EAGLE MOUNTAIN

EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

July 27, 2021, 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: Jeremy Bergener, Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; and Elizabeth Fewkes, Recording Secretary.

Commissioner Wright called the meeting to order at 5:33 p.m.

1. Discussion Items

1.A. DISCUSSION ITEM – Flag Code

Senior Planner Tayler Jensen presented the item. Municipal Code currently does not address flags in residential and non-residential zones. After reviewing the site plan application for the Macey's at Marketplace at Eagle Mountain Town Center, staff was requested to review code to address flags throughout the City. Staff proposes to include requirements regarding flags in EMMC 17.80.120. Research of other Macey's locations determined that Orem City approved a conditional use permit in 1991 for a 120-foot flagpole and the Logan Macey's location was also approved for a 120-foot flagpole that can fly a 30-foot by 60-foot flag.

The proposed language to be added to as Section 17.80.120(Q):
Q. Flagpoles. Any flagpole must comply with the following standards:

1. In residential zones:
    a. A stand-alone flagpole not to exceed thirty-five feet (35') in height may be installed for every single-family detached residential unit.
    b. Flagpoles not to exceed thirty-five feet (35') in height each may be installed in multifamily developments.
2. In nonresidential zones:
    a. Non-Residential developments may install flagpoles not to exceed eighty feet (80') in height.
3. Size. The size of the flag material, when measured diagonally, shall not exceed one-third (1/3) of the height of the flagpole.
    a. Flagpoles. If designed to accommodate such, may hold more than one flag so long as the combined size of all flags, when measured diagonally, do not exceed one-half (1/2) of the height of the flagpole.

4. Location. All flagpoles shall be located in a place that will not impede traffic or cause a hazard for pedestrians or vehicles.

Mr. Jensen explained that the 80-foot height recommendation is based upon examining flag standards found in other communities, the height of existing flagpoles in the City, and Macey's requesting an 80-foot flagpole.

Commissioner Everett asked if the number of flagpoles allowed in multifamily was per unit if the number of flagpoles in commercial developments should be limited and if the standards should exclude placing private flagpoles in the public right-of-way. He noted that flags are exempt from the dark sky ordinance lighting requirements. He suggested for the allowable height to be lower and to include in the standards an option to request a conditional use permit for higher flagpoles to ensure the size of the flagpole is proportional with the height and size of the building. He stated he feels that 35 feet, the maximum height of buildings, is appropriate and proportional for flagpoles in residential zones, and limiting flagpoles to 20% taller than the highest roofline for commercial uses would prevent disproportionality, especially for corporate flags.

Mr. Jensen explained that the multifamily standards are intended to be per unit and the City has not experienced problems with flagpoles in multifamily residential developments. Should the Commission desire to retain the same standards for single-family and multifamily units, section 17.80.120(Q)(1)(b) could be removed and the verbiage in 17.80.120(Q)(1)(a) could be reworded to include multifamily uses.

Commissioner Bergener arrived at 5:39 p.m.

Mr. Jensen inquired if the Planning Commission felt the standards should apply to all flags or if National, State, and City flags should have different standards than corporate flags.

Commissioner Pengra said although he recognized concerns in residential areas, he advocated for allowing flagpoles of any height for businesses with the requirement for the American flag to be larger than any other flags. He suggested raising the allowable flagpole height to 150-feet for commercial uses and noted that the cost of the flagpole is likely to mitigate the number of businesses desiring tall flagpoles. Nuisance issues are less impactful in commercial areas. He believes proportionality concerns are arbitrary and secondary to the sentiment of honoring the Country and our heritage regardless of the size of the building.

Commissioner Bergener concurred with stipulating that the American flag is the primary flag. He said that as he feels the point of flying a flag is to draw attention to the flag and have it stand out and be visible from far distances, he is in favor of allowing commercial flagpoles taller than 80 feet.

Commissioner Wright stated he desires to encourage the display of the American flag in both residential and commercial areas, agrees with designating the American flag as the primary, predominant flag, and approves of the request for an 80-foot or larger flag for the Macey's location. He suggested for agricultural areas to be included with the non-residential standards; his only concern would be flags near the airport. He said that as 80-feet is the height currently being requested, he is in favor of the item returning during a policy session for a vote to move the item forward. The item could be revisited and higher flagpoles could be considered should the need arise in the future.

1.B. DISCUSSION ITEM – Rezone Redesignations

Assistant City Administrator/Community Development Director Steve Mumford presented the item. He explained that due to the changes to the residential zoning, the City desires to rezone developments zoned under previous Municipal Code zones to equivalent current zoning districts. The rezone or reclassification or redesignation of zoning of exiting residential parcels would be to the closest applicable residential zoning that exists under current code based on lot size or neighborhood lot size. Most zones would prevent subdividing of the lots unless the area was rezoned in the future.

