



## PLANNING COMMISSION MINUTES

Thursday, March 5, 2020

Approved April 2, 2020

The following are the minutes of the Planning Commission Meeting of the Herriman Planning Commission. The meeting was held on **Thursday, March 5, 2020 at 6:00 p.m.** in the Herriman City Hall Council Chambers, 5355 West Herriman Main Street, Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the City Hall, on the City's website, and delivered to members of the Council, media, and interested citizens.

**Presiding:** Chair Chris Berbert

**Commissioners Present:** Andy Powell, Adam Jacobson, Brody Rypien, Jackson Ferguson, Lorin Palmer, Andrea Bradford, Heather Garcia, and Joy Kaseke,

**Staff Present:** Community Development Director Blake Thomas, City Planner Michael Maloy, Staff Planner Nick Whittaker, Assistant City Planner Bryn MacDonald, City Attorney John Brems, HPD Lieutenant Cody Stromberg, Deputy City Recorder Wendy Thorpe, Staff Engineer Josh Petersen and Communications Specialist Mitch Davis

**6:00 PM - WORK MEETING:** (*Fort Herriman Conference Room*)

### 1. Work Meeting

Chair Berbert called the meeting to order at 6:03 p.m.

#### 1.1. Review of City Council Decisions

Assistant City Planner MacDonald informed the Commission that City Council had approved the Ohlweiler rezone.

*Commissioner Andrea Bradford arrived at 6:06 p.m.*

Mountain Ridge will be on the next Council agenda. City Planner Maloy stated that Wasatch South Hills land use had been discussed and the MDA language identified density. Follow-up conversation involved moving pods 35 and 39 from Rosecrest to the Wasatch South Hills to avoid having two different MDAs in the same area.

The Teton Ranch White Barn was not included in the City parks master plan. With that removed, the park had been moved into the middle and trail access locations changed. WinCo requested an alcohol license for beer sales.

#### 1.2. Review of Agenda Items

Assistant City Planner MacDonald briefly reviewed the 7-11 waiver. The City owns 45 feet of frontage. Adding another 20 feet doesn't make sense. If approved, the applicant would provide maintenance for the City owned portion. Commissioners requested fence details and were informed the fence would be around the perimeter lot and not surrounding this lot. An acceptable encroachment agreement would need to be added.

Commissioner Jacobson requested that a PowerPoint from the previous meeting be emailed to the Commissioners.

Commissioner Bradford requested to know when commercial design standards would be reviewed.

### 1.3. Training

City Planner Maloy presented a TEDTalk titled the Value of Creative Thinking, which the Commissioners briefly discussed.

The Planning Commission meeting was adjourned by consensus at 6:57 p.m.

## 7:00 PM – REGULAR PLANNING COMMISSION MEETING: (Council Chambers)

### 2. Call to Order – 7:00 PM

Chair Berbert called the meeting to order at 7:04 p.m.

#### 2.1. Invocation/Thought/Reading or Pledge of Allegiance

Jaren Nichols led the audience in the Pledge of Allegiance.

#### 2.2. Roll Call

Full Quorum Present.

#### 2.3. Conflicts of Interest

No conflicts were offered.

#### 2.4. Approval of Minutes for February 6, 2020 Planning Commission Work Meeting

Commissioner Andy Powell moved to approve item 2.4 approval of Minutes for February 6, 2020. Commissioner Lorin Palmer seconded, and all voted aye.

Chair Berbert reviewed the Public Hearing guidelines.

### 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: Amendment of the site plan and building elevations for Belle Ve

**Applicant:** AFJS Holdings, LLC

**Address:** 14199 South 4800 West

**Zone:** MU-2 (Mixed Use)

**Acres:** 14.73

**File Number:** C2015-045-03

Assistant City Planner MacDonald stated the applicant requested an amendment to the site plan for a portion of the Belle Ve development. Public hearings and notices were not necessary for conditional use applications. The property

was originally approved in 2015 for 501 units and 30,000 square feet of commercial, which was still the same. The original site plan and elevations were compared to the amended site plan and elevations and changes were identified. Commercial locations were pointed out.

Grade changes were used to lower the height of several buildings. Commissioners offered that the original site plan differed from the one displayed today. Staff offered to confirm the plan as Commissioners discussed the development with the applicant.

