EAGLE MOUNTAIN
PLANNING COMMISSION MEETING MINUTES

October 25, 2022, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Jason Allen, Jeremy Bergener, Matthew Everett, Christopher Pengra, Erin Wells, and Alternate Commissioner Brent Strong.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Colby Curtis, Liaison to the Planning Commission.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Robert Hobbs, Planning Manager; David Stroud, Senior Planner; and Elizabeth Fewkes, Recording Secretary.

CITY STAFF PRESENT ELECTRONICALLY: Evan Berrett, Economic Development Director.

5:30 P.M. – Eagle Mountain City Planning Commission Work Session

Commissioner Everett called the meeting to order at 5:38 p.m.

1. Discussion Items

   1.A. DISCUSSION ITEM: EMMC 17.72.030.C – Requirement for a "Man-Door" in Conjunction with Construction of (a) Rear-Loaded Multiple-Family Structure(s) (3+ units)

Planning Manager Robert Hobbs introduced the discussion item regarding, EMMC 17.71.303(C), “Multifamily Parking/Garages. Garages and parking areas should be placed to the rear of buildings, accessed by a service drive. Service drives must meet all fire access requirements found in the fire code, or as required by the fire marshal. Units accessed via rear service drive shall have a man door on the garage side of the unit, and be addressed off the service drive. If garages are placed on the front facade, they shall be staggered and set back so as to minimize their appearance from the street. Garages shall never dominate the street-facing facade of a building."

In a letter submitted to the City on December 9, 2020, Fire Marshal Dan DeVoogd with Unified Fire Authority (UFA) clarified that his suggestion for a garage man door was in response to townhomes fronting on green space with emergency response access issues and wrote, "I like the idea of a garage side man door as a possible alternative to the access walkways I now require. The door might actually work better than walkways in some developments with topography issues. Ultimately, whether or not the city chooses to keep and enforce the door requirement – or consider it as an alternative is a Planning and Zoning issue. It is not a UFA issue or a fire code requirement. I would recommend amending EMMC 17.72.030(C) to allow the use of either option to provide the required access into the residence."

Commissioner Everett summarized the history of the issue that resulted in a man-door requirement being added to Municipal Code with the misunderstanding that man doors had been requested by the Fire Marshal and required by fire code. When the Scenic Mountain development was under review, the Fire Marshal submitted the above-mentioned letter clarifying his stance on man doors.

Commissioner Wells stated that she was in favor of amending Municipal Code in accordance with the Fire Marshal's recommendations and removing standards that fail to serve their intended purpose. Commissioners Pengra and Allen concurred.

Senior Planner David Stroud said that during recent discussions regarding another project, Captain DeVoogd had stated emergency responders need all-weather surface access into the dwelling. Clear standards help developers create a compliant application requiring fewer revisions.

Commissioner Bergener agreed with avoiding arbitrary standards that fail to serve their intended purpose.

Discussion ensued supporting the addition of optional verbiage for standards in accordance with the Fire Marshal's recommendations while being mindful to avoid introducing language contradictory to other sections of Municipal Code.

Assistant City Administrator/Community Development Director Steve Mumford explained the City has a 20-foot alley street standard. However, the alley width becomes problematic for emergency access when the units do not front on another street. A 26-foot-wide travel lane standard, specific to units fronting open space and/or are addressed off an alley, could be added to Municipal Code.

The Commission recommended changes to staff for an amendment to be considered at a future meeting.

1.B. DISCUSSION ITEM – Planning Commissioner Training Requirements and Accomplishments Status

Mr. Hobbs presented annual training requirements and opportunities for Planning Commissioners as required by HB 409 effective May 5, 2021. He requested for the Commissioners to provide him with a list of training they have completed to assist staff with planning additional training and resources.

Commissioner Everett stated his understanding is that it is the responsibility of the Commissioners to track and meet their training and meeting attendance requirements. He suggested resources such as the Land Use Academy of Utah (LUAU) to assist the Commissioners in being proactive in meeting the three-hour annual training requirement.

The Commission discussed various training options and opportunities, applying applicable professional experience towards the training requirements, and the benefits of training.

Commissioner Everett requested for staff to provide the Commissioners with a list of training resources.