Commissioner Wells arrived at 5:57 p.m.

Mr. Mumford explained that in many areas of the City some of the lots are slightly below the average acreage of the other lots in the area. Based upon their lower lot sizes, those properties would fall under a different zoning designation than the surrounding properties. Considerations for determining the appropriate zone for such lots should include setback requirements and use differences between zoning districts. The number of animals allowed in residential areas is currently based upon lot size rather than zoning. Residents will be notified of the rezoning process and informed that they will still maintain most of the current rights for their property after rezoning.

Commissioner Pengra expressed concerns with unintended consequences and transitioning of rezoned properties. He desires to thoroughly explore vested rights and legal issues that could arise before taking action.

Commissioner Everett supported the importance of the project as critical in order to create an overview of the zoning within the City in order to make better-informed decisions. He expressed his preference to zone neighboring properties with the same designation and for allowing legal noncompliance for the properties slightly smaller than the average in the area and up zoning those properties rather than downzoning the larger lots, except for areas where only a few larger lots are the anomaly.

Mr. Mumford noted that should the larger lots be assigned a lower zone designation, the issue of those lots being subdivided could become an issue if the division of lots would not be appropriate for that area of the City.

Commissioner Wells concurred with the concerns with unintended consequences and the subdivision of lots that would most likely occur with larger lots or lots on the periphery of areas with a larger variance in lot sizes between adjacent developments. She agrees with the importance of determining the zoning of areas to honor the appropriate transitioning between current and future developments.

Mr. Mumford suggested evaluating each neighborhood individually to preserve rights and to determine what is appropriate for the area.

Commissioner Wright stated that he lives on a 4 ½ acre lot in an area where most lots are over five acres and advocated against zoning his property in a way that would have a negative impact on his neighbors such as allowing the potential subdivision of the larger lots in the Cedar Pass Ranch. He likewise is against causing issues for other neighborhoods. He noted the impact of master development agreements (MDAs) on the rights for individual neighborhoods and would prefer applying the same zoning designation to areas in the City rather than allowing spot zoning.

Commissioner Pengra expressed concern with creating additional complications by adding additional usage regulations on properties already subject to the terms of an MDA.

Mr. Mumford said staff intends to begin rezoning properties with expired MDAs. The rights and regulations for the City zones are clearer and less complex than the rules and regulations within MDAs. The FR zone is based upon not only lot size but the location and description of the zone. Properties in applicable areas could be zoned as FR. One of the intentions of the FR zone is increased open space and none of the developed properties in the City currently meet the intents of the designation.

Commissioner Wright encouraged staff to work closely with the City Attorney when drafting the amendment and expressed appreciation for staff's work in view of the complexity of the undertaking. He agreed with focusing on small areas of the City at a time and adapting to the specific needs of each neighborhood.

Commissioner Wright adjourned the work session at 6:21 p.m.

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

Commissioner Wright called the policy session to order at 6:35 p.m.

2. Pledge of Allegiance

Commissioner Pengra led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

Commissioner Wells stated that one of the Eagle Quest applicants is a Councilmember in the City where she works. Although not a conflict of interest, she has elected not to participate in the discussion of item 7.A., the concept plan for Eagle Quest.

4. Approval of Meeting Minutes

4.A. July 13, 2021 Planning Commission Minutes

The approval of the July 13, 2021 meeting minutes was postponed until the August 24, 2021 meeting.

5. Status Report

Mr. Jensen reviewed the planning items discussed and voted upon during the July 20, 2021 City Council meeting.

6. Action and Advisory Items

6.A. ACTION ITEM – Just Chillin

Mr. Jensen presented the item. The application is for s temporary site plan for Just Chillin to relocate on 1681 Heritage Drive to utilize an existing waterline. Staff recommends for the Planning Commission to motion to recommend approval of the temporary site plan for a specified length of time with the condition that the approval is conditional upon the Health Department approval.

Mr. Jensen said the intention is for the applicant to continue to request renewed approvals to use the site until the landowner develops the land. The Planning Commission could elect to cap the timeframe of the temporary site plan approval, should they anticipate negative impacts of the business at that location. The applicant requires the continued permission of the landowner to maintain operations at this location. Seasonal businesses, such as snow cone shacks, operate under a six-to-nine-month seasonal permit that does not require Planning Commission approval.

Mr. Mumford stated that the length of the water line from the capped access to the proposed site is approximately 80 feet.

