



PLANNING COMMISSION MINUTES

Thursday, February 7, 2019

Approved March 21, 2019

The following are the minutes of the Planning Commission Meeting held on **Thursday, February 7, 2019 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 Andy Powell

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

Commission Members Absent: Chris Berbert

Staff Present: City Planner Michael Maloy, Assistant City Planner Bryn McCarty, Planning Coordinator Craig Evans, Planning Intern Samantha DeSeelhorst, Communication Specialist Jonathan LaFollette, Deputy Recorder Wendy Thorpe, City Engineer Blake Thomas, Staff Engineer II Josh Peterson, City Attorney John Brems, Assistant City Manager Gordon Haight

Work Meeting *(Fort Herriman Conference Room)*

Chair Andy Powell called the work meeting to order at 6:02 pm. City Planner Michael Maloy and Assistant City Planner Bryn McCarty informed the Commissioners that they had met with the consultant for the next phase of Herriman Towne Center (HTC). The Commissioners expressed interest in having more information regarding the next phase presented to them at a work session meeting.

1. Discussion Items

1.1 Training – Michael Maloy, City Planner

City Planner Michael Maloy presented a Ted Talk Perth training video titled "Take a Street and Build a Community."

Commissioner Brody Rypien arrived at 6:05 p.m.

Commissioner Andrea Bradford arrived at 6:13 p.m.

1.2 Review of City Council Decisions

City Planner Michael Maloy stated that no updates were necessary due to the latest meeting being a Joint City Council and Planning Commission Meeting.

1.3 Review of Agenda Items

City Planner Michael Maloy informed the Commissioners that the charter school traffic study would be presented at the general meeting. He detailed the draft memorandum that restricted transfer or development and a provision prohibits selling the lots separately. He briefly reviewed the Staff reports as well. Once the site plan receives approval, the State will request a building permit. The recommended conditions were based on input from the City Attorney. They discussed the neighboring subdivision requiring re-approval for the proposed changes to future school expansion. The conditions of approval and development agreements would be signed and recorded.

The Commissioners expressed discomfort with approving the two-lot subdivision with the new changes. They mentioned that the access requirements had not yet been met. A 60-foot wide road would be necessary for school access. After the potential charter school expansion, the City would also need to replace quite a bit of the road, which would mandate a subdivision amendment. Future access would only be necessary if the school expands. An expansion would also reduce the green space. The Commissioners discussed potential illegal access concerns due to fire access and frontage requirement issues. The parcels were re-designed to provide frontage to 11800 South for the second lot. They specified that documentation from the nearby developer would also be necessary prior to approving the charter school.

Planning Commission work meeting adjourned by consensus at 6:56 p.m.

7:00 PM - Regular Planning Commission Meeting

2. Call to Order

Chair Andy Powell called the meeting to order at 7:04 p.m. and welcomed those in attendance.

2.1 Invocation/Thought/Reading and Pledge

Ryan Hales led the audience in the Pledge of Allegiance.

2.2 Roll call

Full Quorum Present.

2.3 Approval of Minutes for : January 3, 2019

Commissioner Andrea Bradford moved to approve item 2.3 Minutes for January 3, 2019 as written. Commissioner Lorin Palmer seconded the motion and all voted aye.

2.4 Conflicts of Interest

Commissioner Lorin Palmer offered that he would like it reflected on record that he attended a community meeting regarding items 3.1 and 3.2.

3. 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.

