



# EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

November 10, 2020, 5:30 p.m.  
Eagle Mountain City Council Chambers  
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

## 5:30 P.M. – Eagle Mountain City Planning Commission Work Session - Electronic Meeting via Lifesize

COMMISSION MEMBERS PRESENT: Matthew Everett, Christopher Pengra, Rich Wood, and Brett Wright. Commissioner Erin Wells was excused.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Long-Range Planning Manager; Jessa Porter, Planner; and Elizabeth Fewkes, Recording Secretary.

Commissioner Wood called the meeting to order at 5:31 p.m.

### 1. Discussion Items

#### 1.A. DISCUSSION ITEM – Proposed Code Amendment to Change EMMC 17.58 Historical Preservation Zone to Historical Preservation Overlay Zone

Long-Range Planning Manager Pete Kane presented the item. The Planning Commission had previously discussed modifying Municipal Code Chapter 17.58 with the addition of a Historical Preservation Overlay Zone to encourage the preservation of important historical and archaeological site locations as used in other cities. This amendment adds a definition for a landmark structure or site, clarifies the designation process for historical sites, establishes the historic preservation overlay zone, and notes the boundaries of the overlay will be determined by historical significance, not property lines. He explained that most cities utilize a review and certificate process to confirm and verify the appropriateness of a proposed use or construction in relation to a historical site by a historic preservation commission or another body.

Commissioner Wood suggested clarifying the role of the Planning Commission to review the applications and the City Council as the approval body.

Commissioner Wright stated he was in favor of moving the amendment forward.

Commissioner Everett inquired if it would be appropriate to include language to permit citizens to make historical overlay requests.

Commissioner Wood concurred with Commissioner Everett's recommendation to allow citizens to request the overlay and noted the standards mention the creation of a historical preservation board.

Mr. Kane noted that the property owner would need to agree to a request for the overlay and said that “City body” includes City boards as well as elected and appointed officials.

Commissioner Wright noted that EMMC 17.58.030 already allows for any person to identify the location of a possible important historical or archaeological site to the City. He supported adding additional language to 17.58.050 regarding resident ability to request the overlay in other sections of Municipal Code if desired by the Commission.

Commissioner Pengra advocated for structured resident participation through a board or commission and expressed concern regarding permitting requests by individual residents.

Mr. Kane clarified the proposed standards include criteria to qualify as a historical property. Should individual residents be permitted to make requests, the criteria would need to be met in order for the overlay to be approved for the property.

Discussion ensued regarding allowing resident requests for the overlay and amending the language to clarify and differentiate the roles of the Planning Commission and City Council regarding historical and archaeological sites and preservation overlay zones.

The Planning Commission directed staff to add language to permit the Planning Commission to serve in the capacity of the historic preservation board until the board is established or in the absence of a fully functioning board with the City Council serving as the approval authority.

#### **1.B. DISCUSSION ITEM – Proposed Code Amendment to Revise EMMC 17.62 Ridgeline Protection Standards to Ridgeline Protection Overlay Zone**

Mr. Kane presented the item. This chapter amendment was made to incorporate existing ridgeline standards in order to map the preserved areas through an overlay zone. The overlay can be applied to the applicable portion rather than the full property. He explained the “base zone” refers to the approved underlying zoning for the property.

Commissioner Wood recommended amending the verbiage from “base zone” to “underlying zoning” to prevent confusion due to the previous base density terminology being removed from standards.

Commissioner Pengra advocated for the usage of consistent language and terminology throughout Municipal Code standards.

Mr. Kane noted that standards include references to both base and underlying zoning and recommended future amendments to standardize terminology.

Commissioner Wood requested for Section 17.62.050(B)(2) regarding density transfer from areas made unbuildable due to the overlay to buildable areas within the property to be removed from the proposed standards due to the potential impact to the underlying zoning allowable density and product type.

Commissioner Pengra inquired if removing density transfers would be considered a taking of the land by the City or condemnation by code.

Community Development Director/Assistant City Administrator Steve Mumford stated that a taking removes all building rights from a property. He recognized the concerns expressed by Commissioner Wood and said the inclusion of the ability to transfer density was to allow it as an option for the City Council to approve. Other cities utilize sending and receiving areas for the transfer of development rights and recommended creating and implementing similar standards to mitigate concerns and to better define the process, depending upon the type of compensation the City desires to extend to the developer and what is desired by the developers in each category.

Commissioner Wood noted that most of the ridgelines within the City are undevelopable due to City buildable area slope standards and suggested for staff to identify developable properties within the area proposed for the Ridgeline Protection Overlay Zone prior to creating standards to determine if additional standards are necessary.

