PLANNING COMMISSION AGENDA

Thursday, December 06, 2018

NOTICE IS HEREBY GIVEN that the Herriman Planning Commission shall assemble for a meeting in the City Council Chambers, located at 5355 W HERRIMAN MAIN STREET, HERRIMAN, UTAH

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

1. Discussion Items
   1.1. Discuss requirement for trail along Rose Canyon Road - Wendy Thomas, Parks Director
   1.2. General Training

2. Review of City Council Decisions

3. Review of Agenda Items

7:00 PM - Regular Planning Commission Meeting

4. Call to Order
   4.1. Invocation/Thought/Reading and Pledge
   4.2. Roll Call
   4.3. Approval of Minutes for: November 1, 2018 and November 15, 2018
   4.4. Conflicts of Interest
5. 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.

5.1. Request: Conditional use approval for a Manufacturing building
Applicant: Rob Cottle/ Babcock Design
Address: 7300 W 11800 South
Zone: T-M (Technology Manuafaturing)
Acres: 15.56
File Number: C2018-41

5.2. Request: Conditional Use Permit Approval for Redemption Sports Bar / Grill
Applicant: Jarod Hall
Address: Maradona Dr & Academy Pkwy
Zone: C-2 (Commercial)
Acres: .93
File Number: C2018-45

6. 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.

6.1. Request: Text change to section 10-5-16D.2.c.(12) of the Land Development Code requiring the signature of the Mayor in a subdivision plat
Applicant: Herriman City
File Number: Z2018-24

6.2. Request: Rezone from R-2-10 (Residential - Medium Density) and A-1 (Agricultural - 1 acre min.) to Auto Mall Special District and C-2 (Commercial)
Applicant: Herriman City
Address: 12120 S Mountain View Corridor
        4874 W 12600 South
Zone: R-2-10 (Residential - Medium Density) and A-1 (Agricultural – 1 acre min.)
Acres: 65.3
File Number: Z2018-23

7. Chair and Commission Comments

8. Future Meetings

8.1. City Council Meeting - Wednesday, December 12, 2018 @ 7:00 PM
9. Adjournment

The Planning Commission Rules of Procedure and Ethical Conduct can be found on the City website at www.herriman.org.

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. Request assistance by contacting Herriman City at (801) 446-5325 and provide at least 48 hours advance notice of the meeting.

Electronic Participation: Members of the planning commission may participate electronically via telephone, Skype, or other electronic means during this meeting.

Public Comment Policy and Procedure: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the commission will be asked to complete a written comment form and present it to Wendy Thorpe, Deputy Recorder. In general, the chair will allow an individual three minutes to address the commission. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. This policy also applies to all public hearings.

I, Wendy Thorpe, certify the foregoing agenda was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body, on the Utah State Website www.uta.gov/pmm/index.html and on Herriman City’s website www.herriman.org.

Posted and Dated this 30th day of November, 2018

Wendy Thorpe
Deputy Recorder
The following are the minutes of the Planning Commission Meeting held on Thursday, November 1, 2018 at 7:00 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:** Jackson Ferguson, Andy Powell, Brody Rypien, Parry Harrison, Andrea Bradford, Adam Jacobson, Lorin Palmer, Chris Berbert

**Staff Present:** City Planner Michael Maloy, Communication Specialist Mitch Davis, Planning Coordinator Craig Evans and Deputy Recorder Wendy Thorpe, Engineer Blake Thomas, and Engineer Josh Petersen.

**Work Meeting** *(Fort Herriman Conference Room)*

Chair Jessica Morton called the work meeting to order at 6:05 pm.

The Planning Commission mentioned moving Item 1 to the end of the work meeting. The order would change as follows: first HTC residential discussion, followed with an agenda review, and last City Council decision review.

1. **HTC Residential Discussion**

City Planner Michael Maloy introduced the developer to discuss the Herriman Towne Center plans. He first discussed the original plans from 2008 with locations around the U road on the original master plan. Since this time, the commercial areas on the east side and by City Hall have increased. The marketplace division near 13400 also increased. The original concept had an older feel that needed an update. The developer hoped to create single structures to appear as individual buildings. In addition, he hoped to create a commercial core.
The area would display awnings and trees with a complimentary transition to the unit on the outer U road. The east side would feature a large single space commercial building covering the majority of the block. Condominiums would be featured in the design as well. In preparation for these, a color board would be presented to the Commission.

The developer mentioned preparations for outdoor patio spaces, commercial office space, and garages in certain areas. The Planning Commission discussed walkability within the area. A parking area for pedestrians would be included in the plans. Sidewalks would allow access outlets. The specific design includes bump-outs and mid-block raised areas, modeled after South Lake, Texas. Townhomes would be three stories high with privacy and walkability as a priority. The proposed architecture was distributed to the Commission. The last page featured the specific townhome design, previewing balconies with setbacks from 5-10 feet. The outer ring of the U road also will feature townhomes with more green space. Overall, the vision has evolved from the original plans. The Planning Commission voiced support for the newer updated plan, agreeing with the need for the urban feel. Various maintenance aspects were discussed.

2. **Review of City Council Decisions**

City Planner Michael Maloy discussed the storage unit construction. He mentioned his preference for higher value opportunities that help create more jobs and generate additional sales. He expressed the necessity of agricultural zones. Many of these are larger lots with single-family developments, which may grow out of the general plan development. The City Council also has an interest in the agricultural zones. Additionally, City Council was interested to know the building setbacks, especially those due to the town center five-yard setback compromising privacy and open space. As a result, there was a reduction in site plan landscaping by eliminating the parking strip. City Council prefers the applicant make a request to the Planning Commission first. The group further discussed home occupation, C-2 building height changes, the auto mall district, and recently installed fences.

3. **Review of Agenda Items**

City Planner Michael Maloy discussed the conditional use for VASA; staff recommended approval. It would become part of the strip center located north of the KFC. The group defined the six-foot precast wall. City Engineer Blake Thomas stated that a pass through into Ace Hardware was being considered. The landscaped island could potentially mitigate the lights shining into nearby homes. Teton Village and Jackson Village also received adjustments; staff recommended continuing the process forward with an additional public hearing once all of the information was made available.

The Commission discussed the final PUD approval and the various issues identified in the report. These issues included the open space and land use development product type. The zone restriction would be brought up during the public meeting. They continued discussing street parking, guest parking, and the potential benefits of a cut-through section. Furthermore, the Commission determined the number of units per building and the differences between having an eight-plex or ten-plex. If the Commission gives approval, the master
development would require a traffic study. The road continuing through would become a parking center access into the commercial center. The group defined the fire access roads; fire would be addressed by the width of private road on the inside and the turning radius. During the public meeting, further information regarding elevations would be presented.

The Commissioners discussed landscaping, green space percentages and the DRC notes. These notes could eventually be added as a condition before approval. The Commission could approve the items and require them to be presented after changes. They discussed the pond on the south end with a recalculation of open space. Commissioners discussed various issues and heard that the revised plan had been approved by the UFA. The north side includes a compatible use retaining wall at six feet. City Engineer Blake Thomas mentioned that there are a few more issues regarding safety.

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 7:08 p.m. and welcomed those in attendance.

1.1 Invocation/Thought/Reading and Pledge
Councilmember Ohrn 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 a Vasa Fitness
Applicant: Kevin Parker
Address: 13366 S 5600 West
Zone: C-2 (Commercial)
Acres: 3.65
File Number: C2018-39
Planning Coordinator Craig Evans described the location for Vasa Fitness and assured the Commission that parking requirements have been met. Commissioners asked about the elevation exceptions. They include 60-percent brick or stone on all sides, including large amounts of glass on certain sides.
Mr. Kevin Park thanked the staff for their assistance. He addressed the Commissioners, stating that Vasa agrees with everything stated except for the elevation. The company typically features a wide open space with large amounts of glass. Brick and stone are only used as an accent. As a result, the company requested approval from the City for the changes with Rick Sander as the architect. Ideally, the main elevation would be under 30-percent brick or stone and 34-percent masonry, glazing, stucco, and metal for the panel sidings. In the current plan, the back is fronting a residential wall. Parking would be limited in the back due to this. The architect discussed the u-shaped interior design. There would be no functionality for pedestrians in the back of the building. The metal panel would be a 20-gauge galvanized sheet. Various color options were presented.

Commissioners questioned why two of the sides are not required to meet City requirements. The landscaping along the back would possibly mitigate concerns and reduce headlights shining into nearby homes. Commissioners expressed concerns with certain sides of the buildings not meeting requirements. They also discussed the setbacks. The applicant agreed to add landscaping. Commissioners expressed concerns with such low percentages of various materials. Commissioner Adam Jacobson offered his opinion that the windows would function on three sides, but a higher percentage for the back of the building. They discussed the trail locations near the back of the location as well.

City Planner Michael Maloy informed the Commissioners that ten-percent landscaping is required for the area. The request to modify the masonry to less than 60-percent would need to be approved through City Council. Commissioners discussed the durability of materials and consistency. The bottom area could possibly feature a stone portion for durability. They discussed the reasons for these standards. In response, the architect explained the stone type variations and colors. He addressed the false windows and tree sizes as well.