- 3.1 Request: Proposed Preliminary Plat for a 2 Lot Subdivision for Advantage Arts Academy Charter School (Public Hearing)**
Applicant: Pace CM
Address: 6200 West 11800 South
Zone: C-2 (Commercial)
Acres: 6.8
File Number: S2018-23

City Planner Michael Maloy explained that the applicant had prepared a presentation which they would present at the general session meeting. Staff recently worked on the agreement concerns to clarify each parcel in the two-lot subdivision. In the agreement for lot two, it stated that no building or sale would occur without City approval. City Attorney John Brems explained that the development restriction on lot two will stay in effect until the lots are combined. City Planner Michael Maloy mentioned that in the latest draft from the City Engineer's office, it mentioned that the two lots could be combined into one. City Attorney John Brems highlighted that in lot one, the provisions required a precast wall on three sides that were removed in the latest drafts. He added that there are also issues with the storm drain water as well as an overall timing problem. These issues need to be resolved before moving forward. The public hearing is still open and Chair Andy Powell reviewed the Public Hearing guidelines.

Applicant Tyler Bordrero, representing Pace Management approached the podium. The applicant, Jed Stevenson, school board member Ken Dorr, civil engineer Josh Jensen and Ryan and David Hales, with Hales Engineering were available to answer questions. It was mentioned that traffic was a major issue at the neighborhood meeting. They briefly discussed access off of 11800 South. Ryan Hales presented traffic queuing model and provided further clarification contained in the packet. The flow and anticipated future traffic flow were explained. Applicant Tyler Bordrero mentioned that the west access would be blocked off during school with subdivision access only initially. He also presented a video displaying the circulation pattern for the school dropoff and a separate model for the south access.

Additionally, the road out would have guaranteed right-turn only. In order to enforce this, a physical barrier may be needed. A concrete median was discussed as it may be necessary, as well as a walking path in the area. Item four of the agreement ensures that no left turns are allowed; this model is usually only successful with a right turn exit only. At times other than dropoff, a left turn may be allowed. However, the circular pattern is still in the consideration phase. The pickup and dropoff areas would only be accessible in the northwest area, which would have surrounding cones. In order to help with the right turn, a control triangular curb median was in consideration. When on school property, the applicant stated it would ensure the correct exit. He stated this would be installed if required and function with two incoming lanes and one outgoing.

The parking lot would be constructed to maximum occupancy and function as a dual purpose. Certain parking spots would not be used during pickup and dropoff. The Planning Commission asked if there would be enough spots for everyone at pickup. The applicant assured the Commissioners that there was enough parking spots and queuing space planned for all vehicles with ample stacking. The site plan of 2200 square feet would allow about 110 vehicles with a stacking outside lane. There will also be a 15-minute window for stacking; the charter schools prefer stacking vehicles onsite rather than using street parking on 11800 South. The team will also place frontage signs displaying no picking up or dropping off allowed in that area. A fence could also prevent parents from dropping off kids on 11800 South.

In order to expand, state code requires a school receive site plan approval from the municipality. If the plan is approved with conditions, the school would be required to address each issue. In this case, there was an issue with increased traffic and pedestrians. A future sidewalk may be required. The future goal is to eliminate some issues for the City and school with more connectivity to existing roads. The school could use the larger circulation. The developer reached out regarding the storm drain and vehicular access, and suggested a potential one-way road with a 60-ft right of way. Staff interjected that a one-way road would not be possible. At the current rate, there would be a right turn acceleration lane for spacing compliance and eventually multiple eastbound lanes. This would be an attempt to protect commercial interest, as well. The Planning Commission also would need to address the alcohol waiver. This would fall to the City as per state code.

The Commissioners discussed the amount of incoming traffic from the west and David Chan approached the podium to answer questions. He stated that 10% of traffic was from the east, 15% from the north, and 35% from the south. The majority of the traffic is turning left. Additionally, more homes are planned due west, which would also increase traffic from that direction. The Commissioners worried that this would lead to potential accidents and more U-turns.

Chair Andy Powell opened the Public Hearing.

No comments were offered.

Chair Andy Powell did not close the public hearing.

