EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

August 22, 2023, 6:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Jeremy Bergener, Matthew Everett, Robert Fox, and Brent Strong, and Alternate Commissioner Jimmy Eaton.

CITY STAFF PRESENT: Steve Mumford, Deputy City Administrator/Community Development Director; Marcus Draper, City Attorney; and Steven Lehmitz, Planner.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary; and Robert Hobbs, Planning Manager.

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

Commissioner Bergener called the policy session to order at 6:30 p.m.

1. Pledge of Allegiance

Commissioner Bergener led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None.

3. Approval of Meeting Minutes

3.A. August 8, 2008 Planning Commission Minutes

MOTION: ***Commissioner Allen moved to approve the August 8, 2023 minutes. Commissioner Fox 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***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***
☐ ***Brent Strong***	☐ ***Brent Strong***	☒ ***Brent Strong***	☐ ***Brent Strong***
☐ ***Jimmy Eaton***	☐ ***Jimmy Eaton***	☒ ***Jimmy Eaton***	☐ ***Jimmy Eaton***

The motion passed with a unanimous vote 3:0 with two abstentions. As Commissioner Everett was absent, Commissioner Eaton voted.

4. Status Report

Deputy City Administrator/Community Development Director Steve Mumford reviewed the planning items discussed and voted upon during the August 15, 2023 City Council meeting.

5. Action and Advisory Items

5.A. ACTION ITEM – PUBLIC HEARING: SITE PLAN APPROVAL OF HARMONY MULTI-FAMILY AND PLAT AMENDMENT OF HARMONY PHASE A PLAT 5.

Mr. Mumford and Planning Manager Robert Hobbs provided background information and presented the item. The subject property is governed by the Harmony Development Agreement with the property identified and approved for multifamily units. Harmony is a master planned community encompassing 772 acres. The Harmony at City Center exhibit shows density locations and identifies the subject property as Multifamily Residential. There is no density specific to the multifamily areas and the development agreement states, "The multi-family areas are not vested with density, and any reference to the number of units on the Preliminary Plat is conceptual and informational only." Total Harmony multifamily acreage is 92.186 acres and 1,935 conceptual and not vested, units. The subject site plan contains 14.45 acres with 116 townhome units and 110 stacked units. While no specific density maximum is given, the density "will be determined at the time of site plan application." The proposed density of the Harmony multifamily is 15.6 units per acre. Open space acreage, specific to the Harmony development, is required at 273 square feet per unit, or 1.42 acres. The development requires 142 amenity points 142 and 632 points are proposed.

The packet materials include both a pitched roof and a flat roof option. Municipal Code currently prohibits flat roofs. Because the units front along Walden Parkway, the fencing generally required along major roadways is excluded. The vacation has been included in conjunction with the plat amendment application for efficiency.

Staff recommends that the Planning Commission forward a positive recommendation to the City regarding the Harmony Multifamily site plan and Harmony Phase A Plat 5 street vacation, subject to the following conditions of approval:

1. Fireline clarification in front of Buildings J and K.
2. Lighting shall meet EMMC standards.
3. Recommendation on the stacked unit garage door style.

Commissioner Fox stated that the clubhouse should have a food service area.

Applicant representative Bronson Tatton with Flagship Homes confirmed that the clubhouse will be unmanned and will service only the multifamily units. They are amenable to adding a food service area. The flat roof design would allow them to increase the height of each floor by six inches. The townhomes have detached garages and are designed with a main floor master suite and an expansion option.

Commissioner Everett arrived at City Hall at 6:56 p.m.

Mr. Hobbs explained that the road vacation will alter the road design from a curve to an angled turn connecting Daniel Street and Delta Street and provide for yard and sidewalk space.

Commissioner Bergener opened the public hearing at 6:57 p.m. As there were no comments, he closed the hearing.

MOTION: ***Commissioner Fox moved to recommend approval to the City Council of the site plan and plat amendment for Harmony Phase A Plat with the following conditions:***

1. ***The clubhouse shall provide a food servicing area;***
2. ***The roofs shall be pitched; and***
3. ***There shall be carriage doors on the garages.***

Commissioner Allen seconded the motion.

AMENDED MOTION: ***Commissioner Fox moved to recommend approval to the City Council of the site plan and plat amendment for Harmony Phase A Plat with the following conditions:***

1. ***The clubhouse shall provide a food servicing area;***
2. ***The roofs shall be pitched;***
3. ***There shall be carriage doors on the garages;***
4. ***The attachment for the Daniel Street and Delta Street vacation shall be included;***
5. ***Fireline clarification in front of Buildings J and K shall be provided; and***
6. ***The lighting shall meet Eagle Mountain Municipal Code standards.***

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***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***

The motion passed with a unanimous vote.

