The following are the minutes of the Planning Commission Meeting held on **Thursday, October 3, 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:** Andy Powell, Lorin Palmer, Colby Oliverson, Heather Garcia, Brody Rypien, Andrea Bradford, Joy Kaseke

**Commission Members Excused:** Adam Jacobson, Jackson Ferguson

**Staff Present:** City Planner Michael Maloy, Assistant City Planner Bryn MacDonald, Communication Specialist II Jon LaFollette, Deputy Recorder Wendy Thorpe, Staff Engineer II Josh Peterson, Assistant City Manager Gordon Haight, Economic Development Coordinator Sandra Llewellyn

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

   Chair Chris Berbert called the work meeting to order at 6:03 pm.

   **1.1 Discussion of Potential Subdivision Applications**

   The RSL representative explained their intent was to remove the school from the existing parcel, which had residential units for academy students and visiting teams. CC&Rs, fire codes and taxes on the school portion were explained.

   **1.2 Review of City Council Decisions**
City Planner Maloy informed the Commissioners that Council had discussed private properties that encroach onto public property. The City recently hired a new code enforcement officer but more than one was needed due to population growth and need. He also addressed potential annexations for property bordering the City.

Commissioners offered that it would be beneficial for MDA agreement sunset clauses be built in with shorter time frames. Assistant City Planner MacDonald reviewed outstanding development agreements and displayed total outstanding units. She provided a map with acreage breakdown for single family and multifamily zones, by type. Multifamily units, which are 8-20 units per acre, were located mostly near Mountain View Corridor (MVC).

1.3 Review of Agenda Items
Commissioners questioned administrative items from the Herriman Towne Center (HTC) MDA. Similar wording had been used in other agreements. Commissioners expressed the item was difficult to read due to missing exhibits. City Planner Maloy stated the attachment was more than 900 pages and offered to provide a thumb drive or send via Dropbox. Commissioners requested density definitions. City Planner Maloy stated the public hearing item up for discussion tonight would come back to the Commission later for a decision, after the changes have been addressed. The design guideline changes need to be addressed and City Planner Maloy still needed to review them.

Game Pointe would be referred to City Council after approval and minor tweaks regarding grading were still being determined.

Community development zone was scheduled for a 30-minute presentation tonight. If that were not enough time, he would return later, if Commission wished to see more. The proposed zone was intended for large areas of development and at any time the Commission was free to express they were not interested. Either annexed property would become part of the City with the existing zone with the County, or it can be changed at the time of annexation.

Aspects of walkability in Utah were debated. Some offered that more transit would be required for it to be feasible. City Planner Maloy discussed different types of walkability and that some lessons could be applied to Herriman development. He mentioned an elementary school in daybreak that had 88% of students walk to school and that small pockets of walkability were beneficial to the community. The opinion was expressed that many schools in Herriman are anchors and are not walkable and locations were not determined by the City.

Commissioners questioned if neighbors had been made aware of the dog grooming application. Assistant City Planner MacDonald stated they had not been notified. The applicant anticipated 5 – 7 visits per day and parking issues would be covered by ordinance, complaints would be reviewed by the City. The application was only presented to the Commission because it’s proposed to be in an accessory building.
1.4 Training
Heather Garcia presented book club training and discussed Walkable City by Jeff Speck and Happy City by Charles Montgomery.

Planning Commission work meeting adjourned by consensus at 7:02 p.m.

7:00 PM - Regular Planning Commission Meeting

2 Call to Order
Chair Chris Berbert called the meeting to order at 7:07 p.m. He welcomed those in attendance and reviewed the public hearing guidelines.

2.1 Invocation/Thought/Reading and Pledge
Scout Dallin Trent led the audience in the Pledge of Allegiance.

2.4 Roll call
Full Quorum Present.

2.5 Conflicts of Interest
No Conflicts were offered.

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 application compliance with the ordinance.