The Commissioners mentioned issues with the subdivision does create a problem with the school. The Commission added a recommendation of an additional pork chop island. There are many other agreements and recommendations needed in the site plan. These include controlling the right-only out of the parking lot. From the perspective of the subdivision, the agreement easement should not include a road on the master plan connecting the subdivision directly to the school. The Applicant mentioned that a public road access or plat would allow legal access on the proposed connection. The school administration would need to be aware of these requirements and agreements. Other subdivisions need any road approvals included. Ultimately, the goal is to protect the school, the City, and the residents in the best interest possible. Other issues in the agreements included a potential wall. The wall would consist of one 6-ft precast fence on the east, west, and south lines of the property. Also, the state fire marshall may require two access points for each lot.

Commissioner Adam Jacobson made a motion to continue without date item 3.1 file number S2018-23 Proposed Preliminary Plat for a 2 Lot Subdivision for Advantage Arts Academy Charter School (Public Hearing) so applicant can address fire approval for both lot 1 and lot 2 from the State Fire Marshall, to resolve the agreements between the City for the lot 1 development agreement and also require 6 foot precast wall along 3 sides due to being in a commercial zone, and for the type of fencing to be determined between staff and applicant, would like applicant to work out storm drainage with engineering and require staff to work with applicant to get 60 foot right of way for access to lot 2 for use as egress as proposed, in the form of an easement or subdivision plat for approval on the subdivision piece and require staff to list out all of the agreements to thoroughly understand difference between the subdivision and site plan, and with Staff Recommendations. Commissioner Brody Rypien seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford Aye
 Commissioner Jackson Ferguson Aye
 Commissioner Adam Jacobson Aye
 Commissioner Lorin Palmer No
 Commissioner Brody Rypien Aye

The motion passed.

3.2 Request: Final Site Plan Review for Advantage Arts Academy Charter School

Applicant: Pace CM
Address: 6200 West 11800 South
Zone: C-2 (Commercial)
Acres: 6.8
File Number: P2018-05

City Planner Michael Maloy opened the discussion for the final site plan review for the Advantage Arts Academy Charter School. He added that main points for discussion included a continuation for a pork chop island, subdivision agreements, and further recommendations.

The Applicant stated that the school was willing to work with Staff to ensure safety and work with the nearby property owner to resolve issues. Regarding the other conditions, the future right of way would be dedicated with the adjacent property owner. A potential 60-ft right of way has already been addressed and considered. The City would need to add its opinion on whether or not the school should wait for approval due to issues with the nearby subdivision. Although this would require a longer wait, the Planning Commission mentioned that this is standard State law. The Applicant would return to the meeting on the 21st of this month to further address the approval concerns regarding the adjacent property. The current strategy with the lot is not buildable and for this reason needed additional adjustments.

The Applicant understood that the plat had two egress points and met fire approval. The Commissioners discussed the data analysis and traffic study detailing that the objective standard for safety has been met. Staff had worked with the City to create a better alternative. Aside from this, as mentioned, the City needed to deal with the adjacent property owner, deal with storm drain concerns, and the road issues. The site plan applicant will need to meet objective standards and make applicable changes. The applicant offered to make adjustments to the subdivision and site plan. There was a lot of frustration overall with the Staff that the subdivision still needed the connecting road configured. A temporary future condition may include approving the initial site plan with future contingencies.

Commissioner Adam Jacobson made a motion to continue item 3.2 file number S2018-05 Final Site Plan Review for Advantage Arts Academy Charter School due to the need for the applicant to address the subdivision and pork chop issues and 11800 signage needed to be resolved and for the staff to list agreements and site plan and subdivision requirements and agreements. Commissioner Jackson Ferguson seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford Aye

Commissioner Jackson Ferguson Aye

Commissioner Adam Jacobson Aye

Commissioner Lorin Palmer No

Commissioner Brody Rypien Aye

The motion passed.

4. 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.

- 4.1 Request: Proposed Text Change to the Land Development Code to Amend the Approved Fencing Materials**
Applicant: Herriman City (Public Hearing was held October 4, 2018)
File Number: Z2018-16

Assistant City Planner Bryn McCarty stated that the chain link concern around utility sites had been removed

and will only be allowed at basketball courts. Commissioner Lorin Palmer recently received a complaint that animals could kick through vinyl. They discussed using precast, but the City is not allowed to make it a requirement. This type of fencing is allowed around utility only.

