



PLANNING COMMISSION MINUTES

Thursday, January 17, 2019
Approved February 21, 2019

The following are the minutes of the Planning Commission Meeting held on **Thursday, January 17, 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: Chris Berbert

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

Commission Members Absent: Adam Jacobson

Staff Present: City Planner Michael Maloy, 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, Parks, Recreation and Events Director Wendy Thomas, and Community Outreach Coordinator Sandra Llewelyn.

Work Meeting *(Fort Herriman Conference Room)*

Commissioner Berbert called the work meeting to order at 6:06 pm.

1. Review of Agenda Items

It was clarified for Commissioners that Item 5.1 was the Bullfrog development. City Planner Maloy explained they have expressed interest in expanding production and would utilize the lot immediately south of the current development for possible future expansion.

The plan for Item 5.2 meets the density requirements for the current zone. City Staff considered the plan to be workable for that area of the City. Possible trail location, grading plan and topography would still need to be

determined. Staff Engineer Peterson added that retaining walls would be necessary and would be located at the rear section of lot eleven.

The applicant for Item 5.3 is requesting to subdivide one building into four individual units. Plumbing and easement access were discussed and power and gas are already separate. Water and sewer would continue to be paid through the Home Owners Association (HOA). Other locations in the subdivisions have similar ownership and the HOA would continue to be responsible for exterior maintenance and upkeep.

City Planner Maloy explained potential motions for items 5.4 and 5.5 regarding the proposed Charter School. It was discussed that the proposal was in need of revision and the traffic impact study still needed to be addressed. One presentation would take place for both items but two motions would be necessary. The Commissioners expressed a desire for School Board feedback regarding maximum Herriman High School capacity totals after the new high school has opened. Concerns were expressed regarding increased pedestrians and vehicles through the nearby neighborhood. The plat for the neighborhood bordering the proposed school would need to be amended for increased access and for a cul-de-sac to be replaced with a through street. Nearby development would need to be amended to reflect the layout change and address access points for the school. A memorandum of understanding between the City and Attorney for the nearby subdivision, regarding third access to be added with expansion at a later date is waiting for approval. Addition of the third access point is tied to school attendance totals. City Attorney Brems explained that standards required a 60-foot road. The applicant stated the curriculum was traditional and the school would be similar in size to traditional schools. Commissioners expressed concern that street parking for school events and pick up and drop off would be problematic for the neighborhood. Applicant stated signage and Herriman Police Department (HPD) enforcement would be utilized to mitigate issues. The anticipated parking count was 175 total stalls with 1,700 feet of onsite stacked lanes for pickup and drop off. The applicant added that this school had the longest stacking length of any charter school they have done and that traffic is the number one concern with all new schools.

2. Review of City Council Decisions

City Planner Michael Maloy informed that Commissioners of potential committee assignments. Census prep is a concern. A question regarding citizenship had created concern that communities could be under counted and many grants were linked to community size. Planner Evans and Planning Intern DeSeelhorst would be attending Census training. The Census will be online with some in person follow up when necessary. Communities with rapid growth have issues with residents not being counted and it was estimated that \$10,000 is lost by the community for each missed person. The current Herriman population has been estimated around 55,000 residents but the actual total won't be known until the Census has been completed.

The Joint City Council / Planning Commission meeting would take place January 30, 2019 and the research team was scheduled to present regarding the Herriman City General Plan.

3. Discussion Items

3.1 Election of Chair and Vice Chair

City Planner Maloy informed the Commissioners that the City Bylaws designate that Chair and Vice Chair nominations were to take place in the summer. The Chair and Vice Chair elected tonight will serve short term until the next nominations take place in July 2019. Chair Brody Rypien nominated Chris Berbert as Chair and Commissioner Lorin Palmer seconded the motion and all present voted aye. Commissioner Berbert nominated Commissioner Andy Powell as Vice Chair and Commissioner Brody Rypien seconded and all present voted aye.

Planning Commission work meeting adjourned by consensus at 6:50 p.m.

7:00 PM - Regular Planning Commission Meeting

4. Call to Order

Chair Berbert called the meeting to order at 7:02 p.m. and welcomed those in attendance.

4.1 Invocation/Thought/Reading and Pledge

Troop 1357 presented the Flag Ceremony and led the audience in the Pledge of Allegiance. A Prayer was offered by Scout Logan Dautel.

4.2 Roll call

Full Quorum Present.

4.3 Conflicts of Interest

Commissioners Berbert and Palmer stated they were present at a community meeting but that did not present a conflict.

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: Proposed Preliminary Plat for a 4 Lot Subdivision (Public Hearing)**
- Applicant: Jeremy Hanson**
- Address: 7107 West 11800 South**
- Zone: T-M (Technology Manufacturing)**
- Acres: 34.42**
- File Number: S2019-002**

Planner Maloy explained that lot one would be the location for the Bullfrog headquarters and lot four would be open for possible future expansion.