3.1 Request: Conditional Use approval for an indoor/outdoor recreation center known as Game Point, including site plan and building elevations
Applicant: Aaron Osmond
Address: 12300 South 5100 West
Zone: C-2 (Commercial)
Acres: 4.496
File Number: C2019-067

Assistant City Planner Bryn MacDonald offered a brief overview of the property and elevations. Parking areas were displayed along with construction costs and relocation of the restaurant. The retaining wall and parking on the west side of the building were defined. Staff would review any final changes. Recent adjustments were necessary due to the grading.
Tyler Bordrero approached the podium on behalf of Game Pointe. He addressed the relocation of the restaurant to the front and the retaining wall and parking on the west side of the building. Staff may review final changes. Adjustments to the grading plan were identified. Building size was reduced by 2,000 square feet with the removal of a corridor.

Chair Berbert addressed the recent changes. Staff informed that Commission could approve the item tonight and any further changes would be brought back for Commission approval. Adjustments to requirements 4 & 5 would need to address potential changes. Could recommend approval tonight, then request changes to come back. PC discussed restaurant patio. Future changes would meet design standards.

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.
4. Building elevations recommended for approval as submitted. Elevations will require an exception from the City Council.
5. Design Guidelines approved as submitted.
6. Install curb, gutter, sidewalk, park strips, and street light on all public streets. This should include trees in the park strip every 30 feet.
7. No signs are approved with this request, separate approval will be required.
8. At least 15% of the total site must be landscaped. At least 5% of the parking lot interior must be landscaped. Meet all landscaping requirements found in the Herriman Land Development Code Title 10 Chapter 23.
9. The front yard area and the side yard area which faces on a public street shall be landscaped and maintained with live plant material, including shrubs, flowers, and trees for a minimum distance of twenty feet (20’) behind the property line. This can be reduced to 15 feet with a berm and additional plant material.
10. All landscaping shall be completed prior to certificates of occupancy being issued for any portion of the building.
11. Screen all outside trash and dumpster areas.
12. Provide storm drain detention to meet City standards. Ponds should be landscaped with sod and trees.
13. All detention will require a long-term maintenance agreement, form to be provided by engineering department.
13. Parking shall be provided as required by Herriman Land Development Code Title 10 Chapter 24 for each specific use. This will be reviewed again if any of the tenants require additional parking.
15. Parking lot lights shall meet the City’s commercial parking lot standard.
16. Must have a Master Development Agreement approved by the City Council prior to a building permit being submitted.

Commissioner Brody Rypien moved to approve item 3.1 file number C2019-067 Conditional Use approval for an indoor/outdoor recreation center known as Game Point, with recommendation that future adjustments meet City commercial design standards, and all recommendations. Commissioner Lorin Palmer seconded the motion.
The vote was recorded as follows:

- Commissioner Andy Powell  
  Aye
- Commissioner Heather Garcia  
  Aye
- Commissioner Lorin Palmer  
  Aye
- Commissioner Andrea Bradford  
  Aye
- Commissioner Colby Oliverson  
  Aye
- Commissioner Brody Rypien  
  Aye

The motion passed unanimously.

3.2 Request: Preliminary Plat Approval for 259 residential units in Herriman Towne Center, known as Parkside (Public Hearing)

Applicant: Jaran Nicholls, Edge Homes
Address: 5250 W Copeland Drive
Zone: MU-2 (Mixed Use)
Acres: 16.93
File Number: C2008-014-26

Assistant City Planner Bryn MacDonald explained the applicant will explain changes and the item was a public hearing. Items 3.2 & 3.3 would be discussed concurrently.

Steve Maddox approached the podium on behalf of Edge Homes and informed the Commission that private driveways have been extended to between 22 feet and 26 feet, and he reviewed parking stall totals. ADA compliant spots need to be added. Parking restrictions would be addressed as issues arise. Covered porches, balconies and awnings reviewed. Different brick color mock ups were displayed along with views of the buildings from multiple angles.

Chair Berbert opened the public hearing.

Patty Anthor expressed surprise with how loud her townhome area was, and noise pollution and traffic were major concerns for her. She stated the HOA should have rules regarding animals. She has neighbors that leave noisy dogs outside.

Darryl Larson was glad to see changes had been made to the parking and design issues, but raised pedestrian crossings and speed bumps need to be on the street for the safety of the children.

