



PLANNING COMMISSION MINUTES

Thursday, February 21, 2019

Approved March 21, 2019

The following are the minutes of the Planning Commission Meeting held on **Thursday, February 21, 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 Chris Berbert

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

Commission Members Absent:

Staff Present: City Planner Michael Maloy, Assistant City Planner Bryn McCarty, Planner Craig Evans, Planning Intern Samantha DeSeelhorst, Communication Specialist Destiny Skinner, Deputy Recorder Wendy Thorpe, Engineer Josh Peterson, City Attorney John Brems, Assistant City Manager Gordon Haight.

Work Meeting *(Fort Herriman Conference Room)*

Chair Chris Berbert called the work meeting to order at 6:01 pm.

1. Discuss Potential Changes to the Land Development Code

Assistant City Planner Bryn McCarty explained the various ordinance changes relating to the Land Development Code. She discussed monument construction.

Commissioner Adam Jacobson arrived at 6:03 pm.

Commissioner Brody Rypien arrived at 6:04 pm.

Assistant Planner Bryn McCarty continued that the stone policy should be included in the ordinance and any

deviance would need specific approval. She presented stone samples. At least 18 inches need to be on the bottom and up one side. The Commission discussed limiting bright, digital signs. On buildings, the current ordinances states a sign can be up to 20% of wall size. This can be a massive sign on larger buildings; perhaps the protocol should be 20% up to a certain size.

The Planning Commission discussed the off-street parking. It must be based on the retail floor area and currently derives from the gross floor area. In order to revise the system for a basis on retail or fast food, more research is required. They moved the discussion to underground parking and agreed that a rear building grassy area seemed more appealing. Another issue approached is that dental offices currently only require one parking spot for the dentist, which is not enough. They discussed possible parking studies as a way to proceed with solutions to many of these parking issues. Typical parking varies from business to residential needs, especially concerning off-street parking. City Planner Michael Maloy mentioned a desire to regulate the design and location and to let the market determine parking needs. Certain areas may not require regulation.

Monopoles and cell phone towers are required to be on public property, such as schools, as conditional use. The monopoles dictate the co-location, but the approval method is not yet clear and needed to be addressed. The Commissioners expressed the opinion that the more recently built towers at the schools look nice, but in certain locations, they do not work well with the surrounding property. Each co-location above the minimum requirement should come to the Planning Commission for approval. Water towers that look similar to cell phone towers add character. A church on 7000 South and 2700 West incorporated a cross co-use cell phone tower that also looked like a bell tower. This type of thought is innovative.

Another point of discussion revolved around double fencing, which is only allowed for schools and animals. It consisted of a privacy fence next to a short fence. The Planning Commission offered the opinion that a double fence only makes logical sense for children, animals, and agriculture. Those who request a double fence for a special circumstance may be granted an evaluation for a conditional-use fence. For the majority of situations, the Planning Commission hoped to avoid using double fences.

Assistant Planner Bryn McCarty moved the discussion to prohibited home occupations. She explained that many are self-explanatory, but brought up the question of auto body work, which is not always easily defined. The Commission discussed if the work is a set business or a hobby. Certain issues included noise, odors, flammable materials, and other potential problems. The size of the land where the work is conducted should also be considered. A larger space is necessary for many occupations, such as mechanical repair or welding. If the business is inside a set building and customers do not come to the house, this would not be considered an issue. In addition, inoperable cars should not be left parked on the road and need to be in a garage. City Planner Michael Maloy suggested inviting the code enforcement officer to the Planning Commission meeting to join the discussion. Code enforcement is mostly complaint-based and the City is looking at additional staffing in the area.

Assistant City Manager Gordon Haight arrived at 6:31 pm.

2. Review of City Council Decisions

There were no land use item decisions at the latest City Council Meeting.

3. Review of Agenda Items

Additional emails were recently received regarding the agenda items. The Planning Commission addressed issues with the developer for the charter school; the agreement needs only slight adjustments. The Commission moved the discussion to allow a waiver for alcohol. Typically, this would be against state standard; however, charter schools may be allowed to waive this. With the proximity of two separate schools, the Commission recommended using cones or plastic poles to regulate student drop-off and pick-up.

2.3 Final Site Plan Review for Advantage Arts Academy Charter School

This situation is similar to other buildings in the area and will be approached similarly.

