



EAGLE MOUNTAIN PLANNING COMMISSION MINUTES

October 22, 2019, 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

COMMISSION MEMBERS PRESENT: Matthew Everett, DeLin Anderson, Rich Wood, Brett Wright, and Jared Gray.

ELECTED OFFICIALS PRESENT: City Councilmember Donna Burnham.

CITY STAFF PRESENT: Michael Hadley, Planning Manager; Jessa Porter, Planner; and Lianne Pengra, Recording Secretary.

Commissioner Everett called the meeting to order at 5:34 p.m.

1. Discussion Items

Planning Manager Michael Hadley informed the Commissioners of potential civic city center locations and land uses. Discussion ensued regarding the process West Valley City went through to obtain land for their city center, and how Eagle Mountain City would procure property. Mr. Hadley explained the City's intent is to work with a professional agency for the design work; staff will also work with existing property owners on the design.

Mr. Hadley stated that on October 15, the City Council approved a bid award for professional services for the design of Airport Road. Discussion ensued regarding future transportation routes in the City.

Commissioner Everett adjourned the work session at 5:57 p.m.

6:00 P.M. – Eagle Mountain City Planning Commission Policy Session

Commissioner Everett called the policy session to order at 6:00 p.m.

2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. October 8, 2019 Minutes

MOTION: *Commissioner Gray moved to approve the October 8, 2019 Planning Commission meeting minutes. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

5. Action and Advisory Items

5.A. Overland Village One Clubhouse Preliminary Plat – Public Hearing

Mr. Hadley explained this preliminary plat is for one lot in the Overland subdivision for the clubhouse. The site plan for the clubhouse has already been approved.

Commissioner Everett opened the public hearing at 6:02 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Wright moved to approve the Overland Village One Clubhouse preliminary plat. Commissioner Gray seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

5.B. Eagle Vision Preliminary Plat Amendment

Planner Jessa Porter explained the Eagle Vision preliminary plat and site plan were approved by the City Council on December 4, 2018. The approval was for one building with a possible second building in the future. The lot is approximately 0.83 acres. The application is to amend the recorded plat to create two lots; one lot is for the existing building, the second is for a future building.

Commissioner Wood expressed concern that the building envelope noted on the plan is on the property line. Mr. Hadley explained the site plan has already been approved.

Commissioner Gray asked if the site plan will still comply with setback requirements if the preliminary plat amendment is approved, as the original approval was for one lot with two buildings. Mr. Hadley said it may not, and explained that the lot is being divided, likely to allow the property owner to sell the lot. The building envelope can be adjusted away from the property line, which will place it closer to the residential area.

Commissioner Gray stated the lot with the existing building does not have parking and expressed concerns regarding the possibility of both lots being sold to new owners, leaving the parking arrangements unclear. Mr. Hadley said a condition can be imposed requiring a parking easement if either lot is sold.

Applicant representative Colby Webb explained the building envelope on the presented plan is what may be possible, but it is not what has to be built. They intend to go through the Design

Review Committee process for the new building; the building envelope can be adjusted. They have included a parking easement to ensure both buildings can utilize the parking lot.

Commissioner Wood stated the applicant addressing the setbacks with the Design Review Committee and the parking easement mitigates his concerns.

Commissioner Gray asked if the parking requirements will still be met if the building is moved. He expressed frustration that the plan has changed from what was originally approved. Mr. Webb stated if they need to construct a smaller building to comply with parking requirements, they will do so. He explained the owner originally planned to expand into the second building, but has decided to sell the lot, instead.

Commissioner Wright asked if the current property owner could build the building as it is shown on the approved site plan, if the amended preliminary plat is approved. Mr. Hadley explained once a building permit application is submitted after the lot is divided, the plans will be reviewed and would need to be modified, if necessary, to meet the required setbacks.

Commissioner Gray stated the shared parking will create concerns that need to be addressed such as liability, snow removal, and maintenance. Commissioner Wright said those issues are for the property owner to address, not the Planning Commission.

Mr. Hadley explained the application is to divide one lot into two lots; the applicant did not need to include building envelope details on the plan. The application requires the Planning Commission to consider dividing the lot; the future building will still be required to meet all City ordinances to obtain a building permit before construction begins.

Discussion ensued regarding Municipal Code requirements for commercial buildings.

Mr. Hadley reiterated that the second building is not yet built and the setback and parking concerns will be addressed when the building permit is issued.

Mr. Webb explained the approved site plan notes that a cross access easement exists for parking, which will be held in perpetuity.

MOTION: *Commissioner Wood moved to recommend approval to the City Council of the Eagle Vision preliminary plat amendment with the following condition:*

- 1. The newly created lot complies with current setback requirements.*

Commissioner Anderson seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.

5.C. Sage Park Business Center Rezone - Public Hearing

Mr. Hadley explained the Sage Park preliminary plat was approved in 2007. The property was historically designated as Mixed Use Residential. In 2018, the General Plan was updated and

this property now includes a collector road; the property north of the collector road is designated Employment Center/Campus, and the property south of the collector is designated Neighborhood Residential One. The land is currently zoned Residential. The applicant is proposing to rezone to a portion of the preliminary plat to Business Park and Commercial Storage. A concept plan was discussed by the Planning Commission on March 26, 2019, and by the City Council on May 21, 2019.

Mr. Hadley explained that two concept plans have been submitted in conjunction with the rezone application. The first option uses the 94-foot wide collector road as the separation between the Residential and Business Park Storage zone. The second option includes Business Park zoning on the south side of the road; the presented concept plan includes office and mixed-use buildings in this area.