### **1.C. DISCUSSION ITEM – Proposed Code Amendment to Remove Lot Size Transitioning from EMMC 17.60**

Mr. Kane reviewed that the Planning Commission had previously discussed removing the lot size transitioning section and related references from EMMC 17.60 Landscaping, Buffering, Fencing, and Transitioning as the recent adoption of the zoning transition section to this chapter achieves the same purpose and intent. He noted a correction to Table 17.60 identified by Commissioner Wright prior to the meeting amending the first compatible buffer listed on row R2 from “R” to “R1.”

Commissioner Wood stated after reviewing previous Municipal Code standards, he determined that the table was applicable to previous tier standards and it is appropriate to remove the table from Municipal Code.

Commissioner Wright said he believes there were misunderstandings with residents regarding the lot size transitioning and the purpose and need for the buffers to ensure appropriate adjacent uses. He suggested educating and assisting residents to understand the buffering requirements and processes concerning the General Plan Future Land Use Map and the resulting protection to resident property and interests.

Mr. Kane clarified that the General Plan Future Land Use Map is a guiding document whereas the zoning standards outline the enforceable requirements.

Commissioner Wood adjourned the work session at 6:12 p.m.

### **6:30 P.M. – Eagle Mountain City Planning Commission Policy Session**

Commissioner Wood called the meeting to order at 6:30 p.m.

## **2. Pledge of Allegiance**

Mr. Mumford led the Pledge of Allegiance.

### 3. Declaration of Conflicts of Interest

None.

### 4. Approval of Meeting Minutes

#### 4.A. October 13, 2020, Planning Commission Minutes

Commissioner Everett requested a change to the minutes to clarify that he is a former notary.

**MOTION:** *Commissioner Everett moved to approve the October 13, 2020 minutes as amended. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

### 5. Status Report

Mr. Kane stated that during the October 20, 2020 meeting the City Council discussed the proposed Municipal Code amendment for master plan developments and agreements, the C Jay Properties building site plan and rezone, and the Overland Village 2 concept plan during work session. The City Council did not express any major concern regarding the master development amendment. C Jay Properties revised the color scheme and drawings based upon the Planning Commission review. The City Council recognized the efforts of the Planning Commission regarding the application and requested that dormers be included on the rear of the roof. The City Council offered similar feedback to the Planning Commission's comments regarding the Overland Village 2 concept plan and expressed concern regarding parking considerations for the parks and requested for the active-living adult housing to be deed-restricted. The amendment and site plan and rezone applications will move forward to a future policy session.

During policy session, the Open Space Zone was unanimously approved. The outdoor storage element had been removed from the Public Facilities Zone due to the Planning Commission recommendation and the amendment was approved as presented. The Brylee Farms alternative fencing request generated much discussion and the polyethylene, steel-reinforced fencing option was approved with a 3 to 1 vote.

### 6. Action and Advisory Items

#### 6.A. PUBLIC HEARING – Brylee Farms Open Space Amenities (Preliminary Plat Amendment)

Mr. Kane presented the item. The Brylee Farms residential development includes Phase A consisting of single-family homes and Phase B consisting of townhomes. The preliminary plats for these phases were approved in 2018 and 2019, respectively. Phase A is being developed by

Fieldstone Homes, and Phase B is being developed by Concord Homes. The developers desire to merge the homeowners' associations (HOAs) that will oversee the open space and amenities in the developments into one master HOA.

This application requests amendments to the preliminary plat for the two phases with regards to the open space and amenities. The proposed amendment changes the park space in Phase A from a playground to a swimming pool, clubhouse, active lawn space, and parking areas. The proposed amendment in Phase B would relocate the tot lot to the large park area, improve the original tot lot location as open space, remove the sport court above the underground retention to leave the land as improve park space for informal sport activities, and expand amenities at the primary amenity area with pickleball courts, a large playground, a pavilion, and parking areas. Based on the proposed open space and amenities amendment, the new plan would achieve 1,003 points in total between the two phases where 737 points are required.

The number of lots, density, and right-of-way configurations remain unchanged in the amendment. Multifamily projects are required to include a clubhouse and swimming pool. These elements are excluded from the amenity points total as they are required for this development type. The proposed 2,000-square foot pool exceeds the minimum size requirement of 1,268 square feet by 732 square feet. The proposed pool and clubhouse meet the size requirement of the Phase B development but will be located within Phase A. The amenity area within Phase A will be located within a quarter-mile from all residences in both phases except for the twelve townhomes in the northwest corner of the development. The amenity area within Phase B will be located within a quarter-mile of all residences in both phases except for the six single-family properties in the southwest corner of the development. Per the approved preliminary plat for Phase B, a pedestrian crossing will be located between the main amenity area and the trail to the west.

Staff recommends for the Planning Commission to recommend approval of the application to the City Council, for the reasons set forth in the staff report and the meeting, with the condition that the parking on the west side of the primary amenity area in Phase B remove one or two spaces in the center of the row in order to incorporate a landscaped island and pedestrian crossing.