1.C. DISCUSSION ITEM – 2022 Planning Commission Meeting Calendar Amendment

Mr. Hobbs introduced the requested discussion to consider amending the Planning Commission meeting calendar to move the scheduled November 22, 2022 meeting to a different date. He verified that the building will not be used as a polling location on November 8th and is available for use by the Commission. He noted that an applicant has requested to have their item reviewed prior to the November 15th City Council meeting.

Commissioner Everett asked if there were any concerns with meeting on Election Day considering that ballots can be returned by mail or dropped off.

After discussion regarding amending the meeting calendar, Commissioner Everett called for a special meeting to be held on November 8th with the intent to cancel the November 22nd meeting unless a time-sensitive issue arises.

Mr. Mumford confirmed that staff is working with the Mayor to determine a date for a joint meeting with the consultants, City Council, and Planning Commission.

Commissioner Everett adjourned the work session at 6:22 p.m.

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

Commissioner Everett called the policy session to order at 6:33 p.m.

2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

Commissioner Everett stated he will recuse himself from the discussion and vote for item 6.A. because the applicant is the Eagle Mountain Chamber of Commerce and he is on the board of directors; he requested for Vice Chair Wells to conduct the business for that item. For transparency, he disclosed that he works in the financial service industry; however, he has no conflicts of interest with America First Credit Union and will participate in item 6.B.

4. Approval of Meeting Minutes

4.A. October 11, 2022 Planning Commission Minutes

MOTION: ***Commissioner Pengra moved to approve the October 11, 2022 minutes. Commissioner Wells seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☒ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Erin Wells***	☐ ***Erin Wells***	☐ ***Erin Wells***	☐ ***Erin Wells***

The motion passed with a unanimous vote.

5. Status Report

No planning-related items were on the agenda for the October 18, 2022 City Council meeting. Mr. Mumford reviewed other items of interest discussed during that meeting.

6. Action and Advisory Items

6.A. ACTION ITEM: PUBLIC HEARING – Draft Ordinance Amending EMMC 17.80.080, Off-Premise Ladder Signs

Mr. Hobbs presented the item. The Eagle Mountain Chamber of Commerce has requested the following amendments to EMMC 17.80.080:

- C: Advertisers may reserve a maximum of two full slat signs throughout the city and any additional space would be limited to a single or double slat. The maximum signs a single entity, or its associated affiliates, may advertise on is five. All copy shall be approved by the community development director and/or the economic development director or designee.
- E: Eagle Mountain City or designee may bill advertisers on a semi-annual or annual basis. Signs may be removed for nonpayment. ~~Out-of-city advertisers must be billed on a semi-annual basis and allow for higher priority advertisers, if any are on the wait list, to take their place.~~
- H: The community development director and/or the economic development director or designee shall determine which signs from the approved map should be constructed. Business shall be drawn from the wait list. Existing signs should be filled before new signs are added.
- I: Excluding any directional ladder signs to city facilities, the maximum number of ladder signs that will be permitted in the rights-of-way is ~~40~~ 60.

Commissioner Wells opened the public hearing at 6:40 p.m. As there were no comments, she closed the hearing.

MOTION: ***Commissioner Bergener moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.80.080 Off-Premise Ladder Signs. Commissioner Pengra seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***

☐ *Matthew Everett*	☐ *Matthew Everett*	☒ *Matthew Everett*	☐ *Matthew Everett*
☒ *Chris Pengra*	☐ *Chris Pengra*	☐ *Chris Pengra*	☐ *Chris Pengra*
☒ *Erin Wells*	☐ *Erin Wells*	☐ *Erin Wells*	☐ *Erin Wells*
☒ *Brent Strong*	☐ *Brent Strong*	☐ *Brent Strong*	☐ *Brent Strong*

The motion passed with a vote of 5:0, with one abstention.

Due to Commissioner Everett recusing himself from participating in the item because he is an Eagle Mountain Chamber of Commerce Board Member, Alternate Commissioner Strong voted.

6.B. ACTION ITEM: PUBLIC HEARING – America First Credit Union.

Senior Planner David Stroud presented the item. The request is for an America First Credit Union on lot 5 of the Eagle Mountain Town Center subdivision at 4195 North Pony Express Parkway. The parcel is 1.05 acres in size. Financial institutions with a drive-through are a permitted use in the Marketplace at Eagle Mountain Development Agreement.