Applicant Tim Soffe with Think Architecture offered to answer questions and highlight the changes. He displayed the site plan and identified the stacked flat and courtyard areas. Density was higher in areas near SLCC. Commercial areas were along 4000 West, to be near SLCC. Changes to phase two and three included turning the stacked flats due to the steep grade. In some areas the slope was retained for tuck-under parking. Applicant Soffe offered that it contained 35% open space, much higher than the 15% required. The applicant tried to maintain open courtyards across from the townhomes. Garage locations were identified. Buildings were more broken up to accommodate the grade. They met the City parking requirement per bedroom plus 90 guest spots.

The correct plan was distributed to Commissioners and displayed.

Commissioner Jacobson offered that the front part of phase three looked awesome and the courtyards had a neighborhood feel. He added the opinion that the revised courtyard area looked more like apartments.

The applicant offered that phases two and three were blended together. Many of the stacked flats were removed and added to the courtyard area because the buildings were very tall. Parking distribution was much better, in his opinion. And tall buildings were not preferable.

Commissioner Jacobson preferred the phase two transition with parking inside the homes. He opined there was no longer a smooth transition between phases. Commissioner Ferguson added that original courtyards were accessed at grade. The recent changes made it a different product type and better transitions were needed in the middle area.

Commissioners offered the opinion that tall buildings should be along the SLCC side and that hidden, tucked in garages were preferable. The other areas felt like their own little neighborhood.

Applicant Soffe offered he had built a lot of town home communities and he thought this transition was better than others.

The Commissioners offered that high buildings would be okay back near SLCC and they hoped to get away from huge parking lots. They also stated the apartment building looked too much like apartments and they preferred individual courtyards. They felt the changes looked like they had less open space. The Commissioners offered specific recommendations regarding parking, larger courtyards, preferable commercial locations, pedestrian crossings and areas for additional green space. They requested that unique elements and other items from the first plan be reincorporated.

Applicant Soffe introduced Civil Engineer Rob Portier. He stated the grading issues were addressed with large transitions of grade and extra space between structures. He added that some areas were not amenable to garages due to the slope.

The Commissioners discussed continuing the item to allow the applicant time to develop a plan that looked more like the original site plan. The Commissioners expressed that they understood the challenges in the area and offered gratitude to the applicant for working with the City regarding the requested changes.

*Commissioner Jacobson moved to continue without date item 3.1 file number C2015-045-03 Amendment of the site plan and building elevations for Belle Vea. Commissioner Ferguson 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 Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Lorin Palmer</i>	<i>Aye</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>

*The motion passed unanimously.*

**3.2. Request: Conditional use for a 7-11 gas station and convenience store, including a waiver of strict compliance for landscaping requirements**

**Applicant: Elliott Smith, TerraForm Companies, LLC**

**Address: 12480 South 5600 West**

**Zone: C-2 (Commercial)**

**Acres: 0.95**

**File Number: C2020-002**

Assistant City Planner MacDonald indicated the applicant requested conditional use for a 7-11 gas station and convenience store, including a waiver of strict compliance for landscaping. The City required twenty feet but this location had 40-60 feet of City owned property between it and the road. The applicant agreed to landscape and maintain this area, in exchange for not having to provide an additional 20 feet of landscaping on their property. Even after future widening of the road they would still have at least 20 feet of frontage. The Engineering Department offered approval pending completion of the encroachment agreement. The applicant was reminded that signs could not be located on City property. There would not be a wall around this individual lot but it would be between the commercial development and adjacent residential.

Commissioners discussed roadway access, sidewalks and dumpster locations.

Applicant Elliott Smith, with TerraForm Companies approached the podium and informed the Commissioners that they anticipated closing on the property next week and were looking forward to begin construction of the 7-11. He

clarified the road was not on their property but they had a reciprocal easement agreement in place that would encumber both parcels. They will install the road in its entirety.

Staff expressed appreciation for the applicant working well with the City and has already completed requirement #13 and submitted a plan for #14.

Commissioners reminded staff to ensure line of site on the corner.

