no opposition. Commissioner Berbert asked for feedback regarding fee in lieu, and Commissioner Jacobson pointed out that issue was addressed by requirement number five.
The recommended requirements include:
1. Receive and agree to recommendations received from other agencies.
2. The plat shall be approved and recorded before a building permit being may be issued for the new lot.
3. The plat shall include easements for existing and proposed utilities, both public and private.
4. The applicant is required to install or pay a fee in lieu of improvements along Gina Road that includes half-road asphalt, curb and gutter, sidewalk, and street lighting.
5. The applicant is required to install or pay a fee in lieu of improvements along 7300 West that includes street lighting, sidewalk, and an ADA ramp at the corner. If the applicant installs asphalt, curb, and gutter improvements they may be reimbursed with impact fees.
6. The applicant is required to provide an engineering study and plan to verify that stormwater post-development flows leaving the site are less than or equal to pre-development flows.

Commissioner Jacobson moved to approve item 2.1 file number S2018-03 for Two lot Subdivision with six staff recommendations. Commissioner Rypien seconded the motion.

The vote was recorded as follows:
Commissioner Adam Jacobson    Aye
Commissioner Andrea Bradford   Aye
Commissioner Andy Powell       Aye
Commissioner Brody Rypien      Aye
Commissioner Jackson Ferguson Aye
Commissioner Lorin Palma       Aye

The motion passed unanimously.

2.2 Request: Conditional Use Permit for a JCW’s Restaurant with Drive-Thru
Applicant:   Mo Myers
Address:     5252 W Anthem Peak Lane
Zone:        C-2
Acres:       1.17
File Number: C2018-15

Planner Evans explained the drive-thru area along Mountain View Corridor. He added that location parking requirements have been met, landscaping may need to be addressed by applicant and the request was for a standard restaurant, which would be a conditional use in a C-2 zone.

Applicant Co-owner Chris Williams and architect Mo Myers approached the podium and mentioned they worked closely with staff and Anthem developers regarding all landscaping, especially along Mountain View Corridor on the East side of the property. They observed their coordination efforts with Les Schwab, located immediately North of the proposed location. They described that sprinklers on the mountain side would allow for landscaping in that area. The landscape plan included ornamental grasses to the top of the detention basin area to visually separate hill from Mountain View Corridor. The applicant was confident that they have met all requirements and recommended the project move forward. They expressed opposition to trees in detention as described in requirement number 16, and stated this has been addressed with the revised landscape plan. The applicants described the updated landscape plan which included hillside seeding, ornamental grasses and seeding.
in the detention basin with sprinklers as well. The updated landscape design boards has been submitted to City staff after the packet was posted and were not available. City Planner Maloy addressed that landscape requirement was to landscape detention ponds, as this was constructed as part of the master development. The developer agreed to add vegetation to the detention pond but did not anticipate an expansion. City Planner Maloy maintained that preliminary approval was being considered at this time and landscaping will be reviewed at a later time. Assistant City Engineer Bowers clarified landscaping in UDOT right of way areas gave Herriman City stewardship for dictating landscape in the area and this would be covered at the final review meeting. He further conveyed that area would be maintained by the master developer. City Planner Maloy further explained the common area maintenance agreement for seasonal pruning and cleaning and weed removal.

Commissioner Jacobson inquired about requirement number 9 with regards to left turns. Assistant Engineer Bowers added that traffic study has been completed and applicant was required to address that item further. The traffic study did not specify right in and right out; however, it would be updated. Commissioner Ferguson asked about exterior lighting design to confirm if lighting would be consistent throughout development. Assistant City Engineer Bowers indicated that design guidelines were specific to the master development. Commissioner Jacobson mentioned that requirement should be added to the motion.

The recommended requirements include:

1. All exterior lighting, including a photometric plan, must be reviewed and approved by the City Engineer which will mitigate or eliminate detrimental impacts of light.
2. At least 15% of the total site must be landscaped. At least 5% of the parking lot interior must be landscaped which will mitigate or eliminate detrimental visual impacts.
3. The front yard area and the side yard area which faces on a street shall be landscaped and maintained with live plant material, including shrubs, flowers and trees for a minimum distance of twenty feet (20') which will mitigate or eliminate detrimental visual impacts. This should include trees in the park strip every 30 feet.
4. Building elevations are approved as submitted which will mitigate or eliminate detrimental visual impacts.
5. Install curb, gutter, sidewalk, street lights, and park strip on all public streets. This should include a fee-in-lieu for the park strip on Anthem Park.
6. No signs are approved with this request; a separate approval will be required.
7. Screen all outside trash and dumpster areas which will mitigate or eliminate detrimental visual impacts.
8. Parking calculated at 1 space for each 100 square feet gross floor area for a total of at least 50 stalls.
9. A traffic study for the entire development shall be reviewed as part of the engineering approval. Left-turns may be limited as recommended in the traffic study.
10. Provide storm drain retention for the property. This can be provided in shared facility for the entire commercial center. A maintenance agreement for any retention ponds will be required for engineering approval.
11. The Building department will review accessibility with the Engineering review. Provide an Accessibility Detail Sheet. The detail sheet should include an accessible route from the public street to the building.
12. Park Strip landscaping along Anthem Park to be installed by the applicant per City standard.
13. Provide Fire Flow Test Report per the UFA test report requirements.
14. Parking lot lights need to meet the city standard.
15. All detention will require a long-term maintenance agreement, form to be provided by engineering department.
16. All detention is required to be landscaped, including sod, sprinklers, and trees. The existing rock lined detention pond should have additional landscaping installed.
17. Any underground detention will require an injection well permit.
18. Provide sidewalk connectivity on Anthem Peak Lane.
19. The applicant and Anthem developer should work with Engineering and the Parks department to provide a consistent landscape treatment between the sidewalk on MVC and the property line.