Clark Ragsdale moved to the area because of the variety of different homes. He offered concerns that one builder will have one type of home and he would like to see lots of variety.
Jacob Jackson lived east of the park and had concerns with mixed use in the area and access to parks. Access through the development to the park were essential. He expressed concern with the loss of green space.

Chair Berbert continued the public hearing to date certain in two weeks.

Chair Berbert invited the developer to the podium to answer some of the questions addressed by the public hearing. Mr Maddox stated there was public access through trails, which were all public to allow existing residents access to the park.

Commissioners expressed appreciation to the developer for extending driveways to encourage off street parking. It was noted that CC&Rs would include garage and parking requirements. Commissioners expressed that certain street materials such as stamped brick or cobblestone would naturally slow traffic. Staff offered to work with engineering to calm traffic. The developer was committed to making safe crosswalks. The Commissioners added that the balconies looked good, but the brick colors clashed and the lighter brick was not preferable.

Commissioners debated the colors of brick and other design elements and requested high quality building materials.

Assistant City Planner MacDonald requested brick clarification. It was stated that the applicant would bring in brick samples and include the color of each building on the site plan. Hardy board was recommended for some areas.

Commissioner Andy Powell moved to continue item 3.2 file number C2008-014-26 Preliminary Plat Approval for 259 residential units in Herriman Towne Center, known as Parkside (Public Hearing) for two weeks. Commissioner Heather Garcia seconded the motion.

The vote was recorded as follows:

- Commissioner Andy Powell Aye
- Commissioner Heather Garcia Aye
- Commissioner Lorin Palmer Aye
- Commissioner Andrea Bradford Aye
- Commissioner Colby Oliverson Aye
- Commissioner Brody Rypien Aye

The motion passed unanimously.

3.3 Request: Final Master Plan approval for 259 residential units in Herriman Towne Center, known as Parkside

Applicant: Jaran Nicholls, Edge Homes
Address: 5250 W Copeland Drive
Zone: MU-2 (Mixed Use)
Acres: 16.93
File Number: C2008-014-26

Was discussed with item 3.2.

Commissioner Andy Powell moved to continue item 3 file number C2008-014-26 Final Master Plan approval for 259 residential units in Herriman Towne Center, known as Parkside for two weeks. Councilmember Heather Garcia seconded the motion.

The vote was recorded as follows:
Commissioner Andy Powell Aye
Commissioner Heather Garcia Aye
Commissioner Lorin Palmer Aye
Commissioner Andrea Bradford Aye
Commissioner Colby Oliverson Aye
Commissioner Brody Rypien Aye

The motion passed unanimously.

3.4. Request: Preliminary Plat Approval for a 2 Lot Subdivision (Public Hearing)
Applicant: Charles and Dianne Bodell
Address: 6136 W 13360 South
Zone: A-.50 (Agricultural)
Acres: 2.92
File Number: S2019-075

City Planner Mike Maloy explained the applicant requested preliminary plat approval for a two lot subdivision. He identified the location and informed that staff mailed notices to all property owners within 300 feet of the subject property on September 23, 2019. A neighborhood meeting was held on September 11, 2019, nine residents attended the meeting and the meeting minutes were included in the packet.

Applicant Dianne Bodell approached the podium and offered to answer questions.

Chair Berbert opened the public hearing.

No comments were offered.

Chair Berbert closed the public hearing.

The Commissioners discussed the potential for further subdivision.
Requirements:
1. Receive and agree to the recommendations from other agencies.
2. Final plat to be reviewed and approved by the Engineering Department.
3. Install necessary streetlight(s) and appurtenances. Work with engineering department for exact locations.
4. The plat shall be approved and recorded prior to a building permit being issued for the newly created lot.
5. Dedicate necessary right-of-way needed for sidewalk to be ADA compliant for new driveways.
6. Plat shall include easements for existing City utilities.
7. Storm water to be retained on site through the use of French drains connected to the roof drains.
8. Utah Pollutant Discharge Elimination System (UPDES) storm water permit through the State of Utah will be required.