Staff recommends the Planning Commission forward a positive recommendation to the City Council regarding the site plan for an America First Credit Union at 4195 North Pony Express subject to the following condition(s):

1. Compliance with Eagle Mountain Municipal Code; and
2. Compliance with the Marketplace at Eagle Mountain Development Agreement.

Commissioner Everett opened the public hearing at 6:45 p.m. As there were no comments, he closed the hearing.

Commissioner Wells said she felt the west elevation should have additional architectural features because it faces the parking lot and suggested the addition of a faux window.

Mr. Stroud said he had suggested the addition of a window at a height preventing visibility into the building. However, the applicant opted not to add a window.

MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of the site plan for an American First Credit Union at 4192 North Pony Express Parkway. Commissioner Bergener seconded the motion.***

Those Voting Yes	***Those Voting No***	***Those Abstaining***	***Those Absent***
☒ *Jason Allen*	☐ *Jason Allen*	☐ *Jason Allen*	☐ *Jason Allen*
☒ *Jeremy Bergener*	☐ *Jeremy Bergener*	☐ *Jeremy Bergener*	☐ *Jeremy Bergener*
☒ *Matthew Everett*	☐ *Matthew Everett*	☐ *Matthew Everett*	☐ *Matthew Everett*
☒ *Chris Pengra*	☐ *Chris Pengra*	☐ *Chris Pengra*	☐ *Chris Pengra*
☐ *Erin Wells*	☒ *Erin Wells*	☐ *Erin Wells*	☐ *Erin Wells*

The motion passed with a vote of 4:1.

Commissioner Wells clarified she is not against approval of the site plan; however, she dissented due to her desire to require additional design features on the west elevation.

6.C. ACTION ITEM: Amended Plat and Related Right-of-Way Vacation petition in Scarlet Ridge Subdivision.

Mr. Hobbs presented the item. The proposed amendment to Scarlet Ridge Plat A1 to create A1-A is intended to accommodate the insertion of a charter school. The lot for the school is derived by removing 16 residential building lots 127 through 138 and 141 through 144 and combining the acreage into a new lot 127. Taylee Lane will also be removed because it is no longer needed and would bisect lot 127. Lot 127 will accommodate the school and conforms to relevant zoning standards.

Applicant representative Sheldon Killpack confirmed the lots not being utilized for the school will remain unchanged.

Staff and the applicant were unsure if lots 128 and 129 have sold yet.

Discussion ensued regarding the location of the plat in relation to the overall development.

MOTION: ***Commissioner Wells moved to recommend approval to the City Council of the amended plat and related right-of-way vacation petition for Scarlet Ridge. Commissioner Allen seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☒ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Erin Wells***	☐ ***Erin Wells***	☐ ***Erin Wells***	☐ ***Erin Wells***

The motion passed with a unanimous vote.

6.D. ACTION ITEM: PUBLIC HEARING – Site Plan Review and Approval for the John Hancock Academy Charter School (K-8)

Mr. Hobbs presented the item. The applicant requests a site plan approval for an elementary school located in the Scarlet Ridge Subdivision. The charter school was originally contemplated to be developed in Phase 2 of Scarlet Ridge; however, its proposed position was later moved to Phase 1 at the request of the school. A new final plat, Scarlet Ridge Plat 1, Phase A.1, was generated to accommodate the school. A public, private, or charter school within an RD2 Zone may, per EMMC Section 17.25.030, be allowed upon receiving Special Use approval from the City. The City may regulate setbacks, height, bulk and massing, off-site parking, curb cuts, traffic circulation, construction staging, and other standards to reasonably reduce risks to health and safety. The City may not regulate landscaping outside of the right-of-way, fencing, aesthetics, construction methods or materials, or the placement of temporary classrooms. The school improvement drawings suggest that the school will comply with pertinent City development standards.

Commissioner Pengra noted a correction on the site plan exhibit on page 1 of the packet material from Plat 2 to Plat 1.