*Commissioner Wood opened the public hearing at 6:45 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.*

Applicant representative Kyle Honeycutt with Concord Homes stated the proposal upgrades the amenities for both groups of residents while reducing homeowner's association (HOA) fees.

Commissioner Wright inquired regarding the placement of the pool near the single-family units rather than the townhomes and locating the tot lot and pickleball near the townhomes considering that a pool is a required amenity for townhome units and asked the size of each of the areas.

Mr. Honeycutt stated the pool fit better in the southern location near the single-family units and that the townhome units may have more younger children that would utilize the tot lot. The townhome amenities area is .94 acres, including the unutilized corner portions, and the pool and clubhouse area is approximately .46 acres.

Sam Drown with Concord Homes said one of the reasons for locating the tot lot and pickleball courts by the townhomes was the aesthetical benefit for the entrance into the community and that amenity requirements for the townhomes were not taken into consideration when discussing amenity placement.

Applicant representative Matthew Loveland with Fieldstone Homes stated the development was designed as a cohesive community and the location near the single-family pad provided a better location for the pool and clubhouse with sufficient access for the entire community. He explained Brylee Farms will have a master HOA that includes all the amenities with a sub-association for the townhomes for landscaping and reserve funding for shared improvements.

Discussion ensued regarding signage to indicate the public and private streets in the development to distinguish the division of snow removal and road maintenance responsibility.

Mr. Honeycutt expressed his willingness to comply with the staff recommendation regarding the removal of parking spaces to incorporate a landscape island and pedestrian crossing.

**MOTION:** *Commissioner Pengra moved to recommend approval to the City Council of the Brylee Farms open space amenities preliminary plat amendment with a condition that the applicant shall remove two spaces in the center row of the parking on the west side of the primary amenity area in Phase B in order to incorporate a landscaped island and pedestrian crossing. Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

#### **6.B. PUBLIC HEARING – Silver Fox Cascade (Master Site Plan)**

Planner Jessa Porter presented the item. This proposal requests a four-lot commercial subdivision on approximately 6.3 acres of land located on the southwest corner of Porter's Crossing Parkway and Pony Express Parkway. The property is zoned Commercial Community and automobile service and repair, including autobody repairs, is a permitted use. The Planning Commission reviewed a concept plan on September 22, 2020, for Cascade Collision Auto Repair located on the proposed lot 1. This project consists of an autobody shop on the northeast corner and an enclosed parking area for cars awaiting repair on the southern portion of this lot.

A cross-access easement has been granted through the property to benefit all four lots. The plan includes vehicle access from both Pony Express Parkway and Porters Crossing Parkway each of which is at least 100 feet from an intersection or another driveway on the same side of the street. Staff recommends a traffic study be submitted to ensure safe traffic flow in the area. The proposed elevations show a variety of CMU materials, metal accents, and awnings on all sides of the building. Although the main entrance is not located along a street-facing façade, the two street-facing facades include design elements and landscaping to improve the pedestrian experience. Based on the photometric plan, the lighting levels diminish approaching the wash which was a recommendation in order to minimize negative impacts on wildlife in the wash. The 3D renderings appear to show lighting at the pedestrian entrances pointing up and down which would not comply

with City standards. A landscaping plan was submitted for lot 1; Staff recommends the landscape plan be updated for the entirety of the property to comply with EMMC 17.100.070(A)(6). The applicant is required to provide 68 parking stalls on lot 1; including the stalls in the enclosed parking area. The applicant has proposed a total of 80 parking stalls.

Staff recommends the curved sidewalk connection from Porter's Crossing to lot 1 be straightened. The applicant should update the landscape plan to show pedestrian accesses. The applicant is proposing to install an eight-foot wall around the enclosed parking area to screen the vehicles awaiting service. The proposed grading plan shows that the southern portion of the enclosed parking area is setback between 10 and 15 feet from the top of the slope. Staff recommends that a finger of land north of the wash also be dedicated to the City to assist in the maintenance of the wash and that the typical setback exhibit be removed as these will be handled during the individual site plans for each lot.

Staff recommends for the Planning Commission to recommend approval to the City Council of the preliminary plat if the plan is compliant with EMMC 17.100.040 (D)), and the Silver Fox Cascade Master Site Plan for the reasons set forth in the staff report and in the meeting, with the following conditions:

1. The preliminary plat be revised to deed the finger of land to the north of the wash to the City.
2. The preliminary plat be revised to remove the typical setback exhibit.
3. All lighting to comply with EMMC 17.65 and 17.72.040(I).
4. A complete landscape plan for the entirety of the property shall be submitted.
5. Incorporate the missing pedestrian access elements in the landscape plan.
6. Straighten the pedestrian access on the east side of Lot 1.
7. Approval of the site plan for Lot 1 based on the application materials with revisions as conditioned.
8. Submittal and review of a traffic study.
9. Any other condition the Commission deems appropriate.

