EAGLE MOUNTAIN
PLANNING COMMISSION MEETING

August 11, 2020, 5:30 PM
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

1. Discussion Items

1.A DISCUSSION ITEM - Zoning Map Amendment for Commercial Properties in The Ranches
Discussion on updating the Eagle Mountain City Zoning Map for properties in The Ranches that were established as commercial properties through the Master Development Plan. The proposed amendment would rezone the properties to their equivalent commercial zoning district under the City's existing code in EMMC 17.35.
Rezone Request for Commercial Properties in The Ranches
Existing Commercial Zoning in The Ranches
Proposed Commercial Zoning in The Ranches

1.B DISCUSSION ITEM - Zoning Transition Table
A discussion on the proposed zoning transition table and how to best incorporate it into EMMC 17.60.

1.C DISCUSSION ITEM - Outstanding Zoning Districts
Discussion on the potential of transitioning EMMC 17.58 Historic Preservation Zone to an overlay zone and modifying EMMC 17.62 Ridgeline Protection Standards to create a Ridgeline Protection Zone.

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

2. Pledge of Allegiance

3. Declaration of Conflicts of Interest

4. Approval of Meeting Minutes

4.A July 28, 2020 Planning Commission Minutes
07.28.2020 Planning Commission Minutes - DRAFT

5. Status Report

6. Action and Advisory Items

6.A Marketplace at Eagle Mountain Town Center (Master Site Plan and Preliminary Plat)
This is a proposal for a commercial project on the northwest corner of Eagle Mountain Boulevard and Pony Express Parkway. The development will include a variety of retail and commercial services (EMMC 17.100.040).
Master Site Plan
Context Plan
Boundary - Topographical Plan
ROW Landscape Plan
Building Elevations
Traffic Demand Model & Letter
06.09.2020 Planning Commission Minutes

6.B PUBLIC HEARING - B & H Property (Rezone and General Plan Amendment)
This is an application for a rezone and general plan amendment. The General Plan shows this property as Employment Center/Campus on 2/3 of the property and Neighborhood Residential 1 on the remaining 1/3. The amendment is to keep the Neighborhood Residential 1 and include Agricultural/Rural Density 2, Neighborhood Residential 3 and Business. The property is approximately 162 acres.
B&H Rezone land use map
Approved Land Use Plan with Aerial

6.C PUBLIC HEARING - Development Code Amendment for Residential Land Use Table (EMMC 17.25.030)
This is a request to amend the municipal development code for EMMC 17.25.030 Residential Land Use Table. The proposed code amendment creates a footnote attached to the row regarding chickens to address restrictions on roosters.
Proposed Use Table Amendment - EMMC 17.25.030.pdf

6.D PUBLIC HEARING - Development Code Amendment for Special Use Standards
This is a request to amend the municipal development code for EMMC 17.75 Standards for Special Uses. The proposed language creates the standards for various special uses that must meet in order to be permitted within specified zoning districts. Additionally, the amendment includes proposed additions to EMMC 17.10 Definitions to establish definitions for all special uses not currently within that chapter.
EMMC 17.10 Definitions - PROPOSED
EMMC 17.75 Standards for Special Uses - PROPOSED

7. Discussion Items

8. Next scheduled meeting

9. Adjournment

THE PUBLIC IS INVITED TO PARTICIPATE IN PUBLIC MEETINGS FOR ALL AGENDAS.
In accordance with the Americans with Disabilities Act, Eagle Mountain City will make reasonable accommodation for participation in all Public Meetings and Work Sessions. Please call the City Recorder's Office at least 3 working days prior to the meeting at 801-789-6610. This meeting may be held telephonically to allow a member of the public body to participate. This agenda is subject to change with a minimum 24-hour notice.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda notice was posted on this 7th day of August, 2020, on the Eagle Mountain City bulletin boards, the Eagle Mountain City website www.emcity.org, posted to the Utah State public notice website http://www.utah.gov/pmn/index.html, and was emailed to at least one newspaper of general circulation within the jurisdiction of the public body.

Fionnuala B. Kofoed, MMC, City Recorder

EAGLE MOUNTAIN	**EAGLE MOUNTAIN CITY** **PLANNING COMMISSION MEETING** **AUGUST 11, 2020**
TITLE:	DISCUSSION ITEM - Zoning Map Amendment for Commercial Properties in The Ranches
ITEM TYPE:	Discussion
FISCAL IMPACT:	
APPLICANT:	

GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:
No

PREPARED BY:
Pete Kane, Planning

PRESENTED BY:
Pete Kane

RECOMMENDATION:

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

Rezone Request for Commercial Properties in The Ranches
Existing Commercial Zoning in The Ranches
Proposed Commercial Zoning in The Ranches

Request approval of a zoning map amendment to change the zoning designation for properties in The Ranches from the previous commercial zoning designations under The Ranches Master Development Plan to the equivalent zoning designations under the current zoning ordinance EMMC 17.35 Commercial Zones.

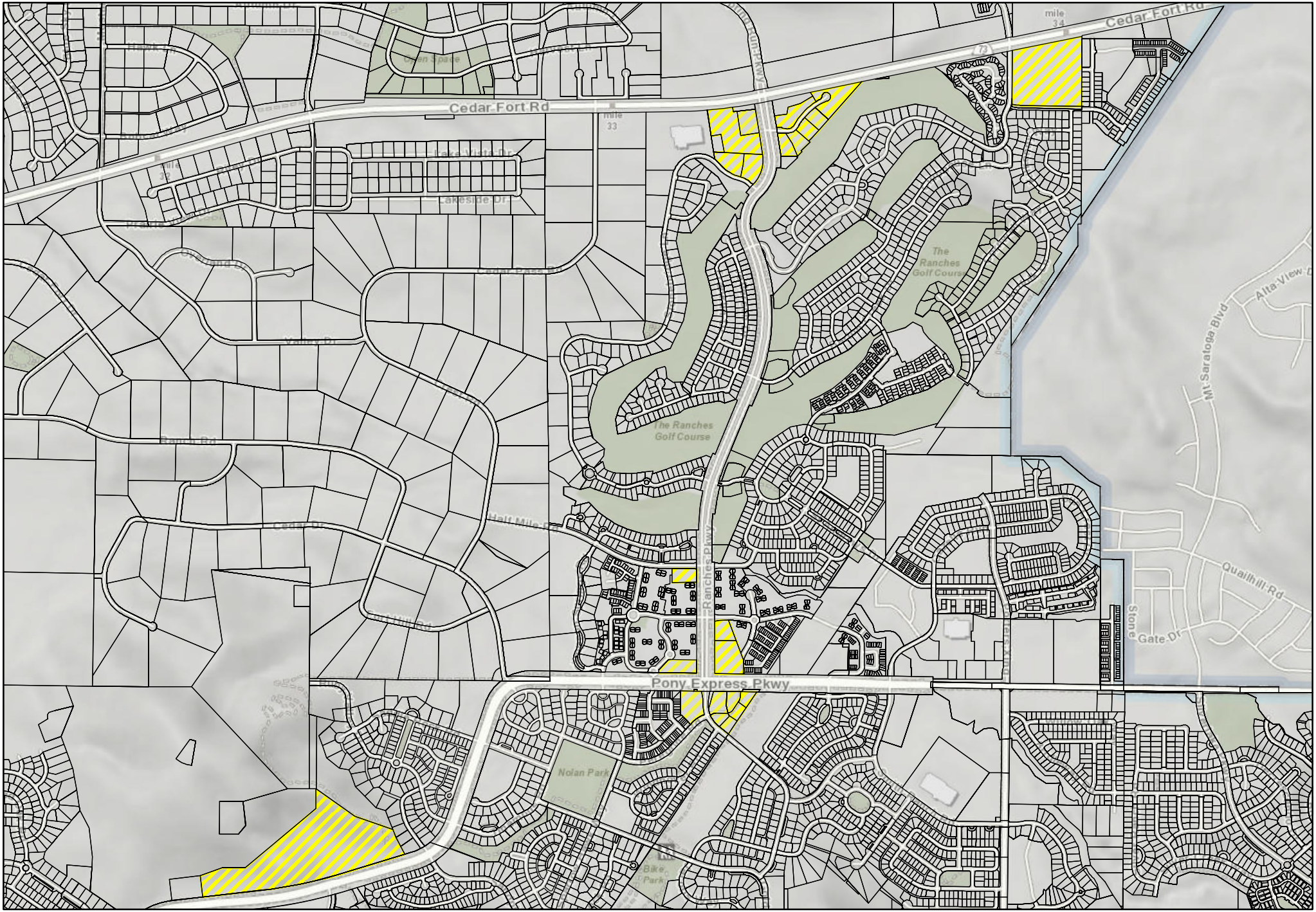
UNDEVELOPED LOTS

PARCEL[1]	ZONING UNDER MDP	PROPOSED ZONING
580330289[2]	Village Core	CC (Commercial Community)
580330297	Village Core	CC (Commercial Community)
580330298	Village Core	CC (Commercial Community)
383020001	Village Core	CC (Commercial Community)
383020002	Village Core	CC (Commercial Community)
384430002	Village Core	CC (Commercial Community)
580330423	Village Core	CC (Commercial Community)
580340440	Village Core	CN (Commercial Neighborhood)
580340250	Village Core	CN (Commercial Neighborhood)
580340242	Village Core	CN (Commercial Neighborhood)
496750004	Village Core	CN (Commercial Neighborhood)
496750003	Village Core	CN (Commercial Neighborhood)
580400326	Village Core	CN (Commercial Neighborhood)

DEVELOPED LOTS

PARCEL	ZONING UNDER MDP	PROPOSED ZONING
580330270[3]	Village Core	CC (Commercial Community)
384430001	Village Core	CC (Commercial Community)
384350002	Village Core	CC (Commercial Community)
384350001	Village Core	CC (Commercial Community)
580340244	Village Core	CN (Commercial Neighborhood)
496750005	Village Core	CN (Commercial Neighborhood)
496750006	Village Core	CN (Commercial Neighborhood)
496750001	Village Core	CN (Commercial Neighborhood)
496750002	Village Core	CN (Commercial Neighborhood)
580400213	Village Core	CN (Commercial Neighborhood)

[1] Parcel numbers provided are based on Eagle Mountain City parcel map database
[2] Appears as parcel 664030102 in Utah County database
[3] Appears as parcel 664030101 in Utah County database



Existing Zoning Designations

Village Core

N
W E
S

0 0.25 0.5 1 Miles

EAGLE MOUNTAIN

Disclaimer: Eagle Mountain City makes no warranty with respect to The accuracy, completeness, or usefulness of these maps. Eagle Mountain City assumes no liability for direct, indirect, special, or Consequential damages resulting from the use or misuse of these Maps or any of the information contained herein. Portions may be Copied for incidental uses, but may not be resold.

Contact Eagle Mountain City
Engineering/GIS Department
801-789-6662

Proposed Zoning Designations

- Commercial Neighborhood
- Commercial Community

N W E S

0 0.25 0.5 1 Miles

EAGLE MOUNTAIN

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EAGLE MOUNTAIN	**EAGLE MOUNTAIN CITY** **PLANNING COMMISSION MEETING** **AUGUST 11, 2020**
TITLE:	DISCUSSION ITEM - Zoning Transition Table
ITEM TYPE:	Discussion
FISCAL IMPACT:	
APPLICANT:	

GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:
No

PREPARED BY:
Pete Kane, Planning

PRESENTED BY:

RECOMMENDATION:

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

EAGLE MOUNTAIN	**EAGLE MOUNTAIN CITY** **PLANNING COMMISSION MEETING** **AUGUST 11, 2020**
TITLE:	DISCUSSION ITEM - Outstanding Zoning Districts
ITEM TYPE:	Discussion
FISCAL IMPACT:	
APPLICANT:	

GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	COMMUNITY

PUBLIC HEARING:
No

PREPARED BY:
Pete Kane, Planning

PRESENTED BY:

RECOMMENDATION:

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

PLANNING COMMISSION ACTION/RECOMMENDATION:

ATTACHMENTS:

EAGLE MOUNTAIN	**EAGLE MOUNTAIN CITY** **PLANNING COMMISSION MEETING** **AUGUST 11, 2020**
TITLE:	July 28, 2020 Planning Commission Minutes
ITEM TYPE:	Minutes
APPLICANT:	Staff

ACTION ITEM:
Yes

PUBLIC HEARING:
No

PREPARED BY:
Jessa Porter, Planning

BACKGROUND:

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

RECOMMENDATION:

ATTACHMENTS:

07.28.2020 Planning Commission Minutes - DRAFT

EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

July 28, 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

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

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

Commissioner Wood called the meeting to order at 5:30 p.m.

1. Discussion Items

1.A. DISCUSSION ITEM – Special Use Standards

Long-Range Planning Manager Pete Kane explained he had amended the proposed changes to Municipal Code Chapter 17.75 Special Use Standards to include feedback from the Planning Commission received before the meeting and Chapter 17.10 Definitions to include the addition of proposed language for previously undefined uses.

Commissioner Pengra expressed concern regarding the enforceability of defining tobacco specialty businesses as "a retail establishment that derives thirty-five percent or more of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories, including e-cigarettes and vapor cigarette." Commissioner Wells explained the gross revenue standard is set and enforced by the State health department.

The Planning Commission reviewed the suggested amendments to Chapter 17.75 Standards for Special Uses and discussed concerns regarding the prohibition of outdoor storage signage; drive-through queue lanes and pedestrian traffic safety; preferences and State laws regarding the uniformity and divergence of distance, population, and exterior and interior neon signage requirements for check cashing, sexually-oriented businesses, and tobacco sales; warehouse farming and garden center State standards; and the verbiage concerning the applicability of City building elevation standards for residential facilities for persons with a disability.

Commissioner Wright requested clarification regarding the special use application process and expressed concern regarding the exclusion of public approval. Mr. Mumford explained special uses are included in the site plan approval process which includes public, Planning Commission, and City Council approval and recommended clarifying the verbiage concerning site plan

application requirements regarding projects that qualify for staff-level approvals to ensure appointed officials, elected officials, and the public receive adequate opportunity to address concerns regarding special use standard approvals.

Discussion ensued regarding vehicle storage definitions, State standards, and time limitations for towing yards and residential animal care and commercial veterinarian service definitions and uses.

Commissioner Wood requested for the item to be placed on the agenda for the following Planning Commission policy session.

1.B. DISCUSSION ITEM – Master Development Agreement/Plan

Commissioner Wood stated he and Commissioner Wright met with Mr. Kane and Mr. Mumford to discuss master development agreements and plans and have been collaborating on amendments to address concerns. He stated that Eagle Mountain is one of the few cities that uses master development agreements and plans.

Commissioner Wood requested for any of the Commissioners interested in being a part of the master development agreement and plan amendment process to contact him and stated he would meet with staff and one other Commissioner at a time in meetings with staff to discuss changes.

Commissioner Pengra stated in the previous meeting Mr. Mumford had indicated he had insights regarding master development plans and agreements and requested for Mr. Mumford to present that information to provide context and to share his experience regarding plans and agreements with the Planning Commission during a future meeting.

Mr. Mumford stated he will provide the Planning Commission with a list of his concerns and other considerations based upon his experiences with historical projects and expressed his desire and the need to amend the process to mitigate concerns with future agreements. He would like to simplify the process and involve the City Attorney in updating the standards due to the legal implications and potential future impact on the City.

Commissioner Pengra expressed his appreciation for the efforts involved in the amendment process and said he did not want to delay the project; however, he stated his preference to take part in the discussions and requested to set aside time during the work session to discuss proposed amendments to the MDA process openly as a Commission rather than in smaller groups during the week.

Commissioner Wood requested for the discussion regarding master development agreements and plans to be included in the next work session to expedite the item as priority due to the request of the City Council.

1.C. DISCUSSION ITEM – Tier & Bonus Density Language Removal

This item was discussed after item 1.D.

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Commissioner Wood stated the removal of the language was due to the repeal of tier and bonus density standards by the City Council.

Planner Jessa Porter presented the item. She stated she updated the documents with the feedback received from the Commissioners during the previous meeting. She explained the updating process removes one type of language at a time from the documents for clarity of sequence.

Commissioner Wells requested clarification regarding rural zone landscaping exclusions due to discrepancies within the documents. Ms. Porter stated she would research and rectify the concerns.

Commissioner Wright noted that the Tier 1 language had been retained in this draft of the base density language removal document and requested for staff to provide a document in which all forms of the outdated language have been removed.

The Planning Commission determined to further review the document and provide additional feedback at a future meeting.

Commissioner Wood stated the Commission began a review of the nonresidential zone Municipal Code earlier in the year and he had presented a version of the proposed Zone Transition Table in February 2020. Commissioner Wood stated the purpose of the Zone Transition Table is to provide clarification to developers regarding zone compatibility and to designate the appropriate location for a zone in accordance with the General Plan. He stated that Commissioner Wright had collaborated on the project and Mr. Kane had reviewed the table. He presented and discussed an updated version of the Zone Transition Table.

Commissioner Wood expressed concern that the lot size transition standards focused only on lot size and not use and were outdated due to amendments to residential zone standards.

Discussion ensued regarding lot size transitioning and residential zone location standards.

1.D. DISCUSSION ITEM – Fencing Requirements and Standards

This item was discussed before item 1.C.

Commissioner Wood stated the fencing requirements and standards had been included on the agenda because members of the City Council had requested for the standards to be put under review. The purpose of the inclusion of the item on the agenda was to fulfill a requirement of the item being under review. He said putting an item under review is a colloquial term rather than an official standard that meant formalizing the proceedings to amend Municipal Code. As neither the State nor City Municipal Code includes instruction regarding standard review, he said the item was included on the agenda to fulfill noticing requirements and the process will be followed for future Municipal Code development amendments.

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Commissioner Wood stated Councilmember Gray requested for the fencing standards along major corridors to be increased to require concrete or decorative Concrete Masonry Units (CMU) products to improve screening, reduce sound, and increase safety.

Commissioner Wood requested staff to prioritize fencing standards hopefully to include fencing standards as a policy session item during the next meeting.

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

Commissioner Wood called the meeting to order at 6:32 p.m.

2. Pledge of Allegiance

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

Commissioner Wells stated that although she did not have any legal conflicts of interest, for purposes of transparency she disclosed, she lives approximately a mile away from the Hoofbeats to Healing property requesting a rezone and is an associate of the current owners of the property. She works for another Utah city and one of the Councilmembers of that city owns property adjacent to the Rush Creek development.

4. Approval of Meeting Minutes

4.A. June 23, 2020 Planning Commission Minutes

MOTION: ***Commissioner Everett moved to approve the June 23, 2020 minutes. Commissioner Pengra seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.***

4.B. July 14, 2020 Planning Commission Minutes

MOTION: ***Commissioner Wright moved to approve July 14, 2020 minutes. Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.***

5. Status Report

Assistance City Administrator/Community Development Director Steve Mumford stated the Marketplace rezone request was discussed at length and a public hearing was held where concerns were expressed regarding the allowable maximum density of the residential property. The item was tabled until the applicant returns with a site plan for the residential portion. He said the Marketplace rezone is tentatively scheduled for the following City Council meeting in hopes

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to move the grocery store development forward. He stated if the applicant continues with the residential development, a development agreement will be drafted for the project to tie the timing of the residential development to the completion of the grocery store.

Mr. Mumford stated other agenda item approvals included the Sweetwater Industrial Park rezone, master site plan and preliminary plat, and the LBiSat site plan. He explained the Sweetwater Industrial Overlay Zone needs to be updated or removed from Municipal Code. He said he recalled the City Council approved the overlay rezone and site plan for Lot 1 for the LBiSat project and approved the Light Manufacturing/Distribution (LMD) Zone for the rest of the project. He stated a Municipal Code amendments for lot line adjustments and plat amendments were also approved.

6. Action and Advisory Items

6.A. PUBLIC HEARING – Hoofbeats to Healing (Rezone and Concept Plan)

Mr. Kane presented the item. The applicant is seeking to rezone 27.37 acres from residential to agriculture. The concept plan proposes the development of an equine-assisted therapy center. The City Council approved a rezone of property from agricultural to residential in 2018. The rezone is necessary because the desired use is a conditional use in the Agriculture Zone and is not permitted in the Residential Zone. The applicant intends to construct: a 44,000 square foot riding arena, a 28,500 square foot stall barn, a 6,000 square foot hay barn, associated parking, and a fenced pasture for horses.

The requested zone is consistent with the land uses shown on the General Plan's Future Land Use and Transportation Map. The land to the west, east, and south of the property is designated and currently used for large-lot residential purposes. The land to the north and farther northeast is open space land owned and operated by the Bureau of Land Management (BLM). Rezoning the property to agricultural following the concept plan for the equestrian therapy center, the demand on City services should be less than the residential use. The total estimated traffic load to the facility will be approximately 200 trips depending on whether the patients and their helpers arrive together. The parking lot as shown in the concept plan will be reduced to approximately 40 parking stalls. The facility is not intended to be used as an equestrian center or commercial riding arena. The large amounts of open space and pasture on the property should have a positive impact on property values.

Staff recommends approval of the Hoofbeats to Healing Rezone to the City Council with the following conditions: the area of land within the powerline corridor be preserved as open space for a possible future regional trail and the applicant shall install raptor nesting boxes on the property, in consultation with Hawk Watch and the Eagle Mountain Kestrel Project. Mr. Kane explained the conditions were included in the 2018 residential rezone approval and recommended retaining those terms of that agreement for the property.

Commissioner Wright verified the property had previously been intended for three residential lots.

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Commissioner Wells verified the proposed road for the property would be public.

Mr. Kane explained the traffic study for Lake Mountain Road focused on the traffic impact to surrounding roadways and had not accounted for the traffic impact of additional development along Lake Mountain Road. The property line for the proposed public road would end at the right-of-way.

Applicant Tammy Clegg stated Hoofbeats to Healing started in 1997 in Saratoga Springs, Utah, and provides health services to first responders, veterans, activity-duty military, and their families through scholarship fund donations and the populations she serves are in desperate need of their services. She has research partnerships with Brigham Young University, the University of Utah, and the Salt Lake City, Utah Veterans Administrations. She explained their Saratoga Springs location is on UDOT property and the need for relocation is due to the plans for a road expansion and TRAX station on Foothill Boulevard. She expressed her desire for a permanent residence and said that much of her community and financial support and volunteers are located in this area.

Applicant David Peterson stated the proposed road will be located entirely upon their property and is intended to be a public road. He stated the average number of daily traffic trips would be the equivalent of approximately twenty households.

Ms. Clegg verified the Agricultural Zone standards do not prescribe a maximum number of horses per acre and stated the property will have between 50 to 70 horses. She explained due to the variance in rider intensity of each animal, a single rider may be paired with multiple animals during a session. She stated she intends to use the home on the property as a residence.

Commissioner Wood opened the public hearing at 6:59 p.m.

Residents Rodney Maybery and the Myrup Family Trust expressed opposition to the agricultural rezone request.

Resident Jody Hooley expressed favor of the rezone.

Resident Clarissa Tobiasson: "Hi, My name is Clarissa. I am asking for a moment of your time so I can briefly tell you my experience at Hoofbeats for healing and the help that it was to my family. If you are going to understand our experience there are a few things you need to know. My sons and I did equestrian therapy through Hoofbeats for an extended period of time. They were both adopted and have some complications from the time they spent before coming home. For my oldest son the complications have resulted in extremely violent behavior from him, amongst other things. This has caused a lot of trauma for our family as we have given all we have to help him while living with his frequent attacks. The result being PTSD. Our second son, not only had to deal with this but he was also exposed to a variety of illegal drugs while in utero. A side effect of that exposure is that he can go from calm to explosive in next to no time. During our time with hoofbeats I saw great improvements in the mental health of each of us. My mental health notably improved. For the first time, in a very very long time I felt capable, confident and hopeful. Even better, I saw my kids start to get better. My oldest son, steadily made

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improvements and my younger son was consistently his cheerful and kind self. There were night and day changes that were accomplished. These accomplishments couldn't have been made without the help of Tami and her team at Hoofbeats for Healing, as well as their scholarship program that made it financially possible for us to attend. The scholarship program is extremely generous and covered almost the entirety of the cost. I am so grateful for the mental health services our family received from Hoofbeats for Healing. It is an amazing program and, if you let it, Tami and her team will make it even better. I hope that you will change the zoning so they can come to Eagle Mountain so that our community can easily receive the same care. Having a place devoted to mental health in our Eagle Mountain community would be wonderful."

Resident Michelle Chadwick: "Lake Mountain Rd. would need to be paved to support increased traffic."

Applicant J. Paul Ogden stated public concerns regarding rezoning usual include concerns regarding increases in traffic and decreases in property value. He stated the property will not contain a competitive horse arena and the associated dust concerns. The nature and personality of the horses and patrons differ from other horse applications. He said the horses are a rare and special breed that is sensitive to the needs of the riders and the patrons are receiving medical attention. He stated the area should not cause traffic problems and should increase property values.

Commissioner Wood closed the public hearing at 7:06 p.m.

Commissioner Wells stated she believes Hoofbeats for Healing is an appropriate use for the area. She expressed concern regarding the increased number of trips on Lake Mountain Road and said the road is the most expensive road to maintain for the City and that the increased traffic could increase maintenance costs to regrade and repair the gravel road more frequently.

Mr. Kane stated road concerns and potentially paving Lake Mountain Road can be addressed during the site plan application process based upon the findings of a traffic study.

Commissioner Pengra stated concerns regarding Lake Mountain Road were some of the most difficult concerns he faced during his tenure as mayor. He said despite his concerns regarding Lake Mountain Road, he does not believe the increased traffic due to Hoofbeats to Healing will increase the cost or maintenance as the damage to the road is usually caused by recreational vehicles and adjacent residents. He stated appreciation for the services offered by Hoofbeats to Healing programs and staff. He said the traffic increase to Lake Mountain Road did not cause significant concern and voiced his support for the project.

Commissioner Everett concurred with the concerns expressed regarding Lake Mountain Road and stated the development of this property has caused contentions in the past and expressed his support for rezoning the land to agricultural property will help address some of those concerns. He stated the City will likely be required to pave the road at some point in the future.

Commissioner Wright expressed concern regarding the increase in traffic, the number of horses, and the potential for unpleasant odors in association with the use and stated his concerns can be

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addressed and mitigated during the conditional use permit approval process for the project. He concurred with staff recommendations to preserve the powerline corridor and install raptor nesting boxes.

Commissioner Wood stated the rezone application is in accordance with General Plan requirements. Councilmember Wood urged staff to put pressure on the City Council to appropriate funds to pave Lake Mountain Road in order to address Planning Commission and resident concerns.

MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of the Hoofbeats to Healing rezone and concept plan with the following conditions:***

1. ***The area of land within the powerline corridor shall be preserved as open space for a possible future regional trail; and***
2. ***The applicant shall install raptor nesting boxes on the property, in consultation with Hawk Watch and the Eagle Mountain Kestrel Project.***

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

6.B. Rush Creek Development (Concept Plan)

Mr. Kane presented the item. The development encompasses 3 parcels of land east, southwest, and west of Eagle Mountain Boulevard. The land use concept plan as outlined would include 77.95 acres of Neighborhood Residential 1 (R1), 40 acres Employment Center/Campus (ECC), 11.58 Neighborhood Commercial, 32.09 Mixed-Use, 40.78 acres Business Park/Industrial (BPI), 28 acres for a right-of-way for a UDOT highway. An additional concept plan for the Neighborhood Residential 1 portion of the property includes approximately 200 quarter-acre lots, open space areas, and pedestrian access routes. The overall density would be 2 to 3 units per acre.

The Neighborhood Residential 1 area will be located near approved residential areas to the south and east of the property and near the Overland community. This proposed land use will be directly adjacent to the future Lakeview Academy of Science, Arts, and Technology and located near Frontier Middle School. Access to this neighborhood will be located off Desert Willow Drive and the Mid Valley Road future extension.

The ECC use will have excellent circulation and vehicular access due to its adjacency to Eagle Mountain Boulevard, the Mid Valley Road future extension, and the future UDOT highway and its associated frontage roads. The area would create jobs for nearby, local, and even non-local residents.

The Neighborhood Commercial area will be set aside for neighborhood commercial uses such as light office, retail, and professional services. This area would be directly adjacent to the ECC/BPI area, the proposed storage commercial area south of the project boundary, the future

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UDOT highway, and the Neighborhood Residential Area. Given its proximity to the future highway and Eagle Mountain Boulevard, this area is ideal as Neighborhood Commercial because it will serve nearby residents and employees.

The Mixed-Use area will be more flexible and designed based upon commercial and residential market demand. The area will be directly adjacent to the future UDOT highway and feature a mix of neighborhood commercial areas, civic uses, office, retail, and residential areas. This area would help to bolster any residential home products.

The BPI portion of the property will be located off Eagle Mountain Boulevard and near the future UDOT highway. Features within this site would be compatible with the surrounding Mixed-Use areas and would avoid heavy and higher intensity industrial uses. Similar to the ECC, this area would provide economic opportunities in a low impact environment.

Limited information is available regarding connectivity for the potential lots and roadways for the western portion of the subject property. The concept roadways all have connections with existing or future roadways except one connection on the south edge of the residential portion. Overland Village 6 to the east has a trail connection that leads into the area identified as Neighborhood Residential 1 but is not currently incorporated into this concept plan. The road alignments in the concept plan do not match up with the Master Transportation Plan. The General Plan has identified the entire subject property as ECC. Most of the land uses in the concept plan meet this future land use designation. The Neighborhood Residential 1 (which includes R1, R2, and R3 zoning) is not compatible with the land use designation. The properties to the east and southeast of this portion have a land use designation of Neighborhood Residential 1.

Applicant representative Dan Ford explained that most of the questions that arose during discussions with staff regarded the overall plan for the project and the purpose of this concept plan is to address those questions. He stated the concept plan layout was based upon an approximation of the location of the road system and this is the first time he has seen the overlay of the road network. He stated the engineer for the project will adjust the plan to align with the Master Transportation Plan. He stated his desire to determine the best, economically feasible commercial uses for the area and said a residential component would help sustain the businesses. He stated the pandemic has caused a drop in demand for retail and office space. He stated the plan will include connectivity to the Wride Memorial Park trail system for the residential uses. He said he is in discussions with a large regional user to purchase approximately 40 acres of the property. He said the ECC covers approximately 1,000 acres and extends to Wride Memorial Highway and he desires to include some residential uses.

Mr. Ford explained his role in the residential development of the project and stated the commercial properties would be sold to other developers. He said the landowner intends to retain some of the land as investment property and the LMD uses are the highest in demand in the current market.

Commissioner Pengra stated the land designated as ECC on the General Plan Future Use Map is likely to develop with additional land uses and residential uses will likely assist to finance other

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portions of the development. He expressed appreciation for the applicant's willingness to amend the concept plan to incorporate trail and road system connections and stated the concept included a wider right-of-way than necessary to accommodate the UDOT highway. Commissioner Pengra stated the amount of acreage designated for residential uses was appropriate and cautioned the applicant that an increase in residential acreage would likely meet disapproval from the Planning Commission and City Council.