Applicant representative Sheldon Killpack explained the lighter lines on the northwest corner indicate a future expansion for a cafeteria once sufficient funding is secured. The handicapped parking is located at a stopping location for the pickup and drop-off lanes in an area of lower incline than other portions of the parking lot. However, they can relocate the handicapped parking if desired. The layout of the school is patterned after a current, successful location. The configuration for dual striping for stacking lanes and parking for evening events has been effectively utilized at other schools.

Commissioner Everett opened the public hearing at 7:11 p.m. As there were no comments, he closed the hearing.

Commissioner Everett expressed his appreciation for the applicant providing a drop-off and pickup system that reduces vehicle stacking on public roads.

MOTION: ***Commissioner Bergener moved to recommend approval to the City Council of the site plan for John Hancock Academy Charter School. Commissioner Allen seconded the motion.***

AMENDED MOTION: ***Commissioner Bergener moved to recommend approval to the City Council of the Phase A Plat 1 site plan for John Hancock Academy Charter School. Commissioner Allen seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☒ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Erin Wells***	☐ ***Erin Wells***	☐ ***Erin Wells***	☐ ***Erin Wells***

The motion passed with a unanimous vote.

6.E. ACTION ITEM: AGREEMENT – Porter's Crossing Amended and Restated Master Development Agreement (MDA)

Mr. Mumford presented the item. The Planning Commission held public hearings and reviewed an amended master development plan, rezone, and general plan amendment application for the Porter's Crossing Town Center project on September 13th, and ultimately recommended approval to the City Council. The Commission also tabled the master development agreement (MDA) amendment at that meeting so that it could be redrafted and coordinated with the City Attorney. Since that time, the City Attorney worked with the applicant to redraft their proposed changes into a format that is more appropriate, specifically an Amended and Restated Master Development Agreement, which used the existing agreement as the base and added the developer's proposed language, modifying it to match the proposed plans, removing language referencing completed/developed property, and adding in some additional edits and changes.

Mr. Mumford explained that the current agreement allows for RV storage in the open space area. They had discussed rezoning the parcel to a commercial storage use; however, that would allow for additional uses not compatible with open space. Nevertheless, staff still has buffering and other concerns with storage in an open space area. The applicant proposed to allow an approval authority "to evaluate minimum improvements shown on Exhibit 5 that may be proposed in Pod 2" to possibly provide some of the required amenities for the residential units in the commercial area. Such items would be approved by the City Council in conjunction with a project application. An "approval authority" rather than the "City Council" was included in Section 7.1.1 so that the agreement would not need to be updated to coincide with possible changes to Municipal Code.

Discussion ensued regarding the exclusion of terms and benchmarks because completion timeframes were not a part of the original agreement and had not been contemplated by the applicant and the reasons the City began requiring benchmarks and completion dates.

Applicant representative Khosrow Semnani said he is amenable to benchmarks due to the interest that has been expressed for both the commercial and residential areas.

Commissioner Everett opened the public hearing at 7:30 p.m. As there were no comments, he closed the hearing.

Commissioner Wells noted that phasing is excluded from the agreement and inquired if anyone had concerns with the omission.

Commissioner Everett recommended adding language to the agreement requiring the project to adhere to Municipal Code benchmarks and time standards.

Discussion ensued regarding whether to include in their recommendation for the project to comply with the time standards in EMMC 16.10.080 and current Municipal Code phasing requirements.

MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of the Porter's Crossing Amended and Restated Master Development Agreement. Commissioner Allen seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☒ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Erin Wells***	☐ ***Erin Wells***	☐ ***Erin Wells***	☐ ***Erin Wells***

The motion passed with a unanimous vote.

7. Discussion Items

8. Next scheduled meeting

A special meeting is planned for November 8, 2022, with the intention to cancel the November 22, 2022 meeting due to the Thanksgiving Holiday.

9. Adjournment

MOTION: ***Commissioner Wells moved to adjourn the meeting at 7:45 p.m. Commissioner Pengra seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☒ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Erin Wells***	☐ ***Erin Wells***	☐ ***Erin Wells***	☐ ***Erin Wells***

The motion passed with a unanimous vote.

The meeting was adjourned at 7:45 p.m.

Approved by the Planning Commission on November 8, 2022.

Steve Mumford (Nov 9, 2022 11:01 MST)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

October 25, 2022 PC Minutes Approved-not signed

Final Audit Report 2022-11-09

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