Commissioner Wood recommended for the City Engineer to verify if the Tickville Wash is sufficiently stable or if it will require reinforcement along the southern fencing and parking lot area of the development to mitigate erosion that has occurred along the wash in other areas in the City.

Applicant representative Trevor Sharp said the fencing along the south end of the parking area is setback over 20 feet from the top of the Tickville Wash. He stated that during a meeting with City Engineer Chris Trusty regarding the project, Mr. Trusty expressed no concerns regarding the project engineer's design. The plan includes a block material, in addition to the fence, to stabilize the area along the wash to prevent erosion.

Commissioner Everett stated the slope of the Tickville Wash in this area is less than the other areas within the City that have experienced erosion which reduces his concerns regarding the project.

Mr. Sharp stated that the vegetation in the Tickville Wash will not be disturbed by the development due to the setback from the top of the slope to the wash.

Commissioner Everett inquired if the lights shining upwards are located underneath an awning and if the presence of the awning would shield the lighting sufficient to make the lights compliant with the intent of the dark sky ordinance.

Applicant representative Garrett Macklin confirmed that the solid, decorative wall sconce lighting that shines upwards and downwards is located underneath an awning.

Commissioner Wright requested clarification regarding the staff recommendation to straighten the pedestrian access on the east of lot 1.

Applicant representative Trevor Hodgson explained the curvature of the sidewalk was to increase the length in order to comply with ADA maximum slope requirements.

*Commissioner Wood opened the public hearing at 7:22 p.m.*

Dan Ford, representing the seller of the property for the Cascade site, submitted the following comment: “The property owner is very much in favor of the project and excited to have Cascade Collision as a portion of his commercial project.”

*Commissioner Wood closed the public hearing at 7:23 p.m.*

Commissioner Wood expressed concern regarding the traffic in the area and left-hand turns from the property on to Porters Crossing Parkway. He suggested making the east entrance a right-in, right-out access.

Mr. Trevor said the location should generate minimal traffic. Accordingly, they had not felt a traffic study to be necessary for the location and had presumed the City would require the future 7-Eleven location adjacent to the east of their location across Porters Crossing Parkway to conduct a traffic study for the area. He stated the location already had a right-in, right-out on Pony Express Parkway and a right-in, right-out on the east would be inconvenient for customers, negatively impact the business access, and cause traffic issues.

Commissioner Pengra concurred that requiring U-turns would increase rather than decrease traffic concerns and was unwarranted due to the low traffic generation associated with the business. He stated that West Jordan had a similar traffic configuration with a right-in, right-out with a high-traffic business that was solved through the timing of the traffic lights and removing the median. The right-in, right-out caused motorists to divert through the neighborhood residential areas increasing traffic and causing a nuisance for the residents. He stated that he did not have concerns regarding the traffic generated by this project.

Commissioner Wood expressed concern regarding traffic generation caused by future development of the remainder of the property.

Mr. Sharp stated that the size and location of the western properties were not suited for high traffic generating businesses.

Discussion ensued regarding potential, theoretical future traffic concerns.

Mr. Kane said Mr. Trusty stated that the median on Porters Crossing Parkway may need to be removed and requested requiring a traffic study to determine the proper traffic mitigate requirements for the east access.

Mr. Sharp asked if they were required to perform an additional traffic study or if they could use the findings from the traffic study conducted by the 7-Eleven.

Mr. Kane stated that Mr. Trusty had recommended a traffic study for this property, although the applicants might be able to use some of the data from the 7-Eleven traffic study.

Commissioner Everett said he felt requiring a right-in, right-out access on Porters Crossing Parkway would be an unnecessary, detriment to the business and would increase traffic flow issues. Previously, he had stated disfavor for removing the median on Porters Crossing Parkway; however, as the area develops the removal of the median, and widening the road in the future, might be beneficial and necessary.

Commissioner Wright concurred with Commissioners Everett and Pengra regarding traffic in the area. He said he is not familiar with Symtec fencing products and expressed his preference for a masonry fence. He asked if the applicants were willing to install a masonry fence around the car storage location. He said his request for additional information is partially due to the fencing standards under review.

John Heiner, co-applicant, said Symtec is a low-maintenance, lightweight product built from recycled materials and steel-reinforced to withstands winds up to 100 miles per hour. The fencing is easier to repair than concrete and never fades due to UV inhibitors within the polyethylene. The fencing has a lifetime warranty with a five-year labor warranty. The weight of concrete can cause sagging or leaning. The Symtec is more expensive than lightweight concrete and less expensive than concrete. However, the Symtec is not an inexpensive product and due to its quality, it is in high demand.

Commissioner Everett stated his desire to require a durable, attractive fencing product for the area as the location abuts residential areas and the Symtec product appeared to meet those requirements.