Commissioner Jacobson made a motion to approve item 2.1 file number C2018-39 Conditional Use Permit for Vasa Fitness with 17 staff recommendations with an adjustment to #3 requiring that evergreen landscaping anticipated to grow to more than 10 feet in height shall be provided at a distance sufficient to provide visual and noise reducing barriers and to also require trees by the dumpster location to prevent headlights glaring into the residential area on the access road by the Ace Hardware. An additional requirement for Item 15 that building elevations and approval for the exception go to City Council with the recommendation that the pylon/columns/pilasters are consistent around the entire building with the material as proposed in the east elevation, and that there is a 3 feet wainscoting of boral alpine stone on the lower elevation of the west elevation and that on the the north and south we consider glazing or artificial glazing, spandrel glazing on the sides that a total of 60% is achieved with masonry and glass. Commissioner Rypien seconded the motion.

The vote was recorded as follows:

- Commissioner Chris Berbert Aye
- Commissioner Andrea Bradford Aye
- Commissioner Jackson Ferguson Aye
- Commissioner Adam Jacobson Aye
- Commissioner Andy Powell Aye
Commissioner Brody Rypien  Aye

The motion passed unanimously.

2.2 Request: Preliminary Plat Approval for a 250 Lot Age-Restricted Subdivision (Teton Village) (Public Hearing)

Applicant: Anthem Utah, LLC
Address: 6100 W 12000 South
Zone: R-2-10 (Residential – Medium Density)
Acres: 51.158
File Number: S2018-18

Planning Coordinator Craig Evans explained the plat approval, stating that it was a public hearing.

Applicant Corey Shupe mentioned that an architect reviewed the site plan. More single family detached products were added. A commercial side-entry road has been moved to the west to align with the incoming road from Daybreak. More parks are included in the site plan as well with zoning on the west side approved for high density housing. Other areas will feature single-family detached pieces, similar to Jackson Village. He expressed that he is here to address comments from the Planning Commission and Public.

Chair Jessica Morton reviewed the public comment guidelines.

Chair Jessica Morton opened the public hearing.

Robert Bradfield voiced his concern regarding the west side. He opined that the City should guarantee in writing that no apartments would be constructed on that west strip.

Councilmember Henderson spoke on behalf of the entire Council. He mentioned that the Council would like Teton Village to construct a gated community for the age-restricted area. He also requested a wider road for the community. The City does not want high school students or apartment residents using the neighborhood as a shortcut. The City, however, would not maintain the gated area. He questioned why nearby property appeared on the proposal as well. He agreed that more than a promise should be required for the specific property.

Jim Emery asked about the lot sizes on Starlight Lane. He voiced his concern that with smaller lots, various roads, parks and churches would not be constructed. In response, he was assured that the lots were between 4000 and 6000 square feet. Higher density consists of around 10 units per acre with a medium density around 8-12 per acre.

Chair Jessica Morton continued the public hearing.

Applicant Corey Shupe offered to work with staff on the development. SLR sent a letter to Assistant City Planner Bryn McCarty and City Engineer Blake Thomas; however, more work is required before approval. He
clarified as well that the age-restricted community is separate from the gated area. Flow through from nearby neighborhoods is standard and the gates may cause issues with fire safety.

Commissioner Chris Berbert expressed his frustration with churches and schools changing the product yet maintaining high density. His frustration stems from the requirement to make decisions with incomplete projects. City Planner Michael Maloy stated that the issue arises from a development agreement issue. This problem can be solved but not with the current project. He added that phased development is expected and allowed. The Commissioners passionately expressed disappointment with developments not being delivered as promised. Commissioner Adam Jacobson asked to forego building churches or schools in this area. Councilmember Henderson mentioned that this issue was under discussion currently with the City Council and City Planner Michael Maloy added that the City could not legally deny schools.

Elizabeth Jones addressed the Commissioners with her concern with the lack of accessibility and trail access. She expressed her worry over accessing the open space in the area.

The Planning Commission discussed public parking at the park, including the issues with the main and equestrian trails.

The public hearing will remain open for two weeks. The Planning Commission concluded on touching base with the Parks and Trails Committee regarding a paved path around Bacchus highway. Staff may check with Parks and Recreation Director Wendy Thomas to ensure this development is in line with the Parks Master Plan.

2.3 Request: Final Site Plan Review for a 250 Lot Age-Restricted Subdivision (Teton Village)

Assistant City Planner Bryn McCarty described the final site plan review.

Assistant City Planner Bryn McCarty described the final site plan review.

Commissioner Jacobson moved to continue to the next meeting in two weeks. Re-notice if staff and applicant are not ready. item 2.2 and 2.3 file number S2018-04-01 Preliminary Plat approval for a 250 Lot Age-Restricted Subdivision (Teton Village) with staff recommendations. Commissioner Powell seconded the motion.

The vote was recorded as follows:

Commissioner Chris Berbert Aye
Commissioner Andrea Bradford Aye
Commissioner Jackson Ferguson Aye
Commissioner Adam Jacobson Aye
Commissioner Andy Powell Aye
2.4 Request: Preliminary Plat Approval for a 320 Lot Subdivision (Jackson Village)  
(Public Hearing)  
Applicant: Anthem Utah, LLC  
Address: 6500 W 11900 South  
Zone: R-2-10 (Residential – Medium Density)  
Acres: 68  
File Number: S2018-19  
Assistant City Planner Bryn McCarty explained the subdivision and reviewed the staff requirements, stating that this item is due for a public hearing.

Chair Jessica Morton opened the public hearing.

No comments were offered.

Chair Jessica Morton stated that the public hearing would remain open for two weeks.

Commissioner Jacobson moved to continue item 2.4 and 2.5 file number S2018-19 Preliminary Plat Approval for a 320 Lot Subdivision (Jackson Village) amended for two weeks and if not in two weeks then re-noticed. Commissioner Berbert seconded the motion.

The vote was recorded as follows:  
Commissioner Chris Berbert Aye  
Commissioner Andrea Bradford Aye  
Commissioner Jackson Ferguson Aye  
Commissioner Adam Jacobson Aye  
Commissioner Andy Powell Aye  
Commissioner Brody Rypien Aye  
The motion passed unanimously.

2.5 Request: Final Site Plan Review for a 320 Lot Subdivision (Jackson Village)  
Applicant: Anthem Utah, LLC  
Address: 6500 W 11900 South  
Zone: R-2-10 (Residential – Medium Density)  
Acres: 68  
File Number: P2018-04-02  
City Planner Bryn McCarty explained the site plan review and staff requirements.

Commissioner moved to continue item 2.5 file number P2018-04-02 Final Site Plan Review for a 320 Lot Subdivision (Jackson Village) amended for two weeks and if not in two weeks then re-noticed. Commissioner Berbert seconded the motion.

The vote was recorded as follows:  
Commissioner Chris Berbert Aye  
Commissioner Andrea Bradford Aye  
Commissioner Jackson Ferguson Aye  
Commissioner Adam Jacobson Aye  
Commissioner Andy Powell Aye  
Commissioner Brody Rypien Aye  
The motion passed unanimously.
Commissioner seconded the motion.

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

The motion passed unanimously.

2.6 Request: Preliminary Plat Approval for a Subdivision of 260 Townhomes (Monarch Village) (Public Hearing)

Applicant: DAI Partners, LLC
Address: 15102 S 3200 West
Zone: R-2-15 (Residential – Medium Density)
Acres: 15.82
File Number: S2018-10

City Planner Michael Maloy defined the product types and development agreement. The name was changed from Camelot to Soleil and now includes stacked units. Density was guaranteed but will not be exceeded. The townhomes will take up a certain amount of space. City Planner Michael Maloy defined open space and clustering.

Chair Jessica Morton opened the public hearing.

Mr. Brian Flam with the DAI presented the site plan. He stated that moving the parking helped break up the landscaping. He hoped that this solved the parking and street issues touched on by the Commissioners. He further presented images and stone elevation samples in a PowerPoint, specifically depicting driveways, front yard open space, and various percentages.

The Commissioners discussed a stacked type rather than the presented display. A stacked feel would allow for additional open space. Commissioner Adam Jacobson discussed the access to units via sidewalks.

Applicant Brian Flam discussed the various density allowances. Commissioner Adam Jacobson affirmed that open space is missing. The Commissioners discussed allowable unit shapes and the possibility of alterations for variation. They proposed distributing the number of units in each section differently in order to break up the area for more open space. Additional questions were addressed regarding street and visitor parking. The applicant stated that each unit in the second section includes a garage and driveway. These units particularly will have a higher price point.

Furthermore, Applicant Brian Flam addressed various issues listed in the Staff Report. He showed the different
styles of buildings, discussed various colors and materials, and mentioned that he has experienced a high demand for similar new homes. He affirmed that the west half of the area is currently for sale. The Commissioners requested more clarity overall with the development agreement. Applicant Brian Flam discussed the recommendations, mentioning that a few of the concerns have already been addressed. Following this, he addressed concerns regarding setbacks, precast walls and fencing. He also asked the Planning Commission for more clarity in the future.

Chair Jessica Morton opened public hearing

No comments were offered

Chair Jessica Morton closed the public hearing.

Commissioner Berbert moved to continue item 2.6 file number S2018-10 Preliminary Plat Approval for a Subdivision of 260 Townhomes (Monarch Village). Commissioner Ferguson seconded the motion.