Commissioner Wells concurred with Commissioner Pengra's desire for the concept plan to align with the City's Master Transpiration Plan. She expressed concern regarding the amount of land designated for Mixed-Use due to market fluctuations application variance and the ambiguity in the use description. She suggested that multifamily units may be an appropriate use to buffer the commercial properties, except for the areas adjacent to the Overland development or other large lot residential developments.

Commissioner Everett concurred with Commissioner Well's concerns regarding the Mixed-Use areas.

Mr. Ford stated the plan will change over time and requested flexibility with the project. He said one of the ideas discussed for the Mixed-Use area is a combination of office/flex space with a residential component. He is working on a progressive project that incorporates residential space above an industrial use. He stated during the concept phase of the project, specific details regarding the uses for the area have yet to be determined.

Commissioner Everett expressed hesitancy to alter long-term plans for the area due to the recent impacts of the pandemic as conditions are likely to change and the difficulty in predicting the impact on future market conditions. He expressed disfavor for the location and size of the residential property and concern that rezoning limited ECC property to residential without gaining additional space for commercial uses in the City. He expressed his preference for aesthetical integration of residential uses within the project.

Mr. Ford stated the uncertainty regarding future market conditions due to the unknown long-term impacts of the pandemic is one of the reasons he desires flexibility with the project to adapt plans as necessary and is a factor in delaying the commercial development of the property. He said he is excited about the commercial potential for the area; however, the location is likely 15 years from being able to attract the desired and appropriate uses.

Commissioner Wright stated his preference for commercial, ECC, and high density or Transit-Oriented Development (TOD) housing adjacent to the major transportation corridor. He expressed concern regarding the future UDOT highway passing through the northwest corner of the proposed single-family housing residential area and said commercial or high-density housing is more appropriate for the areas adjacent to the highway. He expressed concern regarding the location and integration of the BPI to the west of the project and the amount of acreage designated for Mixed-Use. He stated the need to better define Mixed-Use zoning in Municipal Code standards for the City. He concurred with Commissioner Everett's concerns regarding the lack of aesthetical appeal of the proposed layout of the residential property. He stated this

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property will become a major transportation center and the plan does not strategically incorporate nor utilize the unique features of the property.

Mr. Mumford stated the designation for the future UDOT highway has yet to be determined; however, the hope is for the highway to become a continuation of the limited-access freeway system, although, it could become an arterial road similar to Ranches Parkway and Pony Express Parkway.

Mr. Ford stated the designation and width of the future UDOT highway will affect the impact, design, conglomeration, and uses of the commercial development for the intersection of the future UDOT highway and Eagle Mountain Boulevard.

Mr. Kane stated the City Engineer indicated an alignment, farther to the north with Mid Valley Road than proposed in the concept plan, is necessary to increase the spacing for the highway access points.

Commissioner Wright stated the need to determine and preserve the highway accesses for the project.

Commissioner Wood expressed concern regarding the verbiage in the Rush Creek Land Use Plan and said that the adjacent uses in the concept plan did not adhere with the zone transition compatible use standards proposed during the work session. He explained TOD housing is not currently included in zone standards; however, the integration of a TOD overlay is being discussed. He stated appropriate buffering is needed for the development east and south of the property. He said LMD and Residential 1 are not a compatible use for the area and appropriate buffering is needed between the residential areas. He stated his opinion that the General Plan designations for ECC, Regional Commercial, and BPI are too large and advocated for the uses to be better dispersed throughout the City rather than conglomerated together. He expressed concern regarding the development of commercial property that could potentially inhibit highway installation or expansion and stated the designation and width of the future UDOT highway needed to be determined before developing the areas adjacent to the highway. He stated mixed-use standards had been removed from Municipal Code, he disapproves of the use due to the ambiguity in the standards, and mixed-use developments can be developed under alternate zoning designations. He explained the zoning he deemed appropriate for the property including Multifamily 2 and the proposed TOD overlay for residential areas. He expressed concern the concept plan attempted to rewrite the General Plan; however, he concurred that a rezone of the area to the east of the future UDOT highway may be appropriate.

7. Discussion Items

8. Next scheduled meeting

9. Adjournment

MOTION: ***Commissioner Everett moved to adjourn the meeting at 8:04 p.m. Commissioner Pengra seconded the motion. No vote was called.***

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The meeting was adjourned at 8:04 p.m.

Approved by the Planning Commission on August 11, 2020.

_____

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

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EAGLE MOUNTAIN	**EAGLE MOUNTAIN CITY** **PLANNING COMMISSION MEETING** **AUGUST 11, 2020**
TITLE:	Marketplace at Eagle Mountain Town Center (Master Site Plan and Preliminary Plat)
ITEM TYPE:	Master Site Plan & Preliminary Plat
APPLICANT:	Bill Gaskill (Amsource)

ACTION ITEM:
Yes

PUBLIC HEARING:
No

PREPARED BY:
Steve Mumford, Planning

BACKGROUND:

This 39-acre applicant-proposed commercial project was tabled by the Commission (3-1, 1 absent) on June 9th after holding a public hearing and discussing the project at length. The Commission was concerned with the residential rezone request not having been approved by the City Council, the proposed density of the residential, as well as the need for a connecting road to the neighborhoods in the northwest corner.

On August 4th the City Council approved a rezone of this property to Commercial Community. The applicant has modified the proposed master site plan to remove the proposed residential use and has labeled the area as "future development" instead. Future development of that area would have to comply with the Commercial Community zone or a new zone approved in its place. Additional modifications include a connecting road to Raven Way, a proposed masonry wall between the commercial sites and the existing residential properties (not adjacent to the retention pond or future development area), and a trail connection.

Section 17.100.040 of the City Code requires a master site plan to be approved by the City Council when development proposals are larger than five acres in size and proposed to be developed in phases or sold in separate parcels.

The applicant has requested that this application also serve as a preliminary plat. Section 17.100.040(D) allows the master site plan to serve as a preliminary plat if it complies with the following criteria:

(1) A preliminary arrangement of larger blocks of land - later to be subdivided during the final plat process - is included.

- The application complies with this requirement.

(2) All required utilities, storm drainage, landscaping, access and circulation requirements, and other aspects of the eventually built-out project are addressed sufficiently with the master site plan.

- The utility plans haven't been fully updated since the master site plan has been modified. The utility plans will require approval by the City Engineer and Planning Director following final approval of the application. A recommended condition of approval has been included to this effect. The applicant submitted a letter indicating that the landscaping design will be completed with each individual site plan, and has also submitted a landscape plan that includes landscaping along the public rights-of-way. This plan still require approval by the Planing Director and Parks Director.

(3) The City is not responsible if, over time, the project is unable to service a possible user due to undersized utilities, roadways, or other infrastructure. If upgrades to such facilities are necessary, they will be borne solely by the applicant.

ITEMS FOR CONSIDERATION:

Streetlights/Lighting

The plans include streetlights located along Eagle Mountain Boulevard and Pony Express Parkway in compliance with the code-required spacing (EMMC 15.10.390). Streetlights will also be required along the internal road in compliance with EMMC 15.10.390. Lighting plans, specs, and calculations will be required along with each individual site plan and shall be in compliance with EMMC 17.56 Outdoor Lighting, including full cut-off fixtures and less than 100,000 lumens per acre.

Open Space / Landscaping

Each individual site plan that is submitted will be required to include detailed landscape plans for approval. The landscape plan that was included with this project will need to be modified to add the ROW landscaping design along the interior public roads and the trail systems around the project. The plan will require approval from the Planning Director and Parks Director. A recommended condition of

approval has been included.

The City property between this project and the Eagle Park neighborhood to the north is currently unimproved. We are concerned that this area will remain unimproved and be hidden from view if a masonry wall is built along the north property line. The applicant should consider improving this area with a paved trail and improving landscaping up to the edge of the trail with each individual site plan.

Architecture & Site Design

All commercial buildings will have to comply with EMMC 17.72 Commercial and Multifamily Design Standards. It appears that the master site plan generally complies with EMMC 17.72.030(B) by placing most parking to the rear or side of buildings and placing pad site buildings along the street edge. It would be ideal for the corner pad site (F) to have corner emphasis similar to the "Appropriate" example in that code section. As much as possible, buildings shall be located at or near the minimum front setback line, with pedestrian access leading to the primary entrance and landscaping between the building and the street. A recommended condition of approval has been included.

The applicant has submitted a colored building elevation for the grocery store and for one of the pad buildings. Since each building will be coming back with a site plan application that includes specific building elevations, these example elevations should be reviewed as to the materials and other design elements. Although the submitted elevations will act as a guide for site plan submittals, the specific elevations may vary from these examples. These are meant to create an architectural theme for the development, including colors, materials, and style.

Architectural Comments (Grocery Store)

- All facades are not designed with consistent architectural style, detail, and trim features as the primary facade (EMMC 17.72.040A). The rear facade needs additional features, as it is a long, large, uninterrupted facade.

- The roof deisgn on the rear of hte building does not reduce the perceived scale of the building and does not contain multiple roof planes and heights (EMMC 17.72.040C).

- The architectural details are not included on all sides of the building (EMMC 17.72.040E1).

- Not all sides of the building utilize an appropriate mixture of building materials (EMMC 17.72.040F2).

- Building colors should not be restricted to desert landscape colors such as beige, tan, grays, browns, etc. A wide palette of colors is recommended, excluding any neon, ultra-bright, or reflective colors (EMMC 17.72.040G).

Architectural Comments (Retail Building)

- It is difficult to tell from the elevation if the building includes horizontal articulation/modulation (stepping portions of the facade), as required in EMMC 17.72.040(D).

- EMMC 17.72.040(G) recommends a wide palette of colors, excluding any neon, ultra-bright, or reflective colors. Buidings should not be restricted to using desert landscape colors, such as beige, tan, grays, browns, etc.

- EMMC 17.72.040(F2) states that "Commercial buildings shall utilize an appropriate mixture of building materials on all sides, including brick, rock, fiber/cement siding, wood, glass, stucco, and colored architectural CMU. Stucco may not be used on more than 50 percent of a building." We recommend a better mixture of materials in place of the flat plain stucco surfaces, especially the sides.

Parking

EMMC 17.55.120(C) requires the following parking standards:

- Retail: Requires 1 parking stall per 300 sq ft of building gross floor area and a maximum of 1 stall per 200 sq ft.

- Restaurants: Requires 1 stall per 250 sq ft of gross floor area.

- Restaurants (Fast Food/Drive-Thru): Requires 1 stall per 125 sq ft of gross floor area.

- Office and Professional: Requires 1 stall per 300 sq ft of gross floor area. This master site plan is just an example of how the buildings and parking may be situated, and actual building and parking layout will be approved with each individual site plan. Pad C, for example,

includes 49 parking stalls, which is appropriate for Office, Restaurant, and Retail uses. A 57,202 sq ft grocery store would require 286 parking stalls.

Access/Circulation

- The project appears to be in compliance with the access requirements listed in EMMC 17.100.050(C). If deemed necessary, the City Engineer will require turn lanes and/or deceleration lanes from the main roads to the project. The plans already include left turn lanes on Pony Express Parkway, and will need to show the required widening of Eagle Mountain Boulevard and the addition of left turn lanes for the western accesses. A road connection has been added to Raven Way in the northwest corner of the project as a direct response to Commission's concerns, allowing residents to travel to this shopping area without having to travel on major roads but still not being aligned in a way that encourages shoppers to cut-through the neighborhoods.

Storm Water Parcel

The City currently owns a storm water parcel on the property. The applicant is proposing to shift the storm water parcel to the west, adjacent to the existing Autumn Ridge neighborhood. The City Engineer has no concerns with this proposal as long as the storm detention pond is modified to handle the storm drainage for this project as well as the adjacent developments. This adjustment in location of the pond will require the applicant to prepare deeds and have an agreement for improvement of the new detention pond. A recommended condition of approval has been included.

Preliminary Infrastructure/Utilities

The originally submitted utility plans were reviewed by the City Engineer. Updated plans shall be submitted following a final approval by the City Council, to be reviewed by the City Engineer and Planning Director. A recommended condition of approval has been included.

Traffic Impact Mitigation

The City Engineer has provided a letter (attached) which does not recommend a traffic impact study (EMMC 17.100.070(10)). A copy of the traffic demand model that the City commissioned in 2019 is

also attached for informational purposes. A traffic impact study may be required with individual site plan applications if it is estimated by the City Engineer that the project could generate traffic impacts that require further study or that may require site improvements to transportation facilities.

Buffering

EMMC 17.60.150D states that "Commercial developments adjacent to existing residential developments shall follow the buffering standards in Table 17.60.160(b) and provide walls that comply with the standards found in EMMC 17.60.110." Commercial developments are required to provide 20 feet of improved landscaped areas along the property line adjacent to the single-family lots. Immediately to the south of the Eagle Park neighborhood is a City-owned open space parcel that is approximately 35 feet wide. A proposed trail is shown ont he west side of hte project adjacent to the Autumn Ridge development. This area must contain at least 20 feet of landscaping and trail, and should be dedicated to the City, since it connects two other city-owned parcels. The applicant has proposed a masonry wall between the commercial developments and the existing residential lots, except along the City's detention pond and north of the future development area.

Signs

EMMC 17.80.060 and 17.80.070 include standards for monument signs. Developments that have multiple pads and are located in a commercial zone may be required to construct one combined monument sign structure per street frontage. These locations and general designs are to be reviewed by the Planinng Commission during hte site plan review. Combined monument signs are to be designed with colors and architecture that are compatible with the buildings that they identify. The developer shall ensure that the sign structure allows for as many building pads to be included as is reasonably possible. It is not a guranteed right that all businesses will have sign space on the combined monument sign. Signs shall be designed similar to Figure 17.80.070(A) in the Cit yCode. Significant variations require approval by the Planning Commission and City Council. Height and size requirements may not be exceeded. The applicant has indicated potential sign locations on the master site plan, but will come back with a sign design in the future. All signs shall be consistent in design/style/materials throughout the project.

Development Agreement

According to EMMC 17.100.0980(B) a development agreement may be required (unless the City Attorney advises otherwise) that will specify improvement requirements and timing, especially for items such as street lights, ROW improvements, fencing, trails and open space improvements, etc. An agreement would be presented to the City Council for approval with this application. A recommended condition of approval has been included.

Potential Property Line Adjustment

The City should consider selling a triangle of property near the southwest corner of the project to the applicant to square off the commercial development. Or consider a swap of the property for landscape and trail improvements within the city property on north of the project.

REQUIRED FINDINGS:

Master site plan and preliminary plat approvals are based upon compliance with City Code requirements. The approval criteria for these applications can be found in EMMC 17.100 and 16.20. A recommendation of approval may be made if the project complies with all City Code requirements for master site plans and preliminary plats, as detailed in this report. A recommendation of denial must be based upon findings of facts indicating how the project is not complying with specific sections of the city code. A project may be tabled with specific direction to give an applicant time to fully comply with code requirements.

RECOMMENDATION:

We recommend the Planning Commission make a motion to recommend approval of the Marketplace at Eagle Mountain Town Center Master Site Plan and Preliminary Plat to the City Council for the reasons set forth in the staff report and in the meeting, with the following conditions:

1. A development agreement shall be prepared to be approved by the City Council, detailing the improvement and timing of the ROW improvements (asphalt, curb and gutter, trail, landscaping, turn lanes,

streetlights, etc.), the project trails and landscaping, the masonry walls, and the improvement of the detention basin. Deeds shall be prepared by the applicant for the detention basin relocation and the triangle property in the southwest corner of the project.

2. The landscaping plan shall be revised to include street trees and landscaping along the interior public roads, the trail areas, and the detention basin, in addition to the Pony Express Parkway and Eagle Mountain Boulevard rights of way. Plan to be reviewed for approval by the Planning Director and Parks Director.

3. The building elevations shall be revised to comply with EMMC 17.72 by adding additional architectural detailing, building materials mixture, and additional horizontal articulation/modulation. Special attention shall be given to fixing the rear grocery store elevation and the flat stucco portions of the retail building (sides and front).

4. Applicants shall submit grading/drainage/erosion plans and lighting plans with each site plan application.

5. As much as possible, buildings shall be located at or near the minimum front setback line, with pedestrian access leading to the primary entrance and landscaping between the building and the street.

6. A minimum 20-foot wide area on the west side of the project shall be deeded to the City and improved with a trail and landscaping.

7. A wall shall be built between the commercial and residential areas along with the development of each commercial site.

8. Updated utility plans shall be submitted by the applicant for approval by the City Engineer.

9. A Master Site Plan amendment and Preliminary Plat amendment shall be required prior to any site plan approvals of the "future development area."

ATTACHMENTS:

Master Site Plan
Context Plan
Boundary - Topographical Plan

ROW Landscape Plan
Building Elevations
Traffic Demand Model & Letter
06.09.2020 Planning Commission Minutes

Osprey Way

Raven Way

Eagle Mountain Boulevard

Pony Express Parkway

EAGLE PARK SUBDIVISION PHASE 1

OPEN SPACE

Storm Water Pacel
2.161 ac

Future Development

Office A
6,000 sf
0.644 ac

Office B
6,000 sf
0.934 ac

Retail Office C
6,000 sf Footprint
2 story
12,000 sf
0.781 ac

Retail Office D
6,000 sf Footprint
2 story
12,000 sf
0.827 ac

Pad A
6,000 sf
1.02 ac

Pad B
5,018 sf
1.01 ac

Pad C
7,200 sf
1.23 ac

Pad D
3,300 sf
1.08 ac

Pad E
4,118 sf
0.827 ac

Pad F
4,425 sf
1.51 ac

Retail A
3,900 sf
0.726 ac

Grocery
57,202 sf
5.841 ac

Building A
16,000 sf
1.236 ac

Building B
6,000 sf

Future Expansion
0.753 ac

Retail
7,200 sf

Retail
7,200 sf

Commercial
4.160 ac

Retail
5,469 sf

Commercial
0.845 ac

Pad L
Tire Store
6,651 sf
1.264 ac

Pad K
7,200 sf
0.842 ac

Pad J
3,200 sf
0.856 ac

Pad I
3,200 sf
1.010 ac

Pad H
7,000 sf
1.236 ac

Pad G
1,800 sf

EASEMENT FOR ACCESS

PARCEL 1
"TO CENTER VISTA"

EAGLE PARK ENTRY ROAD

20' Drainage Easement Per Autumn Ridge Phase 1

Proposed Trail

Extend Trail Easement

End of Wall

Proposed 6' Masonry Wall

Begin of Wall

1488.53'

N 89°58'07" E

S 89°49'41" E 228.56'

S 22°11'53" E 177.09'

737.80'

N 1°21'47" E

Δ = 18°01'18"
R = 1724.00'
L = 542.26'
LC = 540.03'
N 9°55'57" E

Δ = 0°04'34"
R = 9939.00'
L = 13.20'
LC = 13.20'
S 61°39'27" E

Δ = 2°55'26"
R = 9939.00'
L = 507.21'
LC = 507.16'
S 63°09'27" E

Δ = 1°04'41"
R = 9939.00'
L = 187.03'
LC = 187.02'
S 65°09'31" E

Δ = 4°40'34"
R = 9939.00'
L = 811.17'
LC = 810.94'
S 68°02'09" E

Δ = 90°40'58"
R = 90.00'
L = 142.44'
LC = 128.04'
N 64°17'05" E

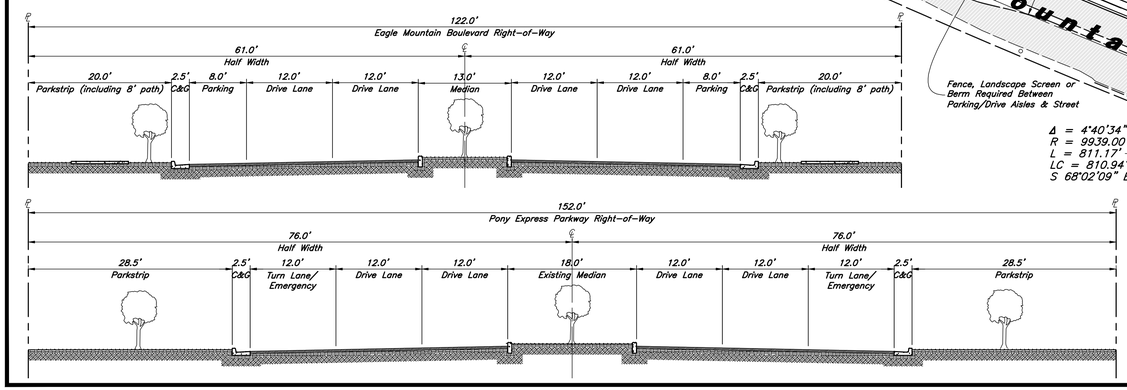
Street Light (typ)

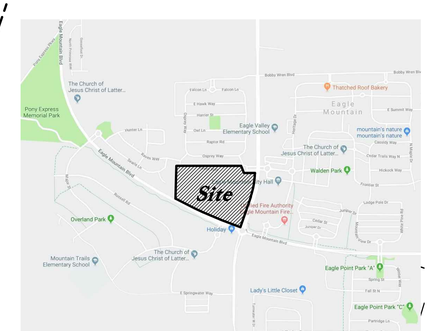
Existing Right-of-Way

Proposed Street Widening

Fence, Landscape Screen or Berm Required Between Parking/Drive Aisles & Street

Scale: 1" = 80'





Vicinity Map
Not to Scale

REV	DATE	DESCRIPTION

Designed by: DA
Drafted by: DC
Client Name:
Inland Wasatch Group, LLC

18-180 Master Site Plan

ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
801 521-6529 - AWengineering.net

Master Site Plan
Marketplace at Eagle Mountain Town Center
Eagle Mountain Boulevard & Pony Express Parkway
Eagle Mountain, Utah

LICENSED PROFESSIONAL ENGINEER
NO. 265772
DAVID G. ANDERSON
STATE OF UTAH

6 Aug, 2020

SHEET NO.
C1.0

W:\18-180 Eagle Mountain City Center\dwgs\18-180 Master Site Plan.dwg, 8/6/2020 9:54:39 AM, 1:1, DC

REV.	DATE	DESCRIPTION

Designed by: DA
Drafted by: DC
Client Name:
Inland Wasatch Group, LC

18-180 Context Plan

ANDERSON WAHLEN & ASSOCIATES
2010 North, Redwood Road, Salt Lake City, Utah 84116
801 521-8529 – AWengineering.net

Context Plan

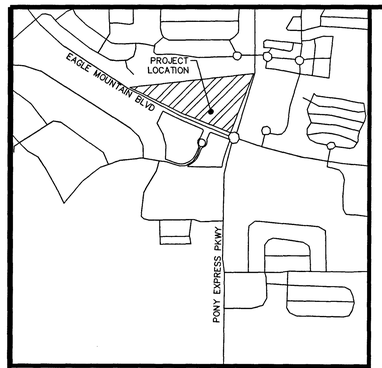
Marketplace at Eagle Mountain Town Center

Eagle Mountain Boulevard & Pony Express Parkway
Eagle Mountain, Utah

LICENSED PROFESSIONAL ENGINEER
NO. 265772
1-9-2020
DAVID G. ANDERSON
STATE OF UTAH

8 Jan, 2020

SHEET NO.
C2.0



VICINITY MAP
N.T.S

LEGEND

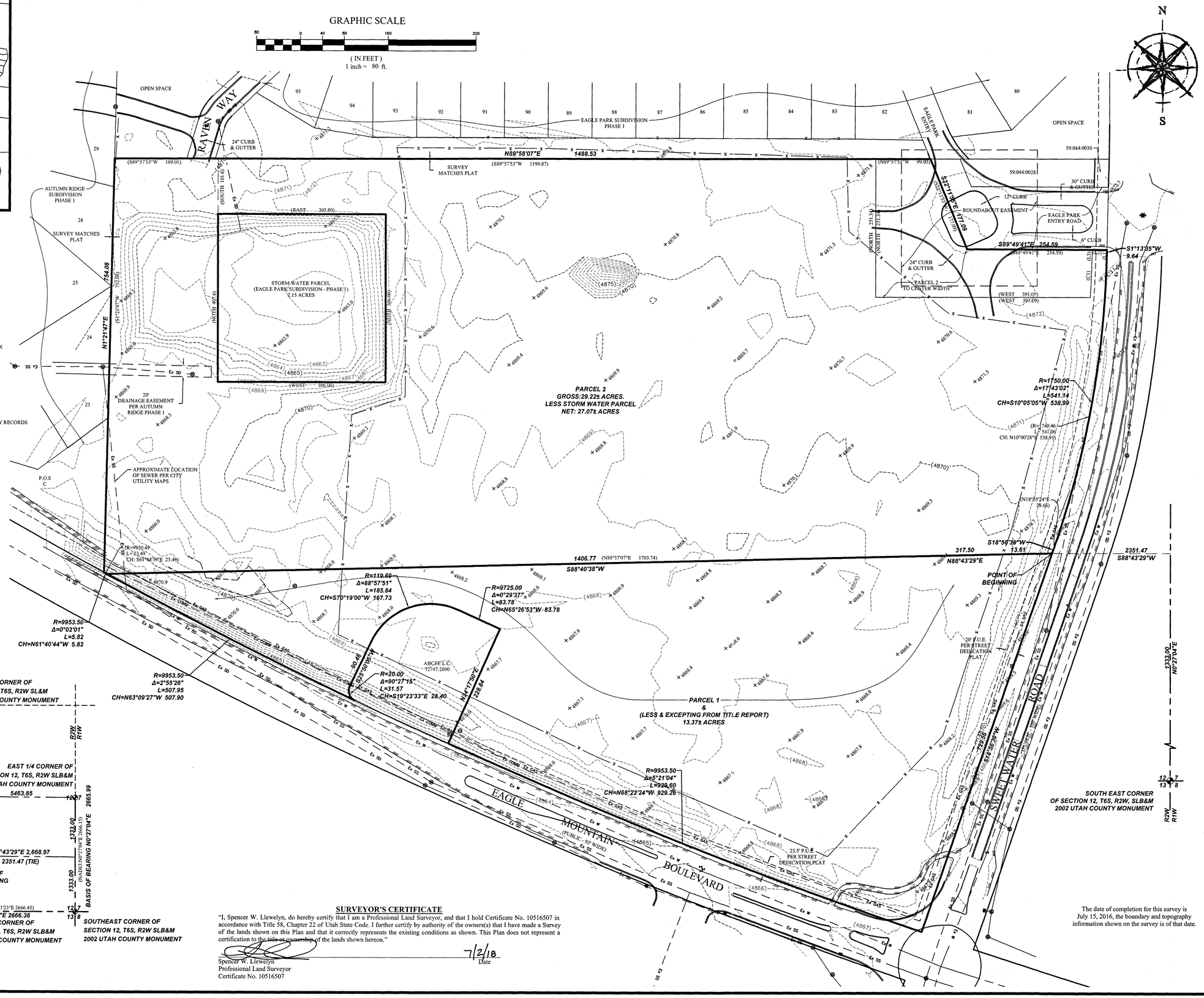
(XXXX)	EXIST. CONTOUR MAJOR
(XXXX)	EXIST. CONTOUR MINOR
Ex SD	EXIST. STORM DRAIN
Ex SS	EXIST. SANITARY SEWER
Ex W	EXIST. CULINARY WATER
X	EXIST. FENCE
Ex GAS	EXIST. GAS LINE
Ex COMM	EXIST. COMMUNICATIONS
	SECTION MONUMENT
	EXIST. SD INLET, MANHOLE & COMBO BOX
	EXIST. SEWER MANHOLE
	EXIST. WATER VALVE & WATER METER
	EXIST. FIRE HYDRANT
	EXIST. ELECTRICAL MANHOLE
	EXIST. ELECTRICAL BOX
	EXIST. STREET LIGHT
	EXIST. POWER POLE
+ XXXX.X	EXIST. SPOT ELEVATION
XXXXX-YEAR	DEED ENTRY No.:YEAR PER UTAH COUNTY RECORDS
	LIMITS OF ASPHALT PAVEMENT

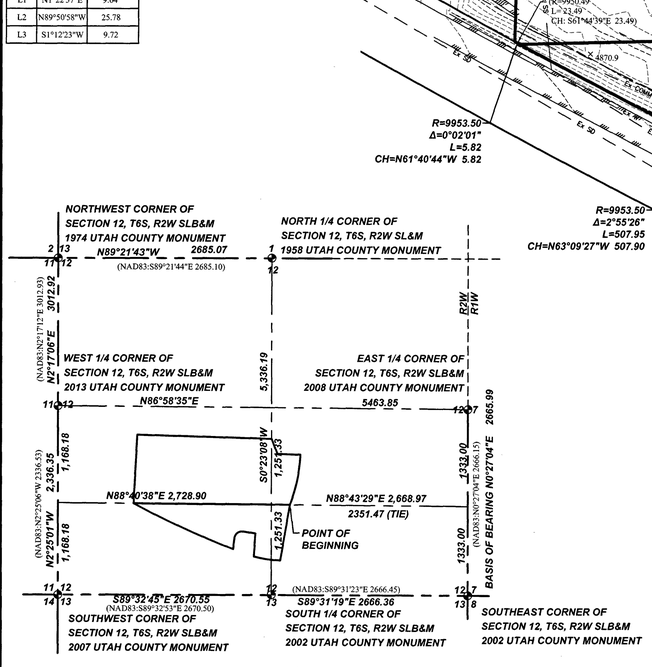
Curve Table

CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	1750.00	-	76.54	S2°27'33"W	76.53

Line Table

LINE	DIRECTION	LENGTH
L1	N1°22'57"E	9.64
L2	N89°50'58"W	25.78
L3	S1°12'23"W	9.72





SECTION 12 DETAIL
N.T.S.

SURVEYOR'S CERTIFICATE

"I, Spencer W. Llewelyn, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 10516507 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owner(s) that I have made a Survey of the lands shown on this Plan and that it correctly represents the existing conditions as shown. This Plan does not represent a certification to the title or ownership of the lands shown hereon."

Spencer W. Llewelyn
Professional Land Surveyor
Certificate No. 10516507

7/2/18
Date

The date of completion for this survey is July 15, 2016, the boundary and topography information shown on the survey is of that date.

FOCUS©
ENGINEERING AND SURVEYING, LLC
32 WEST CENTER STREET
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

LICENSED LAND SURVEYOR No. 10516507 SPENCER W. LLEWELYN 7/2/18 STATE OF UTAH

BOUNDARY/TOPOGRAPHICAL SURVEY
LOCATION: SE1/4 & SW1/4 OF SECTION 12,T6S, R2W, SLB&M
EAGLE MOUNTAIN, UTAH
PROPERTY OF: MONTE VISTA RANCH, LC
PREPARED FOR: EAGLE MOUNTAIN PROPERTIES

REVISION BLOCK

#	DATE	DESCRIPTION
1	07/07/16	ADDED NORTH PARCEL & TITLE
2	----	REPORT
3	----	----
4	----	----
5	----	----
6	----	----

Scale: 1"=80'	Drawn: DBC
Date: 07/15 /2016	Job #: 16-110
Sheet: 1 OF 2	

Z:_2016\16-110 Burger King Pony Express Eagle Mtn\design 16-110\dwg\RGS\16-110 RGS.dwg

NOTES

1) The purpose of this Survey is to provide a Boundary & Topographical Survey and Certification for the parcels shown and described hereon.