Applicant Mindy Heaps the owner of Just Chilin Soda shack said they will be connecting to both a water line and a sewer line. Previously, they had used all-purpose cleaner and towels to clean the business. They bring in prepacked food; nothing is prepared on the premises. Tiffany Walden, the landowner, has approved their use of the site until she develops the land in one to two years. They plan to relocate to a permanent building in a year to two years at most and hope to remain within the City where they have a customer base.

Mr. Jensen confirmed that the business would still be required to renew its business license annually regardless of the timeframe indicated on a temporary site plan approval.

MOTION: ***Commissioner Everett moved to recommend approval to the City Council of the temporary site plan for Just Chillin with the following conditions:***

1. ***The temporary site plan is approved for a 24-month period after which the applicant may apply for a renewal;***
2. ***The approval is conditional upon the Utah County Health Department approval; and***
3. ***The applicant shall retain a current business license with the City.***

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

6.B. PUBLIC HEARING – Stonebridge Montessori

Mr. Jensen presented the item. This is a site plan and rezone application for the Stonebridge Montessori School. The school will serve prekindergarten students and will be accessed from Stonebridge Lane. The subject property is located in The Ranches neighborhood and was identified for commercial use within the now expired Ranches Master Development Plan and Agreement. As the agreement has since expired the vested rights no longer carry. The property is identified in the General Plan's Future Land Use Map with a Community Commercial land use designation. The CC and CN are appropriate zones within the Future Land Use Plan.

The front entry is towards the parking lot and not on a main pedestrian way as called for by EMMC 17.72.040(B). It is up to the Planning Commission to determine if the articulation provided complies with EMMC 17.72.040(D). Per EMMC 17.72.040(F)(2), no more than 50% of a building may be stucco. The building is shown set behind parking rather than the building being located adjacent to the street with parking behind the building. Staff has recommended that the building be turned 90 degrees to front on Ranches Parkway to place the parking behind the building.

Staff has previously asked for a cross access to the commercial site to the north, and while the applicant has presented a concept that shows this, their preference is to not provide the cross-parking lot access.

Special use standard evaluation per EMMC 17.75.052 Schools (public/charter/private):

- (A)(1): "Parking requirements shall comply with Chapter 17.55." The site plan shows 32 spaces, including two ADA spaces, which complies with this standard.
- (A)(2): "Adequate off-street stacking areas which are completely contained on site for student pickup and drop-off are required. No off-site stacking is permitted." The applicant shall provide proof that stacking distances are adequate and will not cause traffic to back onto a public right-of-way.
- (B)(1): "All driveways on the school property shall have at least one sidewalk." Sidewalks are included on the southern boundary of the property and at the front of the school building in compliance with this provision.
- (B)(2): "Primary pedestrian crossing shall employ traffic calming features. The site plan shows striping from the ADA parking area to the front entrance of the school, the Planning Commission shall determine if that provides sufficient traffic calming.
- (C): "Outdoor play areas shall be set back from property lines by at least 15 feet made up from substantial landscaping, fencing or wall, and berming where feasible." The landscape plan shows a six-foot privacy fence located on the property line; it is up to the Planning Commission to determine if this complies with this standard.

Staff recommends that the Planning Commission motion to recommend approval of the application to City Council for the reasons set forth in the staff report and in the meeting with the following conditions:

1. The site plan shall be approved without a drive-aisle connecting the northern property;
2. The applicant shall provide proof that stacking distances are adequate and will not cause traffic to back onto public right-of-ways;
3. The applicant shall update the elevations to use an appropriate mixture of material that does not include stucco used on more than 50% of the building;
4. The building shall be turned 90 degrees to locate it at the southeast corner allowing parking and play areas to be located at the west and north; and
5. A three-and-a-half-foot high landscape berm shall be added around the perimeter of the parking area.

Mr. Jensen clarified that the stucco used on the elevations only slightly exceeds the 50% maximum mainly due to the stucco on the rear elevation and the front column. He verified that the area in pink on the site map in the southeast portion of the parking lot represents underground storage tanks.

Applicant representative Tyler Dow said the orientation of the building presented is their preference to provide the best protection for the students. Childcare professionals prefer the proposed orientation because the building provides buffering between the parking area and the playground and prevents visibility into the school. The drive aisle is split and the adjacent use may impact the drop-off and pickup traffic pattern. They anticipate 150 students and tried to optimize the stacking distance from the right-turn entry to the drop-off/pickup area.

Commissioner Wright opened the public hearing at 7:01 p.m. As there were no comments, Commissioner Wright closed the hearing.

Commissioner Everett said that his greatest concern is vehicle stacking backing up onto Ranches Parkway. He recommended making the southern access a one-way entrance. He was a proponent of reorienting the building; however, he now is in favor of the proposed orientation to provide buffering between the playground and parking lot. He feels that the intent of the code has been met regarding the requirement for less than 50% stucco and as such, is not concerned with the proposed elevations.