2.4 PUD Amendment to Adjust Rear Setback from 30' to 26' for 1 Lot

When this subdivision was approved, the nearby neighborhood was very vocal and involved. The builder is asking that one lot have 26' instead of 30' setback.

2.5 PUD Amendment to Allow 'Farm House' Elevation in Miller Crossing Estates

This subdivision requires 30% brick or stone; the developers would prefer a certain amount of farmhouse elevation. It may be reviewed on a case-by-case basis and only seven would potentially be approved of the 22 total lots. The developers are asking that the PUD amendment allow 1/3 of the lots to include an elevated farmhouse with less brick. The Planning Commission expressed frustration with this request, citing various examples from other cities.

3.1 Assorted Text Edits to the Land Development Code (Public Hearing)

This section reviewed the text changes in the land development code. For example, five-gallon shrubs are now allowed rather than 18-inch shrubs.

Chair Chris Berbert also mentioned that the Planning Commission needed updates on current committee members. He mentioned his role on the Parks and Trails Committee and provided an update. The residents provided positive feedback with the recent trail progress. For the charter school, the committee is considering an eight-foot asphalt trail rather than a sidewalk. It would include an additional 30-ft for potential future widening; Teton Village is also considering this idea. There would be entry points for biking, hiking, and a potential park in the annexation area. The Parks Master Plan will come to the Planning Commission for a hearing in April. Commissioners Brody Rypien and Lorin Palmer expressed interest in committees. Potential storm drain fees were discussed.

The parks meeting included a discussion on a general park fee. It would potentially include impact fees based on the size and type of amenities. It is referenced in the parks consolidation language in the Master Plan.

Herriman Towne Center Design Guidelines were distributed and briefly discussed. The next unit will include mixed-use with a residential blend. The Commission discussed the design regulations and standards. City Planner Michael Maloy requested that the Commissioners familiarize themselves with these standards. A similar mixed-use area was observed in Ogden and sidewalk dining is a consideration with proper design regulations and standards.

The work meeting was adjourned by consensus at 6:54 pm.

7:00 PM - Regular Planning Commission Meeting

1. Call to Order

Chair Chris Berbert called the meeting to order at 7:03 p.m. and welcomed those in attendance.

1.1 Invocation/Thought/Reading and Pledge

David Cox led the audience in the Pledge of Allegiance.

1.2 Roll Call

There was a full quorum present.

1.3 Approval of Minutes for January 17, 2019

Commissioner Lorin Palmer made a motion to approve item 1.3 Minutes for January 17, 2019 Minutes. Commissioner Andrew Powell seconded the motion and all voted aye.

1.4 Conflicts of Interest

No conflicts 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: 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 has appeared multiple times. A Continuation of Public

Hearing was re-noticed for the proposal. The applicant had requested that the City vote either for or against the proposal. The City has already worked closely with the applicant to resolve any concerns and agreements were summarized with recommendations of approval. City Planner Michael Maloy presented a map of the area which included the nearby commercial sector. A previous concern consisted of the two-lot subdivision remnant parcel due to lack of frontage on 11800 South. A portion of lot two now fronts on 11800 South and is compliant with the requirements. The Commission also discussed the building permit needed for the charter school. The project is still in Phase 1 of development and current approval would be for Phase 1 only. A conditional recommendation for Phase 2 approval would be required at the time of expansion. City Planner Michael Maloy also presented the elevation information. The Phase 2 exhibit would also have subdivision access and an additional drive approach. He included the elevations for Phase 2 and mentioned that the additional classrooms would comply with city standards. Staff proposed approval with recommendations and a public hearing.

Tyler Bolgero offered to answer questions on behalf of the applicant.

Chair Chris Berbert reviewed the public hearing guidelines and opened the Public Hearing.

No comments were offered.

Chair Chris Berbert closed the public hearing.

The Commission clarified that parking configuration covered both lots. The applicant added approval for removing the sidewalk and instead adding an asphalt trail along 11800 South.