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

The motion passed unanimously.

No additional comments offered.

Commissioner Berbert moved to continue without date item 2.7 file number C2008-44-06 Final PUD Approval for 260 Townhomes (Monarch Village). Commissioner Jackson seconded the motion.

The vote was recorded as follows:
Commissioner Chris Berbert Aye
Commissioner Andrea Bradford Aye
Commissioner Jackson Ferguson Aye
Commissioner Adam Jacobson Aye
Commissioner Andy Powell Aye
November 1, 2018 – Planning Commission Minutes

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.

4. Chair and Commission Comments

Commissioner Chris Berbert discussed the “good landlord” incentive and opined that the City Council should consider the idea. He also added his desire to separate the 80 square foot enclosed storage from the garage. Certain areas with higher density units should incorporate underground parking. This helps to create more open space. He also addressed adjusting the setbacks from window wells, which is especially needed for the five-foot setbacks. There will be designated storage for recreational vehicles and specific areas for visitor parking. Mayor David Watts appreciated the input given and asked the Planning Commission to work with staff to create a presentation for City Council.

Commissioner Adam Jacobson discussed implementing a better method for separating motions. He felt part of the issue stems from losing the ability to talk about various projects. Staff talk with attorneys and include only one motion per item. He opined that the work meeting should include a review of ordinance sections and focus less on developments and more on protecting the community. With the Planning Commission focusing on ways to improve the community, the work meetings would be more productive rather than wasted on long developmental discussions. In his opinion, the developments move too quickly with intense pressure for the Commissioners to approve everything.

Commissioner Chris Berbert thanked City Planner Michael Maloy for the opportunity to meet with Taylorsville. Taylorville recommended to structure discussions on ordinances, which inevitably would advocate for correct development completion.

Commissioner Adam Jacobson mentioned that the focus should be on keeping the current residential zones as originally intended by the developer. There should be defined expectations to maintain and a method of keeping all residents aware of various City requirements, such as parking. The Planning Commission should look at areas of the City that need more code enforcement, as certain areas are dilapidated. This gives people a reason to move to Herriman.

The Commissioners discussed the Fieldstone development and decided to keep the focus on the ordinances during presentations and meetings. Commissioner Andrea Bradford opined that the planning packets for meetings were too dense. Much of the information could be consolidated for easier briefing and decision-making. City Planner Michael Maloy discussed restructuring the packets and including maps with a wider view. Another option mentioned was to purchase iPads and use Dropbox packets; this would need budgeting before
Chair Jessica Morton thanked Mayor David Watts and City Council for attending the meeting. She stated her opinion that it would be beneficial for City Council to continue coming to Planning Commission meetings.

5. **Future Meetings**
   5.1 City Council – **Wednesday, November 14, 2018 @ 7:00 PM**
   5.2 Planning Commission Meeting – **Thursday, November 15, 2018 @ 7:00 PM**

6. **Adjournment**
   Commissioner Berbert moved to adjourn the Planning Commission meeting at 9:46 p.m. Commissioner Andrew seconded the motion 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 November 1, 2018. This document constitutes the official minutes for the Planning Commission Meeting.

Wendy Thorpe
The following are the minutes of the Planning Commission Meeting held on Thursday, November 15, 2018 at 7:00 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: Andy Powell, Brody Rypien, Andrea Bradford, Adam Jacobson, Lorin Palmer, Chris Berbert

Staff Present: City Planner Michael Maloy, Assistant City Planner Bryn McCarty, Communication Specialist Destiny Skinner, and Deputy Recorder Wendy Thorpe, Engineer Josh Peterson, City Attorney John Brems, Assistant City Manager Gordon Haight

Work Meeting (Fort Herriman Conference Room)

Chair Jessica Morton called the work meeting to order at 6:02 pm.

1. Kim Mikesell – Rezone to C-2

Assistant City Planner McCarty introduced Kim and Jackie Mikesell and their dog Zina to explain their proposal. They requested feedback from the Commissioners regarding a possible re-zone. Assistant City Planner McCarty explained the property was zoned O-P for office buildings and the proposed re-zone would change it to either Commercial or Agricultural. Ms. Mikesell explained one of the businesses she runs is a nonprofit called Outreach Pawsabilities, Inc, which trains service dogs for families and Veterans that cannot afford them. The channel two news recently presented a story highlighting their mission. She explained benefits of such animals for children with various medical conditions and autism. She added that they also rescue and re-home dogs and horses and train them as therapy animals. She also provided a place for completion of community service hours, assisted sober living home residents, and taught them to train dogs as
a career. She stated she had been working hard to clean up the property and she may xeriscape or lay sod in the front yard. The Commissioners discussed the zoning of the neighborhood.

Ms. Mikesell informed the Commissioners that the total number of animals would fluctuate as they were evaluated and referred out to other agencies but she estimated the maximum number dogs would be eighteen and the maximum horses would be five to seven. Her business assesses dogs that are at risk for being put to sleep and provided training. Her staff would consist of five to seven employees. Commissioners offered that if it is rezoned C-2 a precast wall would be required.

The property size is one acre. She planned on building a brick, barn like structure that would accommodate both dogs and horses. No one lived on the property at this time but eventually may include a caretaker. Commissioners expressed concern with the number of dogs being located adjacent to a residential area. Ms. Mikesell stated they would be trained to be service dogs and would be well mannered. The dogs would not be left outside and barking would be a non-issue. She added that she was rated one of the best trainers in Utah and training service dogs costs twenty to thirty thousand dollars.

Commissioners expressed concerns with having dogs and horses together on a property that small. They proposed having fewer horses.

Commissioner Rypien arrived at 6:18.

City Planner Maloy asked the Commissioners if a report from animal services would be beneficial, to which the Commissioners responded affirmatively. The Commissioners expressed appreciation for the cause and stated the possibility that it may work with fewer dogs and fewer horses with necessary zoning and text changes. Assistant City Planner McCarty stated the property had been for sale for a while before being purchased by the applicant. Commissioners expressed the opinion that the layout and impact on surrounding residents should be considered and requested to see the entire plan to see what the kennels would look like. Ms. Mikesell expressed openness to making changes and to working with the Staff and Commissioners. Assistant City Planner McCarty stated she would forward the news story to the Commissioners.

2. Review of City Council Decisions
City Planner Maloy informed the Commissioners that City Council adopted the home occupation ordinance, and they set the maximum number of eight students per session. City Council also adopted the alcohol ordinance with no changes to the Planning Commission recommendations. The City received a request today for a brewery/distillery, which was not included in the ordinance, which may need to be updated to include the distillery designation.

City Planner Maloy provided a brief overview of the Council work session discussion allowing wooden fencing for agricultural zones with large animals. The Planning Commission and City Council offered similar opinions
that it be considered for zones with large animals only.

City Council offered procedural clarification whether or not the Mayor’s signature was necessary on Mylar plats. Since the Planning Commission is the land use authority, the Council recommended that Staff explore the possibility that the Mayor’s signature may not be necessary. They discussed different possibilities such as making the City Attorney the final signature and also recommended having the City Planner sign the plats.

 Commissioners asked how the Council was informed of Planning Commission discussions. Assistant City Planner McCarty stated they were sent an email the morning after the meeting with an overview. City Planner Maloy stated he would look into better ways to increase communication between the Council and Commission.

 Commissioners and Staff discussed business licensing for rentals and Good Landlord programs. Commissioners expressed the opinion that creating business licenses for home rentals similar to the one in Taylorsville would be beneficial to the City. If issues arise with a property owner, their license would not be renewed. Over time, the fees would be reduced for good property owners. This would keep the home rentals to a higher standard. City Planner Maloy and Assistant City Planner McCarty stated this had been discussed with the City Council multiple times over the past several years but would be mentioned to this City Council.

 City Planner Maloy and the Commissioners expressed interest in having the City Code Enforcement Officer provide a report at work meetings. Commissioners discussed potential code violations they have witnessed in the City concerning parking locations for semi-truck and dump trucks. They offered the opinion that new ordinances may need to be put in place to address these issues. City Planner Maloy stated the City faces challenges with growth and there is only one Code Enforcement Officer. He added that this employee picked up 300 illegal signs over the weekend and the potential need for more staff had been discussed.

3. Review of Agenda Items
Assistant City Planner McCarty informed the Commission that Wasatch Development was the builder for the townhome development and John Lindsley is the developer. City Planner Maloy recommended reviewing the standards for the variation section, which was in the Staff Report. Commissioners questioned open space requirement and discussed increasing it. City Planner Maloy stated checking compliance with zoning requirement would be beneficial. The Commissioner expressed the opinion that sidewalks and areas between garages should not count as open space. They further discussed the density, layout and shape of the development.

 Commissioners offered the opinion that if this development is truly thirty-percent that the open space requirement need to be increased.

Planning Commission work meeting adjourned by consensus at 6:59 p.m.
7:00 PM - Regular Planning Commission Meeting

1. Call to Order
Chair Morton called the meeting to order at 7:03 p.m. and welcomed those in attendance.

1.1 Invocation/Thought/Reading and Pledge
Mr. Christopher Spendlove led the audience in the Pledge of Allegiance.

1.2 Roll call
Full Quorum Present.

1.3 Approval of Minutes for September 20, 2018 and October 4, 2018
Commissioner Jacobson moved to approve item 1.3 Minutes for September 20, 2018 and October 4, 2018 as written. Commissioner Rypien seconded the motion and all voted aye.