Mr. Heiner explained one of their reasons for desiring Symtec is to reduce the weight load of the proposed eight-foot fence. Mr. Sharp stated the appearance of the Symtec fence is similar to concrete and will be screened by landscaping.

Commissioner Pengra stated he did not have concerns regarding the fencing.

Commissioner Wood stated that the proposed fencing standards might impact a portion of the fencing; however, due to the small size of the impacted segment, he felt it would be appropriate to allow congruent fencing for the project.

**MOTION:** *Commissioner Wright moved to recommend approval to the City Council of the Silver Fox Cascade master site plan with the following conditions:*

- 1. The preliminary plat shall be approved as a part of the master site plan;*
- 2. The preliminary plat shall be revised to deed the finger of land to the north of the wash to the City;*
- 3. The preliminary plat shall be revised to remove the exhibit noting typical setbacks;*
- 4. All lighting shall comply with EMMC 17.65 and 17.72.040(I);*
- 5. A complete landscape plan for the entirety of the property shall be submitted;*
- 6. The missing pedestrian access elements shall be incorporated in the landscape plan;*
- 7. Approval of the site plan for Lot 1 shall be based on the application materials with revisions as conditioned;*
- 8. A traffic study shall be submitted for review; and*
- 9. The enclosed parking area shall have an eight-foot fence with a solid, privacy gate.*

*Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

#### **6.C. Pony Express Townhomes (Concept Plan)**

Ms. Porter presented the item. This concept plan is for a new phase of the Pony Express Townhomes located near Pony Express Parkway and Clydesdale Drive and consists of 27 lots/units on 4.6 acres. The original Pony Express Townhomes rezone, site plan, and final plat were approved by City Council on November 20, 2012. The subject phase was recorded as a common area on the site plan and final plat approval as well as in the development agreement approved on April 16, 2013, as this parcel was considered unbuildable due to the natural wash. The applicant is currently working to buy this land back from the HOA so they can move forward with this project.

Elevations have not been submitted. Staff recommend the applicant review and comply with Chapter 17.72 Commercial and Multifamily Design Standards. This development will be required to comply with the garage sizing of a least 22 feet by 22 feet as amended last year by the City Council. This development will not be accessed from the current townhome development but instead from the single-family development, New Park at Porter's Crossing, to the northwest due to the slope to the south between the two phases. The concept plan calls for a roadway connection at the northwest over a parcel of land dedicated to the City as open space. The existing townhome development has a playground/tot lot; the subject phase will need a pedestrian connection to the trail on the west in Dublin Farms or a path to the southern dead-end in the existing portion of Pony Express Townhomes in order to provide access to the park spaces. The road through the concept plan development dead-ends at a proposed retaining wall to the south. The fire turnaround will need to be evaluated to make sure the dead end will be allowed.

Commissioner Wood expressed concern that the area is unbuildable due to the wash and topography of the land.

Ms. Porter verified that the property to the north and east is located within Saratoga Springs.

Mr. Mumford confirmed that City standards prohibit regrading land on a single-family lot with an average slope that exceeds 25 percent grade to make the land buildable. However, if the average slope of the land is under a 25 percent grade, the portions exceeding 25 percent may be regraded. As the City has not had townhomes improved on slope areas previously, a system to calculate the average slope of the area will need to be determined.

Applicant representative Jake Thompson stated an excavator visited the property to determine the cost and viability of improving the land. He was unfamiliar with the City's grading prohibition standards. They desire feedback regarding the feasibility of moving forward with the project.

Commissioner Wood advised that the project was unfeasible and noted that the previous product in the area does not meet current Municipal Code standards.

Mr. Thompson stated that the HOA is amenable to selling the land for further development as advantageous due to the resulting reduction in dues per unit and as it would not increase traffic for the current units due to the separate access. He expressed his willingness to update the elevations to adhere to current standards and to improve the land in a beneficial way to the City. They completed 36 of approximately 46 units in Phase 1.

Mr. Kane verified that current standards require a pool and a clubhouse for all multifamily developments which would apply to this development as it does not have vested rights under the previous standards.

Commissioner Everett expressed concern that the applicant had not reviewed Municipal Code standards before submitting an application, constructed a product he found undesirable and would not have approved in the previous area, and that the land would not allow for the addition of the required pool and clubhouse. He advised the applicant to abandon the proposed plan.

Commissioner Wright concurred with Commissioner Everett. He stated that nothing has changed since the land was deemed unbuildable in 2012 and the project presents accessibility issues.

Commissioner Pengra expressed concerns regarding the ingress and egress, layout, slope, and public safety access. He stated would consider allowing an exception to the pool and clubhouse requirements for the addition of a few townhome units; however, he believes other Commissioners and Councilmembers would be unfavorable of such a project.

Commissioner Wright stated he might consider a small townhome project if the remaining area were jointly improved in a way to benefit the townhome residents and the City.