Requirements:

1. The applicant, property owner, and tenant shall comply with all applicable comments and requirements contained within the Development Review Committee report dated December 4, 2018.
2. The applicant, property owner, and tenant shall comply with all agreements of development as specified within Attachment E.
3. The applicant, property owner, and tenant shall agree to a restriction on development of Lot 2 that no permanent structure that requires a building permit would be constructed unless and until Lot 1 and Lot 2 are combined.
4. The applicant, property owner, and tenant shall agree not to sell, transfer, lease, assign, sublease, or dispose of Lot 2 unless and until Lot 1 and Lot 2 are combined.
5. The applicant, property owner, and tenant voluntarily agree to comply with the requirements imposed by the attached agreement.
6. The applicant, property owner, and tenant agree to provide a proximity waiver to allow commercial development of alcohol-related businesses on commercial property near the proposed charter school.
7. The applicant, property owner, and tenant agree that the development proposal shall consist of two

phases as depicted within attached exhibits.

8. The applicant, property owner, and tenant agree that specified conditions must be complied with prior to beginning construction of the second phase. These conditions include a temporary asphalt sidewalk on 11800 South, a vehicular and pedestrian connection to Jackson Village compliant with City standards, obtaining an access easement, closure of temporary west access on 11800 South, and installation of fencing as specified within an agreement to develop approved by Herriman City.
9. The applicant, property owner, and tenant agree that at the time of and in conjunction with the construction of the charter school, a storm drain easement acceptable to the City shall be obtained from the adjacent landowner to the east.
10. The applicant, property owner, and tenant agree to pay the City the cost of one crossing guard for each crossing on 11800 South as identified in the safe walking route.
11. The applicant, property owner, and tenant agree to provide signed Long Term Stormwater Maintenance Agreement for private stormdrain system, including piping, retention/detention basin, etc.
12. The applicant, property owner, and tenant agree to provide evidence of signed and recorded easements for proposed storm drain system along 11800 South and for proposed detention pond outfall to 6000 West.
13. The applicant, property owner, and tenant agree to provide evidence of signed and recorded easement for access to proposed west entrance through adjacent property to west, connecting to 11800 South.
14. The applicant, property owner, and tenant agree to remove proposed “pork chop” at east entrance onto 11800 South from plan set. It is staff’s recommendation to utilize temporary means (traffic cones, flaggers, parent education) to eliminate left hand turn movements from the east entrance to 11800 South at pickup and drop off times, and to allow this movement during other times of the day for volunteer egress, deliveries during non-peak times, etc.

Commissioner Adam Jacobson made a motion to approve item 2.1 file number S2018-23 Proposed Preliminary Plat for a 2 Lot Subdivision for Advantage Arts Academy Charter School (Public Hearing) with staff recommendations and three adjustments to add the additional compliance information to item number two with clarifications from the City Attorney, and addition to number 14 stating requirements to utilize temporary means to eliminate left hand turn and movements, and on item 15 add an 8-ft path in lieu of the sidewalk along 11800 South as determined by the engineering department. Commissioner Brody Rypien seconded the motion.

The vote was recorded as follows:

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

The motion passed.

2.2 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 clarified that three portions of the building that referred to a future expansion are only included for reference and are not included in the current proposal. This information could be added as another requirement as number 16.

Requirements:

1. The applicant, property owner, and tenant shall comply with all applicable comments and requirements contained within the Development Review Committee report dated December 4, 2018.
2. The applicant, property owner, and tenant shall comply with all agreements of development as specified within Attachment E.
3. The applicant, property owner, and tenant shall agree to a restriction on development of Lot 2 that no permanent structure that requires a building permit would be constructed unless and until Lot 1 and Lot 2 are combined.
4. The applicant, property owner, and tenant shall agree not to sell, transfer, lease, assign, sublease, or dispose of Lot 2 unless and until Lot 1 and Lot 2 are combined.
5. The applicant, property owner, and tenant voluntarily agree to comply with the requirements imposed by the attached agreement.
6. The applicant, property owner, and tenant agree to provide a proximity waiver to allow commercial development of alcohol-related businesses on commercial property near the proposed charter school.
7. The applicant, property owner, and tenant agree that the development proposal shall consist of two phases as depicted within attached exhibits.
8. The applicant, property owner, and tenant agree that specified conditions must be complied with prior to beginning construction of the second phase. These conditions include a temporary asphalt sidewalk on 11800 South, a vehicular and pedestrian connection to Jackson Village compliant with City standards, obtaining an access easement, closure of temporary west access on 11800 South, and installation of fencing as specified within an agreement to develop approved by Herriman City.
9. The applicant, property owner, and tenant agree that at the time of and in conjunction with the Staff Report construction of the charter school, a storm drain easement acceptable to the City shall be obtained from the adjacent landowner to the east.
10. The applicant, property owner, and tenant agree to pay the City the cost of one crossing guard for each crossing on 11800 South as identified in the safe walking route.