1.4 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 Approval for Wide Hollow Trail
Applicant: Herriman City
Address: 6600 W Wide Hollow Drive
Zone: FR-1 (Forestry Recreation – 1 acre min.)
File Number: C2018-44

Parks, Events and Recreation Director Wendy Thomas approached the podium and explained City Council recommended a new procedure and notification process for park structures and trail improvements. This process involved notification of residents that live within three hundred feet of the proposed improvement as well as a public meeting process. All of which would occur before presentation to the Planning Commission. She explained the Wide Hollow Trail location and presented the trail plans, which would connect the trail system throughout Herriman. Future plans would be to continue the trail system to Yellow Fork Canyon with some financial assistance from Salt Lake County. She added that the County was paying for this section of the trail.

Commissioner Palmer moved to approve item 2.1 file number C2018-44 Conditional Use Permit Approval for Wide Hollow Trail. Commissioner Berbert seconded the motion.

The vote was recorded as follows:
The motion passed unanimously.

2.2 Request: Preliminary Plat Approval for a Subdivision of 260 Townhomes (Monarch Village) (Public Hearing was held on November 1, 2018)

Applicant: DAI Partners, LLC
Address: 15102 South 3200 West
Zone: R-2-15 (Residential – Medium Density)
Acres: 15.82
File Number: S2018-10

Assistant City Planner McCarty explained the plat approval was east of Mountain View Corridor and was part of the South Hills development agreement and included 260 units. Site plan changes had been submitted based upon previous Planning Commission feedback regarding open space calculations. Proposed elevations and color scheme renderings and photos were presented. The development report included guidelines for color variation regarding unit placement. Two parking spaces were required per unit.

Applicant Brian Flam presented a side by side display to show the Prairie Style versus the Craftsman Style and the staggered unit layout. Eastern rental unit artist renderings of color breaks and grading and western for sale unit grading and color scheme renderings were displayed. Blue, red, and tan color schemes and stone photos were presented. Open space calculations were provided with breakdown of retention area, sidewalk and area between garages. Open space total was 21.2-percent with them excluded. He clarified the retention area would not appear deep due to some of the retention area being underground. Mr. Flam identified which items were amenities and the pool house and pool would be the first building permit.

Assistant City Planner McCarty stated the park was required to be installed before 50-percent of the development was completed and defined the amenities.

Mr. Flam expressed the desire to pour all the foundations at the same time. Assistant City Manager Haight clarified the building permit timeline and that foundation only permits were allowed.

Fencing for requirement #11 was clarified as well as fencing location and requirements along mountain view, near the Real Salt Lake (RSL) sign.

Commissioner Jacobson moved to approve item 2.2 file number C2018-10 Preliminary Plat Approval for a Subdivision of 260 Townhomes (Monarch Village) with 14 staff requirements, including an alteration to number 11 to install a six foot precast wall along the north and west property line around the RSL sign, another alteration to number 7 to define the park amenities as
clubhouse, pool, pickleball court, lawn, hot tub, exercise room, pool mechanical, parking, mailboxes and shed, basically everything delineated on the amenities plan, must be installed prior to 50-percent of the building permits being issued. Commissioner Palmer seconded the motion.

The vote was recorded as follows:
Commissioner Chris Berbert  Aye
Commissioner Andrea Bradford  Aye
Commissioner Lorin Palmer  Aye
Commissioner Adam Jacobson  Aye
Commissioner Andy Powell  Aye
Commissioner Brody Rypien  Aye
The motion passed unanimously.

2.3  Request: Final PUD Approval for 260 Townhomes (Monarch Village)
Applicant:  DAI Partners, LLC
Address:  15105 South 3200 West
Zone:  R-2-15 (Residential – Medium Density)
Acres:  15.82
File Number:  P2008-44-06
City Planner Maloy informed the Commissioners, just for the record, that another review would take place to confirm compliance with the Master Development Agreement (MDA) at the permitting stage. This review would confirm that building code, fire code and engineering requirements were all met. This zoning check would also make sure all landscaping requirements from the MDA were included. Assistant City Planner McCarty added that the full engineering and landscaping plans would be reviewed by the engineering department.

Commissioner Jacobson moved to approve item 2.3 file number S2018-10 Final PUD Approval for 260 Townhomes (Monarch Village) with staff recommendations. Commissioner Berbert seconded the motion.

The vote was recorded as follows:
Commissioner Chris Berbert  Aye
Commissioner Andrea Bradford  Aye
Commissioner Lorin Palmer  Aye
Commissioner Adam Jacobson  Aye
Commissioner Andy Powell  Aye
Commissioner Brody Rypien  Aye
The motion passed unanimously.

2.4  Request: Conditional Use Approval for a Manufacturing Building
Applicant:  Rob Cottle / Babcock Design
Address:  7107 West 11800 South
Zone:  T-M (Technology Manufacturing)
Acres:  15.56
File Number:  C2018-41
Assistant City Planner McCarty explained the pending property annexation included 37 acres and the location was south of 11800 and west of the SLR property. The manufacturing zone would bring jobs to the area. She emphasized that no decision was expected tonight, as the item would be brought back for Commission review at the January 3, 2019 meeting and the annexation process would be completed by then. Parking would be based on the number of employees which was estimated to be 370. The area would contain offices, manufacturing locations and storefronts. Building elevations, parking lot and the landscaping plan were presented.

Architects Devin Bellnap and Rob Cottle approached the podium and explained at this time the development contains 11.7-percent open space. They explained that the parking lot needed to include increased space for truck and trailer access, loading and parking. They presented the landscape concept drawing and treeline. The north side of the building would be attractive glass. The building is almost six acres and they offered the opinion that 15-percent would be a tremendous amount of landscaping. They added their products are manufactured to order and they design and build the products onsite. Rooftop would include ventilation and small scale equipment. The building would include energy efficient features, windows and roof skylights.

Assistant City Manager Haight added the City Council was more concerned with the appearance of the building than the percentage of landscaping.

Commissioner Berbert stated he had no concerns with the percentage of landscaping percentage and requested more detail for what it would include and offered the opinion that a winding path lined with park benches would be more attractive than a sidewalk.

Mr. Cottle stated the current plan included sidewalks to meet the City ordinance and expressed willingness to have paths connected to nearby trails. He further explained this would be the first building in an industrial area and some details would be added later. The nearby trail loop and fee in lieu options were discussed.

Commissioner Jacobson expressed the opinion that more landscape should be located on the east side.

The Commissioners expressed appreciation for the quality of the building and landscaping. City Planner Maloy reminded the Commissioners that staff would collaborate with parks and engineering departments as the project develops and would appreciate a decision at the Planning Commission meeting January 3, 2019.

Commissioners added that if the adjacent property became residential fencing would be required. Assistant City Manager Haight stated that area was anticipated to be be zoned T-M.

*Commissioner Brody Rypien moved to continue item 2.4 file number C2018-41 Conditional Use Approval for a Manufacturing Building. Commissioner Bradford seconded the motion.*

*The vote was recorded as follows:*
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.

4. Chair and Commission Comments
No comments were offered.

5. Future Meetings
5.1 Planning Commission Meeting – Thursday, December 6, 2018 @ 7:00 PM
5.2 City Council – Wednesday, December 12, 2018 @ 7:00 PM

6. Adjournment
Commissioner Palmer moved to adjourn, second by Powell the Planning Commission meeting at 7:57 p.m. Commissioner seconded the motion 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 November 15, 2018. This document constitutes the official minutes for the Planning Commission Meeting.

Wendy Thorpe
Deputy Recorder for Herriman City
**Date of Meeting:**

**12/06/2018**

<table>
<thead>
<tr>
<th><strong>File #</strong></th>
<th>C2018-41</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant</strong></td>
<td>Rob Cottle / Babcock Design</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>7107 W 11800 South</td>
</tr>
<tr>
<td><strong>Request</strong></td>
<td>Conditional Use Approval for a Manufacturing Building</td>
</tr>
</tbody>
</table>
DATE: November 27, 2018
TO: Planning Commission
FROM: Bryn McCarty, AICP, Assistant City Planner
MEETING: Planning Commission December 6, 2018
REQUEST: Conditional Use Permit Approval for a Manufacturing Building
Applicant: Rob Cottle / Babcock Design
Address: 7107 W 11800 South
Zone: T-M (Technology Manufacturing)
Acres: 15.56
File Number: C2018-41

Request
The applicant is requesting a conditional use permit for a 242,151 square foot manufacturing building. Manufacturing is a conditional use in the T-M zone. This is part of the Kennecott annexation area that was recently approved by the Herriman City Council and the Lieutenant Governor of Utah.

Process
A conditional use is an administrative decision. The Planning Commission will hold a public meeting and make a decision based on compliance with approval standards listed in City Code 10-5-11.E (and shown on pages three and four of this report).

Discussion
This property was approved by the City Council for annexation on October 24, 2018. The annexation will be effective on January 1, 2019. The applicant appeared before the Planning Commission (PC) on November 15, 2018, to present a development proposal and obtain feedback. The item has been placed on the agenda for a final decision subject to the annexation being effective on January 1, 2019.