**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. Submit final landscaping plans showing types, sizes and placement of plant material to the Staff for review and final approval as part of the engineering review.
4. All building elevations shall meet the approved design guidelines. The building elevations are approved as submitted.
5. No signs are approved with this request, separate approval will be required. No signs are allowed on public property. All signs must be located on private property.
6. At least 15% of the total site must be landscaped. At least 5% of the parking lot interior must be landscaped. Comply with the landscaping requirements of Herriman Land Development Code Chapter 23, including 20 feet of landscaping behind the property line along 5600 West.
7. Screen all outside trash and dumpster areas. Dumpster enclosures shall have similar architectural features as the main building and be gated.
8. A waiver of strict compliance is granted for the required landscaping along Herriman Blvd. The City owned property shall be landscaped and maintained by the applicant.
9. Provide storm drain detention to meet City standards. Detention ponds shall be landscaped per City standards.
10. Parking shall be provided at 1 space per 200 square feet of floor area.
11. Meet all DRC requirements as outlined by staff.
12. Provide curb, gutter, sidewalk, park strip, and street lights on all public streets. This should include a 5 foot park strip and 5 foot sidewalk on Herriman Blvd and 5600 West.
13. Relocate the dumpster to the southwest corner of the property.
14. Add a crosswalk and stairs on the northwest corner of the building to provide access to the future development on lot 2.

*Commissioner Powell moved to approve item 3.2 file number C2020-002 Conditional use for a 7-11 gas station and convenience store, with staff recommendations and two additional requirements. Number 15 making the property subject to an acceptable encroachment agreement being approved and #16 requiring the installation of the west access road in its entirety and a waiver of strict compliance for the landscaping. 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>

Commissioner Jackson Ferguson           Aye  
Commissioner Lorin Palmer                Aye  
Commissioner Andrea Bradford            Aye  
Commissioner Brody Rypien                Aye

*The motion passed unanimously.*

**3.3. Request: Preliminary Plat approval for 60 condominium units, known as Parkside At Herriman Towne Center Phase 1 (Public Hearing)**

**Applicant: Edge Homes**

**Address: 13049 Cannavale Drive**

**Zone: MU-2 (Mixed Use)**

**Acres: 1.95**

**File Number: S2020-009**

Staff offered that the application was just for the phase one condominium plats and it does not change the density, amenities, or building elevations that were previously approved. The applicant requested preliminary plat approval for a Condominium plat for 60 units known as Parkside Phase 1. The subject property is located at 13049 S Cannavale Drive and is 1.95 acres in size. The property is zoned MU-2 (Mixed Use). Staff mailed notices to all property owners within 300 feet of the subject property on February 24, 2020. As of this meeting, staff had received zero comments regarding the application.

The Parkside development was given final master plan approval by the Planning Commission on October 17, 2019. The project consisted of 259 units, 120 of which were condominiums. The condo units required a separate condo plat be recorded prior to the sale of units. The applicant had also submitted the CC&Rs and Bylaws for the condos and common space.

Applicant Brandon Watson with Edge Homes approached the podium and offered to answer questions. He informed the Commission that the site plan had been approved two months ago and the first two were being constructed. The particulars for the live/work corner units were addressed in the CC&Rs.

Commissioner Bradford inquired if language was included requiring garages to be used for parking only, not for storage. The applicant replied in the affirmative.

Chair Berbert opened the public hearing.

Tom May stated he understood this property would be developed with townhomes. He wondered why the core of the City was surrounded with condominiums. He stated there should be something better on the property.

Skylee Knapp has lived in Herriman Towne Center since 2011 and loves J. Lynn Crane Park. She worries about being able to access the park, and stated pathways to connect the neighborhood behind the condos were promised. She was concerned that the high density housing would restrict access and it would no longer be a good place to go. She

wanted to know how access had been addressed. She liked the driveways and additional guest parking, but wanted access to the park without going through scary parts of town.

Darryl Larson was concerned with children safely accessing the park, and stated children needed safe crossing locations during construction to prevent children getting injured crossing construction areas.

Chair Berbert closed the public hearing.

Commissioners added that safe walking locations had been addressed and approved. Trails and connection areas were displayed and lead to lead to intersections and safe crossing areas.

Applicant Jaren Nichols offered the main levels of the commercial units have separate entrances to Master bedrooms that could be converted to offices. The opportunity is there but was not required. Canopies would be installed initially and any changes to them would require approval from the Planning Commission. He said the public had expressed interest in the work/live units. Owners would also have the option of using the entire space for commercial, and living somewhere else, if they chose.

Commissioners wanted commercial required in the live/work units and discussed enforcement options, possibly through the CC & Rs. Commissioner Berbert had understood the commercial element would be separated from the living area, as he remembered it. Commissioners offered that little boutiques would add an appealing element to the area. ADA access also needed to be addressed.

It was stated that there were 24 total live/work Condos. 12 on each side of the “U” road and the CC & Rs stated they could be live/work units. Staff offered the Crosswalk options were still being looked at by the City.