Applicant Isaac Patterson stated when the item was previously presented to the Planning Commission, the Commissioners expressed concerns about potential conditional uses that could locate in this area if the land was not developed as the presented concept plan shows. He explained he prefers option one, and the City Attorney has communicated that this can be approved with conditions prohibiting conditional uses the Commission does not want located at this site.

Commissioner Gray confirmed with the applicant that the updated plan has been presented in order to comply with the updated General Plan, which includes a collector road through the previously-approved residential area. He asked what the applicant's plan is for the existing Business Park area. Mr. Patterson said they do not have plans at this time.

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

Commissioner Wood asked if the Planning Commission can approve a rezone application, as the zones are under review. He said the updated zone ordinances may mitigate concerns he has regarding potential conditional uses.

Commissioner Everett asked if the Planning Commission can review the item based on the Municipal Code as it existed when the application was submitted.

Commissioner Wood said they cannot approve a rezone, as there is not an existing ordinance in Municipal Code that governs the zones.

~~Mr. Hadley explained the Planning Commission is reviewing the rezone application based on existing Municipal Code, which has not changed since the rezone application was submitted. As the Code contains the Business Park zone, there is a zone to rezone to.~~

Discussion ensued regarding the reason the item was tabled on September 10.

Commissioner Wood stated that in the September 10, 2019 Planning Commission meeting, the Commissioners requested a preliminary plat accompany the rezone, and asked why it was not

included with this application. Mr. Hadley explained that the applicant can choose to provide a preliminary plat with the rezone application, but staff cannot require one to be submitted.

Commissioner Wright expressed concern regarding the conditional uses allowed in the Business Park zone.

Discussion ensued regarding rezoning the entire property as either all Commercial Storage, or all Business Park, as well as allowed uses in the Commercial Storage and Business Park zones. Conditional uses within these zones that the Planning Commission determined should be prohibited are multifamily development, communication towers, auto body repair shops, and portable storage units.

Mr. Patterson reiterated their preference for option one, and he stated the Planning Commission can restrict undesirable conditional uses in the rezone approval. Mr. Hadley explained the City Attorney confirmed with staff that the applicant can have a development agreement that limits the allowed conditional uses, as well.

Commissioner Gray asked the Commissioners if the Commission can consider the rezone application, as the zones are under review, and expressed concern that the presented concept plan does not contain office warehouse space.

Commissioner Everett stated the application was submitted before the zones were put under review. Mr. Hadley explained the City Attorney has informed staff that this project can move forward, and said no other rezone applications have been submitted to the Planning Department.

Commissioner Gray asked if the Planning Commission will review future rezone applications. Commissioner Everett stated that on September 24, the Planning Commission officially noted that the zones are under review; this item was tabled on September 10.

Discussion ensued regarding applications that may be submitted in the future.

Commissioner Wright stated the Planning Commission needs to determine if the proposed zone properly implements the vision of the City's General Plan. Commissioner Wood stated the Commercial Storage zone is not an appropriate use in accordance with the General Plan.

Discussion ensued regarding recommended conditions of approval. The Commissioners agreed that the staff-proposed conditions mitigate their concerns, with an additional condition that auto mechanic businesses would be a permitted conditional use.

MOTION: *Commissioner Wood moved to recommend approval to the City Council of the Sage Park Business Center rezone to Business Park, as shown in option one (Concept Plan #2), with the following condition:*

- 1. The rezone is approved subject to an agreement being approved by the City Council that restricts the property to the following permitted and conditional uses:*

- a. Permitted Uses*

- i. *Office buildings including professional, medical, or corporate offices or corporate campuses;*
 - ii. *Retail establishments such as shopping centers, grocery stores, restaurants, banks, department stores, and similar retail uses;*
 - iii. *Commercial fitness and recreation;*
 - iv. *Theaters, art galleries, museums, or similar cultural and entertainment uses;*
 - v. *Public and private utility structures or facilities (excluding communications towers);*
 - vi. *Public parks or squares;*
 - vii. *Public/civic buildings; and*
 - viii. *Schools.*
- b. *Conditional Uses*
- i. *Commercial Storage (self-storage and mini-storage units), outdoor storage/parking of recreational vehicles, trailers, boats, and similar vehicles, and a caretaker residential unit. Restricted to the northwest portion of the property, not to exceed nine acres;*
 - ii. *Contract construction services establishments & contractor offices (sometimes known as flex-use buildings); restricted to the north side of the collector road;*
 - iii. *Day care center/preschool; and*
 - iv. *Auto and truck repair, not including auto body.*

Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.

6. Discussion Items

Commissioner Wood asked that Mr. Hadley communicate to Community Development Director Steve Mumford that the Commissioners are anxious to begin reviewing updated zones.

7. Next scheduled meeting

Mr. Hadley said currently, the November 12 Planning Commission agenda only contains a concept plan. This may be moved to the December 10 meeting, if no additional items are added to the agenda. The meeting schedule for 2020 will be presented at the December 10 Planning Commission meeting, as well.

Commissioner Anderson informed City staff that he would not be in attendance at the November 12 meeting, and Commissioner Wright stated he will not be in attendance on November 26, if a meeting is scheduled for that date.

8. Adjournment

MOTION: *Commissioner Gray moved to adjourn the meeting at 7:29 p.m. Commissioner Anderson seconded the motion. Those voting aye: Matthew Everett, DeLin Anderson, Brett Wright, Rich Wood, and Jared Gray. The motion passed with a unanimous vote.*

The meeting was adjourned at 7:29 p.m.

Approved by the Planning Commission on November 12, 2019.


Steve Mumford
Community Development Director