Issue 1 – Parking
The ordinance requires 1 parking space per employee on the highest employment shift. The building will have 315 employees, with 200 per shift. The proposed plan has 367 spaces.

Issue 2 – Landscaping
The landscape ordinance requires commercial development to have 15% landscaping on the site (pending City Council approval of zoning text amendment Z2018-18). The proposed plan has
approximately 11.5% landscaping. The ordinance states that if the landscaping requirement cannot be met, then the applicant may ask the PC for a Waiver of Strict Compliance as per Section 10-23-6 of City Code, which states:

*The applicant must submit a written request which describes the proposed waiver, provides grounds justifying the waiver, and shows how the intent of the landscaping ordinance will be met by the proposed waiver.*

The applicant has submitted a written request with their justification for the waiver. The PC will need to review the request and determine if there is adequate justification to grant a waiver.

The ordinance requires 20 feet of landscaping along all public streets. The plan does provide for 20 feet along 118th South. The Herriman City Landscape Architect has reviewed the plans and recommends that an additional 24 trees be added along 118th in order to provide a more substantial buffer to the road. She would also like to alter some of the proposed tree species.

**Issue 3 – Fencing**
The property is planned to be commercial or manufacturing on all adjacent sides, so no fencing is required at this time.

**Approval Standards**

The following standards shall apply for approval of a conditional use:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Finding</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The suitability of the specific property for the proposed use;</td>
<td>Compliant</td>
<td>The site is zoned T-M (Technology Manufacturing). The property is adjacent to 118th South, which is a major arterial within the City.</td>
</tr>
<tr>
<td>b. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;</td>
<td>Compliant (with conditions)</td>
<td>There is no current or planned development directly adjacent to the subject property.</td>
</tr>
<tr>
<td>c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;</td>
<td>Compliant (with conditions)</td>
<td>The proposed facility is not anticipated as being injurious to potential or existing development in the vicinity.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>d.</strong> The economic impact of the proposed facility or use on the surrounding area;</td>
<td>Compliant</td>
<td>The proposed facility would have a positive economic impact on the surrounding area. The business will create approximately 315 jobs, and will likely attract more employment opportunities within the area.</td>
</tr>
<tr>
<td><strong>e.</strong> The aesthetic impact of the proposed facility or use on the surrounding area;</td>
<td>Compliant</td>
<td>The proposed facility is of the highest quality for the type of facility that it is.</td>
</tr>
<tr>
<td><strong>f.</strong> The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area;</td>
<td>Compliant (with conditions)</td>
<td>The site is currently served by 118th South. Additional roads and utilities are being brought to the site in order to facilitate this development and other similar development in the area.</td>
</tr>
<tr>
<td><strong>g.</strong> The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;</td>
<td>Compliant (with conditions)</td>
<td>UFA officials have been consulted to ensure adequate fire protection site design measures are planned. The site will comply with all building code and engineering requirements.</td>
</tr>
<tr>
<td><strong>h.</strong> The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;</td>
<td>Compliant (with conditions)</td>
<td>As the site is over 1 acre in size, a General Construction Permit and associated SWPPP will be required to comply with UPDES permitting. This will mitigate the levels of dust and other pollutants released during construction of the facility. Once constructed, the proposed development will comply with all Herriman ordinances governing noise, glare, odors, etc.</td>
</tr>
<tr>
<td><strong>i.</strong> The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area</td>
<td>Compliant</td>
<td>There are no adverse effects on the health, safety and welfare of the area.</td>
</tr>
<tr>
<td><strong>j.</strong> The impact of the proposed facility or use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.</td>
<td>Compliant</td>
<td>There is no adverse impact on health, welfare or safety for the city, for the area, or for those owning or leasing property in the area. This project will increase property values in the area and benefit the city by adding to its tax base.</td>
</tr>
</tbody>
</table>
**Recommendation**
Staff recommends approval of the manufacturing building subject to the annexation and the following requirements:

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. Final lighting plan shall prevent all light pollution and glare onto adjacent properties. Where necessary, light fixtures shall use cut-off shields to prevent light pollution and glare. Final lighting plan shall include cut sheet details and specifications for all exterior light fixtures. Approved fixtures shall not be substituted without approval of the Planning Director or designee.
2. Parking lot lights need to meet City standards.
3. A waiver of strict compliance is approved for the landscaping requirements. The landscaping is approved at 11.5%.
4. The front yard area which faces on 118th South 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 24 additional trees. All tree species to be approved by the Herriman City Landscape Architect.
5. Building elevations are approved as submitted, which will mitigate or eliminate detrimental visual impacts.
6. Install curb, gutter, sidewalk, street lights, and park strip on all public streets. This may include a fee-in-lieu for the sidewalk on 118th South.
7. No signs are approved with this request; a separate approval will be required.
8. Screen all outside trash and dumpster areas which will mitigate or eliminate detrimental visual impacts.
9. Provide 1 parking space per employee on the highest employment shift. The building will have 315 employees, with 200 per shift. The proposed plan has 367 spaces.
10. A traffic study for the development shall be reviewed as part of the engineering approval. 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. Park Strip landscaping along 118th South to be installed by the applicant as per City standards.
13. Provide Fire Flow Test Report as per the Unified Fire Authority (UFA) test report requirements.
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, including sod, sprinklers, and trees.
16. Any underground detention will require an injection well permit.

**Denial Standards**
If motion is to deny, the Planning Commission must identify for the record which of the following circumstances cannot be mitigated based on substantial evidence presented:

a. The proposed conditional use is not allowed by the zone where the conditional use will be located or by another provision of this title;
b. The use is not consistent with the general plan, as amended;
c. The proposed use will comply not with regulations and conditions specified in this title for such use;
d. Existing or proposed utility services are not adequate to serve the proposed development or are designed in a manner that will adversely affect adjacent property or land uses;
e. The proposed use will create a need for essential city services which cannot reasonably be met;
f. Streets and other means of access to the proposed development are not adequate to carry anticipated traffic and will substantially degrade the level of service on adjacent streets;
g. The proposed use will cause unreasonable risk to the safety of persons or property because of vehicular traffic, parking, large gatherings of people, or other causes;
h. The proposed use will unreasonably interfere with the lawful use of surrounding property;
i. Fencing, screening, landscaping, and other buffering cannot adequately protect adjacent property from light, noise, and visual impacts associated with the proposed conditional use; and
j. The proposed use will be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

**Attachments**

1. Vicinity Map
2. Site Plans
3. Building Elevations
4. Landscaping Plan
5. Request Waiver of Strict Compliance
6. Conditional Use Responses
SITE PLAN

HERRIMAN INDUSTRIAL #1 LLC
7017 West 11800 South
Herriman, UT 84096

NOTE: THESE NOTES APPLY TO THIS SHEET ONLY.

1. SEE CIVIL DRAWINGS FOR LIMITS OF CONSTRUCTION - CONTRACT LIMIT LINE IS FROM BACK OF CURB UNLESS NOTED OTHERWISE.

2. SEE CIVIL DRAWINGS FOR ALL GRADING, SITE WORK, UTILITY CONNECTIONS, RETAINING WALLS, ETC. - INFORMATION SHOWN HERE IS SCHEMATIC.

3. SEE LANDSCAPING DRAWINGS FOR PLANTING AND IRRIGATION - INFORMATION SHOWN HERE IS SCHEMATIC.

4. SEE ELECTRICAL DRAWINGS FOR UTILITY CONNECTIONS - INFORMATION SHOWN HERE IS SCHEMATIC.

5. DIMENSIONS ARE FROM BACK OF CURB UNLESS OTHERWISE NOTED.

6. CONNECT ALL PRIMARY ROOF DRAINS TO UNDERGROUND DISCHARGE SYSTEM. COORDINATE WITH CIVIL DRAWINGS.

PARKING STALL COUNT

- TYPICAL CAR STALLS: 358
- TRUCK STALLS: 31
- ADA STALLS: 9

TOTAL EMPLOYEE COUNT: 315

EMPLOYEES PER SHIFT: 200
November 8, 2018

Planning Commission Members,

We are requesting to reduce the landscaping requirement from 15% to 11.7%, which is the amount in our current design. While we understand the intent of the ordinance is to create a minimum amount of landscaping for all developments of this type, we feel that a 15% requirement creates a financial burden on development which threatens the viability of the project. Our current project is 14.82 acres (645,791 s.f.). A 15% landscaping requirement is 2.22 acres or 96,868 s.f. This is a tremendous amount of landscaping for a project of this size and seriously impedes the ability to make the project feasible.

For a project of our type, certain criteria must be met that make it on par with other Industrial/Manufacturing projects in the market. The width and length of the building, the amount of dock door locations/access, the amount of truck and trailer parking and the car parking needed for a facility of this size all need to be addressed for the project to be viable. Reduction of any of the above amenities significantly reduces the project’s ability to be leased in the open market and would send those tenants to other cities where the requirements are more in alignment with the realities of large-scale Industrial/Manufacturing projects.