Assistant City Planner MacDonald reviewed the motion, from when it was originally approved, and it did not include a requirement for the units to be commercial. It was discussed in the meeting but was not part of the motion.

**Requirements:**

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

*Commissioner Adam Jacobson moved to approve item 3.3 file number C2020-009 Preliminary Plat approval for 60 condominium units, known as Parkside at Herriman Towne Center Phase 1 (Public Hearing) with three staff requirements. Commissioner Brody 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 Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Lorin Palmer</i>	<i>Aye</i>

Commissioner Andrea Bradford                      *Aye*

Commissioner Brody Rypien                              *Aye*

*The motion passed unanimously.*

**3.4. Request: Plat Amendment to Fort Herriman Cove Phase 3 to revise the location of a trail (Public Hearing)**

**Applicant: Donald Moriarty and Lacey Boyce**

**Address: 14486 S Herriman View Cove**

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

**File Number: S2020-005**

Staff informed that the applicant requested a plat amendment to move the location of a trail in Fort Herriman Cove Phase three. The property was located at 14486 S Herriman View Cove and is zoned A-.25. Staff mailed notices to all property owners within 300 feet of the subject property. Notices were mailed to 20 property owners on February 24, 2020. As of this meeting, staff had received no comments on the request. Plat amendments are administrative decisions The Commission would make a decision based on compliance with the applicable ordinances. If the applicant received preliminary plat approval, the next step would be obtaining final plat approval from the Engineering Department. All of the lots would still meet the minimum size and width as required by the zone.

There is a trail access between lots 310 and 311 that is owned by the City. The applicant proposed to move this trail location to lot 308. The applicant worked with the Engineering department on the new trail location.

Jared Ford with Ensign Engineering approached the podium on behalf of the applicant and stated the new trail was located in a more natural location.

Community Development Director Blake Thomas address the grade of the trail. It was laid out to maintain access to open space, makes the lots more usable, and has a better slope.

Chair Berbert opened the public hearing.

Jeff White owns a neighboring property and was curious about long term trail access and land use to the southwest of the trail.

Eric Platt stated his land bordered the trail. He has accessed the original trail, which was very steep. He offered a potential problem with the new location that the grade at the beginning was better, but the trail quickly becomes vertical. He requested information regarding connectivity to the main trail and long term trail plans. He was concerned that if it's too steep people would bypass the trail and walk through backyards.

Susie Babcock lives in the cul-de-sac and was concerned with the new house being built on the other side of the new trail location. She asked if that landowner had been notified.

Chair Berbert closed the public hearing.

Assistant Planner MacDonald confirmed that landowner had been sent a notice.

Commissioner Jacobson asked if the plat amendment would need to be signed by all landowners on the phase 3 plat.

City Attorney Brems added that the public access may need to be vacated instead of a plat amendment. It would either need to be surplused or vacated by the City. He recommended continuing the item to allow staff to research options. Commissioners requested for staff to determine if the new location actually has a better slope. Commissioners requested for it to be re-noticed.

*Commissioner Jacobson moved to continue item 3.4 file number S2020-005 Plat Amendment to Fort Herriman Cove Phase 3 to revise the location of a trail (Public Hearing) without date, with the requirement that the City will re-notice the item. 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 Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Lorin Palmer</i>	<i>Aye</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>

*The motion passed unanimously.*

**3.5. Request: Preliminary plat for a one lot subdivision (Public Hearing)**

**Applicant: Lynn Lewis**

**Address: 7251 W Herriman Highway**

**Zone: A-1 (Agricultural – 1 acre minimum)**

**Acres: 1**

**File Number: S2020-014**

Assistant City Planner MacDonald stated the applicant requested preliminary plat approval for one historic lot. The property was an existing, historical lot, which had never been part of a legal subdivision. In order to bring the lot into compliance and allow the property owner to obtain a building permit, a one lot subdivision must be completed. This will also require the dedication of approximately 16 feet of right of way along Herriman Highway. Road improvements would not be required at this time, but the owner would be required to pay a fee in lieu for future improvements. If the applicant receives preliminary plat approval, the next step would be obtaining final plat approval from the Engineering Department.

Lynn Lewis approached the podium on behalf of the applicant and stated the property was in the middle of three historical buildings and it already had existing utilities. Owner Brandon Frei stated he was under financial constraints and would appreciate a speedy decision.

Chair Berbert opened the public hearing.

No comments were offered.

Chair Berbert closed public hearing.

