



## PLANNING COMMISSION MINUTES

**Thursday, June 20, 2019**  
**Approved July 18, 2019**

The following are the minutes of the Planning Commission Meeting held on **Thursday, June 20, 2019 at 7:30 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:** Andy Powell, Jackson Ferguson, Adam Jacobson, Brody Rypien, Heather Garcia, Colby Oliverson, Andrea Bradford, Joy Kaseke

**Commission Members Absent:** Lorin Palmer

**Staff Present:** Assistant City Planner Bryn MacDonald, Planner I Craig Evans, Planning Intern Samantha DeSeelhorst, Communication Specialist Jon LaFollette, City Recorder Jackie Nostrom, Staff Engineer II Josh Peterson, Staff Engineer Jory Howell, Assistant City Manager Gordon Haight

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

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

#### **1. Land Use Training (Brent Bateman, lead attorney for the Office of the Property Rights Ombudsman)**

The Land Use Training was conducted by Attorney Brent Bateman.

#### **2. Review of City Council Decisions**

Assistant City Planner Bryn MacDonald mentioned that at the previous City Council meeting, the budget was officially approved. Various text changes were approved as well. She discussed the fence ordinance as well, which specifically addresses barbed-wire fencing. It may be allowed for larger agricultural areas, but would need more definition before approved. This change may be added. The councilmembers also suggested that in future City Council meetings, a member of the Planning

Commission attend to provide a report of any new developments. This might prove more helpful than relying on write-ups. The Planning Commission agreed that this sounded like a smart idea.

### 3. Review of Agenda Items

The Planning Commission reviewed the agenda and clarified that the full Maverik lot is entirely owned by Maverik. The developers always planned on subdividing the property and the plans are now starting to form. The Commission discussed the curb and gutter completion on the Maverik lot. Although they claim it is completed, the south side is still in progress. They made a note of that to add to the conditions when the subdivision receives approval. The commissioners briefly discussed the status of other commercial developments within the City, specifically emphasizing the status of the Towne Center development. The plans are underway and the goal is create an environment conducive to the community all year round.

### 4. Discussion of the proposed Mountain Ridge Development

No comments were offered at this time regarding the Mountain Ridge Development.

## 7:30 PM - Regular Planning Commission Meeting (Or As Soon As Possible Thereafter)

### 1. Call to Order

Chair Chris Berbert called the meeting to order at 8:08 p.m.

#### 1.1 Invocation/Thought/Reading and Pledge

City Recorder Jackie Nostrom led the audience in the Pledge of Allegiance.

#### 1.2 Roll Call

Full Quorum Present.

#### 1.3 Conflicts of Interest

Planning Commissioner Jackson Ferguson explained he had a conflict with item 2.3. Attorney John Brems advised the Commision to excuse Commissioner Ferguson from the dias for the discussion and vote.

#### 1.4 Approval of Minutes for May 16, 2019

*Commissioner Powell moved to approve the May 16, 2019 Planning Commission Minutes. Commissioner Rypien seconded the motion, and all voted aye.*

### 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 application's compliance with the ordinance.*

#### 2.1. Request: Deviation from the Single Family Dwelling Standards to Allow a Roof Pitch Less than 5:12 on Lot 16 of The Range East (continued from May 16, 2019)

**Applicant:** Green Haven Homes

**Address:** 7516 W Black Rock Ln

**Zone:** A-.25 (Agricultural)

**Acres:** .31

**File Number:** C2019-045

Planner I Craig Evans mentioned that the applicant was asked for two elevations. One elevation would be a prairie style, and the other more modern. The applicant was asking for a more full modern style design. The Planning Commission asked for more information regarding the dwelling. The applicant provided more information on the elevation and mentioned adding stone to the side elevation of the home. There will also be a fence added to the back of the home. Photos of the proposed garage door style were displayed.

The applicant, Jason Darger, from Green Haven Homes reviewed the changes with the design. These included real masonry versus cultured stone to the face, as well as upgraded black vinyl windows with a 34-percent increase.

*Commissioner Garcia moved to approve item 2.1 file number C2019-045 approving a deviation from the Single Family Dwelling Standards to allow a roof pitch less than 5:12 on Lot 16 of the Range East located at 7516 West Block Rock Lane. Commissioner Jacobson seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Adam Jacobson</i>	<i>Aye</i>
<i>Commissioner Andy Powell</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>
<i>Commissioner Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Heather Garcia</i>	<i>Aye</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>

*The motion passed unanimously.*

**2.2. Request: Preliminary Plat Approval for a 2 Lot Commercial Subdivision (Public Hearing)**

**Applicant: Herriman City**  
**Address: 12120 S Mountain View Corridor Hwy**  
**Zone: AMSD (Auto Mall Special District)**  
**Acres: 6.0**  
**File Number: S2019-052**

Chair Berbert reviewed the public hearing guidelines.