We have strived to provide as much landscaping as the project will bear, while preserving the critical amenities to make the project feasible. We are providing 1.73 acres or 75,416 s.f. of landscaping which totals 11.7%. We believe that this still is a significant amount of landscaping that meets the spirit of the ordinance and does not detract in any way from the quality of the development and in fact will be a great example of an Industrial/Manufacturing project for the new Herriman Innovation District. We look forward to speaking to you in person at the Planning Commission Meeting on November 15, 2018 and ask that you will approve our request.

Regards,

ROB COTTLE  AIA  
SENIOR PRINCIPAL

801.531.1144 OFFICE  |  801.433.4317 DIRECT  |  801.201.6432 MOBILE
52 EXCHANGE PLACE  SALT LAKE CITY  UT  84111

BabcockDesign

WEBSITE  |  TWITTER  |  FACEBOOK  |  LINKED-IN
CONDITIONAL USE STANDARDS

1. In considering an application for a conditional use permit, the decision-making body or official may analyze any of the following factors and may request information, studies, or data with respect to such factors for the purpose of determining whether a proposed conditional use meets the standards set forth in subsection E-2 of this section.

   a. The suitability of the specific property for the proposed use;
      The current property is a greenfield site that has been vacant for decades. The project is the first building in what is intended to be a new Innovation Center for Herriman City, and is ideally suited for this purpose.

   b. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
      There currently is no adjacent development within a mile or two in any direction, so this project will be the first of its' kind in the area and will anchor the new industrial/manufacturing projects.

   c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;
      No. This project is following all of the development standards set forth by Herriman City for this proposed zoning and land use. There is are no injurious aspects to this project.

   d. The economic impact of the proposed facility or use on the surrounding area;
      The new project will house a very robust and successful local manufacturing and retail tenant that employees several hundred from the local population. The economic impact will be very positive not only for this project, but the subsequent projects that it will bring to the area.

   e. The aesthetic impact of the proposed facility or use on the surrounding area;
      The new project is of the highest quality for its' type and will enhance the aesthetics in a positive way.

   f. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area;
      All present and future infrastructure is being brought to the site by Herriman City as part of the development agreement and all of the utility needs are being coordinated between the building developer and the City.
g. The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;
This project conforms to all current building codes, including life safety codes, zoning ordinances and other state and local requirements to assure all of the above items meet the required standards. Conformance of all of the above items will be a condition of obtaining a building permit as well.

h. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
Industry-standard safeguards, including requirements set forth in the Federal, State and Local building codes address the control of the noxious items listed above. The use of the building does not anticipate any issues with the above items.

i. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
No other adverse effects are anticipated that aren't addressed by code, zoning or other requirements for this project.

j. The impact of the proposed facility or use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.
There is no adverse impact on health, welfare or safety for the city, for the area, or for those owning or leasing property in the area. This project will increase property values in the area and benefit the city by adding to its’ tax base.
<table>
<thead>
<tr>
<th>Date of Meeting:</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2018</td>
</tr>
<tr>
<td>File #</td>
</tr>
<tr>
<td>Applicant</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>Request</td>
</tr>
</tbody>
</table>
DATE: November 27, 2018
TO: Planning Commission
FROM: Bryn McCarty, AICP, Assistant City Planner

MEETING: Planning Commission December 6, 2018

REQUEST: Conditional Use Permit Approval for Redemption Sports Bar / Grill
Applicant: Jarod Hall
Address: 3517 W Maradona Drive
Zone: C-2 (Commercial)
Acres: .93
File Number: C2018-45

Request
The applicant is requesting a conditional use permit for Redemption Sports Bar / Grill. A bar establishment is a conditional use in the C-2 zone.

Process
A conditional use is an administrative decision. The Planning Commission will hold a public meeting and make a decision based on compliance with the approval standards.

Discussion
The applicant is proposing a sports bar/grill on lot 105 of the Mountain Point Retail Center. This is a 5 lot commercial subdivision. A Holiday Oil gas station was recently approved on lot 101. The property is directly east of Academy Parkway, but will have access off of Maradona Drive.

The City Council recently approved amendments to the zoning ordinance and business license ordinance to allow bar establishments in the City. The proposed land use will need to meet all City ordinances, as well as pertinent sections of State statute.

Issue 1 - Elevations
The ordinance requires buildings in the C-2 zone to have 60 percent brick or stone on the front elevation and any side visible from the street. The proposed elevations comply with this requirement.

Issue 2 – Parking
The ordinance requires 1 space per 100 feet of floor area for taverns. To comply, the applicant must provide at least 29 parking spaces. There are 41 parking spaces on the proposed plan.
Issue 3 – Landscaping
The landscape ordinance requires commercial development to have 15% landscaping on the site. The proposed plan shows that it meets this requirement.

The ordinance requires 20 feet of landscaping along roads. The plan shows 20 feet along Academy Parkway. The plan provides 15 feet with a berm along Maradona Drive. The ordinance allows this reduction as long as a berm is provided.

The plan also shows landscaping around the foundation of the building, and in the parking lot, as required by ordinance.

Issue 4 – Fencing
The property directly adjacent to the north, south, and east of this property is planned as commercial, so no fencing is required.

Issue 5 – Proximity Restrictions
The ordinance requires a bar establishment to meet proximity restrictions as outlined in State Code, which states the following:

3-3A-4 (B)
   a. An on-premises banquet license, single-event permit, on-premises beer retailer license, or bar establishment license shall not be granted to a business located within six hundred feet (600’) of any community location as measured from the nearest patron entrance of the proposed outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or within two hundred feet (200’) of the proposed outlet measured in a straight line from the nearest patron entrance of the proposed outlet to the nearest property boundary of the community location.

A “community location” is defined by State Code as:

32B-1-102 Definitions
As used in this title:
   (22)"Community location" means:
      (a) a public or private school;
      (b) a church;
      (c) a public library;
      (d) a public playground; or
      (e) a public park.

There are no community locations within 600 feet of this application.
**Approval Standards**

The following standards shall apply for approval of a conditional use:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Finding</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The suitability of the specific property for the proposed use;</td>
<td>Compliant</td>
<td>The site is zoned C-2: Community Commercial. It is located in the Mountain Point Retail Center on Academy Parkway, which is a major traffic corridor.</td>
</tr>
<tr>
<td>b. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;</td>
<td>Compliant (with conditions)</td>
<td>The development will be located on lot 105 of the “Mountain Point Retail” subdivision. The Planning Commission has already approved a gas station on lot 101 of this subdivision. It is also planned to be commercial to the south.</td>
</tr>
<tr>
<td>c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;</td>
<td>Compliant (with conditions)</td>
<td>The proposed facility is not anticipated as being injurious to potential or existing development in the vicinity.</td>
</tr>
<tr>
<td>d. The economic impact of the proposed facility or use on the surrounding area;</td>
<td>Compliant</td>
<td>The proposed bar would have a positive economic impact on the surrounding area. The bar would create several jobs as well as generate additional taxable income for the City.</td>
</tr>
<tr>
<td>e. The aesthetic impact of the proposed facility or use on the surrounding area;</td>
<td>Compliant</td>
<td>The proposed building would blend in with the look of the surrounding buildings. The submitted color building elevations and conceptual landscape plans should be referenced for additional details.</td>
</tr>
<tr>
<td>f. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area;</td>
<td>Compliant (with conditions)</td>
<td>Utility stubs are present within the existing privately-owned Maradona Drive.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>g. The safeguards proposed or provided to insure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;</td>
<td>Compliant (with conditions)</td>
<td>UFA officials have been consulted to ensure adequate fire protection site design measures are planned. The development will provide detention, landscaping, screening, and lighting to City standard.</td>
</tr>
<tr>
<td>h. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;</td>
<td>Compliant (with conditions)</td>
<td>As the site is over 1 acre in size, a General Construction Permit and associated SWPPP will be required to comply with UPDES permitting. This will mitigate the levels of dust and other pollutants released during construction of the facility. Once constructed, the proposed development would comply with all Herriman ordinances governing noise, glare, odors, etc.</td>
</tr>
<tr>
<td>i. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area</td>
<td>Compliant</td>
<td>The property will have landscaping to buffer from adjacent properties. A photometric plan will be reviewed to make sure lighting does not affect adjacent properties.</td>
</tr>
<tr>
<td>j. The impact of the proposed facility or use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.</td>
<td>Compliant</td>
<td>The proposal complies with the proximity requirements for bars. There are no parks or schools in the immediate vicinity. This project will increase property values in the area and benefit the city by adding to its’ tax base. The state DABC will require inspections and reporting for compliance with their standards. The Police Department has reviewed the application and did not identify any concerns relative to safety.</td>
</tr>
</tbody>
</table>
Recommendation
Staff recommends approval of the sports bar/grill with the following conditions:

1. Meet with the Staff for review and final approval of the site plan.
2. Receive and agree to the recommendations from other agencies.
3. No signs are approved with this request, separate approval will be required.
4. At least 15% of the total site must be landscaped. At least 5% of the parking lot interior must be landscaped. Landscaping shall meet all requirements of the ordinance and standards.
5. Parking shall be provided at one space per 100 square feet of floor area, which would be at least 29 spaces.
6. Screen all outside trash and dumpster areas with precast or masonry walls.
7. Provide an addendum to the original traffic impact study for review and approval. This should include information on access points.
8. Detention shall be provided on site as required by City standard. This may be in underground detention.
9. 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. Final lighting plan shall prevent all light pollution and glare onto adjacent properties. Where necessary, light fixtures shall use cut-off shields to prevent light pollution and glare. Final lighting plan shall include cut sheet details and specifications for all exterior light fixtures. Approved fixtures shall not be substituted without approval of the Planning Director or designee. Parking lot light poles and fixtures must comply with City standards.
10. Any and all trash pickup shall only occur between the hours of 6:00 a.m. and 6:00 p.m. of the same day.
11. Provide ADA access to a public street.
12. Building elevations are approved as submitted.
13. Street lighting should meet city standard for pole and fixture design or be an equal approved by city engineer.
14. To ensure compliance with City development requirements, details of the future patio expansion shall be reviewed and approved by staff prior to construction or installation. This includes site furnishings, lighting, and fencing.