2) A Title Commitment prepared by United West Title Insurance Agency, Inc., Orem, Utah, Order #: UW-6345, Effective Date: May 9, 2016, was utilized in the preparation of this Survey. Focus Engineering & Surveying, LLC is entitled to rely on the accuracy of this report, and is not liable for errors and omissions based on that reliance. Unless noted otherwise, all record parcels and title exceptions noted on this Survey are referenced from said document.

3) The Basis of Bearing for this Survey is Utah County's NAD83 bearing of N0°27'04"E along the Section line between the Southeast Corner and the East 1/4 Corner of Section 12, T6S, R2W, S.L.B.& M). All deeds and plats of record have been rotated to match the aforementioned basis of bearing, or to other Section\monument lines relative to said basis of bearing per measured lines shown hereon. For reference, both the measured and record NAD83 bearings are shown hereon.

4) Vertical data (contours and\or spot elevations) shown hereon are based on a GPS-derived NGVD29 elevation of 4865.18 measured and held on the 2002 County monument marking the South ¼ of Section 12, T6S, R2W.

5) #5 rebar & cap (FOCUS ENG) to be set at all boundary corners unless noted otherwise.

6) This drawing, its design, and invention thereof, is the property of Focus Engineering & Surveying, LLC, and is submitted to, and is for the use of the client referenced on the Survey. Only copies authorized in writing and individually signed and sealed by the Surveyor, or copies of the certified Survey obtained from the office of the County Surveyor may be used as the official work of the Surveyor.

7) Except as specifically stated or shown on this drawing, no attempt has been made as a part of this Survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. For information regarding these utilities or facilities, contact the appropriate agency. Some utility lines shown hereon are drawn per GIS utility maps provided by Eagle Mountain City.

8) Except as specifically stated of shown on this drawing, this Survey does not purport to reflect any of the following which may be applicable to the properties shown hereon: easements, encumbrances, building setback lines, restrictive covenants, subdivision restriction, zoning, or other land use restrictions. Underground utilities have been shown hereon based on observed evidence. Additional utilities, including, but not limited to: power, phone, cable TV, water, sewer, storm drainage, etc. may exist within the boundaries of this Survey and Blue Stakes should be contacted prior to digging. Engineers, Contractors, and others that rely on this information should be cautioned that the locations of the existing utilities may not be relied upon as being exact or complete. Additional exploration, verification and relocation of existing utilities will be the sole responsibility of any contractor prior to, or during construction of any additional improvements.

LEGAL DESCRIPTIONS

TITLE REPORT)

PARCEL 1:
A portion of the SE1/4 and SW1/4 of Section 12, Township 6 South, Range 2 West, Salt Lake Base and Meridian, Eagle Mountain City, Utah, more particularly described as follows:

Beginning on the westerly line of Sweetwater Road located N0°27'04"E along the Section line 1,333.00 feet to the Northeast Corner of the South 1/2 of the SE1/4 of Section 12 and S88°43'29"W along the 1\16th Section (40 acre) line 2,351.47 from the Southeast Corner of Section 12, T6S, R2W, S.L.B.& M.; thence S18°56'36"W along said westerly line of Sweetwater Road 729.56 feet to the northerly line of Eagle Mountain Boulevard; thence Northwesterly along said road and along the arc of a 9,953.50 foot radius non-tangent curve (radius bears: N18°57'04"E) 929.60 feet through a central angle of 5°21'04" (chord: N68°22'24"W 929.26 feet) to the southeast corner of that Real Property described as Deed Entry No. 72747:2000 of the Official Records of Utah County; thence along said deed the following 5 (five) courses and distances: N24°17'50"E 228.84 feet; thence Northwesterly along the arc of a 9,725.00 foot radius non-tangent curve (radius bears: N24°18'19"E) 83.78 feet through a central angle of 0°29'37" (chord: N65°26'53"W 83.78 feet) to a point of reverse curvature; thence along the arc of a 119.69 foot radius curve to the left 185.84 feet through a central angle of 88°57'51" (chord: S70°19'00"W 167.73 feet); thence S25°50'05"W 90.46 feet; thence along the arc of a 20.00 foot radius curve to the left 31.57 feet through a central angle of 90°27'15" (chord: S19°23'33"E 28.40 feet) to the north line of said Eagle Mountain Boulevard; thence Northwesterly along the arc of a 9,953.50 foot radius non-tangent curve (radius bears: N25°22'50"E) 507.95 feet through a central angle of 2°55'26" (chord: N63°09'27"W 507.90 feet) to the north line of the South ½ of the SW1/4 of said Section; thence N88°40'38"E along the 1/16th (40 acre) line 1,406.78 feet to the northwest corner of the South ½ of the SE1/4 of said Section; thence; thence N88°43'29"E along the 1/16th (40 acre) line 317.50 feet to the point of beginning.

PARCEL 2:
Commencing North 1243.99 feet and East 321.88 feet from the South ¼ Corner of Section 12, Township 6 South, Range 2 West, Salt Lake Base and Meridian; thence N18°55'24"E 28.66 feet; thence along the arc of a 1749.46 radius curve to the left (chord bears: N10°00'28"E 538.914 feet); thence N1°22'57"E 9.64 feet; thence N89°50'58"W 25.78 feet; thence S1°12'23"W 9.72 feet; thence along the arc of a 1750 foot radius curve to the right (chord bears: S2°27'33"W 76.53 feet) 76.54 feet; thence West 391.09 feet; thence North 251.34 feet; thence S89°57'53"W 1199.87 feet; thence South 101.6 feet; thence East 305.8 feet; thence South 306 feet; thence West 306 feet; thence North 407.6 feet; thence S89°57'53"W 189.01 feet; thence S1°21'47"W 752.08 feet; thence along the arc of a 9950.49 foot radius curve to the left (chord: S61°44'39"E 23.49 feet); thence N88°57'07"E 1703.74 feet to beginning.

TOGETHER WITH the following:

Commencing North 1746.91 feet and West 2271.8 feet from the Southeast Corner of Section 12, Township 6 South, Range 2 West, Salt Lake Base and Meridian; thence West 391.09 feet; thence North 251.34 feet; thence N89°57'53"E 99.05 feet; thence S22°13'07"E 177.82 feet; thence S89°50'58"E 228.29 feet; thence S1°12'23"W 9.72 feet; thence along the arc of a 1750 foot radius curve to the right (chord bears: S2°27'33"W 76.53 feet to the beginning.

LESS AND EXCEPTING the following:

A portion of the SE1/4 and SW1/4 of Section 12, Township 6 South, Range 2 West, Salt Lake Base and Meridian, Eagle Mountain City, Utah, more particularly described as follows:

Beginning on the westerly line of Sweetwater Road located N0°27'04"E along the Section line 1,333.00 feet to the Northeast Corner of the South 1/2 of the SE1/4 of Section 12 and S88°43'29"W along the 1\16th Section (40 acre) line 2,351.47 from the Southeast Corner of Section 12, T6S, R2W, S.L.B.& M.; thence S18°56'36"W along said westerly line of Sweetwater Road 729.56 feet to the northerly line of Eagle Mountain Boulevard; thence Northwesterly along said road and along the arc of a 9,953.50 foot radius non-tangent curve (radius bears: N18°57'04"E) 929.60 feet through a central angle of 5°21'04" (chord: N68°22'24"W 929.26 feet) to the southeast corner of that Real Property described as Deed Entry No. 72747:2000 of the Official Records of Utah County; thence along said deed the following 5 (five) courses and distances: N24°17'50"E 228.84 feet; thence Northwesterly along the arc of a 9,725.00 foot radius non-tangent curve (radius bears: N24°18'19"E) 83.78 feet through a central angle of 0°29'37" (chord: N65°26'53"W 83.78 feet) to a point of reverse curvature; thence along the arc of a 119.69 foot radius curve to the left 185.84 feet through a central angle of 88°57'51" (chord: S70°19'00"W 167.73 feet); thence S25°50'05"W 90.46 feet; thence along the arc of a 20.00 foot radius curve to the left 31.57 feet through a central angle of 90°27'15" (chord: S19°23'33"E 28.40 feet) to the north line of said Eagle Mountain Boulevard; thence Northwesterly along the arc of a 9,953.50 foot radius non-tangent curve (radius bears: N25°22'50"E) 507.95 feet through a central angle of 2°55'26" (chord: N63°09'27"W 507.90 feet) to the north line of the South ½ of the SW1/4 of said Section; thence N88°40'38"E along the 1/16th (40 acre) line 1,406.78 feet to the northwest corner of the South ½ of the SE1/4 of said Section; thence; thence N88°43'29"E along the 1/16th (40 acre) line 317.50 feet to the point of beginning.

SURVEY DESCRIPTIONS

PARCEL 2

A portion of the SE1/4 and SW1/4 of Section 12, Township 6 South, Range 2 West, Salt Lake Base and Meridian, Eagle Mountain City, Utah, more particularly described as follows:

Beginning on the westerly line of Sweetwater Road located N0°27'04"E along the Section line 1,333.00 feet to the Northeast Corner of the South 1/2 of the SE1/4 of Section 12 and S88°43'29"W along the 1\16th Section (40 acre) line 2,351.47 from the Southeast Corner of Section 12, T6S, R2W, S.L.B.& M.; thence S88°43'29"W along the north line of the South ½ of the SE1/4 of said Section 317.50 feet to the northeast corner of the South ½ of the SW1/4 of said Section; thence S88°40'38"W along the 1/16th (40 acre line) 1,406.77 feet to the northerly line of Eagle Mountain Boulevard; thence Northwesterly along said road and along the arc of a 9,953.50 foot radius non-tangent curve (radius bears: N28°18'16"E) 5.82 feet through a central angle of 0°02'01" (chord: N61°40'44"W 5.82 feet) to the southeast corner of Phase 1, AUTUMN RIDGE Subdivision, according to the Official Plat thereof on file in the Office of the Utah County Recorder; thence N1°21'47"E along said plat 754.08 feet to the southerly line of Phase 1, EAGLEPARK Subdivision, according to the Official Plat thereof on file in the Office of the Utah County Recorder; thence N89°58'07"E (record: N89°57'53"E) along said Plat 1,488.52 feet to the southwesterly line of Eagle Park Entry Road as defined and described on said Plat; thence along said Entry Road the following 2 (two) courses and distances: S22°11'55"E (record: S22°13'07"E) 177.09 feet; thence S89°49'41"E (record: S89°50'58"E) 254.59 feet to the westerly line of said Sweetwater Road; thence along said westerly line the following 3 (three) courses and distances: S1°13'35"W 9.64 feet; thence along the arc of a 1,750.00 foot radius curve to the right 541.14 feet through a central angle of 17°43'02" (chord: S10°05'05"W 538.99 feet); thence S18°56'36"W 13.61 feet to the point of beginning.

LESS AND EXCEPTION therefrom the 2.15+/- acre Storm Water Parcel as defined and described on Phase 1, EAGLEPARK Subdivision, according to the Official Plat thereof on file in the Office of the Utah County Recorder.

Net acreage: 27.07+/- acres

COMPOSITE OF PARCEL 1 & 2

A portion of the SE1/4 and SW1/4 of Section 12, Township 6 South, Range 2 West, Salt Lake Base and Meridian, Eagle Mountain City, Utah, more particularly described as follows:

Beginning on the westerly line of Sweetwater Road located N0°27'04"E along the Section line 1,333.00 feet to the Northeast Corner of the South 1/2 of the SE1/4 of Section 12 and S88°43'29"W along the 1\16th Section (40 acre) line 2,351.47 from the Southeast Corner of Section 12, T6S, R2W, S.L.B.& M.; thence S18°56'36"W along said westerly line of Sweetwater Road 729.56 feet to the northerly line of Eagle Mountain Boulevard; thence Northwesterly along said road and along the arc of a 9,953.50 foot radius non-tangent curve (radius bears: N18°57'04"E) 929.60 feet through a central angle of 5°21'04" (chord: N68°22'24"W 929.26 feet) to the southeast corner of that Real Property described as Deed Entry No. 72747:2000 of the Official Records of Utah County; thence along said deed the following 5 (five) courses and distances: N24°17'50"E 228.84 feet; thence Northwesterly along the arc of a 9,725.00 foot radius non-tangent curve (radius bears: N24°18'19"E) 83.78 feet through a central angle of 0°29'37" (chord: N65°26'53"W 83.78 feet) to a point of reverse curvature; thence along the arc of a 119.69 foot radius curve to the left 185.84 feet through a central angle of 88°57'51" (chord: S70°19'00"W 167.73 feet); thence S25°50'05"W 90.46 feet; thence along the arc of a 20.00 foot radius curve to the left 31.57 feet through a central angle of 90°27'15" (chord: S19°23'33"E 28.40 feet) to the north line of said Eagle Mountain Boulevard; thence Northwesterly along the arc of a 9,953.50 foot radius non-tangent curve (radius bears: N25°22'50"E) 507.95 feet through a central angle of 2°55'26" (chord: N63°09'27"W 507.90 feet) to the southeast corner of Phase 1, AUTUMN RIDGE Subdivision, according to the Official Plat thereof on file in the Office of the Utah County Recorder; thence N1°21'47"E along said plat 754.08 feet to the southerly line of Phase 1, EAGLEPARK Subdivision, according to the Official Plat thereof on file in the Office of the Utah County Recorder; thence N89°58'07"E (record: N89°57'53"E) along said Plat 1,488.52 feet to the southwesterly line of Eagle Park Entry Road as defined and described on said Plat; thence along said Entry Road the following 2 (two) courses and distances: S22°11'55"E (record: S22°13'07"E) 177.09 feet; thence S89°49'41"E (record: S89°50'58"E) 254.59 feet to the westerly line of said Sweetwater Road; thence along said westerly line the following 3 (three) courses and distances: S1°13'35"W 9.64 feet; thence along the arc of a 1,750.00 foot radius curve to the right 541.14 feet through a central angle of 17°43'02" (chord: S10°05'05"W 538.99 feet); thence S18°56'36"W 13.61 feet to the point of beginning.

LESS AND EXCEPTION therefrom the 2.15+/- acre Storm Water Parcel as defined and described on Phase 1, EAGLEPARK Subdivision, according to the Official Plat thereof on file in the Office of the Utah County Recorder.

Net acreage of Composite Survey: 40.44+/- acres

The date of completion for this survey is July 15, 2016, the boundary and topography information shown on the survey is of that date.

FOCUS©
ENGINEERING AND SURVEYING, LLC
32 WEST CENTER STREET
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

LICENSED LAND SURVEYOR
No. 10616507
SPENCER W. LLEWELYN
7/2/18
STATE OF UTAH

BOUNDARY/TOPOGRAPHICAL SURVEY

LOCATION: SE1/4 & SW1/4 OF SECTION 12,T6S, R2W, SLB&M
EAGLE MOUNTAIN, UTAH

PROPERTY OF: MONTE VISTA RANCH, LC

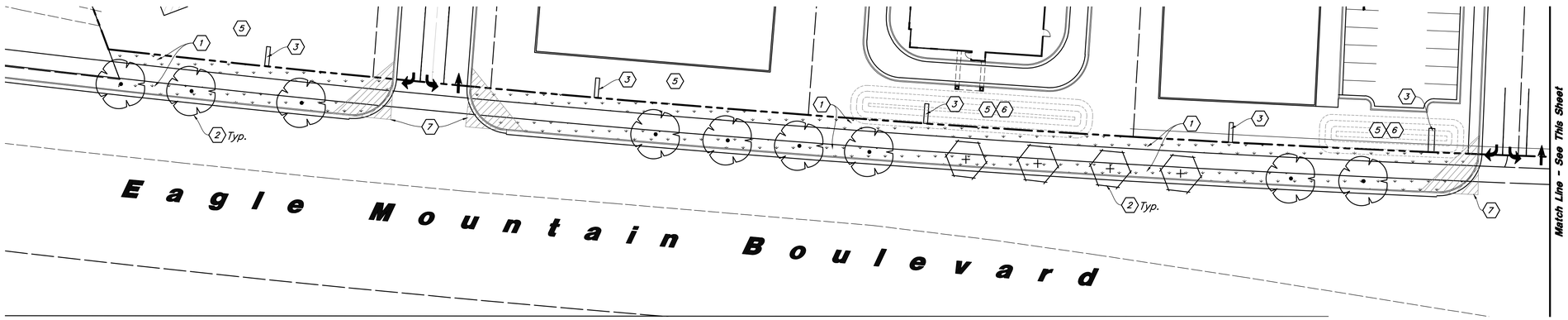
PREPARED FOR: EAGLE MOUNTAIN PROPERTIES

REVISION BLOCK

#	DATE	DESCRIPTION
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

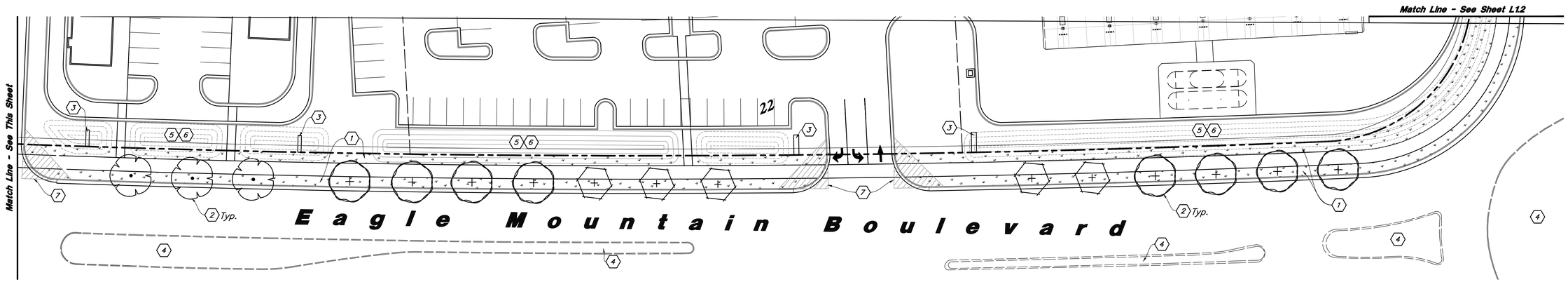
Scale: 1"=1'	Drawn: DBC
Date: 07/15/16	Job #: 16-110
Sheet: 2 OF 2	

Z:_2016\16-110 Burger King Pony Express Eagle Mtn\design 16-110\dwg\ROS\16-110 ROS 2.dwg



Scale: 1" = 30'

30' 0 30' 60'



Landscape Notes:

1. Plant material quantities are provided for bidding purposes only. It is the contractors responsibility to verify all quantities listed on the plans and the availability of all plant materials and their specified sizes prior to submitting a bid. The contractor must notify the Landscape Architect prior to submitting a bid if the contractor determines a quantity deficiency or availability problem with specified material. The contractor shall provide sufficient quantities of plants equal to the symbol count or to fill the area shown on the plan using the specified spacing. Plans take precedence over plant schedule quantities.
2. Contractor shall call Blue Stake before excavation for plant material.
3. Prior to construction, the contractor shall be responsible for locating all underground utilities and shall avoid damage to all utilities during the course of the work. It shall be the responsibility of the contractor to protect all utility lines during the construction period, and repair any and all damage to utilities, structures, site appurtenances, etc. which occurs as a result of the landscape construction.
4. The landscape contractor shall examine the site conditions under which the work is to be performed and notify the general contractor in writing of unsatisfactory conditions. Do not proceed until conditions have been corrected.
5. The contractor shall provide all materials, labor and equipment required for the proper completion of all landscape work as specified and shown on the drawings.
6. See civil drawings for all hardscape, grading, and drainage information.
7. Contractor safety and cleanup must meet OSHA standards at all times. All contractors must have adequate liability, personnel injury and property damage insurance. Clean-up must be performed daily, and all hardscape areas must be washed free of dirt and mud on final cleanup. Construction must occur in a timely manner.
8. All new plant material shall conform to the minimum guidelines established by the American Standard for Nursery Stock Published by the American Association of Nurseryman, Inc. In addition, all new plant material shall be of specimen quality.
9. The Owner/Landscape Architect has the right to reject any and all plant material not conforming to the plans and specifications.
10. Any proposed substitutions of plant species shall be made with plants of equivalent overall form, height, branching habit, flower, leaf, color, fruit and culture only as approved by the Landscape Architect.
11. It is the contractors responsibility to furnish all plant materials free of pests or plant diseases. It is the contractor's obligation to maintain and warranty all plant materials.
12. The contractor shall take all necessary scheduling and other precautions to avoid winter, climatic, wildlife, or other damage to plants. The contractor shall install the appropriate plants at the appropriate time to guarantee life of plants
13. The contractor shall install all landscape material per plan, notes and details.
14. Plant names are abbreviated on the drawings, see plant lschedule for symbols, abbreviations, botanical, common names, sizes, estimated quantities and remarks.
15. No grading or soil placement shall be undertaken when soils are wet or frozen.
16. Imported topsoil shall be used for all landscape areas. The topsoil must be a premium quality dark sandy loam, free of rocks, clods, roots, and plant matter. The landscape contractor shall perform a soil test on the imported topsoil and amend per soil test recommendations. The soil test shall be done by a certified soil testing agency.
17. Prior to placement of topsoil in all landscaping areas, all subgrade areas shall be loosened by scarifying the soil to a depth of 6 inches in order to create a transition layer between existing and new soils.
18. All plant material holes shall be dug twice the diameter of the rootball and 6 inches deeper. Excavated material shall be removed from the site and replaced with plant backfill mixture. The top of the root balls, shall be planted flush with the finish grade.
19. Plant backfill mix shall be composed of 3 parts topsoil to 1 part soil pep, and shall be mixed at the planting hole.Deep water all plant material immediately after planting. Add backfill mixture to depressions as needed.
20. All new plants to be balled and burlapped or container grown, unless otherwise noted on plant schedule.
21. All deciduous trees shall be double staked per tree staking detail. It is the contractors responsibility to remove tree staking in a timely manner once staked trees have taken root. Deciduous tree ties to be V.I.T. Cinche Ties #CT32.
22. Provide a 4 inch depth of imported topsoil in all lawn areas.
23. Sod must be premium quality, evenly cut, established, healthy, weed and disease free, and from an approved source.
24. All lawn areas to have uniform grades by float raking. Prior to laying sod, apply a starter fertilizer at a rate recommended by the manufacturer. Sod must be laid with no gaps between pieces on a carefully prepared topsoil layer. Sod to be slightly below finish grade and concrete walks and curbing. The laid sod must be immediately watered after installation. Any burned areas will require replacement. Adjust sprinkler system to assure healthy green survival of the sod without water waste.
25. All trees located in lawn areas shall have a 36 inch diameter tree ring with a layer of wood mulch.
26. The contractor shall comply with all warranties and guarantees set forth by the Owner, and in no case shall that period be less than one year following the date of completion and final acceptance.

Landscape Data

Eagle Mountain Blvd. Frontage = 1,432 l.f.

Eagle Mountain Blvd. Trees Req. = 29 Trees *

Eagle Mountain Blvd. Trees Provided = 29 Trees

Pony Express Pkwy. Frontage = 1,143 l.f.

Pony Express Pkwy. Trees Req. = 23 Trees *

Pony Express Pkwy. Trees Provided = 23 Trees

*** Proposed Street Tree Quantities and Spacing Shall be Modified as Needed for the Addition of New Utility Poles, Fire Hydrants, Utility Boxes, and Traffic Control Signs. Street Trees Shall be Spaced the Minimum Distance From the Utilities Listed Above. Street Trees are Spaced at 50' with 3 Tree Species.**

General Landscape Notes:

1. See Sheet L1.1 and L1.2 for Eagle Mountain Blvd. and Pony Express Parkway ROW Landscape.
2. See Sheet L1.1 for Landscape Notes and Plant Schedule. See Sheet L1.2 for Landscape Details.
3. All Landscape Material shall be Fully Irrigated by an Automatic Irrigation System. Rotors and Sprayheads Shall be Used to Irrigated Lawn Areas.
4. Adjust Tree Layout to Accommodate New and Existing Utilities.

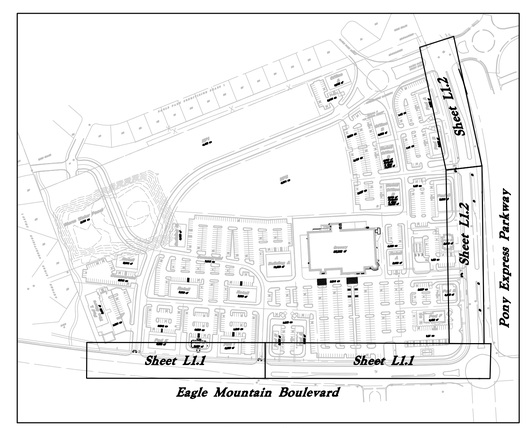
Landscape Keynotes

1. Install Lawn
2. Install New Street Tree
3. Proposed Location for Signage by Separate Permit
4. Existing Landscape (Lawn and Trees)
5. Landscape to be Installed With the Development of Each Retail Pad
6. Install 42" High Lawn Berm; Berm Shall Not Exceed a Slope of 3:1 and Screen Headlights From Parking Lot and Drive Thru; Proposed Signs Shall be Incorporated into Berms Where Needed; Berms Shall be Incorporated into the Landscape Design for Each Retail Pad
7. Clear Vision Triangle; No Plant Material Over Three Feet in Height Above the Street Shall be Permitted; No Trees Are Allowed Within the Clear Vision Triangle (30'x30')

PLANT SCHEDULE

DECIDUOUS TREES	QTY	BOTANICAL / COMMON NAME	SIZE	REMARKS
	21	Tilia cordata 'Greenspire' / Greenspire Linden	2" Cal. / 6-8' Ht.	Detail: 1/L1.2
	13	Ulmus x 'Frontier' / Frontier Hybrid Elm	2" Cal. / 6-8' Ht.	Detail: 1/L1.2
ORNAMENTAL TREES	**QTY**	**BOTANICAL / COMMON NAME**	**SIZE**	**REMARKS**
	18	Pyrus calleryana 'Chanticleer' / Chanticleer Pear	2" Cal. / 6-8' Ht.	Detail: 1/L1.2
LAWN	**QTY**	**BOTANICAL / COMMON NAME**	**TYPE**	**REMARKS**
	41,670 sf	Poa pratensis / Kentucky Bluegrass Blend	sod	Detail: 2/L1.2

811 Know what's below. Call before you dig.



Key Map
Not to Scale

REV	DATE	DESCRIPTION

Designed by: DA
Drafted by: DC
Client Name:
Inland Wasatch Group, LC

18-180LS Street

ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
801 521-6229 AWAengineering.net

ROW Landscape Plan

Marketplace at Eagle Mountain Town Center

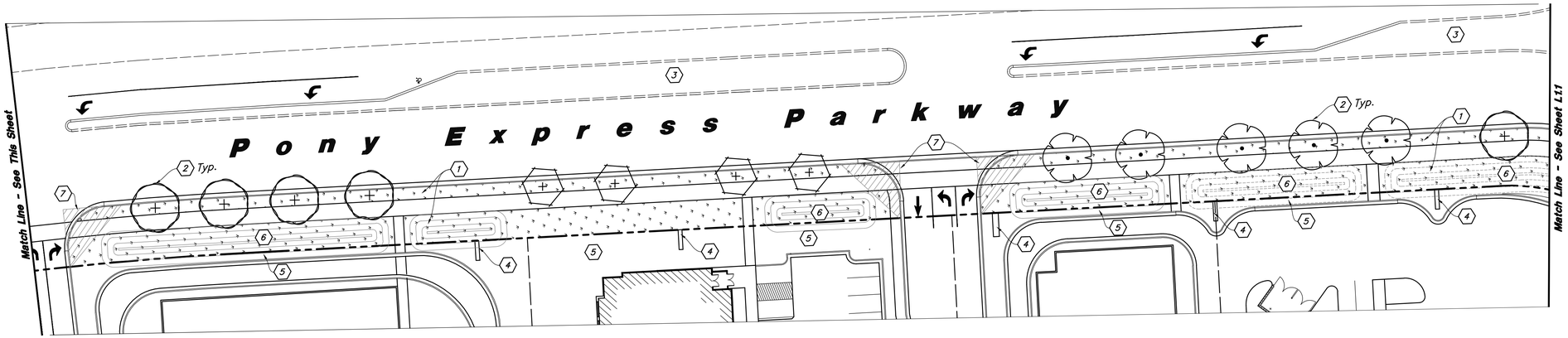
Eagle Mountain Boulevard & Pony Express Parkway
Eagle Mountain, Utah

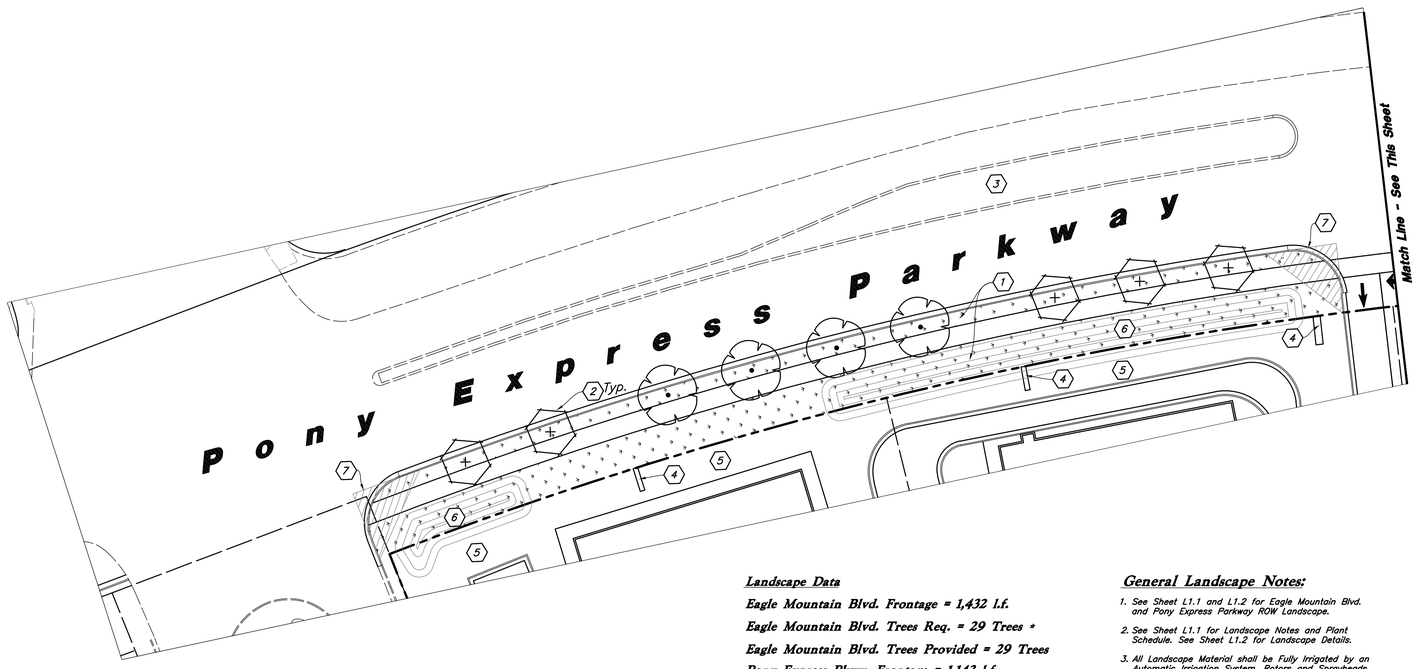
State of Utah
Jared R. Manscill
No. 7740426-5301
Licensed Landscape Architect