- 11. The applicant, property owner, and tenant agree to provide signed Long Term Stormwater Maintenance Agreement for private stormdrain system, including piping, retention/detention basin, etc.
- 12. The applicant, property owner, and tenant agree to provide evidence of signed and recorded easements for proposed storm drain system along 11800 South and for proposed detention pond outfall to 6000 West.
- 13. The applicant, property owner, and tenant agree to provide evidence of signed and recorded easement for access to proposed west entrance through adjacent property to west, connecting to 11800 South.
- 14. The applicant, property owner, and tenant agree to remove proposed “pork chop” at east entrance onto 11800 South from plan set. It is staff’s recommendation to utilize temporary means (traffic cones, flaggers, parent education) to eliminate left hand turn movements from the east entrance to 11800 South at pickup and drop off times, and to allow this movement during other times of the day for volunteer egress, deliveries during non-peak times, etc.
- 15. The applicant, property owner, and tenant agree to reappear before the Herriman City Planning Commission for site plan approval of phase 2 prior to construction

Commissioner Jacobson made a motion to approve item 2.2 file number P2018-05 Final Site Plan Review for Advantage Arts Academy Charter School with 14 staff report comments with alteration to number 2 that added the agreement shall comply with the clarifications provided by the City Attorney, and to number 14 that it is required to utilize temporary means to eliminate left hand turn movements from the east entrance to 11800 South and the rest of the language, and an additional comment requiring an eight foot path in lieu of a sidewalk and a comment that there is no approval of any elevations for phase 2, Commissioner Andrew Plamer seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

2.3 Request: Proposed Subdivision Amendment to Subdivide 1 Building into 4 Individual Lots

Applicant: Steven Vanderlaan
Address: 14368 S Penrhy Court
Zone: MU-2 (Mixed Use)
Acres: .08
File Number: S2018-20

City Planner Craig Evans stated that the applicant proposed splitting part of the Overlook subdivision into four parcels.

Applicant Steven Vanderlaan offered to answer questions.

No comments were offered by the Planning Commission.

Requirements:

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. Work with engineering on providing separate utilities to each unit.
4. Prepare a plat to be reviewed and approved by the engineering department.

Commissioner Jackson Ferguson made a motion to approve with requirements item 2.3 file number S2018-20 Proposed Subdivision Amendment to Subdivide 1 building into 4 Individual Lots. Commissioner Adam Jacobson seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

2.4 Request: PUD Amdendment to Adjust Rear Setback from 30' to 26' for 1 Lot

Applicant: John Gassman – McArthur Homes
Address: 5897 West Bed Stone Lane
Zone: R-2-10 (Residential)
Acres: .29
File Number: C2014-38-12

Assistant City Planner Bryn McCarty stated that the requirements for these lots included one side with a 30' setback. The applicant requested an adjustment to one of the lots to reduce the setback to 26' that required approval from the Planning Commission.

Applicant John Gassman approached the podium and offered to answer questions. It was discussed that the shape of the plat had a differently shaped knuckle. The excroachment area was displayed on a map and further defined.

Emails were received even though it is not a public hearing and there has been opposition to the item. There

was a proposal on the table for public comment, that would need to be addressed in the future and would need to be properly noticed. City Attorney recommended taking public comment at this time, keeping the public hearing open, and noticing for public comment at the next possible meeting. Applicant John Gassman offered his support for the public comment and the item on a later date with public comment.

Chair Berbert opened the public comment.

Lisa Brown mentioned that her lot number 5 had been affected by the change and she opposed reducing the setback. She stated she and other neighbors have proactively stayed engaged. She advocated that the 30 foot setback was a compromise and should not be further reduced. She stated 1/3 acre lots had been proposed in that area and recommended for the builder should make adjustments to the placement of the proposed home.

The Public Hearing will remain open.

Commissioners discussed changing the size or placement of a custom home in the lot. They discussed a 20 foot front setback. The idea of a possible side driveway entry was mentioned.