Denial Standards

If motion is to deny, the Planning Commission must identify for the record which of the following circumstances cannot be mitigated based on substantial evidence presented:

a. The proposed conditional use is not allowed by the zone where the conditional use will be located or by another provision of this title;
b. The use is not consistent with the general plan, as amended;
c. The proposed use will comply not with regulations and conditions specified in this title for such use;
Staff Report

d. Existing or proposed utility services are not adequate to serve the proposed development or are designed in a manner that will adversely affect adjacent property or land uses;
e. The proposed use will create a need for essential city services which cannot reasonably be met;
f. Streets and other means of access to the proposed development are not adequate to carry anticipated traffic and will substantially degrade the level of service on adjacent streets;
g. The proposed use will cause unreasonable risk to the safety of persons or property because of vehicular traffic, parking, large gatherings of people, or other causes;
h. The proposed use will unreasonably interfere with the lawful use of surrounding property;
i. Fencing, screening, landscaping, and other buffering cannot adequately protect adjacent property from light, noise, and visual impacts associated with the proposed conditional use;
and
j. The proposed use will be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

Attachments
A. Application
B. Vicinity Map
C. Site plans
D. Landscaping plan
E. Building Elevations
F. Conditional Use Criteria
Proposed Conditional Use
File# C2018-45
LANDSCAPE NOTES

MATERIAL NOTE: MATERIALS USED TO THE FOLLOWING CRITIQUING CATEGORIES

PLANT MATERIAL (including new topsoil)

MULCH NOTE: INSTALL LAYER OF 2-4" GRAY WASHED CLEAN RIVER ROCK MULCH IN PLANTERS AS SHOWN ON THIS PLAN

WEED BARRIER NOTE: INSTALL DEWITT PRO-5 WEED BARRIER IN ALL PLANTER BEDS.

LANDSCAPE BOULDER NOTE: INSTALL 4' MIN LANDSCAPE BOULDERS IN LOCATIONS SHOWN ON THIS PLAN

TREE NOTE: PROVIDE A 4' DIAMETER GRASS-FREE AREA AT THE BASE OF TREES INSTALLED IN GRASS AREAS. INSTALL 4" OF WOOD MULCH

LANDSCAPE ARCHITECTS

BUILDING: 380 E Main St, Suite 204
Midway, Ut 84049  ph. (801) 723-2000

SCALE 1 = 20'  
SCALE 1 = 65' For 1:247

PLANT SCHEDULE

<table>
<thead>
<tr>
<th>COMMON NAME / BOTANICAL NAME</th>
<th>CONT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chanticleer Pear / Pyrus calleryana <code>Chanticleer</code></td>
<td>B &amp; B 2&quot; Cal</td>
</tr>
<tr>
<td>Common Hackberry / Celtis occidentalis</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>Littleleaf Linden / Tilia cordata</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>Weeping Elm / Ulmus 'Autumn Gold'</td>
<td>2&quot; Cal</td>
</tr>
<tr>
<td>Eastern Hemlock / Tsuga canadensis 'Marron'</td>
<td>2&quot; Cal</td>
</tr>
</tbody>
</table>

SHRUBS

<table>
<thead>
<tr>
<th>COMMON NAME / BOTANICAL NAME</th>
<th>CONT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arctic Fire Dogwood / Cornus sanguinea <code>Arctic Fire</code> TM</td>
<td>5 gal</td>
</tr>
<tr>
<td>Crimson Pygmy Barberry / Berberis thunbergii <code>Crimson Pygmy</code></td>
<td>5 gal</td>
</tr>
<tr>
<td>Diablo Ninebark / Physocarpus opulifolius <code>Diablo</code></td>
<td>5 gal</td>
</tr>
<tr>
<td>Spirea / Spiraea japonica <code>Goldmound</code></td>
<td>5 gal</td>
</tr>
</tbody>
</table>

GRASSES

<table>
<thead>
<tr>
<th>COMMON NAME / BOTANICAL NAME</th>
<th>CONT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue Oat Grass / Helictotrichon sempervirens</td>
<td>1 gal</td>
</tr>
<tr>
<td>Burgundy Switch Grass / Panicum virgatum <code>Shenendoah</code></td>
<td>1 gal</td>
</tr>
</tbody>
</table>

GROUND COVERS

<table>
<thead>
<tr>
<th>COMMON NAME / BOTANICAL NAME</th>
<th>CONT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kentucky Bluegrass / Poa pratensis sod</td>
<td>sod</td>
</tr>
</tbody>
</table>

MULCH

<table>
<thead>
<tr>
<th>COMMON NAME / BOTANICAL NAME</th>
<th>CONT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-4&quot; Cobble Rock w/Dewitt Pro-5 Weed Barrier / Washed Landscape Rock mulch</td>
<td>mulch</td>
</tr>
</tbody>
</table>

25 3-4' Landscape Boulder boulder
ELEVATION NOTES
1. ROOFING MATERIAL NOT VISIBLE IN ELEVATIONS. ANY ROOFING MATERIAL OPEN TO SKY WILL BE WHITE TPO.

ELEVATION SURFACE AREA CALCULATION
FRONT ELEVATION: 885 SF  BRICK: 615 SF
BACK ELEVATION: 1060 SF  BRICK: 693 SF
RIGHT ELEVATION: 767 SF  BRICK: 442 SF
LEFT ELEVATION: 992 SF BRICK: 665 SF
TOTAL SURFACE AREA OF MATERIALS: 3,704 SF
TOTAL AREA OF BRICK: 2,415 SF
PERCENTAGE OF AREA THAT IS BRICK: 65%

KEYNOTES
1. DARK GRAY ATLAS BRICK
2. GROUND FACE WHITE CMU
3. GARAGE DOOR
4. HOLLOW METAL DOOR AND FRAME
5. ALUMINUM STOREFRONT GLAZING SYSTEM
6. ALUMINUM CURTAIN WALL GLAZING SYSTEM
7. BUILDING SIGNAGE
8. PAINTED STEEL HANDRAIL
9. PAINTED STEEL STAIRS
10. WALL MOUNTED EXTERIOR LIGHT
11. PREMANUFACTURED PERGOLA SYSTEM
12. PRECAST PARAPET CAP
13. PAINTED STEEL TRUSS W/ INTERGRAL ACCENT LED STRIP LIGHTING
14. ARCHITECTURAL ACCENT STEEL PLATE
15. PAINTED METAL GATE
16. TRASH ENCLOSURE - SIDE ELEVATION
17. TRASH ENCLOSURE - BACK ELEVATION
18. TRASH ENCLOSURE - FRONT ELEVATION

PROJECT ADDRESS:
OWNER:
SHEET SCALE:
PUBLISH DATE:
PHASE:
A.O.R.:
ARCH PROJECT #:

PROFESSIONAL SEAL:

REVISIONS:

SHEET NUMBER:
1

SHEET NAME:
DI'VELEPT DESIGN LLC  C  2018
4 5 4  P  6 0 0  N,  SLC,  UT  84116
e: h o w d y @ d i v e l e p t . c o m
p: 8 0 1 - 6 8 0 - 4 4 8 5
w: w w w . d i v e l e p t . c o m

HERRIMAN BAR
EXTERIOR ELEVATIONS

NOT FOR CONSTRUCTION

As indicated
A200.

HERRIMAN BAR
NOV. 20, 2018
Checker
BRYAN ELLISON
3517 W MARADONA DRIVE
HERRIMAN, UT
DEVELOPMENT REVIEW
18-19
CONDITIONAL USE STANDARDS

1. In considering an application for a conditional use permit, the decision-making body or official may analyze any of the following factors and may request information, studies, or data with respect to such factors for the purpose of determining whether a proposed conditional use meets the standards set forth in subsection E-2 of this section.

   a. The suitability of the specific property for the proposed use;

      The property is situated in an area slated for future commercial development. With limited existing neighbors, development in the surrounding area can respond to a bar at this location rather than be surprised by it. Additionally, this bar is not much different from a Tavern as it will allow for food options to be ordered along with drinks that are offered. A tavern is an allowed use in this zone and therefore a bar of this nature would be well suited to the zone.

   b. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;

      In addition to the items mentioned in response to item a. This bar will be located near an existing adult Soccer training facility and we are not sure there is a more harmonious set of adjacent uses.

   c. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity;

      The area is just starting into development so there are limited existing developments in the vicinity.

   d. The economic impact of the proposed facility or use on the surrounding area;

      We feel this project will have a positive economic impact just as a restaurant or tavern in the same area would.

   e. The aesthetic impact of the proposed facility or use on the surrounding area;

      As the architects we are pretty excited about the design of this facility. The design is current and forward thinking. We feel that the building will enhance the neighborhood and set a solid standard for the future development that will follow in the area.

   f. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area;

      This project is part of a larger development of the surrounding area which larger development has studied and taken into account these items.

   g. The safeguards proposed or provided to insure adequate utilities,
transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation;

Please see the included drawing package for evidence of these considerations in the design. Additionally the design takes into account comments from the DRC which further address these items.

h. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;

The bar will be similar to a restaurant or a tavern in this regard which are both allowed uses in the zone.

i. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and

Utah State law regulates to a strict standard the administration of alcoholic beverages which standards are more than adequate to accommodate this purpose.

j. The impact of the proposed facility or use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.