30 Jun, 2020

SHEET NO.
L1.1

W:\18-180 Eagle Mountain City Center\dwgs\18-180LS Street.dwg, 7/6/2020 3:11:18 PM, 1:1





Scale: 1" = 30'

30' 0 30' 60'

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4. *Adjust Tree Layout to Accommodate New and Existing Utilities.*

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2. *Install New Street Tree*
3. *Proposed Location for Signage by Separate Permit*
4. *Existing Landscape (Lawn and Trees)*
5. *Landscape to be Installed With the Development of Each Retail Pad*
6. *Install 42" High Lawn Berm; Berm Shall Not Exceed a Slope of 3:1 and Screen Headlights From Parking Lot and Drive Thru; Proposed Signs Shall be Incorporated into Berms Where Needed; Berms Shall be Incorporated into the Landscape Design for Each Retail Pad*
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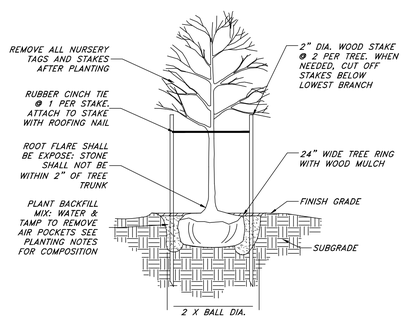
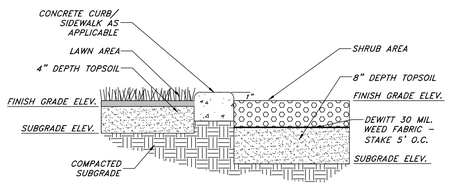


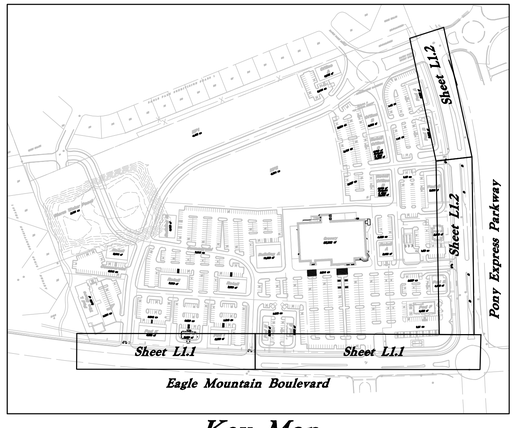
1 ***DECIDUOUS TREE PLANTING***

Not to Scale



2 ***LANDSCAPE PREPARATION***

Not to Scale



Key Map

Not to Scale

REV	DATE	DESCRIPTION

Designed by: DA
Drafted by: DC
Client Name:
Inland Wasatch Group, LC

18-180LS Street

ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
801 521-0229 - AWAengineering.net

State of Utah
Jared R. Manscill
No. 7740426-5301
Licensed Landscape Architect

ROW Landscape Plan

Marketplace at Eagle Mountain Town Center

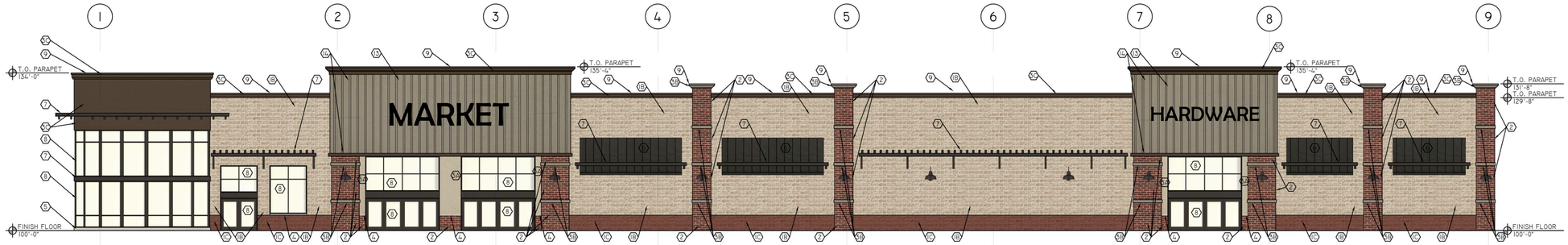
Eagle Mountain Boulevard & Pony Express Parkway
Eagle Mountain, Utah

30 Jun, 2020

SHEET NO.

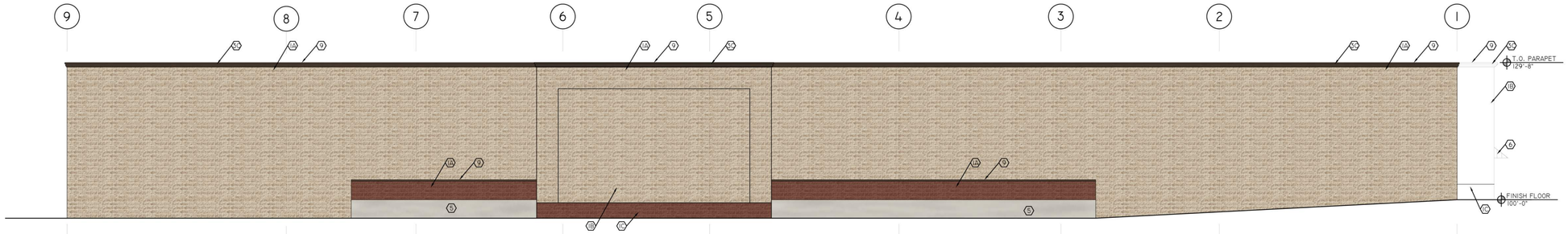
L1.2

design SEQUENCE
350 South 200 East, #106
Salt Lake City, Utah 84111
P: 801.596.0691
DesignUtah.com



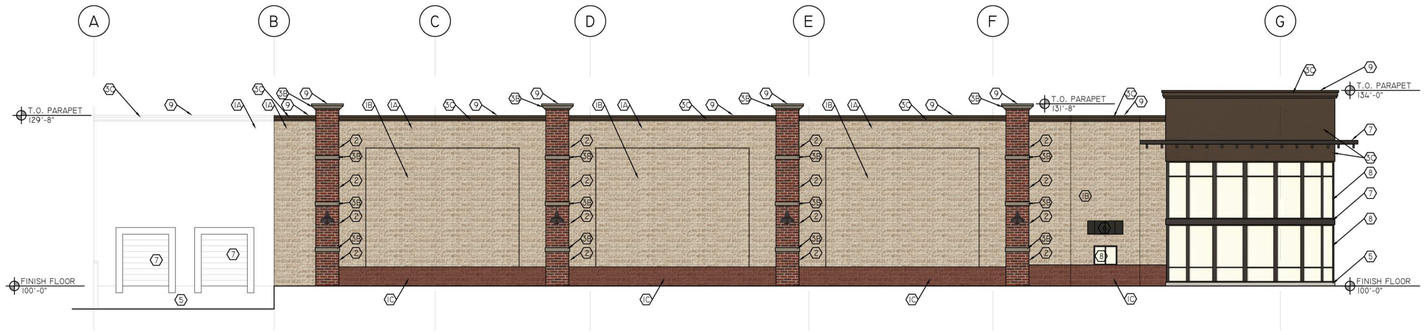
SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



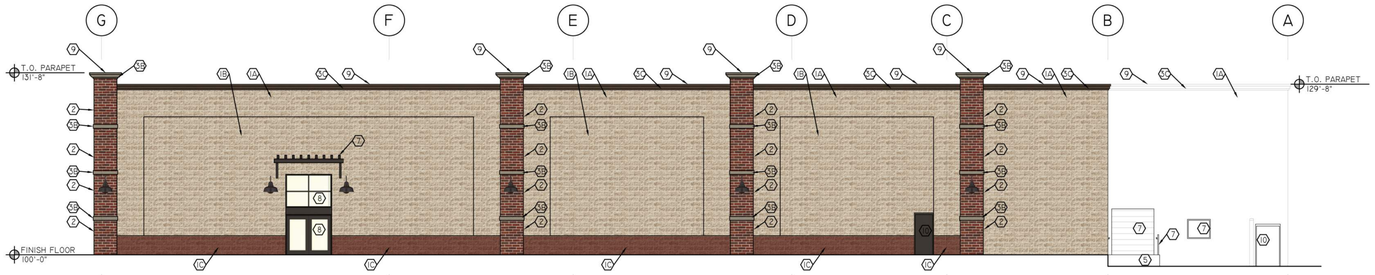
NORTH ELEVATION

SCALE: 1/8" = 1'-0"



WEST ELEVATION

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"

MATERIAL SCHEDULE

MARK	MATERIAL	FINISH/COLOR
1A	8" X 16" SPLIT FACE CMU	AMCOR – HONEY
1B	8" X 16" HONED FACE CMU	AMCOR – HONEY
1C	8" X 16" SPLIT FACE CMU	AMCOR – MOUNTAIN RED
2	THIN BRICK	INTERSTATE – MONTEREY
3A	EIFS	COLOR 1 – ACCESSIBLE BEIGE SW7036
3B	EIFS	COLOR 2 – TONY TAUPE SW7038
3C	EIFS	COLOR 3 – VAN DYKE BROWN SW7041
4	PRECAST CONCRETE SILL	NATURAL
5	ARCHITECTURAL FINISH CONCRETE FOUNDATION	NATURAL
6	PREFINISHED STRUCTURAL STANDING SEAM METAL ROOFING.	DARK BRONZE
7	PAINTED STEEL	MATCH DARK BRONZE, VERIFY COLOR
8	GLASS AND ALUMINUM STOREFRONT, RE: WINDOW AND DOOR SCHEDULE	DARK BRONZE STOREFRONT WITH CLEAR GLAZING
9	PREFINISHED METAL COPING	DARK BRONZE
10	PAINTED HM DOOR AND FRAME	MATCH DARK BRONZE, VERIFY COLOR
11	COWS TONGUE DOWNSPOUT NOZZLE, INSTALL AT 24" ABOVE FINISH GRADE, RE: PLUMBING	–
12	LIGHT FIXTURE, RE: ELECTRICAL	
13	SIGNAGE PROVIDED AND INSTALLED BY OWNER. G.C. TO PROVIDE ELECTRICAL CONNECTIONS, RE: ELECTRICAL. G.C. TO PROVIDE ANCHORAGE FOR SIGNAGE. G.C. TO PROVIDE CORE DRILLED HOLES THROUGH MASONRY FOR CONDUIT FROM J BOXES MOUNTED AT THE INTERIOR OF THE BUILDING. COORDINATE NUMBER AND LOCATION WITH SIGNAGE SUPPLIER.	
14A	BOARD AND BATTEN CEMENT BOARD SIDING	HARDIE BOARD – TIMBER BARK

EXTERIOR ELEVATION NOTES:

1. ALL COLOR SELECTIONS ARE PRELIMINARY. G.C. TO VERIFY FINAL COLOR SELECTIONS WITH ARCHITECT AND OWNER PRIOR TO ORDERING.
2. ALL EXPOSED STEEL TO BE PAINTED AS DESCRIBED IN SPEC., VERIFY COLOR WITH ARCHITECT AND OWNER.
3. UNDERSIDE OF PREFINISHED METAL STANDING SEAM ROOFING TO BE PAINTED. VERIFY COLOR WITH ARCHITECT AND OWNER.
4. PROVIDE MASONRY CONTROL JOINTS AS SHOWN, RE: 7/A5.2.
5. PROVIDE COLORED MORTAR AT CMU AND BRICK. COLOR TO BE SELECTED BY THE ARCHITECT FROM THE MANUFACTURERS FULL LINE OF COLORS.

MARK	DATE	DESCRIPTION

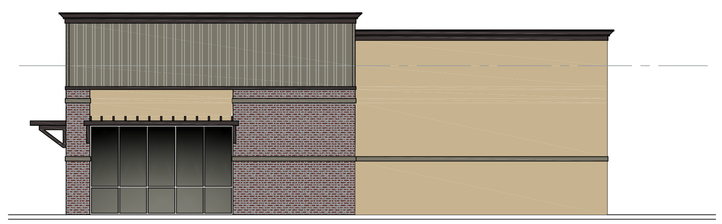
DATE:
AGENCY PROJECT NO:
DESIGN SEQUENCE PROJECT NO:
CAD DWG FILE NO:

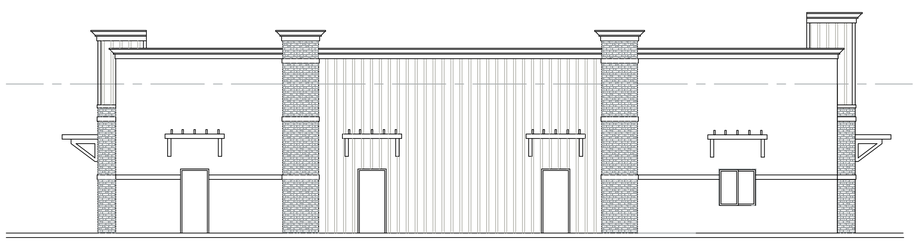
DRAWN BY: KV
DESIGNED BY: KV
DWG TYPE:
ARCHITECTURAL PHASE:

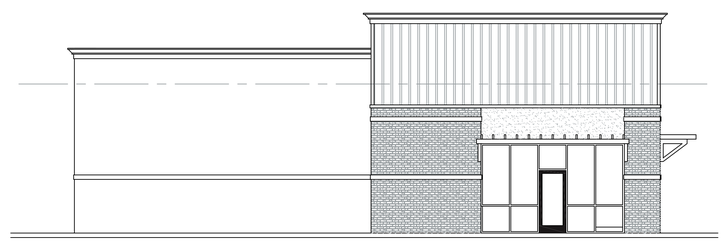
SHEET TITLE

EXTERIOR ELEVATIONS

A2.1







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VDG VINCENT DESIGN GROUP, INC.
ARCHITECTS AND PLANNERS
401 EAST 1700 SOUTH, SALT LAKE CITY, UTAH - (801-484-2046

PROPOSED NEW STRIP BUILDING:

EAGLE MOUNTAIN TOWN CENTER

EAGLE MOUNTAIN
ELEVATIONS

ARCH. PROJECT NO:	XX–XXX
DATE:	1/15/20
DRAWN BY:	BRENT
CHECKED BY:	
DESIGNED BY:	

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DATE	REVISION

SHEET TITLE

A-2.00

ARCHITECTURAL 1 of 1

Engineering Division
2545 North Sweetwater Road
Eagle Mountain City, Utah 84005
(801) 789-6671

Thursday, January 23, 2020

Steve Mumford
Community Development Director
Eagle Mountain City
Eagle Mountain, UT 84005

SUBJECT: Marketplace at Eagle Mountain- Traffic Impact Study

Dear Mr. Mumford:

I understand that the Marketplace at Eagle Mountain is submitting an application with the City for the development of the property on the northwest corner of Pony Express Parkway and Eagle Mountain Boulevard. Both of these roads are classified as arterials and are each designed to be 5 lane roads. The City commissioned Horrocks Engineers to perform a Traffic Demand Model update in 2019 to measure existing traffic counts, to generate future additional demands on traffic, and to use that information to make a recommendation on a time schedule for improvements to be made to the roadway to accommodate that growth.

The intent of a traffic impact study is to determine what additional traffic a project will place on the existing system, and to make recommendations for mitigation of those affects. With this study having been completed in the recent past by the City, I don't believe an additional traffic impact study completed by Marketplace would be able to provide any additional information that the City is not already aware of. It is therefore my recommendation to not require this development to provide a Traffic Impact Study. Please feel free to reach out to me with any comments, questions, or concerns. Thank you.

Sincerely,

Christopher T. Trusty, P.E.
City Engineer
Eagle Mountain City

HORROCKS ENGINEERS

2162 West Grove Parkway, Ste 400
Pleasant Grove, Utah 84062
801-763-5100
www.horrocks.com

To: **Chris Trusty, PE**

From: **Kevin Croshaw, PE**

Date: March 04, 2019 **Memorandum**

Subject: Eagle Mountain Travel Demand Model Update

The following includes the analysis to update the existing and future Travel Demand Model (TDM) as well as provide construction phasing for Pony Express Parkway.

Updated Data Used for Analysis

Existing Count Data

Existing count data provided by Eagle Mountain City was used to update the Travel Demand Model (TDM). Previous count data collected by Horrocks Engineers during the previous three (3) years were also used in this analysis. All count data is shown in **Figure 1**.

School Count Data

Existing Schools

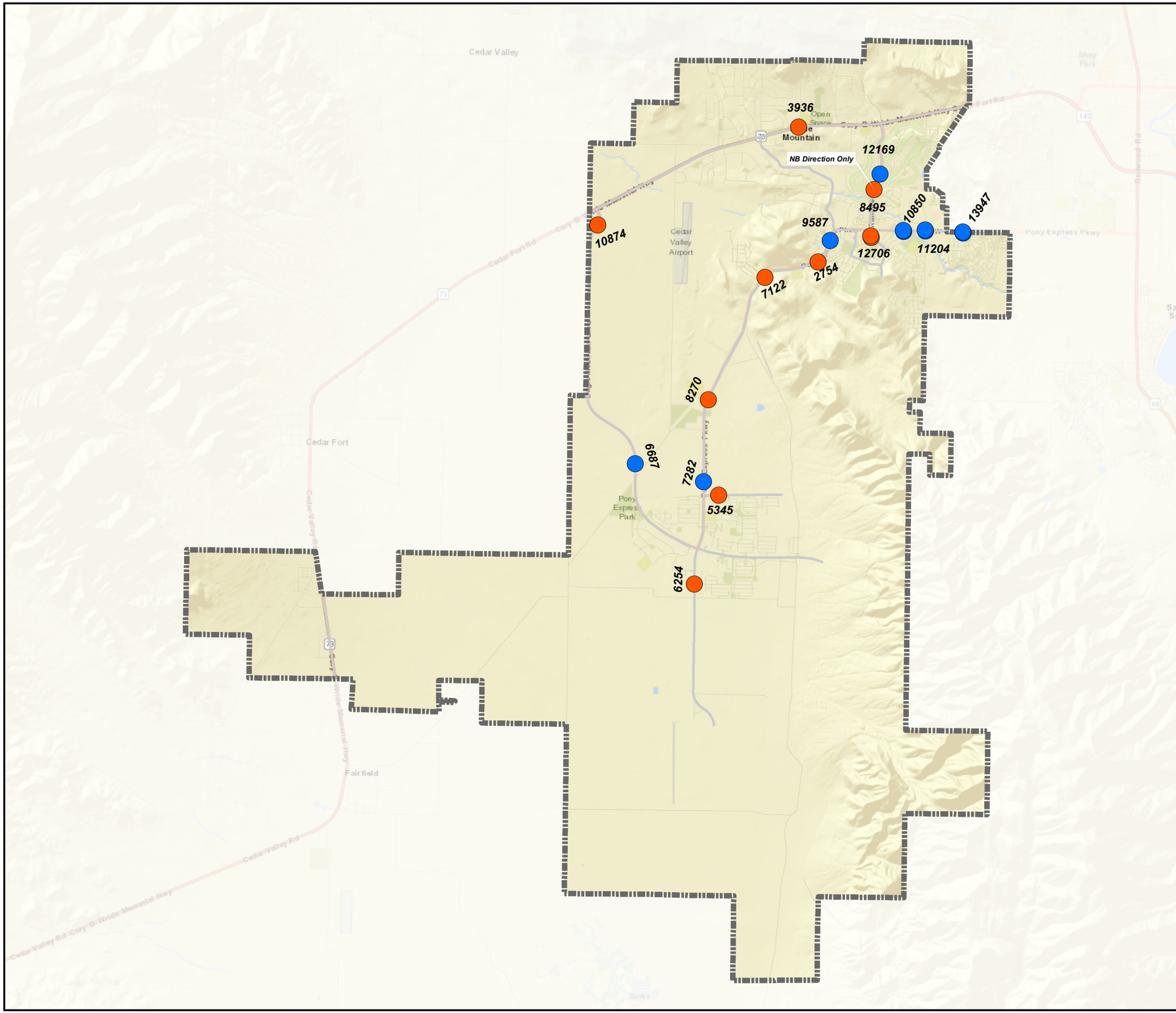
The data collection on Pony Express Parkway occurred outside of the school year. There are two schools located on this roadway that have an impact on daily traffic volume: Hidden Hollow Elementary School and Frontier Middle School. Using the existing school enrollment, an adjustment was included to existing counts on Pony Express Parkway, Eagle Mountain Boulevard, and Ranches Parkway to incorporate school traffic as shown in **Figure 2**.

Cedar Valley High School

The new Cedar Valley High School in Eagle Mountain is expected to open in the fall of 2019. The anticipated trip generation from previous studies for the high school was used and distributed throughout the Eagle Mountain roadway network. Enrollment and seasonal adjustments associated with the high school are included in the volumes shown in **Figure 2**.

MAG Travel Demand Model (TDM)

The MAG TDM was updated to include general plan and land use plan changes since the previous analysis was complete. The count data in **Figure 1** as well as the school adjustments in **Figure 2** were used to calibrate the model to match existing conditions. Once calibrated, the model can estimate future traffic volumes.



EAGLE MOUNTAIN

Eagle Mountain TDM Update

Figure 01: Traffic Count Locations

Legend

Count_Prov

- Eagle Mountain
- Horrocks Engineers
- City Boundary

N

HORROCKS

0 0.75 1.5 3 Miles

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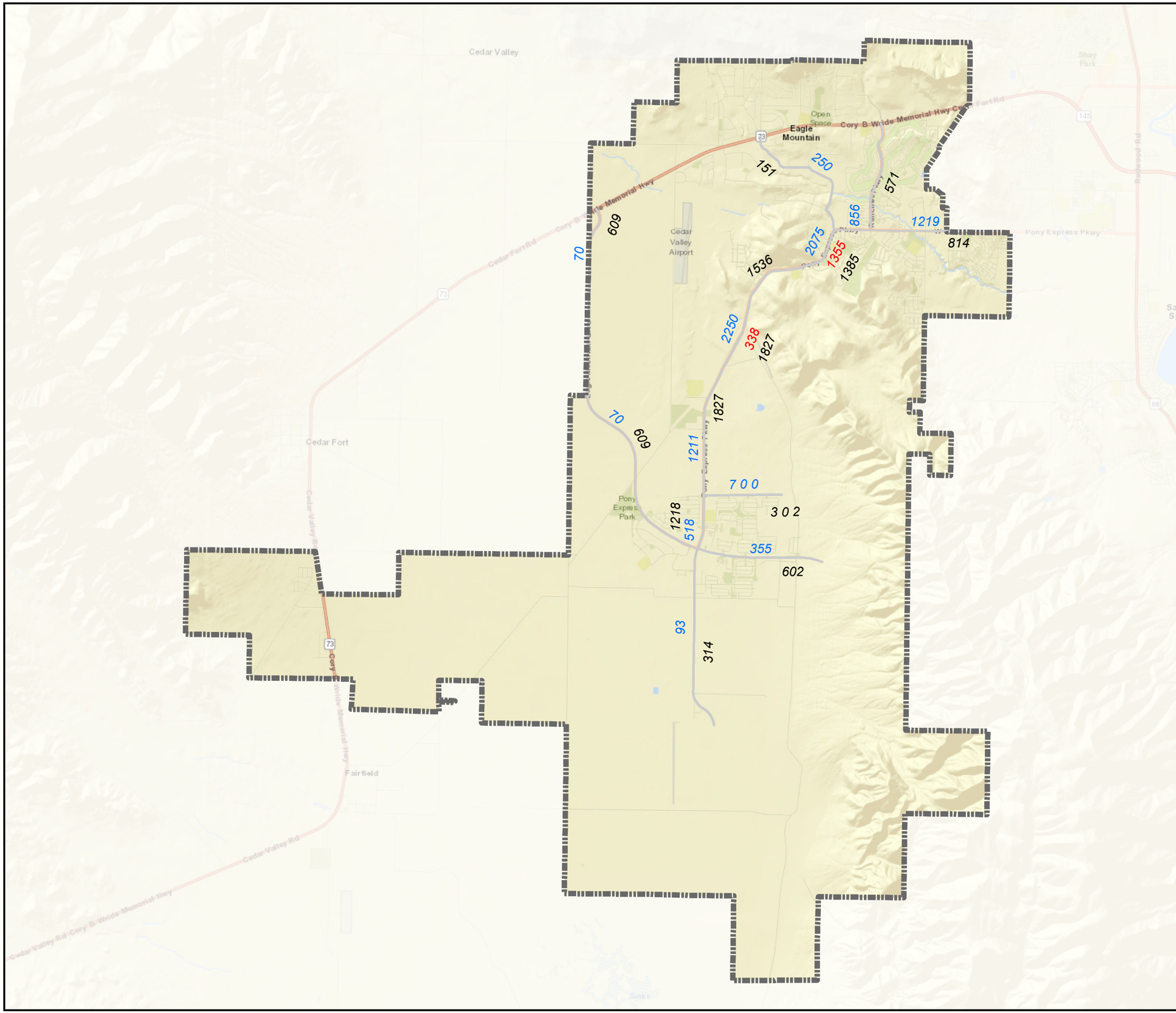

EAGLE MOUNTAIN

Eagle Mountain TDM Update

Figure 02: School Adjustments for Daily Volumes

Legend

City Boundary

School Volume

Hidden Hollow Elementary School

Frontier Middle School

Cedar Valley High School

N

HORROCKS

0 0.75 1.5 3 Miles

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Existing and Future Level of Service

Existing TDM Model

Roadway LOS is used as a planning tool to quantitatively represent the ability of a particular roadway to accommodate the travel demand. **Table 1** shows LOS traffic volume thresholds for each of the major roadways in the City. These values are based on principles from the Highway Capacity Manual (HCM) as well as regional experience. Roadway segment LOS can be mitigated with geometry improvements, additional lanes, two-way-left turn lanes, and access management.

Table 1: Eagle Mountain LOS Capacity Criteria in Vehicles per Day

Lanes	Arterial		Collector	
	LOS D	LOS E	LOS D	LOS E
2	10,000	11,500	9,000	10,500
3	11,500	13,000	10,000	11,500
4	25,000	29,000	19,000	22,500
5	26,500	30,500	NA	NA

A standard of LOS D for system streets (collectors and arterials) is used in Eagle Mountain and is typical for future planning. Attaining LOS C or better on these streets would be potentially cost prohibitive and may present societal impacts, such as the need for additional lanes and wider street cross-sections. LOS D suggests that for most times of the day, the roadways will be operating well below capacity. The peak times of the day will likely experience moderate congestion characterized by a higher vehicle density and slower than free flow speed.

Existing LOS

The LOS was calculated for each roadway according to the guidelines explained above and a LOS map is included in **Figure 3**. Based on our analysis of roadway network in and around Eagle Mountain there are three locations that are nearing an unacceptable LOS, and two segments that are already considered to be at an unacceptable LOS. The following list roadways that are either approaching capacity or above capacity and are visually shown in **Figure 2**:

Roadway Segments Above Capacity (LOS E or Worse):

- **Ranches Parkway:** Pony Express Pkwy to Porters Crossing Parkway

Roadway Segments Approaching Capacity (LOS D):

- **Pony Express Parkway:** Hidden Valley Parkway to Mid Valley Rd.
- **Eagle Mountain Blvd:** Cedar Fort Rd. to Pony Express Parkway

Mitigations to Existing Deficiencies

Although there are deficiencies in the existing network at Ranches Parkway south of Pony Express Parkway, future development shows the volumes will decline in the future and therefore,

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no mitigations are recommended. If congestion persists in this location, mitigations from Peregrine Road to Pony Express Parkway will help alleviate congestion.

Future LOS

6-Year LOS

The TDM was used to project traffic volumes six (6) years into the future to 2024. This aligns with the end of Phase I of the current Transportation Master Plan (TMP). All projects timelines were included per Figure 38 of the current TMP and is included in this memo as **Figure 4**. The 6-year LOS is shown in **Figure 5**. The following project needs to be completed in a different phase as shown in **Figure 4**:

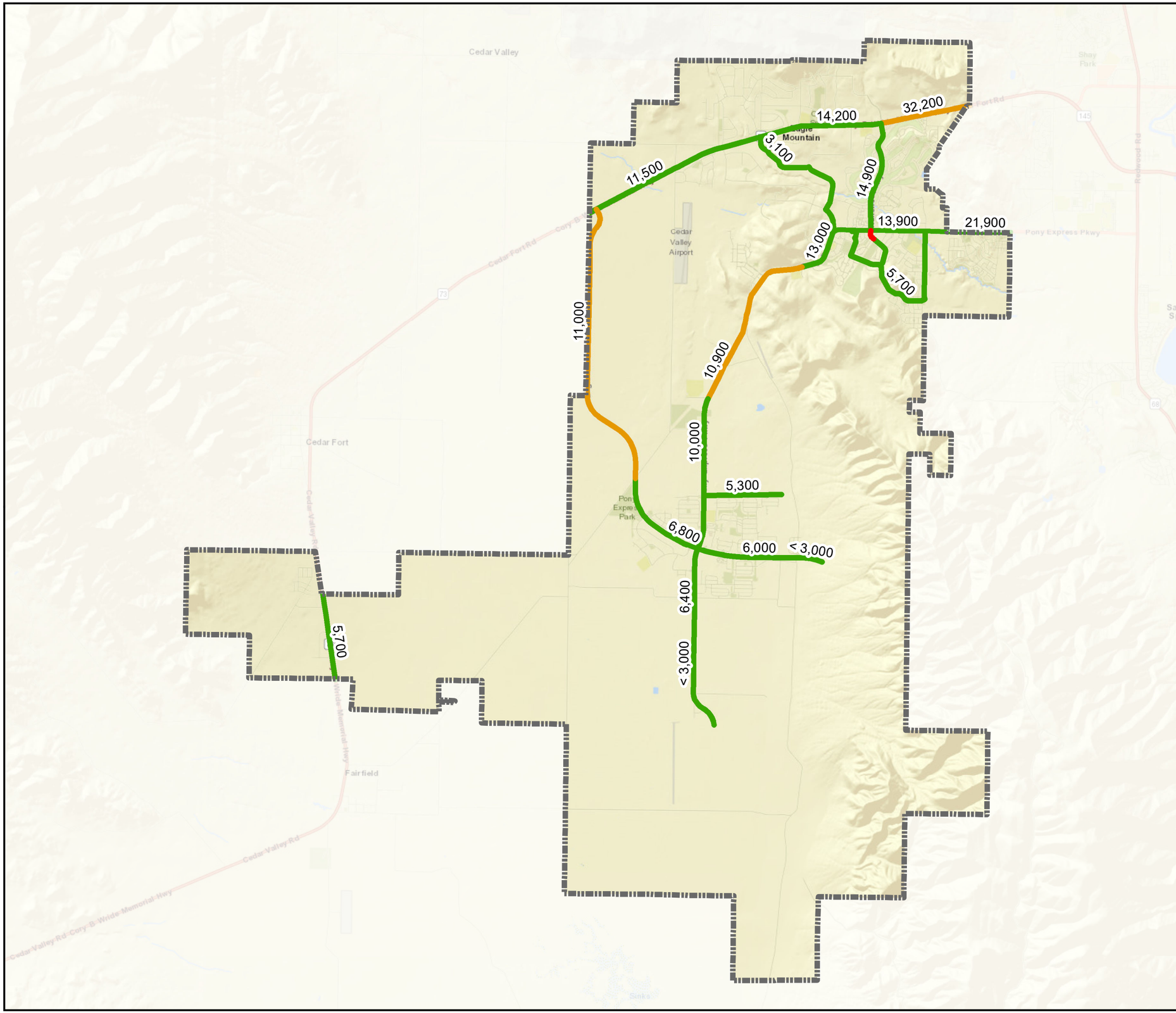
Pony Express Parkway: Project C3

Mid Valley Road to Bobby Wren Boulevard: Move from Phase 2 to Phase 1

Pony Express Parkway from Bobby Wren Boulevard to Eagle Mountain Boulevard Remains in Phase 2.