Commissioner Adam Jacobson made a motion to continue without date and to notice for public comment item 2.4 file number C2014-38-12 PUD Amendment to Adjust Rear Setback from 30' to 26' for 1 Lot. Commissioner Andrea Bradford seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford Aye

Commissioner Andy Powell Aye

Commissioner Jackson Ferguson Aye

Commissioner Adam Jacobson Aye

Commissioner Lorin Palmer Aye

Commissioner Brody Rypien Aye

The motion passed.

2.5 Request: PUD Amendment to Allow 'Farm House' Elevation in Miller Crossing Estates

Applicant: John Gassman – McArthur Homes
Address: 12457 South 6000 West
Zone: R-2-10 (Residential)
File Number: C2014-38-13

Assistant City Planner Bryn McCarty stated that no public comment has been received and that up to seven homes would be allowed this elevation.

Applicant John Gassman stated that some buyers have specifically requested this elevation. The homes would

be distributed away from each other in the subdivision.

Materials for the project would include hardie board and a painted exterior. Maintenance requirements vary, approximately 10 years for a prefabricated product. Two of the lots have sold and one of them requested this farmhouse style. They identified the speculated home locations and mentioned that stone and brick were not common for farmhouse elevations.

The Planning Commission expressed reservations to the concept, stating that it defied current design guidelines, established standards and the master development agreement. They expressed concern with the maintenance warranty and lasting finish since the lot is already purchased. Potentially the developers could add stone and create a nice look with lower maintenance but the master development agreement required 30% brick or stone. The other case included white-painted brick. It was clarified that there must be a specific and relevant reason to deny the PUD amendment. Commissioner Andrea Bradford offered the opinion that other materials may be proposed and considered in the future.

Commissioner Adam Jacobson made a motion for denial of item 2.5 file number C2014-38-13 PUD Amendment to Allow 'Farm House' Elevation in Miller Crossing Estates, on to the basis that it does not meet the 30% brick or stone front exterior elevation required by the PUD. Commissioner Lorin Palmer seconded the motion.

The vote was recorded as follows:

<i>Commissioner Andrea Bradford</i>	<i>No</i>
<i>Commissioner Andy Powell</i>	<i>Aye</i>
<i>Commissioner Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Adam Jacobson</i>	<i>Aye</i>
<i>Commissioner Lorin Palmer</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>

The motion passed.

3. Legislative Items

Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for a decision at the next available City Council meeting.

3.1 Request: Assorted Text Edits to the Land Development Code (Public Hearing) Applicant: Herriman City File Number: Z2018-04

Assistant City Planner Bryn McCarty noted several different minor edits to the code, one of which was a typographical error. Another edit regarded removing a permit from zoning ordinances. Landscaping code C-2 was added for parking lot landscaping. Other edits included the use of colored concrete, the change in shrub size, and the deck height setback.

Chair Chris Berbert opened the Public Hearing.

No comments were offered.

Chair Chris Berbert closed the Public Hearing.

Commissioner Andrew Powell made a motion to approve for recommendation to City Council item 3.1 file number Z2018-04 Assorted Text Edits to the Land Development Code (Public Hearing) 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 Aye

Commissioner Brody Rypien Aye

The motion passed unanimously.

5. Chair and Commission Comments

Commissioner Adam Jacobson offered that public comment emails should not be forwarded to the Planning Commission if the item is not related to a public hearing. City Planner Michael Maloy offered the opinion that transparency would dictate for all information to be forwarded to the Planning Commission.

Commissioners mentioned that true factual information was helpful but opinions were not. Substantial issues were helpful but the determination of importance could be a judgement call. City Ordinance designates Public Hearing requirements and was consistent with State code. The Commissioners expressed caution with setting precedent with decisions and all adjustments should receive careful consideration before making modifications. City Planner Michael Maloy explained the approval for site plan and subdivisions and various timelines. Commissioners expressed frustration with multiple motions for the same developments.

6. Future Meetings

7.1 City Council Meeting – **Wednesday, February 27, 2019 @ 7:00 PM**

7.2 Planning Commission Meeting – **Thursday, March 7, 2019 @ 7:00 PM**

7. Adjournment

Commissioner Lorin Palmer moved to adjourn the meeting at 8:02 p.m. 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 21, 2019. This document constitutes the official minutes for the Planning Commission Meeting.



Wendy Thorpe