Commissioner Andrea Bradford made a motion to approve item 4.1 file number Z2018-16 Proposed Text Change to the Land Development Code to Amend the Approved Fencing Materials (Public Hearing was held October 4, 2018). Commissioner Adam Jacobson seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford Aye

Commissioner Jackson Ferguson Aye

Commissioner Adam Jacobson Aye

Commissioner Lorin Palmer Aye

Commissioner Brody Rypien Aye

The motion passed unanimously.

4.2 Request: Proposed Text Change to the Land Development Code to Remove Shooting Ranges from the Definition of ‘Outdoor Recreation and Entertainment’ (Public Hearing)

Applicant: Herriman City

File Number: Z2019-006

Assistant City Planner Bryn McCarty stated that shooting ranges like those in this zone may be added to others later.

Chair Andy Powell opened the Public Hearing.

No comments were offered.

Chair Andy Powell closed the Public Hearing.

Commissioner Adam Jacobson made a motion to recommend approval to City Council for item 4.2 file number Z2019-006 Proposed Text Change to the Land Development Code to Remove Shooting Ranges from the Definition of ‘Outdoor Recreation and Entertainment’ (Public Hearing). Commissioner Andrea seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford Aye

Commissioner Jackson Ferguson Aye

Commissioner Adam Jacobson Aye

Commissioner Lorin Palmer Aye

Commissioner Brody Rypien Aye

The motion passed unanimously.

4.3 Request: Proposed Text Change to the Land Development Code to Create an Accessory Structures Chapter (Public Hearing)

Applicant: Herriman City

File Number: Z2018-09

Assistant City Planner Bryn McCarty stated that there was an attempt to combine all accessory structure information into one chapter. The majority of the information was moved from other areas and is not considered new. She briefly reviewed the new information and pointed out diagrams of example lots. May be allowed in some front yards depending on shape of the lot.

Assistant City Planner Bryn McCarty continued the discussion on fencing. Certain front yards may qualify for special fencing depending on the shape of the lot. The Planning Commission requested a setback of 1-foot on sideyards. The colors and materials must be compatible with the house. Vinyl and aluminum are prohibited for use on the sides with the only exceptions in specific zones. If the fence covers less than 200 square feet, the fencing only needs to be compatible with house color, not with house materials. The fence height is also based on the lot size. Corner lots follow additional protocol set by each subdivision.

Chair Andy Powell opened the Public Hearing.

No comments were offered.

Chair Andy Powell closed the Public Hearing.

Commissioner Adam Jacobson made a motion to recommend approval to City Council of item 4.3 file number Z2018-09 Proposed Text Change to the Land Development Code to Create an Accessory Structures Chapter (Public Hearing) with change to one foot setbacks from the side, rear and corner of the property if it is behind the house. Commissioner Brody Rypien seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford Aye

Commissioner Jackson Ferguson Aye

Commissioner Adam Jacobson Aye

Commissioner Lorin Palmer Aye

Commissioner Brody Rypien Aye

The motion passed unanimously.

5. Chair and Commission Comments

Commissioner Adam Jacobson offered his appreciation for the Staff changing the packet and mentioned his confusion with having to require two separate motions for the same item and expressed frustration with finding information in large packets.

6. Future Meetings

- 7.1 City Council Meeting – **Wednesday, February 13, 2019 @ 7:00 PM**
- 7.2 Planning Commission Meeting – **Thursday, February 21, 2019 @ 7:00 PM**

7. Adjournment

Commissioner Adam Jacobson moved to adjourn the meeting at 8:57 p.m. and all voted aye.

I, Wendy Thorpe, Deputy Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on February 7, 2019. This document constitutes the official minutes for the Planning Commission Meeting.



Wendy Thorpe