2040 LOS

The TDM was used to project traffic volumes to 2040 which aligns with Phase 2 and Phase 3 of the current TMP. Other than Project C3 indicated in the 6-year analysis, all other projects fall within proper timelines as shown in **Figure 4**. The LOS for 2040 is shown in **Figure 6**.



EAGLE MOUNTAIN

Eagle Mountain TDM Update

Figure 03: Existing Level of Service

Legend

- City Boundary

Existing Level of Service

- Acceptable (LOS C or Better)
- Acceptable (LOS D)
- Unacceptable (LOS E or Worse)

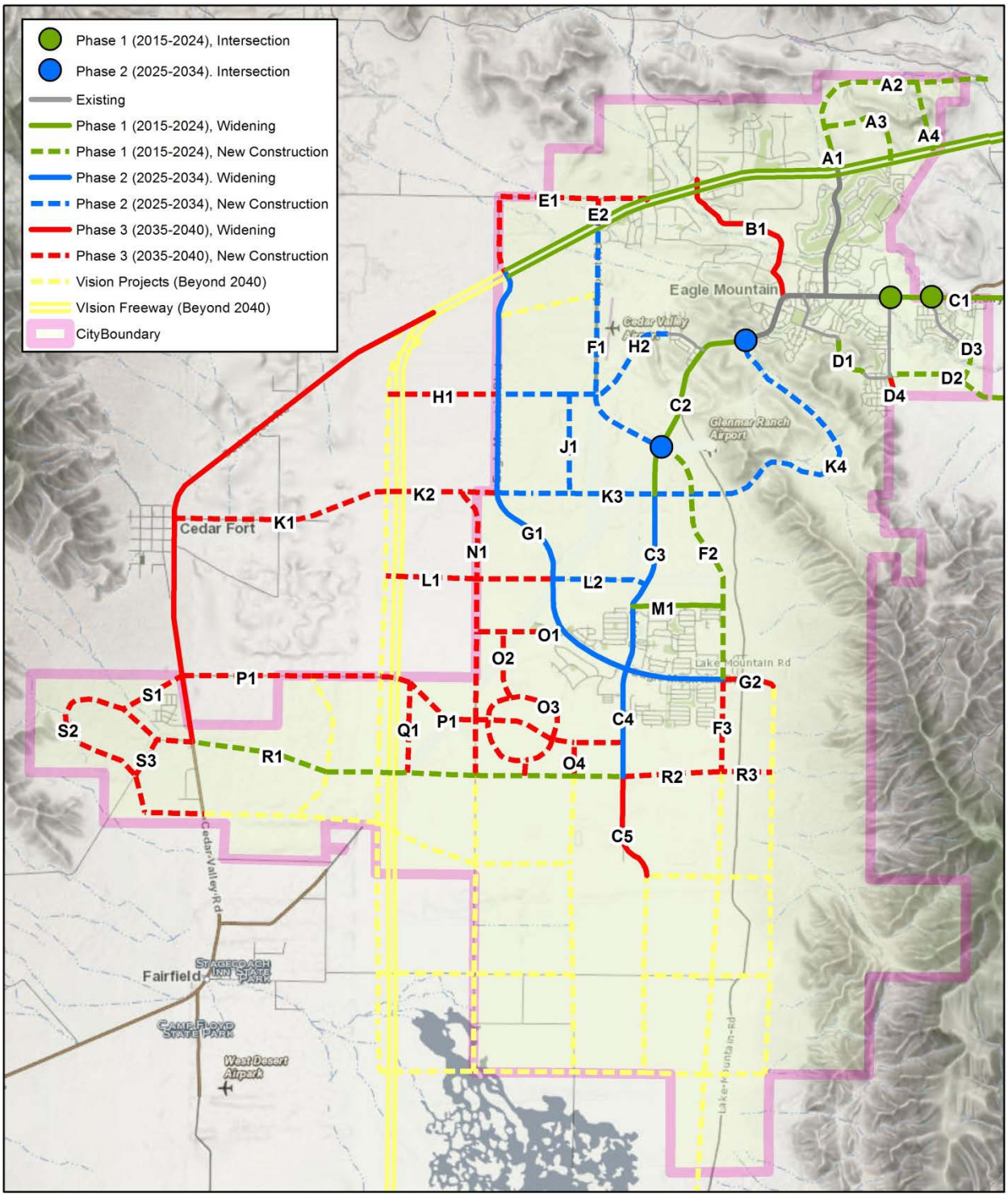
N

HORROCKS

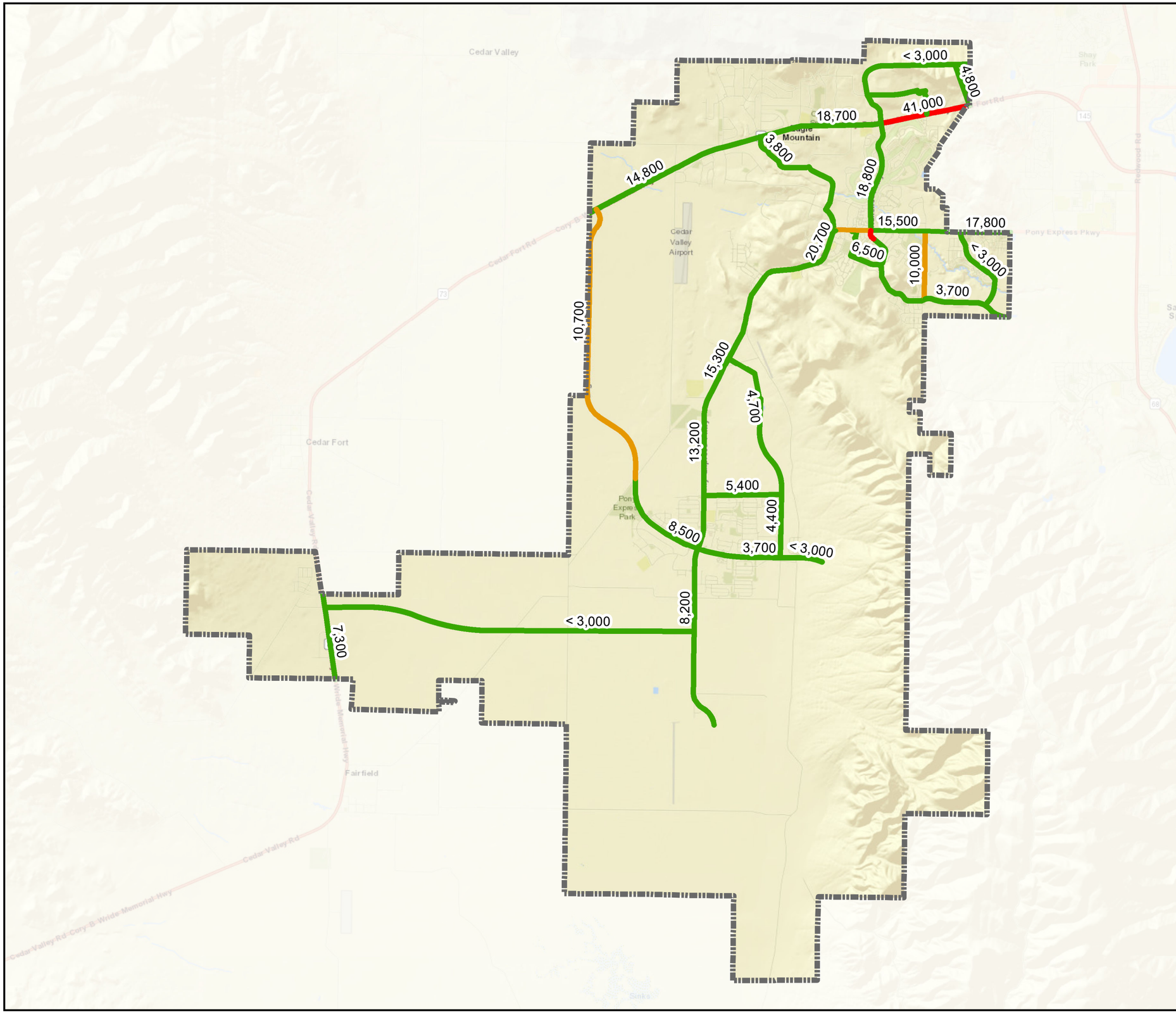
0 0.75 1.5 3 Miles

HORROCKS ENGINEERS

Figure 38 – Capitol Facilities Plan Phasing Map



Source: InterPlan



EAGLE MOUNTAIN

Eagle Mountain TDM Update

Figure 05: Six (6) Year LOS

Legend

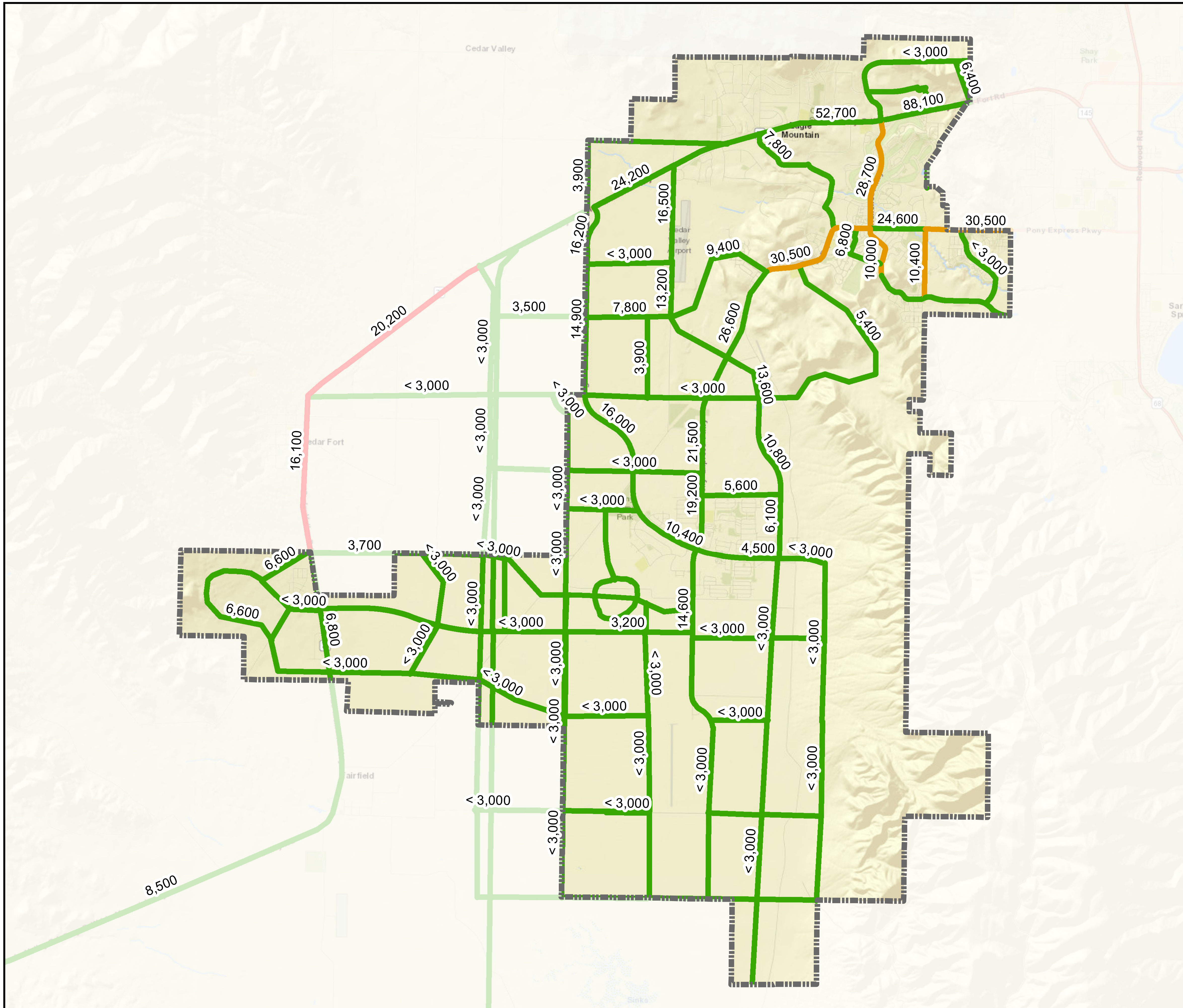
- City Boundary
- **2026 Level of Service**
- Acceptable (LOS C or Better)
- Acceptable (LOS D)
- Unacceptable (LOS E or Worse)

N

HORROCKS

0 0.75 1.5 3 Miles

HORROCKS ENGINEERS



EAGLE MOUNTAIN

Eagle Mountain TDM Update

Figure 06: 2040 LOS

Legend

City Boundary

2040 Level of Service

- Acceptable (LOS C or Better)
- Acceptable (LOS D)
- Unacceptable (LOS E or Worse)

N

HORROCKS

0 0.75 1.5 3 Miles

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Construction Phasing for Pony Express Parkway

Included in this scope of work, further investigation on Pony Express Parkway was completed to determine the best timeline for construction. The following shows the roadway segments analyzed:

1. Lake Mountain Road to Mid Valley Road
2. Mid Valley Road to Bobby Wren Boulevard
3. Bobby Wren Boulevard to Eagle Mountain Boulevard

A year to year growth was calculated based on the existing, 6-year and 2040 traffic volumes and is shown in **Table 2**. This annual growth has the assumption that growth will be uniform between 2019-2024 and 2025-2040.

Table 2: Annual Growth on Pony Express

Road Segment	Existing Volume (2018)	6-Year Volumes	2019-2024 Growth	2040 Volume	2025-2040 Growth
1	10,900	19,500	1,440	30,500	1,840
2	10,000	15,300	890	23,200	1,320
3	8,000	9,600	270	19,200	1,600

To determine the estimated construction timing, the year to year growth from **Table 2** was applied to the existing volumes and is shown in **Table 3**. The construction phasing is determined as the time when the ADT surpasses 13,000 vehicles per day (vpd). This timeframe is indicated in **Table 3** in red.

Table 3: Pony Express Construction Phasing

Road Segment	2019 – 2021 ADT	2022 – 2024 ADT	2025 – 2028 ADT
1	10,340 – 15,220	16,660 – 19,540	21,380 – 26,900
2	10,890 – 12,670	13,560 – 15,340	16,660 – 20,620
3	8,270 – 8,810	9,080 – 9,620	11,220 – 16,020

Based on the results from the analysis, the following is our recommended construction phasing on Pony Express Parkway and is represented in **Figure 7**:

- 2019 – 2021: Lake Mountain Road to Mid Valley Road
- 2022 – 2024: Mid Valley Road to Bobby Wren
- 2025 – 2028: Bobby Wren to Eagle Mountain Blvd.

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Figure 7: Pony Express Construction Phasing

EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

June 09, 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

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; Michael Hadley, Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; and Elizabeth Fewkes, Recording Secretary.

Commissioner Wood called the meeting to order at 5:30 p.m.

1. Discussion Items

1.A. Development Code Amendment – Industrial Zone – Presentation and Discussion

Commissioner Pengra presented Industrial Development: Economic Impact and Importance. He discussed the definition of economic development; economic development theories—neoclassical economic development theory, economic theory, location theory, and causation theory; common goals of economic development; heavy industry; potential benefits of industry in Eagle Mountain; competitive advantages; and the importance of zoning to mitigate encroachment and undesirable use concerns.

Assistant City Administrator/Community Development Director Steve Mumford explained the purpose of the Regional Technology and Industry Overlay Zone (RTI) was to assist in the expedition of business timelines to attract desirable industry to predesignated areas within Eagle Mountain.

Discussion ensured regarding industrial zoning, zone sunset clauses, desirable and undesirable uses, the benefits of attracting industry to the City, concerns regarding duplicate and incompatible uses, and prescriptive industrial use location designations.

1.B. Development Code Amendments – Extractive Industries Overlay & Sweetwater Industrial Overlay Zones – Discussion

Commissioner Wood presented his Industrial Zone amendment suggestions and stated the City Council desires to remove conditional uses from the Code.

Discussion ensued regarding the extension of the RTI sunset clause set to automatically repeal on May 31, 2022, industrial permitted uses, and overlay and zone qualification requirements.

The Sweetwater Industrial Overlay Zone was discussed after item 1.C.

Commissioner Wood stated he did not see the benefit of the Sweetwater Industrial Overlay Zone due to the Industrial Zone and the creation of the Light Manufacturing and Distribution Zone. He advocated for increased standards for all City development.

Commissioner Pengra stated preference for reduced zone standards in the area near the sewage treatment facility as the area would only attract industrial uses due to unpleasant odor concerns.

Commissioner Wright noted the purpose of the Sweetwater Industrial Overlay Zone is to provide industrial and business opportunities to provide buffering between the sewage treatment facility and high-end businesses and industrial uses and stated the difficulty in determining the appropriate size of area to permit to serve as a buffer.

Commissioner Everett agreed the overlay could be used strategically to provide a buffer and stated a preference to maintain the Sweetwater Industrial Zone, as the application of the overlay will require approval.

Discussion ensued regarding the desirable permitted uses, should the Sweetwater Industrial Overlay Zone be maintained.

Commissioner Wood requested for the Industrial Zone, Sweetwater Industrial Overlay Zone, and Extractive Industries Overlay Zone to return for the following work session.

1.C. Historical Preservation Zone – Discussion

Discussion ensued regarding the definition and purpose of the zone, potential applications for the zone, historical zone registries, preservation of historical areas within the City, and state and federal funding support.

Mr. Mumford stated the zone creation was necessary to qualify for grants, and he was unaware of any application of the zone currently within the City.

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

Commissioner Wood called the meeting to order at 6:39 p.m., thanked staff for their efforts to facilitate the remote meeting and excused Commissioner Erin Wells.

2. Pledge of Allegiance

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. May 26, 2020 Minutes

MOTION: ***Commissioner Everett moved to approve the May 26, 2020 minutes. Commissioner Pengra 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. Mumford stated staff is actively working on the special use standards for both the residential and commercial zones and will present the changes at the next meeting. Mr. Mumford introduced Pete Kane the recently hired Long-Range Planning Manager.

6. Action and Advisory Items

6.A. PUBLIC HEARING – AutoZone (Site Plan & Recorded Plat Amendment)

Planning Manager Mike Hadley presented the item. The application is for a recorded plat amendment and the proposed site plan for the AutoZone supply store located on lot 7 in the Porter's Crossing Town Center. The Lot is 2.39 acres with the majority of the lot located within the Tickville Wash and is zoned Commercial. A recorded plat amendment will remove the Tickville Wash from Lot 7, creating a separate lot for the wash.

The application was presented to the Planning Commission May 12, 2020 and the project was reviewed and tabled to allow the applicant to address concerns regarding architectural design and site location and to determine if a slope stability study is warranted for Tickville Wash. The public hearing was left open.

The applicant submitted updated plans which include relocating the building to the east side of property, farther away from the wash, and updated elevations replacing stucco and adding split-faced CMU. The applicant has worked with City Engineer regarding the wash and mitigation solutions.

The applicant has upgraded materials to further comply with Municipal Code. The right-side elevation could use additional roofline adjustment and architectural details; most of the right-side elevation will be blocked from visibility by the Jiffy Lube building.

The lighting/photometric plan has been submitted and complies with the dark sky ordinance. The building has been shifted away from wash; all parking and the building are located outside of the Tickville Wash Drainage Easement. The City Engineer will work with the applicant to address any concerns regarding the stabilization of the wash.

Mr. Mumford clarified regarding staff recommendations for additional roofline adjustment and architectural details for the right-side elevations and stated the preference for the left-side elevation and the addition of awnings.

Applicant representative Colby Anderson reviewed the changes to the plan to address concerns expressed by staff and the Planning Commission. He stated he would address the right-side elevation concerns with the AutoZone architects and reiterated the right side of the building would be blocked by the Jiffy Lube building and landscaping.

Commissioner Wood opened the public hearing at 6:59 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.

Commissioner Everett expressed appreciation for the applicant addressing Planning Commission concerns regarding the Tickville Wash and signage. He stated a willingness to allow reduced articulation on the right-side elevation due to the positioning of the building.

Commissioners Pengra and Wright thanked the applicant for the updated materials.

Commissioner Wright expressed concern the right-side elevation did not comply with Municipal Code standards.

Commissioner Wood stated the City Council would likely require Municipal Code adherence for the right-side elevations. He expressed appreciation for the applicant working to address concerns and for building in Eagle Mountain.

MOTION: ***Commissioner Wright moved to recommend approval of the AutoZone site plan and recorded plat amendment to the City Council with the following conditions:***

1. ***The applicant shall work with the City Engineer to address any concerns regarding the stabilization of the Tickville Wash; and***
2. ***The applicant shall work with staff to add additional roofline adjustments and architectural details to the right-side elevations adjacent to Jiffy Lube.***

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 – Sweetwater Industrial Overlay Zone (Rezone)

Mr. Mumford presented the item. The Sweetwater Industrial Master Site Plan/Preliminary Plat was reviewed by Planning commission May 26, 2020. The Planning Commission recommended approval to City Council with a vote of 4:1. This application is for a rezone to add the Sweetwater Industrial Overlay Zone to majority of the 201-acre site and includes all of the site except for the frontage along Pony Express Parkway and Tiffany Lane.

The Sweetwater Industrial Overlay Zone was created in 2015 as an alternative to an applicant-proposed development agreement for the property in question. The purpose of the overlay zone is to provide for and allow industrial and business opportunities that will provide a buffer zone between the wastewater treatment facility and higher end businesses and industrial uses. The standards and processes of the base zoning or underlying zoning shall be applicable unless modified or replaced by this overlay zone.

The property is designated mostly as Business Park/Light Industry on the City's Future Land Use and Transportation Corridors map and the property is zoned Industrial. Industrial zoning allows the site to be developed with a number of permitted and conditional uses. The Sweetwater Industrial Overlay Zone contains a separate land use table with specific permitted, conditional, and prohibited uses.

The requested zones are consistent with the land uses shown on Future Land Use and Transportation Corridor Map and comply with the policies and provisions of the City General Plan. The proposed uses and densities will be reasonably compatible with adjacent land uses, and the proposed use can be accommodated with public services and will not overburden the City's service capacity. The proposed use is within capabilities of streets serving the property and the proposed use is not expected to have a significant negative impact on surrounding property values.

Mr. Mumford reviewed recommendation options. A recommendation of approval to the City Council may be made if the application complies with the rezone criteria found in City Code, along with conditions of approval that address areas of concern, which may include (but are not limited to) specific land uses. In order to restrict certain land uses, a development agreement would likely be required, and could be drafted to be presented along with the request to the City Council. The Planning Commission should include specific recommendations to be included in the agreement. If the Commission is uncomfortable with the size or location of the proposed overlay zone, the area can also be modified. A recommendation of denial must be based upon findings of facts indicating how the project does not comply with the rezone approval criteria found in the City Code. A motion to table may be made with specific directions to give an applicant time to fully comply with the rezone approval criteria found in the City Code.

Applicant representative Scot Hazard verified the requested area for the Sweetwater Industrial Overlay Zone is located approximately 200 feet from Pony Express Parkway and Tiffany Lane and explained that those areas have been omitted from the renderings due to the need for lot line flexibility depending upon the determined uses.

Commissioner Wood reiterated his concerns expressed during the previous meeting regarding waiving a master development requirement for the application and suggested prescribed language to ensure the applicant's plan to develop commercial uses for the property along Pony Express Parkway and Tiffany Lane.

Mr. Mumford explained that overlay zones do not require a master development plan and the Planning Commission could recommend that the City Council requires a master development

agreement for the project to clarify planned uses. He stated rezone requests usually do not include land use details.

Commissioner Wood expressed concern that the uses do not fit into one zone, and regarding the property being split into industrial and commercial uses. He stated a preference for requirements to denote specific guidelines for proper buffering between the commercial and industrial areas.

Mr. Mumford stated the area was designated for industrial zoning on the Eagle Mountain Properties Master Development Plan. He explained as the zoning for the property had expired along with the master development agreement, so the property has no current vested rights. He stated the General Plan includes an Industrial Zone and the intended uses for this project concur with an industrial designation. The application for rezoning is due to the expiration of the original agreement. He said a future rezone application will be necessary for commercial applications for the section of the property along Pony Express Parkway and Tiffany Lane; it would be appropriate to rezone both areas now.

Commissioner Wood opened the public hearing at 7:24 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.

Mr. Hazard explained his comment regarding "neighborhood commercial" was intended to indicate the type of desired uses and not the Neighborhood Commercial Zone, as he is not yet familiar with the recent changes to the commercial zoning. He explained the commercial properties would be developed in the distant future, after the industrial area had been developed, and the desired uses for the proposed commercial parcels will need to be determined before the submittion of a commercial zone application, in order to apply for the applicable commercial zone.

Mr. Hazard stated lots one and two have designed development. He stated the forthcoming site plan application for site one is for a satellite communication facility and would require space for satellite dishes, metal buildings, and gravel in an enclosed area. He requested the permissibility of construction light manufacturing and assembly and construction-related businesses, as he is in discussions with businesses requiring those uses. He stated the prohibition of metal buildings would greatly increase construction costs and make Eagle Mountain an undesirable location for the potential buyers. He explained the insulated metal panel buildings planned for the area have more aesthetically appealing facades than standard corrugated and flat-panel metal buildings.

Mr. Hazard explained the request for the overlay is to allow reduced standards and costs in order to attract buyers for the area near the wastewater treatment facility. He stated the overlay was originally created for this area, the features of the area have not changed, and the overlay would accommodate the users that have expressed interest in the area.

Commissioner Wood stated the Light Manufacturing/Distribution Zone (LMD) would accommodate the requested uses except for metal building material and gravel. He said an exemption to the gravel requirement could be granted due to the area being screened by fencing. Commissioner Wood expressed concern in permitting metal buildings due to the possibility of the

future removal of the wastewater treatment facility and commercial development of the area as occurred near 700 East and 7200 South in Midvale, Utah.

Mr. Hazard explained the intended design for the satellite building application and suggested permitting metal buildings and evaluating the aesthetics of each building during the site plan approvals.

Commissioner Wood stated a willingness to evaluate the proposed metal building design, but he did not desire the entire area to include only metal buildings. He stated the areas to the north and the east have pending or active requests for residential and commercial uses. He expressed concerns regarding some permitted uses in the industrial overlay.

Commissioner Everett inquired if any of the applicant's desired uses were included as conditional, not permitted, uses on the Sweetwater Industrial Overlay Zone Use Table. Mr. Hazard stated there may be interest in the area for automobile repair facilities, electronic data and management businesses, other manufacturing business, wholesale distribution, and outdoor storage. He stated he did not intend to partner with heavy industrial uses; however, as he is the applicant representative and not the landowner, he was not in the position to guarantee future intentions for the area nor able to predict all potential business interests. He stated he could only indicate what he has discussed for the area with the landowner.

Commissioner Everett stated the applicant did not appear to be interested in the land uses that he would object to locating in that area.

Mr. Hazard suggested Planning Commission consider how to accommodate appropriate and desirable uses for the area, instead of focusing on the exclusion of uses and stated the area is appropriate for reduced uses.

Commissioner Wood stated the Sweetwater Industrial Overlay Zone is outdated and the LMD zone would accommodate Mr. Hazard's desired uses and needs, except for metal buildings.

Commissioner Wood stated the purpose of creating the LMD and other zones is to encourage development within the City.

Commissioner Pengra stated sensitive, electronic equipment requires the use of insulating rock to prevent moisture issues, and satellite equipment may likewise require specific ground material. He expressed concern that being overly prescriptive with structural and aesthetical requirements will prevent business growth, and said creating significant barriers for new businesses, especially in a struggling economy, could be detrimental to the City. He stated his preference for permissibility for the initial industrial investments in the City, including metal buildings, to increase needed job opportunities and the tax base. He stated although the Eagle Mountain Municipal Code requires updating, he does not want to delay growth while amending business standards. He suggested to condition the removal of undesirable uses and recommending approval of the rezone application.

Commissioner Wright stated a desire to be sensitive to the applicant's timetable and potential buyers and reviewed the purpose of the Sweetwater Industrial Overlay Zone to serve as a buffer.

He expressed concern with rezoning the entire requested area and suggested recommending approval for the area closest to the Wastewater Treatment Facility and areas with current potential buyers requesting industrial uses. He concurred with Commissioner Pengra's desire to encourage economic development within the City but expressed concern with approving reduced standards for a large portion of land that may not be developed for some time. He stated the zoning for other portions could be evaluated with the active applications for individual lots.

Mr. Hazard explained the road in the northeast corner of the property had been moved in response to the discussion during the approval of the master site plan.