Planning Intern Samantha DeSeelhorst introduced the preliminary plat approval. This plat would fall under the auto mall special district. It would require an application for a zone change. The subdivision would return for conditional-use approval.

Assistant City Manager Gordon Haight discussed that the property was currently owned by the City and would need to go under contract with the buyer. He presented renderings of the proposed project, which would be located in the subdivision. The City is working with Aaron Osmond and Game Pointe to turn the area into a game center. The entertainment facility would tentatively include restaurants, ropes course, miniature golf course, bowling alley, laser tag, and more. This is a good opportunity for the City, located between the commercial and automall zones. An entertainment destination will keep the surrounding commercial area vibrant. There are other options to look at, depending on how this project moves forward.

Commissioner Brody Rypien asked about lot one needing a potential frontage along the main street. The City will build it in as both lots will front Herriman Main Street. Commissioner Jackson Ferguson asked more about the plans with the auto mall. Assistant City Manager Gordon Haight replied that this will be put in a development agreement but had not yet been rezoned.

Chair Chris Berbert opened the public hearing.

No comments were offered.

Chair Chris Berbert closed the public hearing.

Staff Recommended preliminary plat approval for the two lot commercial subdivision with the following conditions:

1. Receive and agree to the recommendations from other agencies.
2. Final plat to be reviewed and approved by the Engineering Department
3. Provide an access easement between lots 1 and 2 on the final plat
4. Install improvements behind back of curb on Herriman Main Street, Miller Crossing Drive, and the future public street to the east. These improvements shall include: landscaping, park strip, street lights, and sidewalk.
5. After preliminary plat approval, a traffic study will be required by Engineering during the first round of submittals for final approval.

*Commissioner Jacobson moved to approve 2.2, S2019-052, preliminary plat approval for a 2 lot commercial subdivision located at 12120 South Mountain View Corridor Highway with staff five recommendations. Commissioner Bradford seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Adam Jacobson</i>	<i>Aye</i>
<i>Commissioner Andy Powell</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>
<i>Commissioner Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>
<i>Commissioner Heather Garcia</i>	<i>Aye</i>

*The motion passed unanimously.*

**2.3. Request: Plat Amendment to Divide 1 Lot into 2 for the Maverik Lot Retail Building (Public Hearing)**

**Applicant: West Valley EP, LLC  
Address: 5089 W Herriman Blvd  
Zone: C-2 (Commercial)  
Acres: 2.71  
File Number: S2019-053**

*Commissioner Jackson Ferguson was excused from the dais.*

Planner I Craig Evans addressed the request to subdivide the lot currently under construction for the Maverik Convenience store. Each unit of the building would be considered a separate parcel.

Cade Cunningham, the owner of the site, mentioned that this would make it easier for taxes and insurance to split the commercial into separate parcels. Commissioner Andy Powell asked about the sidewalks. Cade Cunningham confirmed that everything was in order to pour the sidewalks.

Chair Chris Berbert opened the public hearing.

No comments were offered.

Chair Chris Berbert closed the public hearing.

Commissioner Adam Jacobson put a sidewalk into the motion as a requirement.

Staff recommended approval of the amended plat to divide the Maverik Lot in the Herriman Towne Center Plat into two, subject to the following requirements:

1. Receive and agree to the recommendations from other agencies.
2. Final plat to be reviewed and approved by the Engineering Department

*Commissioner Jacobson moved to approve item 2.3, S2019-053, plat amendment to divide 1 lot into 2 for the Maverik Lot Retail Building with staff requirements with the addition to have requirement #3 to have the sidewalk installed prior to the recordation of the plat. Commissioner Rypien seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Adam Jacobson</i>	<i>Aye</i>
<i>Commissioner Andy Powell</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>
<i>Commissioner Jackson Ferguson</i>	<i>Excused</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>
<i>Commissioner Heather Garcia</i>	<i>Aye</i>

*The motion passed unanimously with Commissioner Jackson Ferguson being excused from the discussion and vote.*

*Commissioner Jackson Ferguson rejoined the meeting.*

**2.4. Request: Subdivision Amendment to Divide Anthem Corner Lot 1A into 2 Lots (Public Hearing)**

**Applicant: Herriman City**  
**Address: 11962 S Anthem Park Blvd**  
**Zone: C-2 (Commercial)**  
**Acres: 2.49**  
**File Number: S2019-055**

Assistant City Planner Bryn MacDonald discussed the commercial subdivision, including a process of selling a portion of the parcel. She presented the site plan to the commissioners.