Discussion ensued regarding potential small development options that would be in harmony with the land topography and limitations.

Commissioner Everett stated he objected to the approval of a smaller development in part due to the height differential between the undeveloped land and the existing townhomes and current elevations standards preventing the congruity necessary for a cohesive development and infrastructure installation challenges.

#### 6.D. Scenic Mountain Phase C (Concept Plan)

Mr. Kane presented the item. Scenic Mountain is a project that includes just under 35 acres of land on the south side of Wride Memorial Highway and northeast of The Ranches at the municipal boundary with Saratoga Springs City. The project was granted an approved master development plan and agreement, with the latest amended and restated agreement dating back to March 2017. The MDA breaks the project into three planning areas: Planning Area 1/Phase A, a single-family home cluster development; Planning Area 2 /Phase B, a townhome development; and Planning Area 3/Phase C, the subject of this concept plan. Phase C is preserved as a flexible use area development allowing either a commercial office/retail, residential units under the previous Tier III-Tier IV subdivision requirements, or a combination of residential and commercial with a maximum of 120 units.

The concept plan calls for utilizing Vernham Lane which creates a connection to Wride Memorial Highway and Phase A as well as Hurstbourne Drive to connect into Phase B. The land use proposed is a townhome residential use for 84 units with alley-loaded garages. Over two acres of open space which exceeds the required 1,000 square feet of open space per unit and includes the area of slope transition.

The MDA provides the development of the project in accordance with the provisions of Municipal Code, ordinances, and regulations in effect as of the date of the MDA, March 2017, but allows for the City to require compliance with the current standards at the time of the plan submission as long as the new requirement does not “materially” or “unreasonably” restrict the developer’s rights. The development of Phase C will utilize the road network under construction in the development which will provide access to the north to Wride Memorial Highway, access to the south to Phase A, and access to the east to Phase B. This phase of the project was granted development rights under the previous Tier III-Tier IV which roughly translates to MF1 to MF2. The MF1 zone restricts the number of units to six per building; MF2 restricts 12 units maximum to a building. The concept plan includes two buildings of seven units. A rendering of the townhome design and elevations is provided and includes a mix of materials, details, and color tones. Per EMMC 16.15.040, the concept plan is missing some elements: property boundary dimensions, ownership of adjacent tracts of land, roadway widths, and general topography. Based on the alley-loaded garages, sidewalks will be necessary around the building perimeters to aid in emergency access to the front doors. The current standards require garages of 22 feet by 22 feet. The standards at the time of the MDA execution required a garage size of 20 feet by 20 feet. Under the current code, this townhome development of 84 units would need 28 off-street parking spaces for guests, excluding tandem spaces. The updated plan includes 34 guest parking spaces; 20 of these are off-street. The plan calls for 14 parallel parking stalls along the east-west road, however, the applicant has stated these spaces would be outside of the dedicated right-of-way. The applicant has been requested to confirm that the lots are able to be gravity

connected to the existing sewer or if a lift station will be needed. The MDA requires one to two community recreation centers depending upon the total number of units. The entirety of the Scenic Mountain development will be under 250 units which will require only one community recreation center which is already planned for and with building permits granted in Phase B.

Commissioner Wood expressed concern that the variety of material usage did not adhere to the applicable Municipal Code standards and that the development did not provide appropriate buffering to and created obsolescence for the existing homes to the south. He requested the addition of a twin home product to serve as a buffer between the townhomes and the adjacent community.

Mr. Kane clarified that the elevation standards required the usage of a minimum of two approved materials and each material must be used on at least a minimum of 30 percent on all sides of the building.

Applicant representative Jason Harris with Fieldstone Homes noted the number of units in the development were reduced due to a right-of-way land purchase by the Utah Department of Transportation. He clarified the eastern units are also rear loading with an alleyway adjacent to the trail system. He said the inclusion of amenities to improve the community, including the pool and open space and trails, exceed the amenity requirements. The existing portions of the community include townhomes adjacent to single-family units without a negative impact to value. They provide residents will information regarding the plans for adjacent areas.

Commissioner Wood stated in the other area in the development the townhomes were located across the street from single-family units. He said people do not want to live next door to housing with an inferior value to their single-family home. He recommended relocating the pickleball court to serve as a buffer between the townhomes and single-family homes.

Mr. Harris stated the proposed pickleball court location is visually superior for the community, provides a place of gathering for the residents, and is a better location from a community-building standpoint. He expressed respect for Commissioner Wood's opinion; however, in their development in Daybreak, they have not experienced difficulties or concerns regarding locating single-family homes adjacent to townhomes.

Commissioner Everett expressed appreciation for the applicant providing alley loading townhomes and petitioned for the applicant to provide a 22 foot by 22-foot garage to reduce street parking. He said the elevations are bland and institutional and recommended a greater variety in or a mixture of color and materials.