Commissioner Everett stated he is familiar with the insulated metal panel building appearance and the buildings would be an appropriate buffer between the Wastewater Treatment Facility and other uses. He concurred with Mr. Hazard that the Planning Commission should consider and discuss the desired industry for the area and provide better use definitions on the Industrial Use Table. He concurred with concerns regarding applying the industrial overlay to the entire area. He suggested the inclusion of a five- or six-year sunset clause on the rezone approval. He stated that although the parcel is large, he was inclined to encourage the City Council to waive a master development plan for this project. He stated appreciation for the inclusion of commercial uses to buffer the proposed industrial area from the roads.

Commissioner Pengra stated the purpose of industrial areas is to place less-desirable businesses in locations away from residential and higher-end businesses. He stated being overly prescriptive in the allowed uses would exclude many industrial applications, as the inclusion of standards to address all potential uses would be impossible due to the large variety of industrial businesses. He stated industrial uses generally provide more jobs than other retail businesses, and create commerce and are important and valuable to a community. He expressed the opinion the area would not entice unattractive metal buildings; however, he was not concerned about the aesthetics of the buildings. He stated his preference to apply the overlay to the entire area with reduced standards for the original investors with the intention to be more prescriptive with future applications but expressed a willingness to recommend approval for only a portion of the property due to the concerns expressed by the other Commissioners.

Discussion ensued regarding recommending approval of the overlay for only a portion of the property and potentially designating the remaining area as a different zone such as the LMD.

Mr. Hazard stated he has been able to remain current with all the Municipal Code updating. Mr. Hazard said he had requested the Sweetwater Industrial Overlay Zone, because he was familiar with it and knew that it would accommodate the intended uses for the property. He expressed a willingness to rezone to an alternate zone designation, if it permits his desired uses. Mr. Hazard stated the LMD is not currently listed on the Eagle Mountain website as a zone option available to the public.

Mr. Mumford verified the LMD zone would be presented to the City Council at the June 16, 2020 City Council meeting.

Mr. Hazard stated as the creation of the LMD zone has yet to be approved, he had no way of knowing about or requesting the zone for this application. Mr. Hazard requested clarity regarding permissible uses to provide security to attract businesses and to prevent concerns regarding the rezone application request delays or denial of each application for the area.

Discussion ensued regarding potential Municipal Code standards to apply to industrial areas, concerns regarding rushing Municipal Code amendments to accommodate the application, recommended conditions regarding conditional and permitted uses, the request by the applicant to review the application in accordance with existing and current City zones, the potential to delay the application should the City Council not approve the LMD zone and potentially including a sunset clause for the overlay approval.

MOTION: ***Commissioner Pengra moved recommend approval to the City Council of the Sweetwater Industrial Overlay Zone rezone of parcel 59:056:0039 with a setback of 200 feet from Pony Express Parkway and Tiffany Lane and excluding the 80-acre parcel to the west with the following conditions:***

1. ***Automobile sales and/or services shall be a permitted use;***
2. ***Convenience stores shall be a permitted use;***
3. ***Electronic data management businesses shall be a permitted use;***
4. ***Laundry and dry-cleaning establishments shall be prohibited;***
5. ***Manufactured homes developments shall be prohibited;***
6. ***Motels and hotels shall be prohibited;***
7. ***Other manufacturing businesses shall be a permitted use; and***
8. ***Restaurants and banks (with drive-through service facilities) shall be prohibited.***

Commissioner Everett seconded the motion. Those voting aye: Matthew Everett and Christopher Pengra. Those voting nay: Brett Wright and Rich Wood. The motion failed with a vote of 2:2.

Commissioner Wright requested a reduction in the area to which the Sweetwater Industrial Overlay Zone would be applied to include the land south of 2580 North and between 1020 East and 1300 East (lot 1, lot 2, the 32.24-acre development area, the 10.28-acre development area) and the 2.67 acre development area east of 1300 East and South of 2450 North.

Commissioner Pengra inquired if the applicant was amenable to Commissioner Wright's suggestion and reiterated his preference to approve the area he suggested as it will be beneficial to the City.

Commissioner Everett stated he would agree to a reduction of the area included in a rezone recommendation approval, as the City Council could determine to expand or reduce the acreage. He stated his preference to include the areas proposed in Commissioner Pengra's motion that comprises of the area south of Tiffany Lane and east of Pony Express Parkway (excluding the 200-foot commercial setbacks proposed by the applicant) to 1020 East to include the 14.70-acre development area and the 29.31-acre development area.

Commissioner Wright explained the reason for the area he proposed for the industrial overlay approval was to allow the development of lot one and two and for the applicant to move forward to the City Council for feedback regarding the application. He expressed concern with approving the Sweetwater Industrial Overlay on any area within the City and stated the preference to apply the LMD or Industrial Zone at a future date once the zone has been approved with the desired standards for industrial development within the City.

MOTION: ***Commissioner Wright moved to recommend approval to the City Council of the Sweetwater Industrial Overlay Zone rezone for the following areas: lot 1, lot 2, the 32.24-acre development area, the 10.28-acre development area, and the 2.67-acre development area with the following conditions:***

1. ***Automobile sales and/or services shall be a permitted use;***
2. ***Convenience stores shall be a permitted use;***
3. ***Electronic data management businesses shall be a permitted use;***
4. ***Laundry and dry-cleaning establishments shall be prohibited;***
5. ***Manufactured homes developments shall be prohibited;***
6. ***Motels and hotels shall be prohibited;***
7. ***Other manufacturing businesses shall be a permitted use; and***
8. ***Restaurants and banks (with drive-through service facilities) shall be prohibited.***

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

Commissioner Wood recessed the meeting from 8:49 to 8:59 p.m.

7. Action Items: Marketplace at Eagle Mountain Town Center

7.A. PUBLIC HEARING -- Marketplace at Eagle Mountain Town Center (Rezone)

Mr. Mumford presented the item. The application was reviewed by the Planning Commission in January and discussed by the City Council in February. The property is located at the northwest corner of Pony Express Parkway and Eagle Mountain Boulevard and was zoned commercial C-2 in the Eagle Mountain Properties Master Development Plan. The master development agreement has expired. The applicant is requesting a rezone of approximately 27 acres to Commercial Community and approximately 14.5 acres to the Multifamily 2 Zone.

The property is designated as Community Commercial on the City's Future Land Use and Transportation Corridors map. Residential units may be an accessory use to any of these types of commercial development but may not be a stand-alone development in these areas. The Commercial Community zone in this location complies with the General Plan. The proposed Multifamily Two Zone, if seen as an accessory use to the commercial in this location, depending on the size, density, etc., could be considered appropriate as well.

The Commercial Community Zone is intended to provide areas of commercial retail, office, and services located near transportation hubs and major intersections and is designed to buffer

neighboring residential areas. The proposed Multifamily 2 area appears to be within walking distance of parks, adjacent to retail/office development, and adjacent to a major intersection of two major roads (minor arterials).

The requested zones are consistent with the land uses shown on the General Plan's Future Land Use and Transportation Corridor Map and comply with the policies and provisions of the General Plan. The proposed uses and densities will be reasonably compatible with adjacent land uses, and the pattern of proposed uses and densities will appropriately buffer potentially incompatible uses. The proposed use can be accommodated with public services and will not overburden the City's service capacity, and traffic generation by the proposed use is within capabilities of streets serving the property. The proposed use is not expected to have a significant negative impact on surrounding property values.

Commissioner Wood expressed concern regarding driving through the multifamily housing development to access the commercial locations due to no northern access to the Autumn Ridge subdivision.

Mr. Mumford stated 20 feet of improved landscape buffering along the property line between commercial and single-family lots or single-family to multifamily lots is required to meet the transitioning standards. He stated the west side of the project needs more open space in addition to the trail connection. He stated a preference for improved connectivity throughout the City; however, connectivity through neighborhoods to major roadways may increase traffic and raise concerns for residents. He stated the storm water parcel presents difficulties for road installation in the northwest corner of the project.

Applicant representative Bill Gaskill stated the applicant does not oppose a road connection to the northwest corner of the project; however, discussions with the City Council indicated a road was not desired in the area.

Commissioner Pengra inquired regarding the increase in high density acreage from the previously presented site plan.

Mr. Gaskill explained the addition of the road connection from the roundabout to Eagle Mountain Boulevard had been in response to feedback from the City Council and resulted in further redesign including the removal of the single-family units across the northern property line and the consolidation of the unusable acreage surrounding the storm drain pond. He stated the intention was to relocate, not increase the multifamily acreage.

Commissioner Wright stated favor for connectivity to the neighborhoods to the northwest of the property from Raven Way to Eagle Mountain Boulevard. He inquired regarding the volume of multifamily proposed for the project.

Mr. Gaskill indicated his expertise and focus is on the commercial properties. He said the Multifamily 2 zoning would be more appropriate for the location of the residential parcels. He explained he added the public road between the multifamily areas to prevent a large block of multifamily housing. He stated he has not calculated the density or designed a plan but is

considering townhomes for the location and indicated he would consult with a builder to determine the best housing type for the areas.

Mr. Gaskill explained in response to feedback from the previous meetings with the Planning Commission and the City Council, he discussed the project with his brokers and engineers and determined to create a business park environment. The area proposed for multifamily units is not visible from the main roadways. He said the owner of the property owns other land in the City with better visibility and viability for commercial property than the northwest portion of this property. The owner does not want to withhold more suitable commercial property from potential buyers in order to attempt to sell all the lots in this project, and the office environment is changing and experiencing demand setbacks due to the COVID-19 pandemic. He expressed the opinion that the land proposed for multifamily would not sell as office space and would remain undeveloped for a long period of time.

Commissioner Wood compared the layout to a similar location in Midvale, Utah, and stated the Midvale location has several layers of commercial properties in the area similar to that proposed for multifamily. He stated preference to delay development until commercial uses are found for the property instead of granting a rezone of a portion of the property to residential.

Commissioner Wood opened the public hearing at 9:28 p.m.

An email communication received from Reagan Peck expressed concern regarding the development of multifamily in the area and the resulting increase to traffic and stated favor for commercial development for the area.

Commissioner Wood closed the public hearing at 9:29 p.m.

Commissioner Pengra stated he understands the desire for multifamily units to compliment a commercial area. He said his calculations indicated the acreage for the multifamily discussed earlier had been relocated as opposed to increasing, but the density has increased. He stated although he does not object to higher density housing, the proposal for that many multifamily units to be ancillary to the retail space is not the best option for this area.

Commissioners Wright and Everett concurred with the preference to maintain the area as commercial zone.

MOTION: ***Commissioner Everett moved to recommend approval to the City Council of the Marketplace at Eagle Mountain Town Center rezone, rezoning the entire project to Community Commercial. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.***

7.B. PUBLIC HEARING – Marketplace at Eagle Mountain Town Center (Master Site Plan and Preliminary Plat)

Mr. Mumford explained options regarding the item as the master site plan and preliminary plat are no longer relevant, because the residential portion was recommended to be excluded from approval during the previous motion.

Mr. Mumford presented the item for the benefit of the public. The application was reviewed by Planning Commission January 28, 2020 and was recommended for approval with conditions. Several significant changes have been made to the proposal to try and resolve concerns of the Planning Commission and City Council. This is an applicant-proposed commercial and multi-family project on approximately 39 acres located northwest of the large roundabout at Eagle Mountain Boulevard and Pony Express Parkway. This project includes a grocery store, grocery expansion area, several retail and office pad sites, a future commercial area, and approximately 12 acres of multi-family residential. The City is not responsible if, over time, the project is unable to service a possible user due to undersized utilities, roadways, or other infrastructure. If upgrades to such facilities are necessary, they will be borne solely by the applicant.

Commissioner Wood opened the public hearing at 9:50 p.m.

An email communication received from Reagan Peck expressed concern regarding the development of multifamily in the area and the resulting increase to traffic and stated favor for commercial development for the area.

Commissioner Wood closed the public hearing at 9:51 p.m.

Commissioner Wood suggested tabling the item to allow the applicant to receive feedback from the City Council regarding the rezone before moving forward with changes.

Applicant representative Bill Gaskill stated the site plan would not change if the entire property is rezoned to Community Commercial. He said he could not speak to whether the applicant would accept the rezone or not. Mr. Gaskill stated the only change to the site plan would be designating the multifamily residential area to future commercial.

Commissioner Wood stated should the design not change, concerns regarding connectivity issues in the northwest corner would need to be addressed.

Mr. Gaskill stated concerns regarding the connectivity could be addressed with a condition to allow for the site plan to move forward.

Commissioner Wood stated he would like to see the road connection to Raven Way and the lighting plan before making a recommendation regarding the site plan to the City Council.

Mr. Gaskill stated the lighting plan for the public right-of-way had been submitted that did not include the interior lighting.

Commissioner Wood clarified his preference to table the item is due to the connectivity to Raven Way and potential concerns could change depending upon whether residential or commercial developments were approved for the northwest area of the project.

Mr. Mumford stated the Planning Commission could condition the connectivity to Raven Way and the commercial development in lieu of the multifamily residential in the approval recommendation for the site plan. He stated he was worked extensively on the project and the applicant has been willing to connect to Raven Way and expressed the opinion the concerns could be addressed with this application to allow the project to move forward.

Commissioner Pengra stated the road connection to Raven Way is his only concern.

Commissioner Wright inquired regarding the difference in elevations between the grocery store and the other businesses. Mr. Gaskill stated the elevations were created before they received the elevations for the grocery store last week. He explained the grocery store is a cinderblock building and the material is not suitable for the smaller buildings. He expressed a willingness to revise the elevations to be more in harmony with the design of the anchor grocery store.

Commissioner Wright stated that in fairness to the applicant, the Planning Commission could move the application forward with conditions outlining their concerns.

Commissioner Everett stated his inclination was to table the application but expressed a willingness to move the application forward with conditions.

Commission Wood expressed concern that recommending an incomplete application to the City Council would not fulfil their responsibility as a Planning Commission.

Commissioner Pengra stated the site plan applies to the areas indicated on the site plan and the lighting plan and landscaping consistency could be included as a condition.

Commissioner Wright stated it perhaps would be better to see the road connections before moving the application forward.

Commissioner Pengra stated the Planning Commission did not express more valuable insight regarding road connectivity than staff and the City Council that would merit the delayal of the project and his concerns centered on the implementation of the connectivity as opposed to the design specifics of the road layout.

MOTION: ***Commissioner Wood moved to table the Marketplace at Eagle Mountain Town Center master site plan and preliminary plat until the rezone has been reviewed and decided upon by the City Council. Commissioner Everett seconded the motion. Those voting aye: Matthew Everett, Brett Wright, and Rich Wood. Those voting nay: Christopher Pengra. The motion carried with a vote of 3:1.***

Commissioner Wood directed the applicant to review connecting Raven Way to Eagle Point Entry Road and stated the Commission does not want to approve the master site plan until the rezone is finalized.

8. Discussion Items

9. Next scheduled meeting

Commissioner Wood requested the inclusion of Industrial Zone, Historical Preservation Zone, and the Extractive Industries Overlay Zone on the agenda for discussion during the next work session. Mr. Mumford stated special use standards would also be discussed during the next meeting.

10. Adjournment

MOTION: ***Commissioner Everett moved to adjourn the meeting at 10:12 p.m. No second or vote was called.***

The meeting was adjourned at 10:12 p.m.

Approved by the Planning Commission on June 23, 2020.

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

1609_001

Final Audit Report 2020-07-09

Created:	2020-07-09
By:	Shawna Ellis (sellis@emcity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAATpp_eM_bHAi0VtyEI2vq1xr9mLd6RfjX

"1609_001" History

Document created by Shawna Ellis (sellis@emcity.org)
2020-07-09 - 7:10:50 PM GMT- IP address: 206.251.40.168

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2020-07-09 - 7:11:20 PM GMT

Email viewed by Steve Mumford (smumford@emcity.org)
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EAGLE MOUNTAIN	**EAGLE MOUNTAIN CITY** **PLANNING COMMISSION MEETING** **AUGUST 11, 2020**
TITLE:	PUBLIC HEARING - B & H Property (Rezone and General Plan Amendment)
ITEM TYPE:	Rezone
APPLICANT:	B and H Holdings/Andy Flamm

ACTION ITEM:
Yes

PUBLIC HEARING:
Yes

PREPARED BY:
Michael Hadley, Planning

BACKGROUND:

This property is located west of Brylee Estates development and north of Brandon Park development. It is approximately 162 acres in size. The property is currently zoned Agricultural. The current general plan designation is a combination of Employment Center /Campus and Neighborhood Residential One. This proposal is to change the General Plan designation to the following: keep the Neighborhood Residential One which will include the R1, R2 and R3 zones for a total of 80.16 acres; the remaining 80.17 acres is proposed to be Business which for the city's General Plan and zoning would be Business Park. Under the Neighborhood Residential One the applicant can propose a variety of single family lots ranging in size form 6,500 sq ft lot to 1/3 acre lots.

ITEMS FOR CONSIDERATION:

PROPOSED FUTURE FREEWAY

There is a proposed future freeway that does go through north and west portion of the property. It should be mentioned that on the south of the proposal is Aviator which most likely will have an access onto the proposed freeway.

GENERAL PLAN/FUTURE LAND USE MAP

The General Plan designation is a combination of Employment Center/Campus and Neighborhood Residential One. The eastern and middle portion of the proposal complies with the General Plan as Residential One. The west portion complies except a piece in the northwest corner which is designated as Employment Center/Campus. The north portion of the proposal is proposed as

Business (Business Park); this does not comply with the Employment Center/Campus designation. There are similar uses within the Employment Center/Campus and Business Park zones.

REZONE APPROVAL CRITERIA (EMMC 17.90.060)
The following are the approval criteria in the City Code in relation to rezone applications:

(A) Compliance with General Plan

The requested zones are in conflict with the City General Plan.

(B) Compatibility Determination

The proposed uses and densities are compatible with adjacent land uses and current uses.

(C) City Services

The proposed use can be accommodated with public services and will not overburden the City's service capacity.

(D) Traffic Generation

Traffic generation by the proposed use is within capabilities of streets serving the property.

(E) Property Values

The proposed use is not expected to have a significant negative impact on surrounding property values.

EMMC 17.90.070 states that "In order to ensure that future development is compatible with surrounding neighborhoods, and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any rezone application approval which restrict or specifically designate the land uses, dwelling unit density, building square footage, lot sizes, or height of structures."

REQUIRED FINDINGS:
A rezone is a legislative decision and is considered valid if reasonably debatable and not illegal. The criteria for approval for a rezone is listed in EMMC 17.90.060 and in this report.

RECOMMENDATION:

It is up to the Planning Commission and City Council to determine if the proposed change is in accordance with the intent of the City's vision and the General Plan.

A motion to approve may be made if the application complies with the rezone criteria found in the city code, along with conditions of approval that address areas of concern (see EMMC 17.90.070).

A motion to approve the rezone on a portion of the property or a modification to the requested rezone may be made if it complies with the rezone criteria found in the city code.

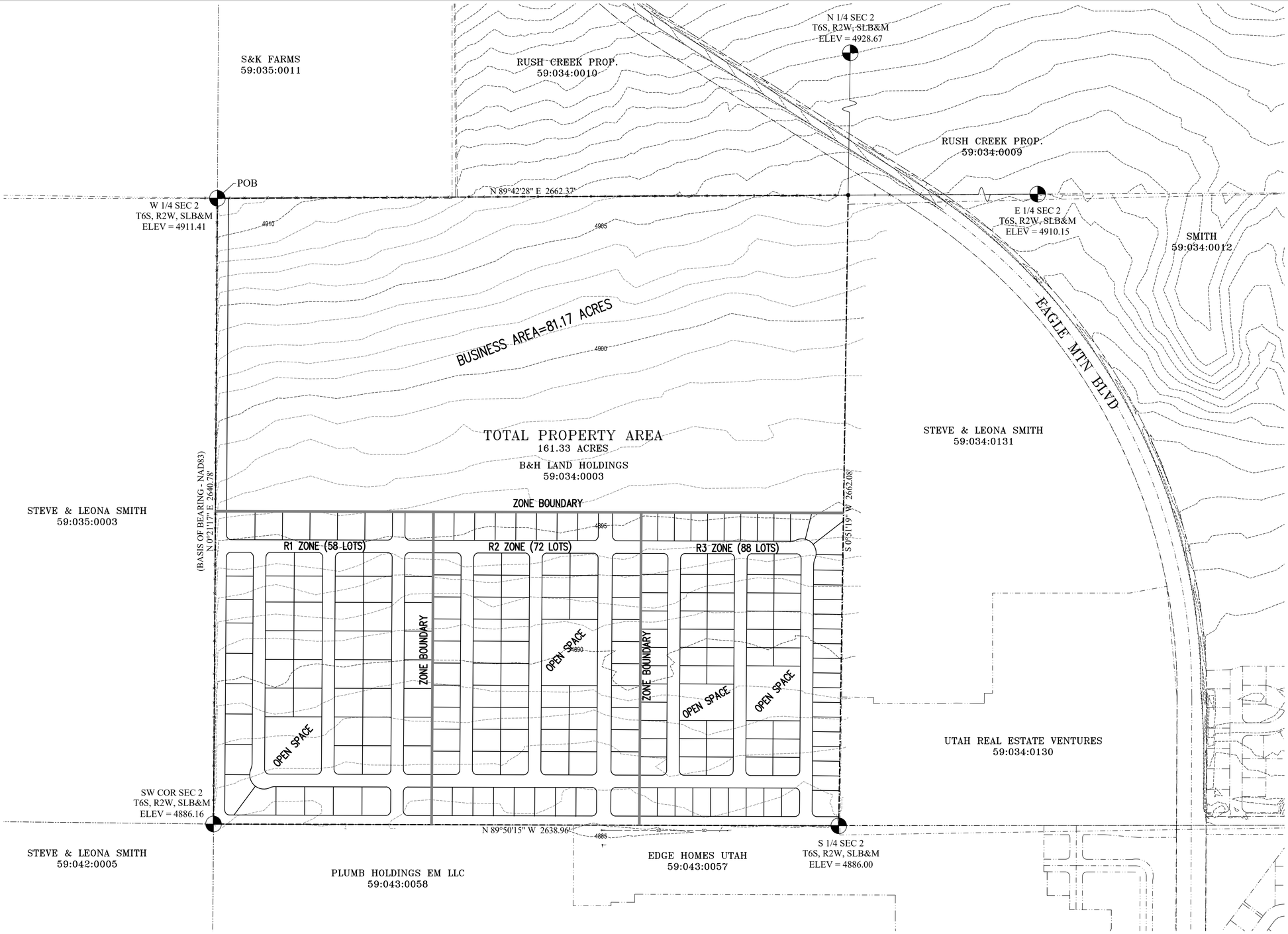
A motion to deny the rezone request may be made if the application doesn't comply with the rezone criteria. We do not recommend this action.

A motion to table may be made with specific directions to give an applicant time to fully comply with the rezone approval criteria found in the city code.

ATTACHMENTS:

B&H Rezone land use map

Approved Land Use Plan with Aerial



LEGAL DESCRIPTION

The Southwest Quarter of Section 2, Township 6 South, Range 2 West, Salt Lake Base and Meridian; also being described as follows:
Beginning at the West quarter corner of Section 2, Township 6 South, Range 2 West, Salt Lake Base and Meridian; thence North 89°42'28" East along quarter section line 2662.37 feet; thence South 0°51'19" West along quarter section line 2662.08 feet to the South Quarter Corner of said Section 2; thence North 89°50'15" West along section line 2638.96 feet to the Southwest Corner of said Section 2; thence North 0°21'17" East along section line 2640.78 feet to the point of beginning.
Area = 161.33 Acres

200 100 0 200 400 600
Scale 1" = 200'

PROPOSED ZONE DISTRICT INTENSITIES

BUSINESS AREA: 81.17 ACRES
THIS DESIGN WILL BE PREPARED IN THE FUTURE AS BUSINESSES EXPRESS INTEREST IN THIS AREA.

R1 ZONE

TOTAL AREA = 27.90 ACRES
TOTAL LOTS = 58
DENSITY = 2.08 LOTS/ACRE
MIN. LOT WIDTH=85'
MIN. LOT SIZE=10,890 S.F.
MIN. AVERAGE LOT SIZE: 14,520 S.F.
OPEN SPACE AREA PROVIDED = 750 S.F. PER LOT

R2 ZONE

TOTAL AREA = 26.58 ACRES
TOTAL LOTS = 72
DENSITY = 2.71 LOTS/ACRE
MIN. LOT WIDTH=80'
MIN. LOT SIZE=8,000 S.F.
MIN. AVERAGE LOT SIZE: 10,890 S.F.
OPEN SPACE AREA PROVIDED = 900 S.F. PER LOT

R3 ZONE

TOTAL AREA = 25.68 ACRES
TOTAL LOTS = 88
DENSITY = 3.43 LOTS/ACRE
MIN. LOT WIDTH=62'
MIN. LOT SIZE=6,500 S.F.
MIN. AVERAGE LOT SIZE: 8,500 S.F.
OPEN SPACE AREA PROVIDED = 1,000 S.F. PER LOT

REVISIONS

Rev.	Date	Description

Developer: Andy Flamm

EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; david@excelcivil.com

B&H PROPERTY

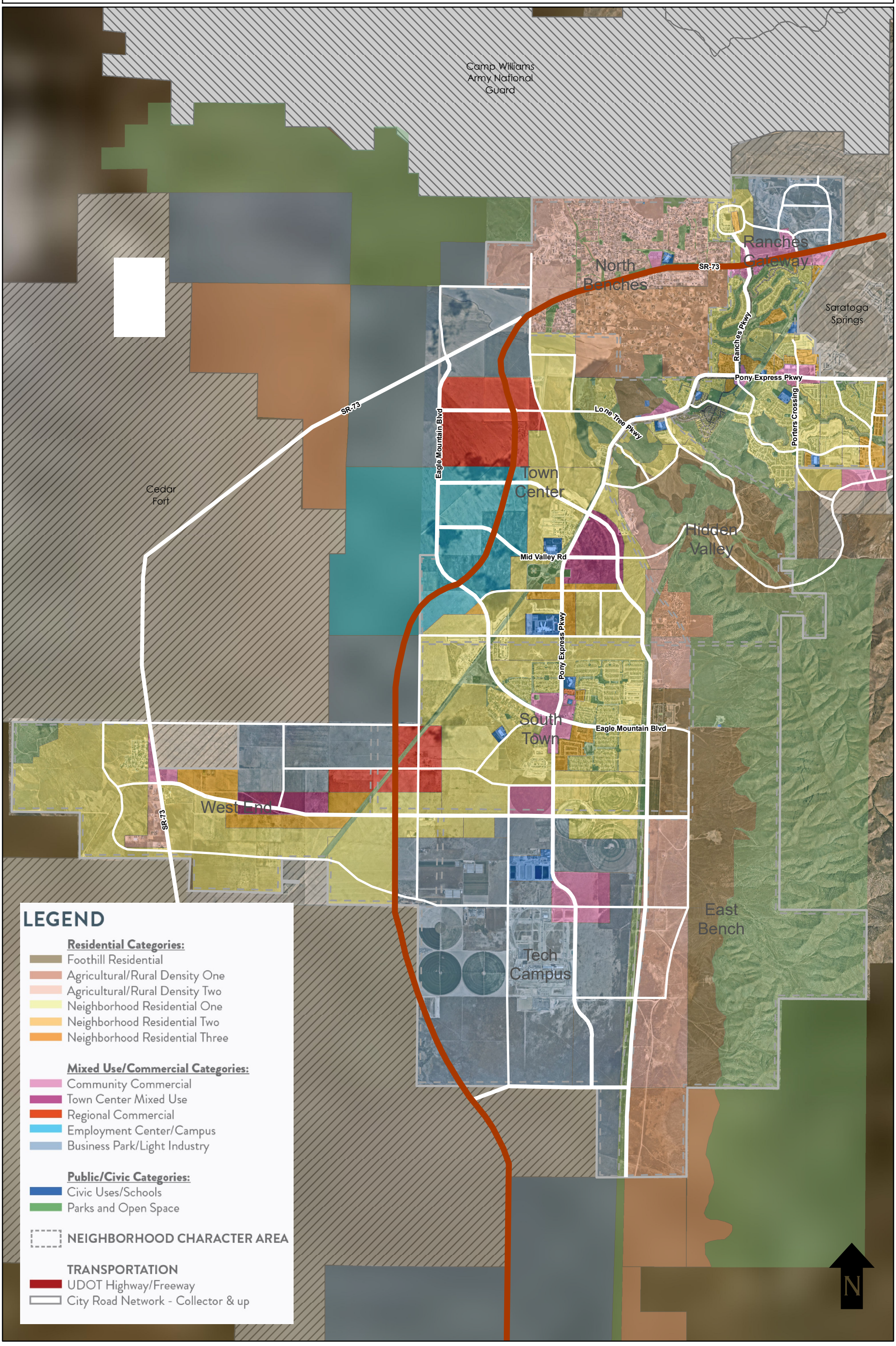
EAGLE MOUNTAIN UTAH

Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

EXISTING CONDITIONS & LAND USE MAP

Scale: 1"=200'
Date: 06/18/20
C1

ANNEXATION AREAS, FUTURE LAND USE & TRANSPORTATION MAP



EAGLE MOUNTAIN	**EAGLE MOUNTAIN CITY** **PLANNING COMMISSION MEETING** **AUGUST 11, 2020**
TITLE:	PUBLIC HEARING - Development Code Amendment for Residential Land Use Table (EMMC 17.25.030)
ITEM TYPE:	Development Code Amendment
APPLICANT:	Staff

ACTION ITEM:
Yes

PUBLIC HEARING:
Yes

PREPARED BY:
Jessa Porter, Planning

BACKGROUND:
Eagle Mountain City Code does not currently state that roosters are not permitted within the City. This amendment will revise the Residential Land Use Table (EMMC 17.25.030) to create a footnote in the row regarding chickens which will address restrictions regarding roosters.

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:
Development Code Amendments are legislative decisions and are considered valid if reasonably debatable and not illegal.

RECOMMENDATION:
We recommend the Planning Commission make a motion to recommend approval of the proposed code amendment to EMMC 17.25.030 to the City Council as presented (or with minor changes as agreed upon at the meeting).

ATTACHMENTS:
Proposed Use Table Amendment - EMMC 17.25.030.pdf

Added standards regarding roosters

17.25.030 Land use table.
This land use table contains the various land uses that are permitted, conditional, special, and prohibited uses in the residential zones. Uses that are not listed in this table are prohibited.