Assistant City Manager Gordon Haight mentioned that the parcel was city-owned. He has already talked with the buyers and feels cautious selling the parcel to heavily-used businesses, due to the proximity of the neighboring school. Commissioner Adam Jacobson asked if the sidewalk had been completely installed in the area. This was confirmed for him. He then continued to ask about how the apartments would tie into the area. Assistant City Manager Gordon Haight explained that the approach goes into a public access road to a five-acre area behind the parcel. Commissioner Adam Jacobson expressed his concern about the shortcut through the apartment complex and the issues that might cause.

Chair Chris Berbert opened public hearing

No comments were offered.

Chair Chris Berbert closed the public hearing.

Staff recommended approval of the amended plat to the Anthem Corner plat to divide lot 1A into two lots, subject to the following requirements:

1. Receive and agree to the recommendations from other agencies.
2. Final plat to be reviewed and approved by the Engineering Department.

*Commissioner Jacobson moved to approve Item 2.4, S2019-055, amendment to divide Anthem Corner lot 1A into 2 lots located at 11962 South Anthem Park Blvd with staff recommendations and the additional two requirements: 1. That the ingress/egress for lots 1 and 2 be addressed on the plat, and 2. That this approval be contingent that no Apartment traffic be allowed to go across either of these lots as a thoroughfare. Commissioner Powell seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Adam Jacobson</i>	<i>Aye</i>
<i>Commissioner Andy Powell</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>
<i>Commissioner Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Heather Garcia</i>	<i>Aye</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>

*The motion passed unanimously.*

**2.5. Request: Waiver of strict compliance for landscaping at a Holiday Oil Gas Station/Convenience store**

**Applicant: Holiday Oil**  
**Address: 15027 S Academy Parkway**  
**Zone: C-2 (Commercial)**  
**Acres: 1.93**  
**File Number: C2018-006-01**

Assistant City Planner Bryn MacDonald approached the commission, asking for a waiver of compliance for landscaping. She presented the original and approved landscape plat and compared it to the proposed amended landscape plan. The ordinance allows for a waiver from these requirements. Staff recommended

the approval of the waiver of landscape requirements, subject to following the approved landscape plan with the elimination of the landscaping adjacent to the foundation.

The applicant, John Linton, from Holiday Oil mentioned several reasons for the waiver request. The reasons included an overabundance of landscaping and the trash collector posing as a firehazard with the ice solvent. The Planning Commission discussed different options of having the landscaping about the store.

*Commissioner Rypien moved to approve item 2.5, C2018-006-01, waiver of strict compliance for landscaping at a Holiday Oil Gas Station located at 15027 S Academy Parkway. Commissioner Jacobson seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Adam Jacobson</i>	<i>Aye</i>
<i>Commissioner Andy Powell</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>
<i>Commissioner Jackson Ferguson</i>	<i>Nay</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>
<i>Commissioner Heather Garcia</i>	<i>Aye</i>

*The motion passed with a vote of 5:1.*

### 3. Chair and Commission Comments

The Commissioners proposed the addition of items on the next agenda to discuss an ordinance to standardize the development agreement review and approval process. It was also proposed for the next agenda to include further discussion on subdividing existing subdivisions with either a rezone or ordinance. Commissioner Adam Jacobson moved to add these items to the next Planning Commission Agenda. Commissioner Brody Rypien seconded the motion. All voted aye.

### 4. Future Meetings

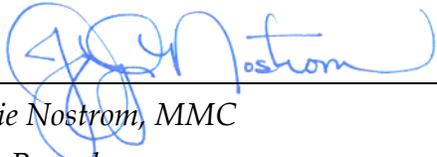
- 4.1 City Council Meeting - Wednesday, June 26, 2019 @ 7:00 PM
- 4.2 City Council Meeting, Wednesday, July 10, 2019
- 4.3 Planning Commission Meeting - Thursday, July 18, 2019 PM

### 5. Adjournment

*Commissioner Adam Jacobson moved to adjourn the Planning Commission meeting at 8:49 pm and all voted aye.*

### 6. Recommence to Work Meeting (If Needed)

*I, Jackie Nostrom, City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on June 20, 2019. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.*



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*Jackie Nostrom, MMC*  
*City Recorder*