Commissioner Brody Rypien moved to approve item 3.4 file number: S2019-075 Preliminary Plat Approval for a 2 Lot Subdivision (Public Hearing) with requirements. Commissioner Lorin Palmer seconded the motion.

The vote was recorded as follows:
Commissioner Andy Powell  Aye
Commissioner Heather Garcia  Aye
Commissioner Lorin Palmer  Aye
Commissioner Andrea Bradford  Aye
Commissioner Colby Oliverson  Aye
Commissioner Brody Rypien  Aye
The motion passed unanimously.

3.5. Request: Conditional Use Approval to construct a 5-tenant retail/commercial building, including building elevations and site plan for lot 7 of Herriman Corner
Applicant: Stephen Maycock
Address: 13338 S Rosecrest Road
Zone: C-2 (Commercial)
Acres: 1.19
File Number: C2019-085

Assistant Planner Bryn MacDonald explained the applicant requested approval to construct a 8,400 square foot building with five tenants and had submitted building elevations and a site plan. She included that notices were not sent for condition use items.

Dave Maycock approached the podium and informed that they own the current Subway and were planning to move into this development. He provided brick samples and photos for comparison.

Commissioners debated traffic flow for the ATM and dry cleaner drive-thru, discussed traffic flow and
landscaping.

**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. All infrastructure for the backbone road must be completed, including missing section of asphalt pavement, curb and gutter, street lights, sidewalk, etc. This must be completed prior to C/O on any portion of this building.
4. Building elevations approved as submitted. Elevations must have 60% brock or stone on all four sides of the building. CMU does not count towards this requirement.
5. Install curb, gutter, sidewalk, park strips, and street light on all public streets. This should include trees in the park strip every 30 feet.
6. No signs are approved with this request, separate approval will be required.
7. The lot line in the middle of lot 7 needs to be removed prior to a building permit being issued.
8. At least 15% of the total site must be landscaped. At least 5% of the parking lot interior must be landscaped. Meet all landscaping requirements found in the Herriman Land Development Code Title 10 Chapter 23.
9. The front yard area and the side yard area which faces on a public street shall be landscaped and maintained with live plant material, including shrubs, flowers and trees for a minimum distance of twenty feet (20') behind the property line. This can be reduced to 15 feet with a berm and additional plant material.
10. All landscaping shall be completed prior to certificates of occupancy being issued for any portion of the building.
11. Screen all outside trash and dumpster areas.
12. Provide storm drain detention to meet City standards.
13. Parking shall be provided as required by Herriman Land Development Code Title 10 Chapter 24 for each specific use. This will be reviewed again if any of the tenants require additional park.
14. Detention ponds should be landscaped per City standards. Any private detention systems must provide a long term stormwater maintenance agreement.
15. Parking lot lights shall meet the City’s commercial parking lot standard.

A motion was made for approval which did not include the wall requirement, and all voted no.

Commissioner Andy Powell moved to approve item 3.5 file number C2019-085 Conditional Use Approval to construct a 5-tenant retail/commercial building, including building elevations and site plan for lot 7 of Herriman Corner with staff recommendations and an additional recommendation number 16 that the traffic on the north side drive-thru flow in the same direction and the applicant work with engineering to determine the best direction, and an additional item 17 to require completion of a wall between commercial and residential areas. Commissioner Heather Garcia seconded the motion.

The vote was recorded as follows:

- Commissioner Andy Powell  Aye
- Commissioner Heather Garcia  Aye
- Commissioner Lorin Palmer  Aye
- Commissioner Andrea Bradford  Aye
Commissioner Colby Oliverson  Aye
Commissioner Brody Rypien  Aye
The motion passed unanimously.

3.6. Request: Conditional Use Approval for a Home Occupation in an Agricultural Zone for Dog Grooming

Applicant: Manuela Corleto
Address: 13677 S Belmont Park Ave
Zone: A-.50 (Agricultural)
Acres: .56
File Number: C2019-089

Assistant Planner Bryn Macdonald explained the applicant requested conditional use approval for dog grooming home business in an accessory building, in an agricultural zone. She also reviewed the approval standards.