Commissioner Jacobson moved to approve item 2.2 Conditional Use for a JCW’s with Drive-Thru with 19 recommendations with adjustment to item nine to update traffic study to include the left hand, right in, right out turns along Angel Falls Lane and Anthem Park Boulevard with additional requirements. Number 20 to require the landscaping plan come back to the Commission for review, and additional number 21 that materials come back to the Commissioner for review and additional number 22 that all lighting and building design guidelines for master development are met. Commissioner Rypien seconded the motion.

The vote was recorded as follows:
Commissioner Adam Jacobson      Aye
Commissioner Andrea Bradford     Aye
Commissioner Andy Powell         Aye
Commissioner Brody Rypien        Aye
Commissioner Jackson Ferguson    Aye
Commissioner Lorin Palmer        Aye

The motion passed unanimously.

2.3 Request: Conditional Use Permit for a Les Schwab Tire Store
Applicant: Zack Graham
Address: 5252 W Anthem Peak Lane
Zone: C-2
Acres: 1.31
File Number: C2018-18

Planner Evans oriented the Commission of the location of the proposed tire store. Applicant Zack Gordon and Applicant Cory Nielson mentioned the landscaping would match with JCW’s, and lighting had been addressed which would require standard light fixtures throughout the development be consistent. Mr. Gordon explained that a traffic study was completed, average traffic patterns have been submitted, and would be addressed when traffic study is updated. Commissioner Powell requested for clarification for what portion of property would front Mountain View Corridor. The Commission reviewed the orientation and elevations of the building.

City Planner Maloy discussed the option for suspended awning over the entrance, possibly wrapped around the building, which would be a strong feature to create visual orientation to entrance. Commissioners clarified location of outside dumpster and storage location for equipment and old tires would not be visible from the street. Mr. Gordon stated they would not change oil or store it on the premises.
The recommended requirements include:

1. All exterior lighting, including a photometric plan, must be reviewed and approved by the City Engineer. Additional lighting may be required in order to mitigate the detrimental impact of vehicles being parked overnight.
2. At least 15% of the total site must be landscaped. At least 5% of the parking lot interior must be landscaped which will mitigate or eliminate detrimental visual impacts.
3. The front yard area and the side yard area which faces on a street shall be landscaped and maintained with live plant material, including shrubs, flowers and trees for a minimum distance of twenty feet (20') which will mitigate or eliminate detrimental visual impacts. This should include trees in the park strip every 30 feet, and additional landscaping on the east side to accentuate the metal trellis features.
4. Building elevations are approved as submitted which will mitigate or eliminate detrimental visual impacts.
5. Install curb, gutter, sidewalk, street lights, and park strip on all public streets.
6. No signs are approved with this request; a separate approval will be required.
7. Screen all outside trash and dumpster areas with masonry enclosures which will mitigate or eliminate detrimental visual impacts.
8. Parking calculated at 1 space for each 250 square feet gross floor area for a total of at least 19 stalls.
9. A traffic study for the entire development shall be reviewed as part of the engineering approval.
10. Left-turns may be limited as recommended in the traffic study.
11. The Building department will review accessibility with the Engineering review. Provide an Accessibility Detail Sheet. The detail sheet should include an accessible route from the public street to the building.
12. Provide Fire Flow Test Report per the UFA test report requirements.
13. Parking lot lights need to meet the city standard
14. All detention will require a long-term maintenance agreement, form to be provided by engineering department.
15. All detention is required to be landscaped with sod, sprinklers, and trees.
16. Any underground detention will require an injection well permit.
17. Provide sidewalk connectivity on Anthem Peak Lane.
18. If any grading or landscape improvements extend into the UDOT right-of-way, an encroachment permit will be required from UDOT. Final engineering approval cannot be provided until this permit is approved by UDOT.
19. The applicant and Anthem developer should work with Engineering and the Parks department to provide a consistent landscape treatment between the sidewalk on MVC and the property line.

Commissioner Powell moved to approve item 2.3 Conditional Use Permit for a Les Schwab Tire Store with 19 recommendations with adjustment to item 9 to update traffic study to include the left hand, right in, right out turns along Angel Falls Lane and Anthem Park Boulevard, with additional requirements added, number 20 that landscaping plan come back to the Commission for review, additional requirement number 21 that materials come back to the Commission for review and additional number 22 that all lighting and building design guidelines for master development are met, and additional requirement number 23 stating no exterior
storage of tires, Commissioner Jacobson seconded the motion.

The vote was recorded as follows:

Commissioner Adam Jacobson    Aye
Commissioner Andrea Bradford    Aye
Commissioner Andy Powell        Aye
Commissioner Brody Rypien       Aye
Commissioner Jackson Ferguson   Aye
Commissioner Lorin Palmer       Aye

The motion passed unanimously.

3. Chair and Commission Comments
No comments were offered.

4. Future Meetings
   4.1 City Council – Wednesday, June 20, 2018 @ 7:00 PM
   4.2 Planning Commission Meeting – June 21, 2018 @ 7:00 PM

5. Adjournment
Motion to adjourn offered by Commissioner Jacobson at 7:34 p.m., and all voted aye.

I, Wendy Thorpe, Deputy Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on June 7, 2018. This document constitutes the official minutes for the Planning Commission Meeting.

Wendy Thorpe

Wendy Thorpe