Commissioner Pengra stated the applicants are offering a desirable product and have been amenable despite the challenges regarding the development. He expressed his favor for the minimalistic elevations presented and concurred with the request to offer wider garages.

Commissioner Wright concurred with the concerns that the presented elevations do not comply with Municipal Code standards and advocated for the applicants to comply with elevation, mailbox, trash enclosure, house numbering, and fire safety standards. He expressed appreciation

for the trail system in the project and recommended connecting the lower flex area to the trail system.

Commissioner Pengra expressed concern that the applicant had not completed due diligence in finding commercial uses for this section of the property designated as flex use space and requested clarification from the applicant.

Mr. Harris confirmed that this portion has both commercial and residential approved uses. The property was listed with a commercial broker and access, location, and size posed challenges for commercial development. The land to the west was identified as more appropriate for commercial development but also encountered viability concerns. They believe that residential uses are more appropriate and are better for the surrounding residents. He said although they are a residential developer, they have connections to and discussions with commercial developers prior to deciding to move forward with residential uses.

Commissioner Wood expressed his opinion that the applicant had not made a significant effort to develop a commercial use for the area and although they have the right to develop the land as residential, he feels they are missing out on an opportunity as this area is likely to attract commercial development in the future and he did not feel the City Council would be in favor residential development of the land.

#### 6.E. Oquirrh Mountain Ranch Phase B (Concept Plan)

Mr. Kane presented the item. The Oquirrh Mountain Ranch project consists of approximately 120.4 acres of land on the west side of Pony Express Parkway, north of Overland Village 2, and south of the Lone Tree development. The project was zoned residential with a mix of housing types and lot sizes as well as a church property site. The property also features ridgeline and historic petroglyphs throughout. The entire project was granted a maximum residential unit count of 346 units and required a minimum of 5.5 acres of fully improved open space; 14.2 acres of partially improved open space such as trails, petroglyph parks, frisbee golf, and improved areas; and 32.4 acres of open space improved with trails and viewing towers. Phase A, which is nearly completed, includes about 18 acres of the overall 120 acres and 54 single-family lots and a church property. Per the master development agreement, Phase B would include a mix of residential types: single-family dwellings, single-family dwellings in a cluster format, twin homes, triplexes, and multifamily buildings. The proposed concept plan for Phase B (about 102 acres) has been submitted to consider an amendment to the master development plan and agreement by changing the housing type to all single-family lots on an average lot size of about 5,000 square feet.

Phase B would be accessed from the east through the stub roads that have been built in Phase A. Based on the recent approval of the Overland Village 2 concept plan, the stub road demonstrated on the southern edge of this concept plan would not properly connect to that community. Until the stub roads on the west and south are connected to roadways, EMMC 16.35.070(I) limits the number of homes on a street with one access point to 30 homes. Several trail connections should be incorporated to allow access from the proposed roadways to the large, wrapping open space area. The area of high petroglyph concentration has been allotted more open space than allocated in the master development plan which provides a greater ability to preserve these historic elements.

The southwest corner of the concept plan includes five disconnected pieces of green space making maintenance, operation, and programming of the spaces very difficult for the City.

The applicant prefers to build single-family homes rather than the mix of housing types as provided in the master development agreement. A calculation for average and minimum lot sizes was not included in the concept plan. The master development agreement limits the overall number of housing units/lots to 346 between Phases A and B. Phase A has 54 lots, leaving a maximum of 292 units/lots for Phase B. The concept plan submitted presents 314 lots; however, numbers 140-149 are missing, so the total is likely 304. A slope analysis has been submitted. Based on the analysis, a number of the proposed lots on the northwest portion of the property will be on land of 25 percent slope or greater. Per EMMC 15.80.020, the average slope of a lot cannot exceed 25 percent grade. The concept plans do not include details on the amenity improvements. The applicant is recommended to incorporate improvements to the petroglyph areas, trail system around the hills/ridges and into the neighborhood, viewing towers as previously proposed, and other potential amenity elements. The wildlife corridor runs along the northern and northeastern portions of Phase B. Per the concept plan, the corridor opening provided is about 220 feet in width at its tightest point; a width of 330 feet is recommended. The applicants have been receptive to staff requests for various preservation efforts on the property including the numerous petroglyphs and protection of the wildlife corridor.

Mr. Kane stated he was unaware of existing vested rights or plans for the property to the west of the project. The Fire Marshal had expressed concern regarding the single access point in the southeast corner of the development for the homes on the southwest and west portion of the project and construction in that portion of the project is limited to thirty homes until additional access is provided.

Discussion ensued regarding road length and connectivity and potential safety concerns.

Mr. Mumford noted that Phase B might need to be divided into smaller phases as access to the area permits additional development.

Applicant representative Justin Booth stated they prefer to alter the agreement to remove the multifamily projects to develop single-family homes while preserving the petroglyphs and providing a wildlife corridor in the area.