P = Permitted (Permitted uses may still require approval through an application process as detailed in this chapter and other chapters)

C = Conditional (Due to their unique characteristics or negative effects that may not be compatible without conditions to mitigate or eliminate the detrimental impacts. Must comply with Chapter 17.95 EMMC)

S = Special (Special uses are permitted as long as they comply with the standards listed in Chapter 17.75 EMMC that are specific to that type of use)

Blank = Prohibited

Land Use Table
Residential Land Uses

Land Use	RA1	RA2	RD1	RD2	FR	R1	R2	R3	RC	MF1	MF2
Home Businesses in Compliance with Ch. 17.65 EMMC	P	P	P	P	P	P	P	P	P	P	P
Dwelling (Single-Family)	P	P	P	P	P	P	P	P	P	P	
Dwelling (Multifamily)										P ≤ 6 units/building	P ≤ 12 units/building
Assisted Living Facility	S	S	S							S	S
Public Parks, Trails, and Recreation	P	P	P	P	P	P	P	P	P	P	P
Public and Private Utility Structures or Facilities	S	S	S	S	S	S	S	S	S	S	S
Public Building or Facilities (City Owned)	P	P	P	P	P	P	P	P	P	P	P
Religious or Cultural Meeting Halls	S	S	S	S	S	S	S	S	S	S	S
Public/Charter School	S	S	S	S	S	S	S	S	S	S	S
Private School	S	S	S								

Land Use Table
Residential Land Uses

Land Use	RA1	RA2	RD1	RD2	FR	R1	R2	R3	RC	MF1	MF2
Radio, Microwave, or Other Transmission Towers	S	S	S	S	S	S	S	S	S	S	S
Detached Accessory Apartments in Compliance with Ch. 17.70 EMMC	P	P	P	P ≥ 8,000 sq ft lot	P ≥ 8,000 sq ft lot						
Accessory Apartments within the Primary Residence in Compliance with Ch. 17.70 EMMC	P	P	P	P	P	P	P	P			
Residential Facility for Persons with a Disability (Up to 4 Unrelated Adults) in Compliance with Ch. 17.75 EMMC	S	S	S	S	S	S	S	S	S	S	S
Plant and Tree Nursery/Garden Center	S	S	S								
Chickens[1]	P	P	P	P	P	P	P	P			
Livestock/Farm Animals (See EMMC 6.10.090)	P	P	P	P							
Riding Arena (Commercial)	C	C									
Stables (Commercial)	C	C									
Equestrian Center	C	C									
Animal Care Service	S	S	S								
Temporary Sales Trailer	P	P	P	P	P	P	P	P	P	P	P
Model Home Sales Office	P	P	P	P	P	P	P	P	P	P	P

[1] Roosters are permitted in the agriculture zone; prohibited in all other zones.

EAGLE MOUNTAIN	**EAGLE MOUNTAIN CITY** **PLANNING COMMISSION MEETING** **AUGUST 11, 2020**
TITLE:	PUBLIC HEARING - Development Code Amendment for Special Use Standards
ITEM TYPE:	Development Code Amendment
APPLICANT:	Staff

ACTION ITEM:
Yes

PUBLIC HEARING:
Yes

PREPARED BY:
Pete Kane, Planning

BACKGROUND:

City Council recently approved amendments to the use tables in various zoning districts and created a permitted "special use" classification. Uses that are set as "special use" must meet standards established within EMMC 17.75. At the time of the creation of "special uses," EMMC was amended to include language that special uses were considered prohibited until special use standards were created and added to EMMC 17.75.

The amendment revises the chapter in order to organize the expanded list of special uses and group them by use type. It includes language to add standards for: assisted living facility, religious or cultural meeting halls, schools (public/private/charter), animal care service, check cashing and deferred deposit lenders, outdoor sales and display, parking garage, plant and tree nursery / garden center, portable storage / shipping container, reception/conference/meeting center, restaurant with drive-through services, sexually oriented business, tobacco specialty business, towing yards and vehicle storage, communication facilities and towers, and utilities (public and private).

ITEMS FOR CONSIDERATION:

REQUIRED FINDINGS:

Development Code Amendments are legislative decisions and are considered valid of reasonably debatable and not illegal.

RECOMMENDATION:

We recommend the Planning Commission make a motion to recommend approval of the proposed code amendments to EMMC 17.10 and 17.75 to the City Council as presented (or with minor changes as agreed upon at the meeting).

ATTACHMENTS:

EMMC 17.10 Definitions - PROPOSED

EMMC 17.75 Standards for Special Uses - PROPOSED

PROPOSED AMENDMENT TO EMMC 17.10

Red text = proposed new language

*Items listed below to be added in alphabetic order to 17.10.030

"Animal care service" means a commercial or nonprofit facility providing medical or surgical treatment, clipping, bathing or other services, including incidental boarding to dogs, cats, and other animals. Typical uses do not include kennels, short-term pet sitting, or hobby breeding; these uses shall comply with EMMC 6.05.

"Assisted living facility" means a residential facility, licensed by the State of Utah, with a home-like setting that provides an array of coordinated supportive personal and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under Utah Department of Health or the Utah Department of Human Services rules to need any of these services and who have a service plan based on the assessment, which may include: specified services of intermittent nursing care; administration of medication; and support services promoting resident's independence and self-sufficiency. An assisted living facility does not include a residential facility for persons with a disability or an adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

"Car wash" means a facility engaged in cleaning or detailing motor vehicles, including cars, passenger trucks, and recreational vehicles, whether self-service, automatic or by hand. A car wash may be an accessory use to an automobile gas station or convenience store or it may be a principal use on the lot.

"Check cashing and deferred deposit lender" means an organization involved in the providing of loans or consideration to customers in exchange for personal property, such as property titles or personal checks. Such services shall include check cashing businesses licensed and/or defined by the State pursuant to the Check Cashing Registration Act, car title loan businesses, deferred deposit loan businesses, and businesses of a similar nature offering such services as a primary function. The term financial service shall not include fully automated standalone services, such as automated teller machines, nor those used and defined herein as "bank."

"Communication facility" means a tower or structure used for transmitting a broadcast signal or for receiving a broadcast signal (or other signal) for retransmission.

"Conference center" means a facility designed for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on premises consumption.

"Drive-through service" means a feature or characteristic of a use involving sales or products or provision of services to occupants in vehicles, including drive-in or drive- up windows that allows customers to transact business or receive services or goods while remaining in their motor vehicles

"Garden center" means an establishment for the growing, cultivation, storage, or sale of plants, flowers, trees, shrubs, garden plants, bushes, landscaping materials, or similar plantings, including materials,

tools, implements, equipment, and packaged substances for the maintenance and care of such plantings intended for ornamental, garden, or landscaping purposes. Typical uses include greenhouses, plant and tree nursery, permanent tree lots, and garden supply stores. Typical uses do not include sod farms, storage sites for landscaping materials or cannabis production facilities.

"Meeting center" refers to the definition of "conference center."

"Outdoor sales and display" refers to a permanent outdoor area used for permanent display of merchandise or goods available for purchase from the business located within a permanent structure.

"Parking garage" means a communal parking structure used primarily for parking and storage of multiple motor vehicles that is either attached to, incorporated into, or detached from the primary structure. This definition does not apply to single-family residential garages.

"Plant and tree nursery" refers to the definition of "garden center."

"Portable storage" means a container that is either rented or purchased that is specifically designed and manufactured for use as a temporary storage device, not exceeding eight feet (8') in width by forty feet (40') in length or a total enclosed area of three hundred twenty (320) square feet. This definition does not include truck trailers, used semi boxes, or other similar containers that have been modified from a previous use.

"Reception center" means a facility which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations or gatherings. Such a use may or may not include on-site kitchen/catering facilities.

"Residential facility for persons with a disability" means a residence in which more than one person with a disability resides and which is licensed or certified by: the Utah Department of Human Services under Utah Code Annotated title 62A, chapter 2, licensure of programs and facilities; or the Utah Department of Health under Utah Code Annotated title 26, chapter 21, health care facility licensing and inspection act.

"Residential juvenile group home" means a twenty four (24) hours per day group living environment for adolescents under the age of 18, unrelated to an owner or operator, that helps individuals who have emotional, psychological, developmental, or behavioral dysfunctions or impairments to acquire and strengthen the social and behavioral skills necessary to live independently in the community.

"Residential rehabilitation and treatment facility" means a facility licensed by or contracted by the state of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, counseling, or educational services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health.

"Sexually oriented business" refers to the definition as provided in EMMC 5.20.

"Shipping container" refers to the definition of "portable storage."

"Subdivision sales office" means a temporary or permanent structure used in a temporary fashion for the sales activity of properties within an under-construction or recently-completed subdivision.

“Tobacco specialty business” means a retail establishment that derives thirty-five percent (35%) or more of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories, including e-cigarettes and vapor cigarettes, as defined by the Utah State Code 76-10-101.3, as may be amended from time to time and in which the sale of other products is merely incidental.

“Towing yard” means an establishment engaged in the temporary storage of vehicles that have been towed, carried, hauled or otherwise moved from public or private property for impoundment in a public or private impound yard. This use includes vehicle transport companies engaged in similar activities. This use does not include vehicle rental or sales of new or used vehicles or parts (except for necessary sales of unclaimed impounded vehicles), vehicle repair, automobile wrecking yard, junk or salvage yard, or a freight terminal.

“Vehicle storage” refers to the definition of “towing yard.”

PROPOSED AMENDMENT TO EMMC 17.75

Black text = existing code

Red text = proposed new language

Red text w/ strikethrough = existing language proposed to be removed

Chapter 17.75 STANDARDS FOR SPECIAL USES

17.75.010 What this chapter does.

17.75.020 Purpose.

17.75.030 Applicability.

17.75.040 Residential-related uses.

~~**17.75.030 Automobile service station and car wash operations.**~~

~~**17.75.035 Construction office trailers.**~~

~~**17.75.040 Temporary subdivision sales offices.**~~

17.75.050 Civic-related uses.

17.75.060 Commercial-related uses.

~~**17.75.050 Nonresidential adult group care facility or child group day care/preschool center.**~~

~~**17.75.060 Residential facility for persons with a disability.**~~

~~**17.75.070 Residential rehabilitation and treatment facility.**~~

~~**17.75.080 Residential juvenile group homes.**~~

17.75.080 Industrial-related uses.

17.75.090 Utility-related uses.

17.75.100 Temporary uses.

17.75.110 Ancillary uses.

~~**17.75.090 Storage of commercial vehicles.**~~

~~**17.75.100 Temporary commercial uses.**~~

~~**17.75.110**~~ **17.75.120 Unbuildable land.**

~~**17.75.120 Swimming pool, hot tub and spa safety requirements.**~~

17.75.010 What this chapter does.

This chapter identifies various supplemental land use provisions applicable to all zoning districts. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.1)].

17.75.020 Purpose.

The purpose of this chapter is to provide supplemental land use provisions that apply to conditional and special uses in all zoning districts which are designed to protect and preserve the general health, safety and welfare of the public. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.2); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.2)].

17.75.030 Applicability.

In addition to the standards included in this chapter, all other chapters shall apply to the uses as applicable including, but not limited to, EMMC 17.55 Off-Street Parking, 17.56 Outdoor Lighting Standards, 17.60 Landscaping, Buffering, Fencing and Transitioning, 17.62 Ridgeline Protection Standards, 17.72 Commercial and Multifamily Design Standards, 17.80 Sign Regulations and Sign Permits, and 17.100 Site Plan Review.

Where any provision of federal, state, county, or city statutes, codes, or laws conflicts with any provision of this chapter, the most restrictive shall govern unless enforcement will result in a violation of the federal, state, county or city statutes, codes, or laws.

17.75.040 Residential-related uses.

~~17.75.050~~ 17.75.041 ~~Nonresidential~~ ~~adult~~ Adult group day care facility or child group day care/preschool center.

Development or operation of a group day care or preschool center must be approved by the planning commission, and must be found to conform to the following requirements:

A. Nuisance/Threat. It shall not create a nuisance or pose a threat of danger to persons or property on existing or proposed land uses within the vicinity.

B. State Recommendation. It shall receive the approval of the Utah State Department of Social Services.

C. Parking. It shall provide required parking spaces on the site and an adequate pickup and delivery area.

D. Frontage. The site shall have frontage on a street with an existing or proposed right-of-way of 60 feet or greater.

E. Nonresidence. Overnight housing is not permitted. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.5); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.5)].

17.75.042 Assisted living facility.

Assisted living facilities may be permitted only where:

A. State Licensing Required. All assisted living facilities shall receive the approval and license from the Utah Department of Human Services.

B. Building Design. All buildings shall comply with the requirements of EMMC 17.72.

C. Building Placement and Orientation. All buildings in the assisted living facility shall front onto a right of way that is accessible to emergency vehicles, unless an alternately appropriate orientation toward an inner courtyard or green space is approved along with a site plan.

D. Site Plan. All assisted living facilities shall be subject to the site plan review process outlined in EMMC 17.100 and have an approved site plan with the following:

a. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting shall be designed as integrated portions of the total development and shall present a residential character.
b. Pedestrian and automobile circulation shall flow in a logical manner and integrate neighborhood street connectivity.
    i. To encourage connectivity, assisted living facilities shall emulate the existing neighborhood street pattern and design and connect to public street networks and adjacent private street networks at all logical points.
    ii. The project shall be served by an internal pedestrian and automobile system which provides safe and convenient access to each dwelling unit and adequate circulation within the project.
    iii. Traffic calming measures such as lateral shifts, raised crosswalks, bulb outs, or chicanes shall be incorporated where appropriate.
    iv. Pedestrian pathways shall be provided between access points, entryways, public gathering nodes, and parking areas. Pedestrian access points shall be installed between the project and the external neighborhood.

E. Residents. No person who is being treated for alcoholism or drug abuse may be placed in an assisted living facility.

~~17.75.060~~ 17.75.043 Residential facility for persons with a disability.

~~A residential facility for persons with a disability is a conditional use in any zoning district where residential dwellings are allowed.~~ "Disability" is defined in Section 57-21-2, Utah Code Annotated 1953.

A. Application. A ~~conditional~~special use application for this use must include the following information:

a. ~~All application requirements listed in Chapter 17.95 EMMC, Conditional Uses, except the following items: survey; grading, drainage, and erosion plan; lighting plan; traffic impact study; signage plan.~~ Ownership Affidavit. A document detailing all covenants, grants of easement or other deed restrictions applicable to the site and an ownership affidavit shall be submitted.

b. Vicinity Map. A vicinity map (which can be included on the site plan) showing the general location of the subject parcel.
c. Context Plan. A context plan including the existing features within 200 feet of the proposed site plan property line. Existing features include, but are not limited to, natural drainages, topography, buildings, ingress and egress points, landscaping areas, pedestrian paths, names of surrounding property owners and their respective locations.
d. Site Plan. A site plan is required and must be prepared and stamped by licensed and/or certified professionals.
e. Landscaping Plan. A landscaping plan, prepared and stamped by a licensed landscape architect, indicating the location, spacing, types and sizes of landscaping elements, sprinkler system plans, existing trees, and showing compliance with the city's off-street parking requirements, the city's design guidelines and policies, and the requirements of the appropriate zoning district.
f. Elevations. Elevations of all buildings, fences and other structures viewed from all sides indicating heights of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials. A letter of approval from the applicable architectural review committee must also be submitted.

~~b~~g. The maximum number of residents being proposed.

~~c~~h. A thorough description of the conditions/diagnoses that are requiring these individuals to stay at a group home.

~~d~~i. The number of trained professionals/supervisors that will be on site at a time.

~~e~~j. Any special precautions planned to keep visitors and neighbors safe and nuisance-free.

~~f~~k. A floor plan showing the exact places of residence, restroom facilities, location of office staff, as well as any security measures taken.

~~g~~l. Sufficient information to show compliance with all requirements of this section.

B. Approval Process. ~~The approval process for a conditional use permit shall follow the process found in Chapter 17.95 EMMC, Conditional Uses.~~ Upon being approved by the ~~planning commission~~city, the operator of the facility shall secure a business license from the city.

C. A ~~conditional~~special use ~~permit~~ shall be approved by the ~~planning commission~~city based only on compliance with the following requirements (and those of a subsequent section, if applicable):

a. The group home shall be occupied by no more than eight residents who meet the following criteria as individuals who are disabled or handicapped: having a physical or mental impairment that substantially limits one or more of a person's major life activities. "Persons with a disability" does not include persons diagnosed with kleptomania, pyromania, transvestism, pedophilia, exhibitionism or voyeurism, or any history of sexual or physical assault, not resulting from physical impairments or other disorders.

b. Occupancy by any paid, professional staff member shall only be allowed if such occupancy is primarily for the purpose of serving the residents and not primarily a benefit of employment to the staff member.
c. The applicant must verify compliance with all applicable requirements, regulations, and standards of the Utah State Department of Human Services and the owner/operator shall obtain all licenses required by the state to operate such a home.
d. The group home shall conform to all state and local building, safety, health, and zoning requirements applicable to similar structures.
e. Separation. No residential group home or facility may be located within a one-mile radius of another existing group home of any type, measured in a straight line from property line to property line.
f. Nuisance/Threat. It shall not create a nuisance or pose a threat of danger to persons or property on existing or proposed land uses within the vicinity.
g. Parking. A parking plan and improvement schedule shall be submitted, including a minimum of one parking stall for each resident of the group home in order to properly provide for staff and visitor parking, landscaping to screen the parking areas, and a schedule for completion of the additional parking and landscaping. A pickup and delivery area shall be provided if appropriate. Parking areas shall not be allowed to change the residential character of the property.
h. The only outdoor signage permitted is a nameplate and address sign no larger than two square feet, and property control signs (no parking, no trespassing, etc.).
i. The group home shall not be made available to or occupied by any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in physical damage to the property of others. An individualized written assessment of each person who is proposed to become a resident of the group home shall be performed to determine if such person would constitute a direct threat prior to allowing occupancy of the group home by such person. The assessment shall be performed and certified by an independent medical doctor (MD), licensed clinical social worker (LCSW), licensed professional counselor (LPC), licensed psychologist, licensed psychiatrist, licensed substance abuse counselor (LSAC) or nurse practitioner (APRN) that is licensed and approved by the Utah Department of Professional Licensing (or other equivalent licensing board of another state) and certified in mental health counseling. The licensee shall not admit any person who has a history of sexual or physical violence or who may be a threat to themselves or someone else. The licensee shall provide documentation to the Utah Department of Human Services, Office of Licensing, that an individualized assessment has been performed for each resident, and no person will or does reside in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or whose tenancy would result in physical damage to the property of others.
j. The residents must be properly supervised and monitored on a 24-hour basis.
k. The group home shall be used as a group home without structural or landscaping alterations that would change the structure's residential character. Landscaping shall be established and well-maintained in a manner consistent with the standard of maintenance for yards and landscaping of other homes in the immediate neighborhood.

l. No person sentenced for a felony crime of possession with intent to distribute a controlled substance, distribution of a controlled substance, a crime involving the use of a weapon, firearm or violence, burglary, unlawful entry, or sexual crimes shall be an occupant or staff member in the group home.
m. No professional counseling, therapy or other treatment shall be provided in the group home for any person other than a resident or invited guest of the resident of the group home.
n. The licensee shall maintain and provide sufficient documentation and other evidence reasonably required by the Utah Department of Human Services, Office of Licensing, and will be available for inspection upon request to establish compliance with the requirements of these conditions for use of the premises as a group home. Appropriate authorities and licensing entities shall have the right to inspect appropriate documentation upon request to verify compliance.
o. The licensee shall at a minimum provide the following information and shall notify the city whenever any of the following information changes:
    i. The name, address, and telephone number of the licensee or applicant;
    ii. The name, address, and telephone number of each person who has an interest in the ownership or operation of the group home whether personally or through a partnership, corporation, trust or other entity;
    iii. Any changes to the group home's policies and procedures manual (including house rules).
p. The licensee (or designee) shall maintain compliance with the requirements of all conditions under their licensure (including conditional use permit conditions). In addition, upon receipt of notice of a possible violation, the licensee (or designee) shall immediately investigate whether a violation has occurred and take appropriate enforcement action. The licensee must comply with and assist the Utah Department of Human Services, Office of Licensing, and/or the city in investigating complaints or licensing violations.
q. The city may deny the issuance of a license to operate the group living home to a person (including any entity) if the city reasonably finds that issuance of a license or permit to such person would likely create a threat to the health or safety of other individuals or would likely result in physical damage to the property of others. The city may also deny the issuance of a permit if the applicant or any person described in compliance with subsection (C)(16) of this section has a history or has been found guilty of operating a similar facility in violation of state or local law.
r. The permit and license issued pursuant to the conditions set forth herein shall be nontransferable and shall terminate if the structure is devoted to a use other than a group home or the structure or use fails to comply with all conditions, building, safety, health and zoning requirements of the Eagle Mountain City Code applicable to similar structures.
s. Failure of the licensee to comply with or to enforce any of the conditions herein shall result in a review of noncompliance by the Utah Department of Human Services, Office of Licensing, which may result in fines, probation, and revocation of licensure. If the Utah Department of Human Services, Office of Licensing, revokes the license for this

location, this conditional use permit automatically expires. Conditions violated that are not enforced by the Utah Department of Human Services, Office of Licensing, may lead to violation notices and fines by the city, and eventual revocation of the business license and conditional use permit. A first violation shall result in a violation notice. A second violation occurring within any 18-month period shall result in a fine of $500.00 to the licensee. A third violation occurring within any 18-month period shall result in a fine of $2,000 to the licensee. The fines set for violation as provided herein shall be paid within 10 days of receipt of the notice of the imposition of the fine. A fourth violation occurring within any 18-month period shall result in the revocation of the license to operate the group home and no license shall be reissued to the licensee, the principals of the licensee if the licensee is an entity, or any alter ego of the licensee for a period of at least two years following such revocation. Eagle Mountain City shall have the right to deny a permit to any individual or entity (or their principals or alter ego) that has had more than one revocation of a permit to operate a group home.

D. As provided for by the Fair Housing Act, an applicant may request a reasonable accommodation to a requirement if it is necessary to afford persons with disabilities an equal opportunity to use and enjoy housing. This is done as part of the conditional use application. Requests for modifications of requirements are unreasonable if the request imposes an undue burden or expense on the city or the use fundamentally alters the zoning scheme. [Ord. O-04-2015 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A)].

~~17.75.080~~ 17.75.044 Residential juvenile group homes.

~~A juvenile group home is a 24-hour group living environment for adolescents under the age of 18, unrelated to an owner or operator, that helps individuals who have emotional, psychological, developmental, or behavioral dysfunctions or impairments to acquire and strengthen the social and behavioral skills necessary to live independently in the community.~~ In addition to the requirements of EMMC 17.75.0~~60~~43, a residential juvenile group home must be found to conform to the following additional requirements:

A. The applicant must verify compliance with all applicable requirements, regulations, and standards of the Department of Human Services of the state of Utah governing the licensing and operation of juvenile group homes.

B. The facility shall be occupied only by individuals under the age of 18 and paid, professional staff members.

C. A juvenile group home shall not include any persons referred by the Utah State Department of Corrections, any adult or juvenile court, or the juvenile justice system.

D. No individual who has an impairment due to addiction of any controlled substance or alcohol and currently uses such controlled substance or alcohol may be a resident.

E. A juvenile group home shall not provide outpatient treatment. [Ord. O-12-2009 § 2 (Exh. A)].

~~17.75.070~~ 17.75.045 Residential rehabilitation and treatment facility.

In addition to the requirements of EMMC 17.75.0~~60~~43, a residential rehabilitation and treatment group home must be found to conform to the following additional requirements:

A. All staff members shall be over the age of 18. The group home shall be occupied only by individuals over the age of 18 who meet the following criteria as individuals who are disabled or handicapped: having a physical or mental impairment that substantially limits one or more of a person's major life activities. Admission criteria may also include but are not limited to the following:

a. Individuals who have been diagnosed with an addiction to alcohol or a controlled substance (as defined in Section 58-37-2, Utah Code Annotated 1953, as amended) who are not currently using controlled substances and are medically stable;
b. Individuals who are unable to abstain from the use of alcohol or a controlled substance without the structured supportive setting offered by a group home; and
c. Individuals who have completely and voluntarily abstained from the use of alcohol and all controlled substances and are medically clear for treatment.

B. The licensee shall not allow any person to become a resident of the group home until the licensee has verified compliance with the requirements of subsection A of this section. For purposes of verifying compliance with subsections (A)(1) and (2) of this section, the licensee shall obtain written certification, from a medical doctor (MD), licensed clinical social worker (LCSW), licensed professional counselor (LPC), licensed psychologist, licensed psychiatrist, licensed substance abuse counselor (LSAC) or nurse practitioner (APRN) certified in mental health and substance abuse counseling, that the proposed resident meets the criteria of those subsections. For purposes of verifying compliance with subsection (A)(3) of this section, the licensee shall keep current statistics, census records, clinical records and documentation of medical stability. Statistic and census records that are not protected by confidentiality may be viewed by licensing entities upon request.

C. All residents in the home must completely abstain from using alcohol and controlled substances during the period that they are residents in the group home. Any resident of the group home who uses alcohol or a controlled substance, whether on or off the premises, shall be immediately expelled from the home and shall not be readmitted without meeting the screening criteria in subsection A of this section. However, nothing contained herein shall be construed to prohibit a resident from taking a prescription drug for which a resident has a valid and current prescription.

D. No, alcohol, unprescribed controlled substances or drug paraphernalia shall be allowed on the premises of the group home. Firearms shall be prohibited on the premises and may be carried only by private security or uniformed peace officers that hold legal permits to carry. No resident of the group home shall initiate any contact of any kind with residents of the neighborhood except:

a. In the case of notice or prevention of an emergency which may cause personal injury, death or substantial property damage.
b. Residents who are cleared by staff to attend local worship services.

E. In order to verify ongoing abstinence from drugs and alcohol, each resident shall submit to at least three random urinalysis tests per month that test for the presence of alcohol and controlled substances. Any resident testing positive for alcohol or nonprescribed drugs, or who refuses to submit to a test, shall be immediately expelled from the group home. The licensee shall maintain records of urinalysis test results. Such records are available to the Utah Department of Human Services, Office of Licensing, for inspection upon request. At least one substance abuse or alcohol testing method must occur daily, including one of the following: urinalysis, blood, hair follicle, and breathalyzer~~,~~ or visual. The licensee tracks statistics on race, gender, relapse, and many other verifiable conditions that may be made available upon request. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.6); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.6). Formerly 17.75.060].

17.75.050 Civic-related uses.

17.75.051 Religious or cultural meeting halls.

Religious and cultural meeting halls may be permitted only where:

A. Parking. The development shall comply with EMMC 17.55.

B. Outdoor Lighting. The development shall comply with EMMC 17.56.

C. Landscaping. The development shall comply with EMMC 17.60.

17.75.052 Schools (public/charter/private).

Schools may be permitted only where:

A. Parking and Vehicle Stacking.

a. Parking requirements shall comply with EMMC 17.55.
b. Adequate off-street stacking areas which are completely contained on site for student pickup and dropoff are required. No offsite stacking is permitted.

B. Pedestrian Access.

a. All driveways on the school property shall have at least one sidewalk.
b. Primary pedestrian crossings shall employ traffic calming features such as speed tables and striping. Secondary pedestrian crossings shall employ a minimum of striping and signs.

C. Setbacks (Charter Schools). Outdoor play areas shall be setback from property lines by at least fifteen feet (15') made up of substantial landscaping, fencing or wall, and berming where feasible.

17.75.060 Commercial-related uses.

17.75.061 Animal care service.

Animal care services may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Visibility. An outdoor space used for waiting or care is fully screened.

C. Overnight Keeping. The overnight keeping of animals is allowed only for treatment purposes. Overnight boarding is strictly prohibited.

~~17.75.035~~ 17.75.062 Automobile gas/service station and car wash operations.

~~As conditional uses, a~~Automobile gas/service stations and/or car wash operations may be permitted only where:

A. Nuisance. They will not be a nuisance to residences and other surrounding uses.

B. Traffic Congestion. They will not cause traffic hazards or undue traffic congestion.

C. Lot Size. An automobile gas/service station or a freestanding car wash site area will have a minimum of a 15,000-square-foot parcel. The lot frontage, if located on an arterial or collector street, will not be less than 125 feet.

D. Automobile Gas/Service Station or Car Wash Setbacks. Automobile gas/service stations or car wash operations with gasoline pumps will have buildings of the type of construction as defined in the International Building Code, and are to be located at a distance of not less than 25 feet from property or building setback lines.

E. Canopy Setbacks. Gasoline pumps and pump islands for car wash operations or gas/service stations shall have a canopy and the setback (measured from the edge of the canopy) shall be not less than 25 feet from any property lines or shall be in conformity with the building setback lines of the zoning district, whichever is greater.

F. Driveway Design. Driveway design and spacing for automobile gas/service stations or car wash operations shall be reviewed by the city engineer, whose recommendation will be forwarded to the planning commission.

G. Distance to Other Uses. The minimum closest distance from the automobile gas/service station or car wash with gas pumps site to an existing school, park, playground, museum or place of public assembly will be not less than 500 feet.

H. Outdoor Storage or Rentals. No outdoor storage of rental trucks or trailers, stacks of tires or other merchandise will be conducted by the automobile gas/service station or car wash operation except when such equipment or merchandise is screened by an approved fence not less than six feet in height. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.3); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.3)].

17.75.063 Check cashing and deferred deposit lenders.

Check cashing and deferred deposit lenders may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Separation. No check cashing, deferred deposit lender, or similar credit service business shall be located within one mile of any other check cashing, deferred deposit lender, or similar credit

service business as measured in a straight line between the closest property lines of the lots on which they are located.

C. Density. No more than one check cashing, deferred deposit lender, or similar credit service business shall be allowed for every 20,000 citizens living in the City of Eagle Mountain.

D. Design. In addition to all applicable requirements of this Title, the following will also be required:

a. The colors of the building shall match the design theme of the center in which it is a part of or if not in a multi-tenant center, surrounding commercial buildings;
b. At least twenty-five percent (25%) of the first floor façade that faces a street, drive aisle, or sidewalk shall consist of windows and doors of clear or lightly-tinted glass that allows views into and out of the building at eye level;
c. The use of bars, chains, or similar security devices that are visible from a street, drive aisle, or sidewalk shall be prohibited; and
d. The use of neon lighting and signs shall be prohibited on the building exterior, affixed to the interior of a window facing outward, or exterior building signage.
e. Lighting and signage shall comply with EMMC 17.56.

17.75.064 Outdoor sales and display.

Outdoor sales and display may be permitted only where:

A. Definition. For the purposes of this section, “outdoor sales and display” includes the outdoor storage of materials, products, and equipment incidental to an allowed use.

B. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

C. Location. All outdoor sales and display areas shall not be located within a required setback, area of required landscaping, area of required parking, or area of pedestrian or vehicle access and flow.

D. Site Plan. All outdoor sales and display areas shall be clearly defined on the approved site plan and will be limited to these areas.

E. Signs. The outdoor sales and display area shall not include the use of banners, pennants or strings of pennants.

F. Outdoor Storage. All outdoor storage shall require the following screening regulations:

a. A masonry wall or solid fencing shall be required to screen all open storage areas from view of a street.
b. A solid fence, screening barrier, or wall shall be required along the side and rear property lines to screen areas of open storage up to and including any gate.
c. Fences used to screen open storage shall not be less than six feet (6’) high. Fences greater than six feet (6’) high may be approved as part of a site plan upon a finding that increased height for screening is necessary to reduce impacts to surrounding properties.
d. Materials, products, and equipment within twenty feet (20’) of the fence may not be stored higher than the fence.