The bar will be similar to a restaurant or a tavern in this regard which are both allowed uses in the zone. (Meaning it is not a factory putting of harmful substances to the general public)
<table>
<thead>
<tr>
<th>Date of Meeting:</th>
<th>11/15/2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File #</strong></td>
<td>Z2018-24</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Herriman City</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Request</strong></td>
<td>Amend City Code 10-5-16 Regarding Signature Block on Final Subdivision Plat</td>
</tr>
</tbody>
</table>
Staff Report

DATE: November 29, 2018

TO: Herriman City Planning Commission

FROM: Michael Maloy, AICP, Planning Director

MEETING: November 14, 2018

REQUEST: Amend City Code 10-5-16 Regarding Signature Block on Final Subdivision Plat

Applicant: Herriman City
File Number: Z2018-24

Request

Herriman City proposes to amend the Herriman Land Development Code by removing the signature block for the Mayor and adding a signature block for the Planning Director. This amendment is consistent with Utah Code, and Herriman City Code, which recognizes the Herriman City Planning Commission as the “Land Use Authority” for Herriman.

Process

A text amendment is a legislative act that requires the Planning Commission to hold a public hearing and make a recommendation to the City Council for consideration. The City Council, as the legislative body of the City, will make the final decision on this request. As per City Code, a public hearing notice was published in the Deseret News and Salt Lake Tribune on November 26, 2018.

Discussion

The administration recently discovered a conflict in City Code regarding approval authority and required signatures on final subdivision plats and plat amendments.

The following City Code states the Planning Commission has approval authority for preliminary subdivision plats within the City:

10-5-15: Preliminary Plats
B. Authority: The Planning Commission is authorized to review and approve preliminary plats as set forth in this section.

Following preliminary approval, City Code states City staff has approval authority for final subdivision plats:
**10-5-16: Final Plats**

B. Authority: City staff are authorized to review and approve final plats as set forth in this section.

Regarding subdivision plat **amendments**, City Code states the Planning Commission has approval authority for subdivision plat amendments without vacation of “some or all of a street, right-of-way, or easement,” and the City Council has approval authority when the plat amendment includes a vacation request:

**10-5-17: Subdivision Plat Amendments**

B. Authority: The Planning Commission is authorized to amend or vacate a plat except when such action is required to be taken by the City Council as set forth in this section.

D. Procedure: A subdivision plat amendment or vacation application shall be reviewed and processed as provided in this subsection . . . of this chapter.

b. (2) A public hearing is required before the City Council because the application includes a request to vacate some or all of a street, right-of-way, or easement.

However, while City Code clearly identifies approval authority for preliminary, final, and amended subdivision plats, the following regulation implies the Mayor is required to sign all final plats on behalf of the City Council, which is inconsistent with sections of City Code cited above:

**10-5-16 Final Plats**

D. Procedure:

2. The application shall include at least the following information:

   c. The following certificates, acknowledgments, and descriptions shown on the title sheet of the plat:

      (12) *Signature block for approval by the City Council, as evidenced by the signature of the Mayor* and attested by the City Recorder; and

      (13) A block for the Salt Lake County Recorder in the lower right-hand corner of the drawing.

Regarding state regulations, Utah Code 10-9a-604 requires subdivision plats to be approved by “. . . the land use authority of the municipality in which the land described in the plat is located; and other officers that the municipality designates in its ordinance . . .”

According to City Code 10-4-5.C.3, the Planning Commission is the “Land Use Authority” for the City:

**10-4-5C. Powers and Duties**

The Planning Commission shall have the following powers and duties which shall be exercised pursuant to the provisions of this title:

1. Prepare and recommend a General Plan and General Plan amendments to the City Council as provided in section 10-5-7 of this title;
2. Recommend land use regulations to the City Council as provided in section 10-5-8 of this title;
3. Act as a Land Use Authority as provided in this title; and
4. Advise the City Council on matters requested by the Council, including but not limited to, programs for public improvements and the financing thereof.

To resolve this matter, the following text amendment has been proposed:

**10-5-16: Final Plats:**
D. Procedure: A final plat application shall be reviewed and processed as provided in this subsection and as required by applicable provisions of sections 10-5-4, "General Requirements", 10-5-5, "Public Hearings And Meetings", and 10-5-6, "General Decisions-Making Standards", of this chapter.

1. An application for a final plat shall be submitted to the Community Development Director in accordance with the provisions of this section along with any application fee established by the City's schedule of fees.
2. The application shall include at least the following information:
   c. The following certificates, acknowledgments, and descriptions shown on the title sheet of the plat:
      (12) Signature block for approval by the City Council, as evidenced by the signature of the Mayor and attested by the City Recorder Planning Director;

**Recommendation**

Staff recommends approval of the proposed text amendment (see Attachment A – Proposed Text Amendment).

**Recommended Motion**

“I motion to recommend approval of the proposed ordinance amendment, as shown in Attachment A of file number Z2018-24, to the City Council, which is in compliance with Utah Code and City Code.”

**Attachment**

A. Proposed Text Amendment
Attachment A
Proposed Text Amendment
The following section is an excerpt from Title 10 Herriman Land Development Code, which has been provided for context. Only the following text that has been marked by the City with an underline or strikethrough has been proposed to be amended.

10-5-16: Final Plats:

D. Procedure: A final plat application shall be reviewed and processed as provided in this subsection and as required by applicable provisions of sections 10-5-4, "General Requirements", 10-5-5, "Public Hearings And Meetings", and 10-5-6, "General Decisions-Making Standards", of this chapter.

1. An application for a final plat shall be submitted to the Community Development Director in accordance with the provisions of this section along with any application fee established by the City's schedule of fees.

2. The application shall include at least the following information:

c. The following certificates, acknowledgments, and descriptions shown on the title sheet of the plat:

(12) Signature block for approval by the City Council, as evidenced by the signature of the Mayor and attested by the City Recorder Planning Director; and

(13) A block for the Salt Lake County Recorder in the lower right hand corner of the drawing.
| **Date of Meeting:**  
| **12/06/2018** |
| **File #** | Z2018-23 |
| **Applicant** | Herriman City |
| **Address** | 12120 S Mountain View Corridor  
| | 4874 W 12600 South |
| **Request** | Rezone from R-2-10 & A-1 to Auto Mall  
| | Special District & C-2 |
Staff Report

DATE: November 29, 2018

TO: Planning Commission

FROM: Bryn McCarty, AICP, Assistant City Planner

MEETING: Planning Commission December 6, 2018

REQUEST: Rezone from R-2-10 & A-1 to Auto Mall Special District & C-2 (Commercial)
Applicant: Herriman City
Address: 12120 S Mountain View Corridor
        4874 W 12600 South
Zone: R-2-10 (Residential – Medium Density) & A-1 (Agricultural – 1 acre minimum)
Acres: 65.3
File Number: Z2018-23

Request
The City is requesting a rezone from R-2-10 and A-1 to Auto Mall Special District and C-2 (Commercial) for the future creation of an Auto Mall (see Attachment A – Vicinity Maps and Attachment B – Zoning Map Amendment).

Notices
Staff mailed notices to all property owners within 300 feet of the subject property. Notices were mailed to 63 property owners and 32 affected entities on November 26, 2018. A sign was also posted on the subject property. At this time, staff has received no comments on the request.

Neighborhood Meeting
All rezones require a neighborhood meeting be held prior to scheduling a Planning Commission meeting. A neighborhood meeting was held on November 28, 2018. There were approximately 12 residents in attendance. They had concerns about the effects on adjacent property values, lighting, and why this use was being proposed in this location.

Process
A rezone is a legislative action. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council will then hold a public meeting to discuss the item and make the final decision.
General Plan
The General Plan designates this property as Commercial. The proposed rezone to Auto Mall Special District and C-2 (Commercial) would comply with the General Plan.

Discussion
The City is proposing to rezone this property in order to establish an Auto Mall in this location. Approximately 4.2 acres of the frontage along 12600 South is being zoned to C-2 (Commercial) to allow for retail sales and services along the street. The Auto Mall Special District is 55 acres. Additional property will be rezoned Auto Mall Special District as it is assembled. The Auto Mall will be almost 90 acres when complete, and there will be about 10 acres of commercial along 12600 South.

Recommendation
Staff recommends approval of the rezone from A-1 and R-2-10 to Auto Mall Special District and C-2 (Commercial) as shown in Attachment B – Zoning Map Amendment.

Attachments
   A. Vicinity Maps
   B. Zoning Map Amendment