**Recommendation**

Staff recommends preliminary plat approval for a one lot 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. Pay the \$250 Preliminary Plat application fee.
4. Dedicate approximately 16 feet of right of way along Herriman Highway and pay a fee in lieu of required improvements. Work with the Engineering department on the exact dedication and amount of the fee in lieu.
5. Storm water to be retained on site through the use of French drains connected to the roof drains.
6. The plat shall be approved and recorded prior to a building permit being issued for the lot.

*Commissioner Jacobson moved to approve item 3.5 file number S2020-014 Preliminary Plat Approval for a One Lot Subdivision (Public Hearing) with requirements. Commissioner Palmer 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 Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Lorin Palmer</i>	<i>Aye</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>

*The motion passed unanimously.*

**3.6. Request: Preliminary Plat approval for a 30 lot subdivision (Public Hearing opened on February 20, 2020)**  
**Applicant: Clark Colledge**  
**Address: 7398 West 13100 South**  
**Zone: A-.25 (Agricultural – 10,000 square foot minimum)**  
**Acres: 13.96**  
**File Number: S2019-087**

Vice Chair Andy Powell took over running the meeting due to Chair Berbert’s voice failing.

Assistant City Planner MacDonald briefly reviewed the latest changes. The subject property is located at 7398 W 13100 South and is 13.96 acres in size. The property is zoned A-.25. The A-.25 zone allows a minimum lot size of 10,000 square feet. A subdivision was an administrative decision and the Planning Commission would make a decision

based on compliance with the applicable ordinances and standards. The Public Hearing was still open from the February 20, 2020 Planning Commission meeting.

Applicant Clark Colledge approached podium representing the land owner and offered to answer questions and address concerns. Commissioners expressed concerns expressed by a neighbor regarding access to Herriman Highway. Mr. Colledge stated he was negotiating with the neighbor.

Commissioners clarified that .2 bonus density requirements were due to extra Right of Way being granted to the City for a High Tee intersection.

Applicant Colledge defined High Tee intersection. They allow a turning lane typically separated by a concrete barrier followed by a thru lane of traffic. Development Director Blake Thomas confirmed they were allowed in the City.

Commissioners discussed access for the neighbor and provisions to ensure egress and ingress for them. They discussed whether or not historic access could be taken away and historic transfers. They requested more research be done by staff to identify property lines which would determine how to proceed. Commissioners further requested for maps to be included with notices and public presentations. Park location was briefly addressed and the applicant preferred its location away from the busy road.

The Chair asked if anyone present would like to offer a public comment.

No comments were offered.

The Public Hearing was left open.

*Commissioner Jacobson moved to continue without date item 3.6 file number S2019-087 Preliminary Plat Approval for a 30 Lot Subdivision (Public Hearing opened on February 20, 2020). Commissioner Palmer seconded the motion.*

*The vote was recorded as follows:*

<i>Commissioner Adam Jacobson</i>	<i>Aye</i>
<i>Commissioner Chris Berbert</i>	<i>Aye</i>
<i>Commissioner Jackson Ferguson</i>	<i>Aye</i>
<i>Commissioner Lorin Palmer</i>	<i>Aye</i>
<i>Commissioner Andrea Bradford</i>	<i>Aye</i>
<i>Commissioner Brody Rypien</i>	<i>Aye</i>

*The motion passed unanimously.*

#### 4. Chair and Commission Comments

Commissioners requested options for Black Ridge Reservoir, which had been discussed with City Council. It was stated that other cities provide free parking passes to residents and require nonresidents to purchase them at City

Hall. They requested for the City Council to explore options. The Algae threat and public safety issues were briefly overviewed. City policy may need updates.

Commissioners requested for master plan developments to ensure connectivity through neighborhoods.

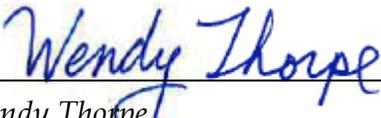
**5. Future Meetings**

- 5.1. Wednesday, March 11, 2020 City Council Meeting
- 5.2. Thursday, March 19, 2020 Planning Commission Meeting
- 5.3. Wednesday, March 25, 2020 City Council Meeting

**6. Adjournment**

*Commissioner Jacobson moved to adjourn the Planning Commission meeting at 9:08 p.m. Commissioner Palmer seconded the motion, and all voted aye.*

*I, Wendy Thorpe, Deputy City Recorder for Herriman City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on March 5, 2020. This document constitutes the official minutes for the Herriman Planning Commission Meeting.*

  
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Wendy Thorpe