Applicant Manuela Corleto approached the podium and informed the Commission that she was double certified and has been a groomer since 2007. She already has a salon in cottonwood heights and would also like to offer the service from her home. She will construct and accessory building in her yard and will not hire employees. Her neighbors support her business and have expressed an interest in her grooming their dogs.

Commissioner Heather Garcia was pleased that neighbors have requested for the applicant to groom their dogs.

Recommendation
1. Subject to a review upon complaint. All nuisances arising from noise and odors, other than those incidental to legitimate agricultural uses, must be mitigated.
2. Must obtain a business license, which shall be renewed after 2 years.
3. Signage is limited to 3 square feet attached to and parallel to the dwelling.
4. Limit of 2 additional employees.
5. One additional parking space on the premises shall be provided for each employee coming to the dwelling as a result of the home occupation. Such parking shall be located only in a side or rear yard.
6. Any accessory buildings where employees work shall have restrooms for such employees.
7. The home occupation shall be incidental and secondary to the use of the dwelling and the premises for agricultural purposes and shall not change the character of the dwelling.
8. Storage of material shall be within an enclosed building.

Commissioner Heather Garcia moved to approve item 3.6 file number C2019-089 Conditional Use Approval for a Home
Occupation in an Agricultural Zone for Dog Grooming with recommendations. Commissioner Brody Rypien seconded the motion.

The vote was recorded as follows:
Commissioner Andy Powell  Aye
Commissioner Heather Garcia  Aye
Commissioner Lorin Palmer  Aye
Commissioner Andrea Bradford  Aye
Commissioner Colby Oliverson  Aye
Commissioner Brody Rypien  Aye
The motion passed unanimously.

3.7. Request: Subdivision Amendment for a Lot Line Adjustment between Anthem Corner Lots 1A and 1B
Applicant: Herriman City
Address: 11962 S Anthem Park Blvd
Zone: C-2 (Commercial)
Acres: 2.49
File Number: S2019-055-01

Assistant City Planner Bryn MacDonald explained the applicant requested a plat amendment for a lot line adjustment between lots 1A and 1B. Notices were not required for lot line adjustment when the same property owner owns both lots.

Commissioners discussed concerns with traffic and safety.

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

Commissioner Andrea Bradford moved to approve item 3.7 file number S2019-055-01 Subdivision Amendment for a Lot Line Adjustment between Anthem Corner Lots 1A and 1B with recommendations. Commissioner Lorin Palmer seconded the motion.

The vote was recorded as follows:
Commissioner Andy Powell  Aye
Commissioner Heather Garcia  Aye
Commissioner Lorin Palmer  Aye
Commissioner Andrea Bradford  Aye
Commissioner Colby Oliverson  Aye
Commissioner Brody Rypien  Aye
The motion passed unanimously.
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. **Discussion of a proposed Community Development (CD) zone**
**Applicant: Herriman City**
**File# Z2019-086**

Commissioner Lorin Palmer moved for a brief recess at 8:52 pm, Commissioner Brody Rypien seconded and all voted aye. The Planning Commission meeting re-convened at 9:02pm.

City Planner Maloy explained the City was proposing a text change to the Land Development Code to add a Community Development Zone. He explained this was a discussion item only and no motion would be needed.

Mike Hathorne presented information regarding the proposed Community Development Zone, possible implementation and benefits. Materials would be provided for the Commissioners to review.

5. **Chair and Commission Comments**

Commissioner Lorin Palmer requested that more information, events and social media awareness be provided with regards to the General Plan update. Commissioners agreed to begin the next work meeting at 5:00 pm to discuss the Herriman Towne Center mixed use development.

6. **Future Meetings**
   6.1 October 9, 2019 - City Council Meeting 7:00 PM
   6.2 October 17, 2019 - Planning Commission Meeting work meeting will start at 5 pm
   6.3 October 23, 2019 - City Council Meeting 7:00 PM

7. **Adjournment**

Commissioner Andy Powell made a motion to adjourn the meeting at 10:26pm 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 October 3, 2019. This document constitutes
the official minutes for the Planning Commission Meeting.

Wendy Thorpe