5.B. ACTION ITEM – PUBLIC HEARING: FIREFLY 8.1 1A – PRELIMINARY PLAT

Mr. Hobbs presented the preliminary plat approval for Firefly 8.1 1A, a 74.66-acre subdivision, within the Firefly Planned Community, proposing 169 single-family building lots and 240 multi-family lots (409 total) containing 48.09 acres in building lots, 11.77 acres of open space, and 14.80 acres of paved surface in the first phase of the Firefly master development. The development review committee (DRC) review revealed the need to make some minor revisions to the plat that were incorporated into the revised plat drawings. As per the adopted Firefly Community Plan, pertaining to twin homes and townhomes, "there are no minimum lot area requirements. Appropriate size is determined by the ability to meet development setback requirements as determined in the community plan." Setback conformance will be checked during building permit review as building lots do not have building envelopes to review for conformity. DRC review revealed the need to make some minor revisions to the plat. Those were incorporated into the revised plat drawings and addressed by way of a narrative. The applicant has submitted an exhibit to improve their connectivity index and better match City zoning.

Staff suggests that the Planning Commission advance a favorable recommendation regarding the proposed preliminary plat contingent on applicant compliance with any conditions of approval deemed warranted, including the provision of code-acceptable streetlights at intersections at acceptable intervals and a 1.75 connectivity index assurance.

Applicant representative David Vitek with Candlelight Homes stated that they are working with staff to replace plants included in the comprehensive landscape plan that was not favorable to the climate of the City. LEI Engineering has prepared an exhibit, that was not included in the packet, demonstrating a connectivity calculation of 1.79 for the project which is in compliance. Candlelight Homes intends to build all the units in this plat. He explained which parts of the overall project will be built by other developers. They are compiling a streetlight and signage plan that will be submitted with the final plat. The townhomes have a mixture of front and alley-loaded units. The alley-loaded units will be placed in highly visible areas. He presented elevation examples of the products planned for the development.

Commissioner Everett informed the applicants that the EMMC 17.72.030(C) prohibits front-loaded townhome units that are garage-dominant. As such, he will not issue a favorable recommendation on any design that he feels is garage dominant when the project returns for future approvals including multifamily unit design.

Commissioner Everett opened the public hearing at 7:31 p.m. As there were no comments, he closed the hearing.

MOTION: ***Commissioner Bergener moved to recommend approval to the City Council of the preliminary plat for Firefly 8.1 1A with the condition that a document illustrating acceptable streetlights at appropriate intervals in accordance with Municipal Code standards shall be included. Commissioner Strong 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***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***

The motion passed with a unanimous vote.

5.C. ACTION ITEM – PUBLIC HEARING: MARKETPLACE AT EAGLE MOUNTAIN TOWN CENTER DEVELOPMENT AGREEMENT AMENDMENT

Planner Steven Lehmitz presented the item. A Development Agreement was entered into on January 13, 2021, pertaining to the Marketplace development. Much of the east and south sides of the development have been constructed or are currently under review, including Macey's as the anchor commercial lot. In discussions with the developer about constructing the external walls on the north and west perimeters of the property, it was determined that amending the current agreement would be a possible solution to the timing and placement issues. A recent final plat submittal for a portion of the development also triggered some questions to be addressed in the proposed changes.

Proposed changes and items for review:

- Section 3: Road width changing from 53 feet to 60 feet. Engineering has expressed that they have no concerns with the increased right-of-way width.
- Section 3: Road Section D being constructed with the newly created Area D. The current agreement would require the developer to construct Road Section A from Eagle Mountain Boulevard to Raven Way prior to certificates of occupancy being issued for that area. A final plat within the current Area A is being reviewed by staff. Area D is being proposed to change the internal road layout and timing to fit with later development occurring on the site. It is staff's opinion, however, that as development occurs along Eagle Mountain Boulevard, it would be advantageous to have an internal road connection to the residential units north of the Marketplace development. This allows easier access to the site(s) without having to traverse Eagle Mountain Boulevard or Pony Express Parkway.
- Section 6: Changes the timing of constructing the new detention area from Area A to Area D. It will have to be determined if the retention area should be constructed in conjunction with the adjacent internal road or at a different time.
- Section 7: The entirety of the project is currently zoned Commercial Community.
- Section 7: Instead of requiring the external walls to be constructed all at one time along the north and west property lines, the proposal ties the timing of construction to each area, needing to be completed before certificates of occupancy are issued. Area B currently has Lots 201 and 202 under construction and certificates of occupancy will not be withheld, though Lots 203-205 will be until the wall is completed.
- Section 8: Language regarding a land swap between the City and the developer is removed as the developer does not intend to exercise that option.
- Section 9: Change to have landscaping along public roads constructed with each site development.
- Section 16: The current agreement expires ten years from January 13, 2021. The proposal does not change anything in this section, making it so that approval would restart the ten-year term. EMMC 16.10.080(C)(2) notes that the duration of a development agreement shall not extend longer than six years.
- Exhibit B: The exhibit was updated to reflect was has already been constructed and current plans for the site.