17.75.065 Parking garage.

Parking garages may be permitted only where:

A. Nuisance.

a. The use will not be a nuisance to residences and other surrounding uses.
b. Parking garages shall be designed to minimize vehicle noise and odors on the public realm. Venting and fan locations shall not be located next to public spaces and shall be located as far as possible from adjacent residential uses.

B. Design.

a. Parking garages shall be architecturally consistent with the project buildings, including the use of the same primary finish materials and colors as the exterior of the adjacent or adjoining buildings.
b. Any façade facing a street shall include visual mitigation of parked vehicles and drive ramps such as landscape buffers, upper-level setbacks, or additional architectural treatment.
c. Any façade adjacent to a sidewalk or pathway shall include human-scale design and detailing along the first floor to enhance its relationship with the pedestrian.
d. The top deck of parking garages shall include screen walls, periphery landscape islands, or similar features where visible from public view in order to soften the appearance of the top of the parking garage and screen the view of cars on the top deck of the structure.
e. Internal circulation shall be designed such that parking surfaces are level (or without any slopes) along all primary facades. All ramping between levels need to be placed along the secondary façade or to the center of the structure.
f. Elevator and stairs shall be highlighted architecturally so visitors, internally and externally, can easily access these entry points.
g. The parking garage height shall not exceed the height of the primary structure within the project.

C. Placement.

a. A parking garage may not be located any closer to the front property line than the primary structure or use (when the parking garage is part of the primary structure).
b. The view of a parking garage from a street shall be minimized by placing its shortest dimension parallel to the street edge.

D. Lighting.

a. All top deck lighting shall be screened and directed downward to avoid light spill onto the area below and shall consist of only bollards or building lighting. Light poles are prohibited.
b. Interior garage lighting shall not produce glaring sources toward adjacent properties while providing safe and adequate lighting levels.

E. Signage and Wayfinding. Signage and wayfinding shall be integrated with the architecture of the parking garage and be architecturally compatible with the design. Public parking garage entrances shall be clearly signed from public streets.

F. Access.

a. Where a garage entrance or exit crosses a sidewalk, the driveway shall be a different color, texture, and/or paving material than the sidewalk to warn drivers of the possibility of pedestrians.
b. Pedestrian pathways shall connect the pedestrian exit from the parking garage to the buildings it serves.

G. Safety. Parking garages shall follow best CPTED practices and provide for well-lit and visible pedestrian corridors, visible parking areas, security devices, and natural surveillance both inside and outside of the structure.

17.75.066 Plant and tree nursery / garden center.

Plant and tree nurseries and garden centers may be permitted only where:

A. Outdoor sales, display, storage. Any associated outdoor sales, display, and storage of products or equipment must comply with EMMC 17.75.054.

17.75.067 Portable storage / shipping container.

Portable storage and shipping containers may be permitted only where:

A. Stacking. Vertical stacking of portable storage containers and stacking of any other materials or merchandise on top of any portable storage container shall be prohibited.

B. Location.

a. No portable storage container shall be placed or located on a required parking space, circulation aisle/lane, fire access lane, or public right-of-way.
b. All portable storage containers shall be located to the rear 50% of the site they are to be located on and shall not be visible from a street. Screening in the form of fencing, landscaping, or a combination of both may be used so that the portable storage container is not visible from a street or to buffer the containers from surrounding properties.

C. Repair and Maintenance. All portable storage containers and their screening and landscaping shall be maintained in good repair. Any dilapidated, dangerous, rusted, or unsightly containers shall be repaired or removed. Graffiti shall be removed within seven (7) days.

D. Use.

a. Portable storage containers shall be used for storage purposes only. Storage is limited to materials, products, or equipment used, produced, sold, or manufactured on the site of a legally-conforming business or agricultural use.
b. There shall be no plumbing or electricity connected to the container and all wheels, except for small, non-inflatable rollers, shall be removed.

E. Signage. Portable storage containers shall not be used for signage.

17.75.068 Reception/conference/meeting center.

Reception, conference, and meeting centers may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Parking and Vehicle Stacking.

a. Parking requirements shall comply with EMMC 17.55.
b. Adequate off-street stacking areas which are completely contained on site for pickup and dropoff are required. No offsite stacking is permitted.

C. Pedestrian Access.

a. All driveways on the property shall have at least one sidewalk.
b. Primary pedestrian crossings shall employ traffic calming features such as speed tables and striping. Secondary pedestrian crossings shall employ a minimum of striping and signs.

17.75.069 Restaurant with drive-through services.

Restaurants with drive-through services may be permitted only where:

A. Purpose. The specific purposes of these regulations are to:

a. Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
b. Promote safer and more efficient on-site vehicular and pedestrian circulation; and
c. Reduce conflicts between queued vehicles and traffic on adjacent streets.

B. Site Plan. An applicant for a restaurant with drive-through service shall submit a site plan that includes: a parking and circulation plan, driveway locations, placement of audio equipment (if applicable), placement of message and/or menu boards, and a litter cleanup plan.

C. Litter Cleanup Plan. A litter cleanup plan shall address litter cleanup on and off site and shall include, but not be limited to, a litter pickup schedule and a map of the cleanup area.

D. Stacking Lanes.

a. A minimum of one hundred twenty feet (120') for a single stacking lane or sixty feet (60') per lane when there is more than one stacking lane. A stacking lane is measured back to the point of service or final service window. Stacking lanes do not have to be linear.
b. Stacking lanes shall be designed so that they do not interfere with parking, pedestrian and vehicle circulation; and
c. All stacking lanes shall be clearly identified through the use of means such as striping, landscaping, and signs.

E. Traffic Circulation.

a. Only one driveway providing vehicular access to and from the drive-through window or service area shall be provided from any street;
b. Internal traffic circulation patterns on the lot shall be adequate to keep traffic from backing into a street or blocking access to any required parking spaces located on the lot; and
c. A traffic study addressing both on- and off-site traffic and circulation impacts may be required as part of the site plan application.

F. Drive-Through Location. Drive-through lanes and windows shall be located away from adjacent residential uses.

G. Noise. Noise emitted from drive-through service windows and related features such as remote ordering equipment at outdoor menu boards shall not create a nuisance or disturbance for abutting properties.

H. Buffer. When a drive-through use adjoins any residential use or residential zone, a minimum six foot (6') high masonry wall or solid fence shall be erected and maintained along such property line.

17.75.070 Sexually oriented business.

Sexually oriented businesses may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Location.

a. No sexually oriented business shall be constructed or operated, as measured in a straight line between the closest property lines of the lots on which they are located, within:
    i. Within 5,000 feet of any other sexually oriented business as measured in a straight line between the closest property lines of the lots on which they are located.
    ii. Within 1,000 feet of any existing residential use, school, park, playground, museum, or place of public assembly as measured in a straight line between the closest property lines of the lots on which they are located.
b. No church, public park, public library, or school shall be established closer than 1,000 feet from any sexually oriented business.

C. Density. No more than one sexually oriented business shall be allowed for every 20,000 citizens living in the City of Eagle Mountain.

D. Signs. Signs for each sexually oriented business shall be limited to the following:

a. Signage is limited to one (1) wall sign. All other signs are prohibited.
b. The use of neon lighting shall be prohibited on the building exterior, affixed to the interior of a window facing outward, or exterior building signage.
c. The wall sign shall comply with the sign requirements specified in EMMC 17.80 including allowable sign area.

d. Off-premise signs are prohibited.
e. Every sexually oriented business sign shall contain alpha-numeric copy only, and no descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sexually oriented business sign.
f. No animation shall be permitted on or around any sexually oriented business sign or on the exterior walls or roof of the premises.
g. Painted wall advertising shall not be allowed.

E. Visibility. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or in any area where they can be viewed from a public sidewalk.

F. Design. In addition to all applicable requirements of this Title, the following will also be required:

a. The colors of the building shall match the design theme of the center in which it is a part of or if not in a multi-tenant center, surrounding commercial buildings;
b. The use of bars, chains, or similar security devices that are visible from a street, drive aisle, or sidewalk shall be prohibited; and
c. The use of neon lighting and signs shall be prohibited on the building exterior or exterior building signage.

17.75.071 Tobacco specialty business.

Tobacco specialty businesses may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Separation. No tobacco specialty business shall be located:

a. Within 5,000 feet of any other tobacco specialty business as measured in a straight line between the closest property lines of the lots on which they are located.
b. Within 1,000 feet of any existing residential use, school, park, playground, museum, or place of public assembly as measured in a straight line between the closest property lines of the lots on which they are located.

C. Density. No more than one tobacco specialty business shall be allowed for every 10,000 citizens living in the City of Eagle Mountain.

D. Design. In addition to all applicable requirements of this Title, the following will also be required:

a. The colors of the building shall match the design theme of the center in which it is a part of or if not in a multi-tenant center, surrounding commercial buildings;
b. The use of bars, chains, or similar security devices that are visible from a street, drive aisle, or sidewalk shall be prohibited; and
c. The use of neon lighting shall be prohibited on the building exterior, affixed to the interior of a window facing outward, or exterior building signage.

17.75.080 Industrial-related uses.

17.75.081 Towing yards and vehicle storage.

Towing yards and vehicle storage may be permitted only where:

A. Nuisance. The use will not be a nuisance to residences and other surrounding uses.

B. Screening. Must comply with the requirements set in EMMC 17.75.054(F).

C. Vehicles.

a. No storage of salvaged, dismantled, or inoperable vehicles is allowed on the site.
b. No vehicles shall be dismantled or crushed on the site.
c. No vehicle shall remain for more than one hundred and eighty (180) days on the site.

D. Storage Area. The vehicle storage area shall be graded and paved with asphalt or concrete surfacing to ensure that all surface water generated from the site shall be retained on site and to prohibit percolation of surface water and VOCs from stored vehicles.

E. Sales. No sale or advertising the sale of vehicles shall be permitted.

17.75.090 Utility-related uses.

17.75.091 Communication facilities and towers.

This section is inclusive of wireless telecommunication, radio, microwave, and other transmission towers.

Communication facilities and towers may be permitted only where:

A. General. The following development standards shall be applicable to all facilities regardless of the facility type or zone within which the facility is proposed to be located:

a. The proposed facility shall be located on an approved structure and/or site in conformance with this code. If a proposed facility site does not conform to this code, the carrier shall submit and have approved a plan to bring the structure and/or site into conformance with the code prior to completion and operation of the proposed facility.
b. Any associated mechanical or electrical equipment shall be completely screened from view, from rights-of-way, on-site parking areas and adjacent properties, with a solid fence or wall.
c. The proposed facility, including associated mechanical and electrical equipment, shall not be located within a public right-of-way.
d. The proposed facility shall conform to the requirements of this title, this code, and other laws, including pertinent federal regulations of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).
e. Copies of required permits from pertinent federal agencies establishing compliance with applicable federal regulations shall be filed with the City prior to the issuance of any permit for a proposed facility.
f. The proposed facility shall conform to applicable development standards set forth in this section.
g. Lightning rods shall not be included in the height calculation for any facility.

h. Antennas and equipment boxes on the utility poles shall be painted to match the pole to which it is attached to minimize visual impacts.
i. Generators or noise producing venting systems shall not be used.
j. Lighting for aircraft is prohibited except where required by Federal Law.

B. Location and Type Priority. Telecommunication facilities shall be located as unobtrusively as is reasonably possible. The provider shall make a good faith effort to site antennas in the following order of priority:

a. Existing Structures or Stealth Facilities. First priority shall be granted to antennas located on existing structures or antennas qualifying as stealth facilities, as follows:
    i. Existing structures. Antennas located on lawfully existing buildings, structures, and antenna support structures, provided that the building, structures, or support structures are: (1) located on a telecommunication facility designed and approved for collocation, (2) located in a non-residential zoning district, or (3) located in a residential zoning district on property that is being used for nonresidential uses such as governments, school, or church; or
    ii. Stealth Facilities. Antennas certified as stealth facilities as set forth in this ordinance.
b. Monopoles on property owned by the City.
c. Monopoles on property owned by a non-City public agency.
d. Monopoles on nonresidential private property. Monopoles constructed on private property, provided that the private property is (1) located in a nonresidential zoning district, or (2) located in a residential zoning district on property that is used for a nonresidential use such as government, school, or church.
e. Other. Any combination of antenna type and location other than those listed in this subsection.

C. Burden of Proof. If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall have the burden of demonstrating to the City why it could not locate antennas on site with a higher priority than the site chosen by the applicant. The applicant shall provide the following information to the approving authority:

a. Higher Priority Sites. The identity and location of any higher priority sites located within the desired service area.
b. Reason for Rejection of Higher Priority Sites. The reasons why the higher priority sites are not technologically, legally, or economically feasible. The applicant shall make a good faith effort to locate antennas on a higher priority site. The City may request information from outside sources to justify or rebut the applicant's reasons for rejecting a higher priority site.
c. Justification for Proposed Site. Why the proposed sited is essential to meet the service demands of the geographic service area and the citywide network. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings, structures, or stealth facilities.

D. Setbacks.

a. Communication facilities and towers shall comply with the setback requirements of the underlying zone and are further modified in EMMC 17.75.091(I).
b. When located in a residential zone or on a non-residential lot that is adjacent to residential zones, development, or property designated for residential land use by the general plan, communication facilities and towers shall be a minimum of 200 feet from the property line abutting residential uses. This will allow for adequate separation from residential development.

E. Collocation. Collocation of a communication facilities and towers on a previously-approved communication facility such as an existing building, structure, or antenna support structure, is allowed, provided:

a. No increase in the height of the existing support structure is proposed;
b. All aspects of the collocation improvements must be located within the previously-approved screened area;
c. Compliance with the corresponding provisions set forth in this subsection.

F. Safety.

a. Regulation Compliance.
    i. Compliance with FCC and FAA regulations. All operators of communication facilities shall demonstrate compliance with applicable FCC and FAA regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan approval.
    ii. Other licenses and permits. The operator of every communication facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.

G. Emergency. The City shall have authority to move or alter a communication facility in case of emergency. Before taking any such action, the City shall first notify the owner of the facility, if feasible.

H. Abandonment. The City may require the removal of all antennas and monopoles if the facility has been inoperative or out of service for more than consecutive months.

a. Notice. Notice to remove shall be given in writing by personal service, or by certified mail addressed to the operator's last known address.
b. Violation. Failure to remove the antennas and monopoles after receiving written notice to remove is a violation of the terms of this chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity, or corporation, whether acting as principal agent, property owner, lessee, lessor, tenant, landlord, employee, employer, or otherwise, for failure to remove antennas and monopoles in accordance with this chapter. The City may seek a civil injunction requiring the removal of any

structures on the site in accordance of this chapter. The City may also remove such structures itself and may bill its costs in removing such structures to the operator. Any lease agreement with the City may also stipulate failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this chapter automatically transfers ownership of the antennas, support buildings, and all other structures on the sure to the City.

I. Specific Regulations by Type. Communication facilities are characterized by the type or location of the antenna structure. There are five general types of antenna structures contemplated by this ordinance: ham radio towers, monopoles, roof-mounted antennas, stealth facilities, and wall-mounted antennas. If a particular type of antenna structure is allowed by this ordinance as a special use, the minimum standards for that type of antenna are as follows:

a. Ham Radio Towers. Ham radio towers or any other radio or antennae facilities are regulated by the FCC as well as individual homeowners associations (HOAs) through restrictive covenants or other regulating documents.
b. Monopoles:
    i. Justification. If the applicant desires to construct a monopole, the applicant shall first submit a detailed written description of why the applicant cannot obtain coverage using existing buildings, structures, or stealth facilities. The description shall include a radio frequency engineering review of the proposed Monopole Telecommunication Facility in relation to the requested height and possible alternative locations.
    ii. Visual Analysis. The applicant shall submit a visual analysis which may include photo simulation, field mock up, or other techniques, which identifies the potential for visual impacts of the proposed monopole. The analysis shall consider views from public areas (streets, parks, etc.) and from private residences.
    iii. Maximum Height. The maximum height of the monopole or monopole antenna shall be 60 feet, although the City may allow an antenna or antenna support structure up to 120 feet in height, if the applicant demonstrates that the additional height is necessary to obtain coverage or to allow co-location, and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The antenna itself shall not exceed ten feet in height.
    iv. Setback. Monopoles shall be set back a minimum distance equal to four times the height of the proposed monopole structure from any residential lot line, measured from the base of the monopole to the nearest residential lot line unless the applicant can demonstrate that a lesser distance is necessary as demonstrated in a certified radio frequency engineering report.
    v. Spacing. No monopole shall be approved within 1,000 feet of another monopole, except those within 120 feet of or adjacent to existing transmission powerline corridors. This is permitted because monopoles will blend in with the power poles.

vi. Color. A surface treatment may be required so that monopoles, antennas, and related support structures match the background against which they are most commonly seen.

vii. Screening. Monopoles shall be fenced with a six-foot (6') high black vinyl coated chain-link fence or other fencing or wall method.

c. Roof-Mounted Antennas:

i. Maximum Height. The maximum height of a-roof mounted antenna shall be 18 feet above the roof line of the building.

ii. Setback. Roof-mounted antennas shall be setback from the exterior wall of the building or structure a distance at least equal to the height of the antenna above the roof.

iii. Mounting Options. A roof-mounted antenna shall be mounted only on structures with flat roofs. Roof-mounted antennas may be mounted directly on a roof, or on top of existing penthouses or mechanical equipment rooms if the total height of the antennas do not exceed 18 feet above the roof line of the building.

iv. Color. Roof-mounted antennas, equipment, and supporting structures shall be painted to match the color of the building or structure, or the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building.

v. Combination of Wall- and Roof-Mounted Antennas. Any building may have a combination of wall- and roof-mounted antennas meeting the requirements of this section.

d. Stealth Facilities:

i. Maximum Height. The overall height of any structure proposed to be used for a stealth fixture antenna shall be consistent with any similar structure being used as a model for the stealth structure. A stealth fixture shall be no more than ten feet higher than the structure to which it is attached, provided the fixture and the structure to which it is attached is consistent with the character of similar structures located in the same area.

ii. Disguise. A stealth fixture antenna shall be disguised as part of the structure to which it is attached or otherwise concealed from public view as much as reasonably possible. A stealth fixture antenna may be attached to or disguised as a flag pole, light pole, power pole, manmade tree, clock tower, steeple, or a structure used primarily for another use so long as any antenna located on the structure does not detract visually from the primary use. Stealth fixture antennas and all associated equipment visible to public view shall be painted to match the color of the structure to which it is attached. Equipment and/or equipment shelters used in connection with stealth fixture antennas shall be camouflaged.

iii. Engineered Structure. A structure to which a stealth fixture antenna is attached shall be designed by a state certified engineer to verify that the structure can support the stealth fixture antenna.

iv. Antenna Size. A stealth fixture antenna, including the mounting structure, shall not exceed thirty inches (30”) in diameter, provided, however, that antennas exceeding thirty inches (30”), including the mounting structure, may be permitted if the antenna is a stealth fixture antenna located on or within a clock tower, steeple, manmade tree, or other similar structure.

v. Conversion. Stealth facilities may include the conversion of existing flagpoles, light standards, athletic field lights or other similar structures to a stealth facility provided the structure’s height is not increased more than ten feet (10’).

vi. Utility Pole Antennas. Utility pole antennas may be allowed as a stealth facility subject to the following minimum requirements:

1. Location. Utility Pole Antennas may only be located on existing City-owned utility poles except for decorative street lights.
2. Method of Mounting. Such antennas shall be designed and installed by the applicant according to City’s specifications and requirements.
3. Height. Antennas shall not extend more than ten feet (10’) above the top of the pole.
4. Antenna Size. The antennas, including the mounting structure, shall not exceed two feet (2’) in diameter.
5. Electrical Equipment. Electrical equipment shall not be located in the public right-of-way.
6. Agreement. Each telecommunication provider is required to enter into an agreement with the City prior to installing any telecommunication facilities in a public right-of-way. The City shall review site plan conditions prior to the execution of the agreement.

e. Wall-Mounted Antennas:

i. Maximum Height. Wall-mounted antennas shall not extend above the roof line of the building or structure, or extend more than four feet horizontally from the face of the building.

ii. Setback. Wall-mounted antennas shall not be located within 20 feet of a residential zoning district unless it is located on a nonresidential structure as approved by this section.

iii. Mounting Options. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered to be wall-mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room.

iv. Color. Wall-mounted antennas, equipment, and supporting structures shall be painted to match the color of the building or structure, or the background against which they are most commonly seen. Antennas and the supporting structure on the building shall be architecturally compatible with the building. Whip antennas are not allowed on a wall-mounted antenna structure, but may be camouflaged in a stealth facility as per stealth requirements of this section.

v. Maximum Area. The total area for all wall-mounted antennas and supporting structures on any one building shall not exceed five percent (5%) of any exterior wall of the building.

vi. Combination of Wall- and Roof-Mounted Antennas. Any building may have a combination of wall- and roof-mounted antennas meeting the requirements of this section.

J. Additional Requirements.

a. Storage Areas and Solid Waste Receptacles. No outside storage or solid waste receptacles shall be permitted on a communication facility site.
b. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any communication facility shall, whenever possible, be located within a lawfully pre-existing structure. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings, and structures surrounding such structure.
c. Accessory Buildings. Freestanding accessory buildings used with a communication facility shall not exceed a combined total of four hundred and fifty (450) square feet and shall comply with the setback requirements for structures in the zoning district in which the facility is located.
d. Parking. The City may require a minimum of one parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.
e. Maintenance Requirements. All communication facilities shall be maintained in a safe, neat, and attractive manner.
f. Landscaping. All communication facilities shall be adequately landscaped in order to provide visual screening as deemed necessary by the Planning Commission on a site specific, case by case basis. For monopoles where there are no buildings immediately adjacent to the monopole and equipment facilities, the site shall be surrounded by dense tree growth to screen views of the facility in all directions. These trees may be existing on the subject property or planted as part of the site improvements. The City may require additional landscaping as part of the site plan approval.
g. Power Lines. All power lines on the lot leading to the communication facility shall be underground.

17.75.092 Utilities, Public and Private

This section is inclusive of facilities, substations, structures, buildings, transmission lines (above and below ground), equipment, and storage (fenced or enclosed) related to the production and distribution of utility services, public and private.

Utilities and related infrastructure may be permitted only where:

A. General.

a. Any utility installation shall comply with EMMC Title 13 Public Utilities and Services.
b. Any utility installation, except utility boxes and transmission lines, shall be subject to EMMC 17.100.

B. Substations.

a. Fencing. The perimeter of the substation site shall be fenced for public safety and to minimize visual impact.
b. Landscaping. The perimeter of the substation site (outside of the fence) shall be landscaped.
c. Location. No substation shall be located in the path of any planned street or trail as illustrated in the city's Transportation Master Plan and Parks and Open Space Master Plan.

C. Ground-Mounted Utility Boxes.

a. Location.
    i. Any ground-mounted utility box shall not be located within one foot (1') of any sidewalk or eighteen inches (18") from the face of a curb or obstruct any required sight distance triangles for driveways and intersections.
    ii. Private Property: on private property with permission of the property owner or representative at the following locations:
        1. Below-grade utility boxes that do not extend greater than six inches (6") above ground level.
        2. Within the buildable area of a lot, rear yard, or side yard.
        3. Behind required front and corner side yards or within five feet (5') of a building when front and corner side yards are not required.
        4. Within a utility easement subject to easement restrictions.
        5. Within a right-of-way when the location does not interfere with circulation functions of the right-of-way and subject to Item #3 above.
    iii. Public Right-of-Way.
        1. Below-grade utility boxes that do not extend greater than six inches (6") above ground level.
        2. Within a park strip or behind the sidewalk meeting the following criteria:
            (a) A ground-mounted utility box not exceeding a height of three feet (3') and a footprint of four (4) square feet, or a box not exceeding two feet (2') in height and a footprint of eight (8) square feet.
            (b) The pad for a ground-mounted utility box shall not extend more than six inches (6") beyond the footprint of the box.
            (c) A ground-mounted utility box in a residential zoning district is located within fifteen feet (15') of the interior lot line of an adjacent property.
            (d) Excluding industrial, business park, airpark, and commercial zoning districts, no more than three (3) ground-mounted utility boxes, excluding exempt utility boxes, shall be allowed within a six hundred sixty foot (660') segment of street right-of-way.
            (e) Any small ground-mounted utility box that is less than sixty percent (60%) of the allowed size in subsection Item (a) above

of this section shall be exempt from the requirement set in Item (d) above.

3. A ground-mounted utility box installed in a public alley that does not interfere with the circulation function of the alley.

iv. Location Exemption. Any ground-mounted utility boxes installed by a governmental entity in the public right-of-way for public safety and management purposes, such as traffic control devices, utility boxes for lighting and parking meters.

b. Materials. All ground-mounted utility boxes shall consist of high-quality material such as stainless steel or other durable painted or colored material. The finish shall be a neutral color such as dark or light green, beige, grey, or a color similar to utility boxes within the vicinity and coated with a graffiti-resistant treatment.

17.75.100 Temporary uses.

~~17.75.035~~ 17.75.101 Construction office trailers.

A construction office trailer may not be parked or stored on any construction or development project site without a permit from the planning director. The application for a construction office trailer permit must be made to the planning director on the form provided by the city, and shall include a site plan showing the proposed location of the construction office trailer and distances from roads, building and property lines. The planning director shall not issue the permit unless the planning director determines that the following conditions are met:

A. The construction office trailer is located entirely on site, and does not infringe on the public right-of-way;

B. The construction office trailer is not located in the clear vision triangle;

C. The construction office trailer is not located within 10 feet of any building;

D. The construction office trailer is not located in a position that will create unreasonable traffic or noise for neighboring homes or business; and

E. The construction office trailer is not located on any easement.

A construction office trailer shall be removed from the construction site at the earlier of the deadline prescribed in the permit, 30 days after a final certificate of occupancy has been issued for the project, or the project has been abandoned as defined in Chapter 17.10 EMMC. Only one construction office trailer shall be allowed on any construction project unless the planning director determines that unique circumstances exist that warrant more the one construction office trailer on any construction project. [Ord. O-02-2016 § 2 (Exh. A)].

~~17.75.040~~ 17.75.102 ~~Temporary s~~Subdivision sales offices.

A. Temporary Sales Trailers. One temporary sales trailer is allowed for subdivisions ranging between five and 50 acres. Subdivisions in excess of 50 acres may have two temporary sales trailers. A permit for a subdivision sales office may be issued by the building department at any

time after recording of the subdivision and shall become void one year following the date on which the permit was issued. The temporary office shall then be removed unless, 30 days prior to the expiration of one year following the date on which the permit was issued, a request for an extension of time is made to and granted by the planning commission. In no case will the extension be granted for a period of more than one year.

B. Model Homes. A subdivision may have multiple model homes which contain sales offices. The temporary sales office must be removed from a model home when the subdivision is more than 80 percent developed or has been occupied as a temporary sales office for three years, whichever occurs first. Time extensions may be considered by the planning director on a case-by-case basis, depending on the impact on existing dwellings in the development, the suitability of the office in a residential area, and traffic flow generated by the temporary sales office. A temporary sales office or model home may not be used as a general real estate office, a construction management office, or an off-site sales office. [Ord. O-09-2013 § 2 (Exh. A); Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.4); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.4)].

~~17.75.100~~ 17.75.103 Temporary commercial uses.

Special commercial events such as fireworks and Christmas tree sales, carnivals or temporary sales events may be approved by the planning director when located in commercial-type zoning districts and in accordance with city ordinances. The planning director shall be required to find that the proposed use will not constitute a nuisance to be in conflict with other land uses near the subject property. In approving a temporary commercial use, the planning commission may review the length of time requested for the use to be conducted, the proposed hours of operation, anticipated parking needs, traffic circulation or impacts on surrounding streets and neighborhoods, or any other regulation or condition necessary for the preservation of the public health, safety and welfare. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.8); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.8). Formerly 17.75.080].

17.75.110 Ancillary uses.

~~17.75.090~~ 17.75.111 Storage of commercial vehicles.

No motor vehicle, trailer or related equipment associated with a commercial or industrial use shall be parked, stored or maintained on any lot or parcel of land in a residential zone, nor shall any contracting and/or earth moving equipment be parked, stored or maintained on any lot or parcel of land in a residential zone. This shall not be construed to restrict the overnight parking of vehicles and equipment used in the daily activities of the property owner's occupation. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.7); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.7). Formerly 17.75.070].

~~17.75.120~~ 17.75.112 Swimming pool, hot tub and spa safety requirements.

Any recreational water facility not contained within a fully enclosed building, gazebo or other structure must comply with the following conditions and requirements:

A. Setbacks. A recreational water facility shall be set back a minimum of five feet from all property lines, shall only be located within a side or rear yard, and shall not be located within any public utility easement.

B. Barrier Fence/Wall. A recreational water facility shall be completely surrounded by a fence or wall having a height of at least five feet. Except for the gate opening, fences shall not include any slots or openings that would permit a four-inch-diameter sphere to pass through. All gates shall be equipped with self-closing and self-latching devices located on the interior side of the gate, and must be able to accommodate a lock. All gates located within 10 feet of the recreational water facility must swing outward from the recreational water facility. Fences or walls shall not be located adjacent to permanent structures, equipment, or similar objects that could be used to climb them. The bottom of the fence/wall shall be no more than two inches from the ground.

C. Barrier Fence/Wall Exceptions. Above-ground spas and hot tubs are exempt from subsection B of this section if equipped with a hard safety cover that can be latched or locked. Above-ground pools, spas, and hot tubs with nonclimbable walls at least five feet in height where access is provided by a ladder or steps must meet one of the following:

a. The ladder or steps shall be capable of being locked or removed to prevent access; or
b. The ladder or steps shall be surrounded by a barrier fence/wall that meets the standards in subsection B of this section.

D. County Health Department. If a permanent swimming pool is to be located on the same property as a septic tank or sewage disposal drain field, the location must be approved by the Utah County health department.

E. Swimming pool construction shall conform to all requirements of the adopted building codes, including the International Swimming Pool and Spa Code. [Ord. O-17-2017 § 2 (Exh. A)].

~~17.75.110~~ 17.75.120 Unbuildable lands.

In considering the layout of any development in the city, the developer shall conform to the following restrictions with respect to unbuildable lands. No construction may occur in areas that have slopes in excess of 25 percent, land restricted by power lines, high volume floodplains, alluvial discharge areas, floodplains and floodways, and wetlands. Land in excess of 15 percent is ineligible for inclusion in improved open space requirements unless the planning commission recommends and the city council approves specific improvements on land in excess of 15 percent which these bodies have determined to be an approved entity. In this case, only the acreage of unbuildable land in excess of 15 percent which is improved will be considered towards the improved open space requirements. [Ord. O-12-2009 § 2 (Exh. A); Ord. O-04-2009 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 15.9); Ord. O-23-2005 § 3 (Exh. 1(1) § 15.9). Formerly 17.75.090].