Applicant Jeremy Hanson with Dominion Engineering approached the podium and offered to answer

questions.

Commissioners expressed concern with a potential, future trail along 11800 South and the need to amend requirement number one to include trail.

City Planner Maloy stated the proposal is a public hearing and expressed appreciation to the developer.

Chair Berbert reviewed the Public Hearing guidelines.

Chair Berbert opened the Public Hearing.

No comments were offered.

Chair Berbert Closed the Public Hearing.

Requirements:

1. Install curb, gutter, sidewalk, street lights, and park strip on all public streets. This may include a fee-in-lieu for the sidewalk or trail on 118th South.
2. Park Strip landscaping along 118th South to be installed by the applicant as per City standards.
3. All detention will require a long-term maintenance agreement, form to be provided by engineering department.
4. All detention is required to be landscaped, including sod, sprinklers, and trees.
5. Any underground detention will require an injection well permit.
6. Provide Public Utility Easements on the plat as required by Engineering.

Commissioner Powell made a motion to approve item 5.1 file number S2019-002 Proposed Preliminary Plat for a 4 Lot Subdivision with Staff Recommendations, with addendum to item one stating Install curb, gutter, sidewalk, street lights, and park strip on all public streets. This may include a fee-in-lieu for the sidewalk or trail to be determined by the City on 118th South. Commissioner Bradford seconded the motion.

The vote was recorded as follows:

Commissioner Andrea Bradford Aye
Commissioner Jackson Ferguson Aye
Commissioner Lorin Palmer Aye
Commissioner Andy Powell Aye
Commissioner Brody Rypien Aye
The motion passed unanimously.

Commissioner Rypien made a motion for the Planning Commission to take a brief recess at 7:11 pm. Commissioner Palmer seconded and all vote aye.

Chair Berbert re-convened the Planning Commission Meeting at 7:14 p.m.

5.2 Request: Preliminary Plat Approval for an 11 Lot Subdivision (Public Hearing)

Applicant: Marco Diaz
Address: 7336 West Rose Canyon Drive
Zone: A-.25 (Agricultural)
Acres: 5.42
File Number: S2018-17

Planner Evans defined the location and added that the 11 lot subdivision, which did meet the zoning requirements. Site plan terrain and grade will be explained by the applicant.

Applicant Marco Diaz stated they are confident that by working with the City all will be comfortable with the request. The issue to re-align Rose Canyon Road without impacting the nearby properties it had been accomplished. The traffic study ensured minimum impact. The grading and steepness of the road had been determined to be four percent for the first 100 feet, then up to ten percent for the remainder. Mr Diaz stated they build a great deal in Park City and have an interest in making the grading appeal to potential buyers. Property has been set aside for the addition of trails.

Chair Berbert opened the Public Hearing.

No comments were offered.

Chair Berbert Closed the Public Hearing.

Rose Canyon Road alignment plan would still continue and T into it. Existing trail and amenity for residents, where is connection. On new subd directly to the east. Trail system will go down Rose Canyon Road to trail behind the Ridges. Summit Crest

Requirements:

1. Meet with staff for review and final approval of the site plan.
2. Meet all requirements as outlined in the Development Review Committee Comments dated August 31, 2018.
3. Each of the lots shall be a minimum of 85 feet wide and 10,000 square feet.
4. Install curb, gutter, street lights, park strip, and sidewalk on all public streets. This should include arterial lights along Rose Canyon Road.
5. Dedicate property needed to accommodate a 66 foot right of way for Rose Canyon Road.
6. Install a 6 foot vinyl fence along the entire west property line of the subdivision, and on the

south side along Rose Canyon Road. The fence shall meet all clear view requirements at the intersection.

7. All homes shall meet the Single-family design criteria.
8. Density is approved at 2.1 units per acre, which is 11 lots.
9. No lots shall be accessible from or onto Rose Canyon Road.
10. Developer is responsible for the installation of sidewalk, curb, gutter, and lighting along Rose Canyon Road. Work with the Park Department on the proper improvements on behind the sidewalk.
11. Install a trail connection to the existing trail system. The trail should be concrete 16 feet wide, with landscaping along each side. The trail shall be dedicated to the City.
12. Applicant needs to provide storm water detention or retention to meet Herriman City Engineering Standards. This can be met in an approved off-site detention facility.
13. Work with engineering to ensure that the entrance into High Country is adequately maintained.

Commissioner Rypien made a motion to approve item 5.2 file number S2018-17 Preliminary Plat Approval for an 11 Lot Subdivision (Public Hearing) with recommendations. Commissioner Palmer seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

5.3 Request: Proposed Subdivision Amendment to Subdivide 1 Building into 4 Individual Units (Public Hearing)

Applicant: Charles R. Frost
Address: 14429 South Abbey Bend Lane
Zone: MU-2 (Mixed Use)
Acres: .07
File Number: S2018-21

Planner Craig Evans explained subdividing half of the eight plex of rental units into four individual townhomes available for private ownership. Liability and plat were explored and the City expressed no concerns. The provided CC & Rs clearly define easement for access and the current Home Owners Association (HOA) will continue to cover some utilities and maintenance.