- Exhibit C: Changes to this exhibit include internal road layout, adjusting Areas A-C, and creating Area D.

Staff recommends the Planning Commission forward a positive recommendation to the City Council regarding the proposed changes to the Marketplace at Eagle Mountain Town Center Development Agreement with the following condition Internal Road Section A shall be completed with Area A as stated in the current agreement (the layout may change as shown in the proposed Exhibit C).

Mr. Draper confirmed that a ten-year term was retained in the agreement. The six-year term requirement has not been adhered to during his time with the City. The City has the option to approve a longer term than six years. In his perspective, it is favorable to have a term that aligns with the anticipated period the developer expects for construction to be completed.

Commissioner Everett explained that the six-year agreement term with two optional two-year extensions is a recent change to Municipal Code.

Discussion ensued regarding the reason for the limited terms for development agreements and the potential benefits, problems, and complications of the requirement.

Applicant representative Forrest Gaskill stated they have businesses interested in the pad sites located along Eagle Mountain Boulevard. Businesses are not currently interested in the sites towards the rear of the project, particularly companies that have recently built locations in Saratoga Springs, and he anticipates it will be six to eight years before they will be able to develop those pad sites. At this time, it is not financially viable to develop the front portion if they are also required to put in the detention area and the full road. They desire the flexibility to withhold installing the wall until it is determined if the uses on the back of the property will be commercial or residential to be able to install the wall in the appropriate location to divide and buffer between use types.

Commissioner Everett opened the public hearing at 7:54 p.m. As there were no comments, he closed the hearing.

Commissioner Allen stated that although he would prefer to have the road completed, he would be in favor of allowing the commercial development along Eagle Mountain Boulevard to move forward rather than delaying the development until the road can be installed in its entirety. He supports the six-year term requirement with the option of extensions rather than the ten-year term.

Commissioner Bergener said he has no objections to the ten-year term, especially in consideration of the impacts of the market and development in Saratoga Springs impacting interest in the project.

Commissioner Everett said he is comfortable with the proposed language for Area B. He agrees with Commissioner Allen that although it is desirable to have the road connect from Area A through Area D, he does not wish to require the road if it means delaying the development of Area A. Even though interest in Area C for commercial office uses is low at the moment, he advocated for retaining the use rather than allowing multifamily due to limited commercially zoned property in the City. The goal of the six-year development agreement time frame with an allowance for two, two-year extensions is to ensure progress is occurring. As such, he is willing to reset the agreement term for this development to six years and allow the two extensions if necessary.

MOTION: ***Commissioner Allen moved to recommend approval to the City Council of the amendment to the Eagle Mountain Town Center Development Agreement with the change to Section 16 Term of Agreement to six years from the date of approval. Commissioner Bergener seconded the motion.***

Commissioner Everett inquired if Commissioner Allen desired to address the timing of the improvement of the detention area and the construction of the road in the motion.

Commissioner Allen clarified that his intention is to recommend approval with the detention area improvement and road construction as proposed in the staff report.

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***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***

The motion passed with a unanimous vote.

6. Discussion Items

6.A. UPDATE – TRAILS GIS DATABASE

Mr. Mumford explained that interns were hired over the summer to compile GPS data for the City's off-street, unpaved trails to input into the geographic information system (GIS) database to update the Bike and Pedestrian Master Plan with an Off-Street Recreation Trails Plan focusing on biking, hiking, ATV, and equestrian uses and expanding into Bureau of Land Management (BLM) land near the Hidden Valley and Firefly developments.

6.B. UPDATE – ZONING MAP STATUS

Mr. Mumford explained the progress and challenges encountered while updating the City's zoning map and presented the progress and future features staff is working on adding to the zoning map. A beta version of the map will be provided to the Commission to test and provide feedback on to allow staff to resolve any issues prior to the zoning map being made available to the public.

Discussion clarified the purpose and uses of the zoning map, integration with the City's Future Land Use and Transportation Corridors Map in the General Plan, current zoning of properties in the City, and methods to amend and resolve conflicts between the City's desired zoning and resident or developer desired zoning for properties.

Staff is compiling data to determine the approved zoning in areas of the City. The adoption of land use regulations and the amendment of the zoning map will undergo review and recommendation by the Commission, public hearings, and approval of the City Council.

Mr. Mumford recognized the existence of disagreement on the zoning of certain properties and explained that the intention is to clarify existing zoning rather than changing the zoning of properties. Property owners are notified regarding any proposed changes to the zoning of their property.

7. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for September 12, 2023.

8. Adjournment

MOTION: ***Commissioner Allen moved to adjourn at 8:33 p.m. Commissioner Everett 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***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***

The motion passed with a unanimous vote.

The meeting was adjourned at 8:34 p.m.

Approved by the Planning Commission on September 26, 2023.

Brandon [illegible] Planning Director for Steve Mumford

Steve Mumford, AICP
Deputy City Administrator/Community Development Director