Commissioner Wood expressed concern regarding the uniformity of the lot sizes and the proximity of the houses due to the small setbacks and expressed his preference for communities with variety.

Applicant representative Zach Hartman said they plan to offer three different lot sizes and 12 elevations options including single and two-story products. He expressed his willingness to adhere to connectivity standards to mitigate safety concerns. He said they are in discussions with Ivory Homes representatives and the School and Institutional Trust Lands Administration to properly align connections to the south of the project.

Commissioners Wood and Everett expressed their support for amending the agreement to remove the proposed multifamily to develop single-family homes.

Commissioner Everett concurred with staff concerns regarding the parks in the southwest corner and the development and inquired regarding park access.

Mr. Hartman proposed combining the pocket parks into a larger park space, possibly a skate or bike park, as a better amenity for the community.

Commissioner Everett agreed that a larger park would be a better benefit to the community and easier for the City to maintain. He advised the applicants to be conscientious of the buildable grade Municipal Code requirements.

Mr. Hartman stated they desired to trade the buildable area with the petroglyphs in exchange for an exemption to develop the high-grade areas. He stated they could also relocate the petroglyphs in order to be able to develop the flatter area.

Commissioner Everett stated he would object to the disturbance or relocation of the petroglyphs. He recommended the inclusion of some larger lots in the project.

Mr. Hartman noted that the removal of the higher density housing makes the inclusion of larger lots more difficult due to financial considerations.

Commissioner Wood requested for the applicants to provide side setbacks on the garage side to allow for recreation vehicle parking and to facilitate access to the backyard.

Discussion ensued regarding the preferred lot size and product variability options.

Commissioner Pengra recommended working with Ivory Homes regarding the development layout and connectivity.

Commissioner Wright stated he is not in favor of creating high-density, single-family housing developments and concurred with the desire for the inclusion of a variety of lot sizes including larger lots. He said that he would prefer a few multifamily units to achieve the permitted density in the project rather than compacted single-family lots especially considering that the wildlife corridor passing through the property and the location of the petroglyphs. He applauded the applicants' willingness to preserve the petroglyphs and the wildlife corridor.

Discussion ensued regarding potential areas to include a higher-density product.

Commissioner Wood recessed the meeting from 9:45 p.m. to 9:49 p.m.

#### **6.F. PUBLIC HEARING – Development Code Amendment to Remove References to Tier and Bonus Density Language (EMMC Titles 7, 16, and 17)**

Mr. Kane presented the item. The City Council approved Municipal Code amendments in 2019 that rewrote residential zoning for the City and included the repeal of EMMC 17.30 Residential Zone Bonus Density Entitlements. This Municipal Code amendment identifies all references to

these terms and proposed amendments to remove or revise the language, so it better relates to the current development code.

Commissioner Wright recommended a correction to 17.65.060(N)(1) to amend the minimum lot size requirement from two acres to two-and-a-half acres in order to be consistent with the minimum lot size requirement for the RA2 zone.

*Commissioner Wood opened the public hearing at 9:54 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.*

**MOTION:** *Commissioner Wright moved to recommend approval to the City Council of the amendment to Eagle Mountain Municipal Code Titles 7, 16, and 17 removing references to tier and bonus density language with the following verbiage change to 17.65.060(N)(1) amending “two acres” to “2.5 acres.” Commissioner Pengra seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

#### [6.G. Development Code Amendment for Fencing Standards \(EMMC 16.35 & 17.60\)](#)

Mr. Kane presented the item. The Planning Commission held a public hearing on this request on October 13, 2020. The public hearing was opened and closed at that time. The request was tabled for minor edits to the Municipal Code amendment. Those edits include: increasing the allowed fence height to eight feet for commercial fencing (EMMC 17.60.120(D)), requiring that chain link fencing for detached residential be screened with a solid fence/wall so as not to be viewable from a street (EMMC 17.60.130(A)), and identifying a separate, less costly "durable quality" standard for industrial privacy fencing (EMMC 16.35.090).

**MOTION:** *Commissioner Everett moved to recommend approval to the City Council of the amendment to Eagle Mountain Municipal Code Chapters 16.35 and 17.60 regarding fencing standards. Commissioner Wood seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

#### [7. Discussion Items](#)

Vahn Ki submitted a general public comment via email regarding potential businesses and amenities in the City.

#### [8. Next scheduled meeting](#)

#### [9. Adjournment](#)

**MOTION:** *Commissioner Everett moved to adjourn the meeting at 9:59 p.m. Commissioner Wright seconded the motion. Those voting aye: Matthew*

*Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

The meeting was adjourned at 9:59 p.m.

Approved by the Planning Commission on November 24, 2020.

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Steve Mumford, AICP  
Assistant City Administrator/Community Development Director