Applicant Charles Frost addressed the concerns expressed previously by the Planning Commissioner regarding the wall shared with a neighbor. He received written approval from the neighbor that he had no concerns. He

identified other units in the same development that had similar ownership.

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 Ferguson made a motion to approve item 5.3 file number S2018-21 Proposed Subdivision Amendment to Subdivide 1 Building into 4 Individual Units (Public Hearing). Commissioner Rypien seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

5.4 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 stated that zoning policy is derived from the State which is consistent with City code, but some uses have additional regulations. Charter schools have specific limitations. At this time the City recommends holding the Public Hearing, to get concerns on record and give applicant and City time to address them. He stated the Subdivision is up for discussion as a Public Hearing tonight but the Site Plan is not. Concern with lot one which fronts on 11800 South required frontage on a public right of way with no minimum width. Current proposal has yet to be examined by staff. Access to subdivision to the west still needs to be determined.

The Plan is for a phased development and future school growth would require an additional access point into Jackson Village subdivision. This applicant approached the Jackson Village developer who agreed that a lot from their subdivision could be reserved for school access road. City Planner Maloy identified potential access points, traffic flow and circulation. The striped parking doubles as stacking lanes to provide onsite queuing to remove cars from nearby streets. Overall elevations were presented.

Applicants Jed Stevenson with One West Construction and Josh Jenson representing Silverpeak Engineering approached the podium and thanked the Commissioners for hearing the proposal. It was stated that some traffic items would be addressed at the next meeting when the traffic engineer is present.

Chair Berbert opened the Public Hearing.

No comments were offered.

Chair Berbert continued the Public Hearing to keep it open until the next Planning Commission meeting.

Parking spots in stacked areas would be identified with different colored striping, education and staff enforcement. Entrance and exit locations from 11800 South and the proposed subdivision access were clarified. Access points were utilized to maximize onsite traffic stacking for counterclockwise dropoff and pickup.

The Commissioners requested that City Staff acquire school enrollment totals from the nearby high school with projections regarding the impact of the new high school. The Commissioners questioned projections that stated the new high school would reduce student totals at Herriman High School by twenty five percent. The Commissioners expressed concerns with traffic congestion as future growth impacts the area and requested growth projections for this area for the next five years. Future expansion of 11800 South has recommended five lanes of traffic to meet needs in the area. The Commissioners requested a timeframe for such expansion from City Engineering Staff.

Applicant would do their best to address the issue with traffic engineers and provide models to anticipate impact. The Commissioners cited serious safety issues with the traffic and requested detailed traffic flow. The Applicant offered that the traffic engineers emphasized onsite queuing and stacking to minimize overflow onto nearby roads and they would address traffic concerns at the next meeting and include examples of schools they have built in the past that had similar traffic issues.

The Commissioners expressed concern with changes being made to nearby subdivision, which has already been approved by the Commission. They inquired if amended plat would be necessary for that subdivision. The Commissioners pointed out the limitations which would be placed on potential commercial development with regards to liquor license approval near the charter school.

Current fencing intentions included a wrought iron fence and the applicant intended to meet the ordinance requirements. The Commissioners stated the importance of adequate fencing between future commercial development and the school. Future implications and options for the second lot would be clarified by a Memorandum of Intent. The school would average 25-27 students per class.

City Attorney Brems offered that the alcohol proximity problem would limit nearby commercial development and current law does not allow for it to be waivable. The agreement clarifies a wrought iron fence would be located on 11800 South and a block wall would be on the commercial side of the school.

Commissioner Powell made a motion to continue item 5.4 file number S2018-23 Proposed Preliminary Plat for a 2 Lot Subdivision for Advantage Arts Academy Charter School (Public Hearing) to the February 7, 2019 Planning Commission Meeting. Commissioner Palmer seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

- 5.5 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**

Commissioner Bradford made a motion to continue item 5.5 file number P2018-05 Final Site Plan Review for Advantage Arts Academy Charter School to the February 7, 2019 Planning Commission Meeting. Commissioner Powell seconded the motion.

The vote was recorded as follows:

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

The motion passed unanimously.

6. Chair and Commission Comments

No comments were offered.

7. Future Meetings

- 7.1 City Council Meeting – **Wednesday, January 23, 2019 @ 7:00 PM**
- 7.2 Joint City Council / Planning Commission Meeting – **Wednesday, January 30, 2019 @ 7:00 PM**

7.3 Planning Commission Meeting – **Thursday, February 7, 2019 @ 7:00 PM**

9. Adjournment

Commissioner moved to adjourn the meeting at 8:33 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 January 17, 2019. This document constitutes the official minutes for the Planning Commission Meeting.



Wendy Thorpe