Mr. Dow said stacking will not be an issue due to the multiple drop-off times at 8:00 a.m., 9:00 a.m., 11:00 a.m., 1:00 p.m., 2:00 p.m., and 4:00 p.m. The stacking lane can accommodate 16 vehicles and their locations have not had traffic impediment issues. They will happily encourage signage, such as for pedestrian crossings, to increase safety.

Commissioner Wells encouraged the applicant to include the information regarding student drop-off times in the packet presented to the City Council to reduce stacking concerns. She agrees with the staff recommendation to increase signage and Commissioner Everett's comments regarding stucco usage. She appreciates the number of windows included in the design. She feels the six-foot, privacy fencing is sufficient due to the surrounding uses. All the public elementary schools in the City have parking lots located in front of the building and allowing the proposed orientation would treat this school similar to the public schools.

Commissioner Everett noted that the City has no input regarding the design and layout of public schools.

Commissioner Wright said that as the use is allowed in either the CN or CC zone, he sees no benefit to the City to zone the property as CC over CN. Recognizing the argument for separating the parking and the playground, he thinks the building should be turned 90 degrees due to the location of the building along one of the major roadway entries to the City as well as the uncertainty of the adjacent uses. The reorientation would increase the aesthetics with the building, rather than the parking lot, fronting on the roadway, improve buffering between the school and the future use to the west, and lengthen the stacking distance. He supported not requiring connectivity to the north of the property.

Discussion ensued regarding the building orientation.

Commissioner Pengra explained he was not concerned regarding traffic backing up onto Ranches Parkway as parents are more likely to stack or park along Stone Bridge Lane for their safety and the safety of their children which will occur infrequently, possibly only during school events, due to the size of the school. He feels very strongly about the orientation of the school as a father due to sensitivity to information obtained as a radKIDS volunteer. Safety of the children is paramount; design aesthetics are secondary. Less access to the children increases safety and schools are designed the way requested for safety reasons.

Commissioner Wright clarified his preference for CN zoning as it would be more restrictive regarding uses should the school close and the property be utilized for another use.

MOTION: ***Commissioner Everett moved to recommend approval to the City Council of the rezone of the Stonebridge Montessori property to the CN zone. Commissioner Wells seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.***

MOTION: ***Commissioner Bergener moved to recommend approval to the City Council of the site plan for Stonebridge Montessori with the following conditions:***

1. ***The site plan shall be approved without a drive-aisle connecting to the northern property;***
2. ***The applicant shall provide proof that stacking distances are adequate and will not cause traffic to back onto the public right-of-way; and***
3. ***A three-and-a-half-foot high landscape berm shall be added around the perimeter of the parking area.***

Commissioner Pengra seconded the motion.

Commissioner Wells requested for the motion to include a condition requiring parking lot traffic calming measures and signage. Discussion ensued regarding the suggestion and it was determined to require additional signage.

Commissioner Everett requested for right-turn, entry-only signage to be added to Stone Bridge Lane. Commission Bergener expressed concern with potential conflict with the development to the west and declined to include the requested condition.

AMENDED MOTION: ***Commissioner Bergener moved to recommend approval to the City Council of the site plan for Stonebridge Montessori with the following conditions:***

1. ***The site plan shall be approved without a drive-aisle connecting to the northern property;***
2. ***The applicant shall provide proof that stacking distances are adequate and will not cause traffic to back onto the public right-of-way;***
3. ***A three-and-a-half-foot high landscape berm shall be added around the perimeter of the parking area; and***
4. ***Additional signage shall be added to the parking lot to increase pedestrian safety.***

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

7. Discussion Items

7.A. CONCEPT PLAN – Eagle Quest

Commissioner Wells was present but opted to not participate in the discussion due to the applicant being a Councilmember in the City where she works.

Mr. Jensen presented the item. Two separate concept plans are being presented including two different residential concepts for Parcel 59:006:0053 on approximately 159 acres west of Lake Mountain Road and a business park and multifamily concept for approximately 164 acres west of the Overland development and north of Mid Valley Road and Eagle Mountain Boulevard.

The eastern residential development is north of approximately quarter-acre lots in the Sunset Flats development and is in the area of Overland Village Four which has an approximate density of three lots per acre. The proposal includes two different concepts for the Eastern parcel. Concept One dedicates the arterial and collector roads to the City and includes a mix of RC, R3, R2, R1, and half-acre lots for a total of 486 lots, with an average lot size for the entire project of 9,050 square feet. Concept two dedicates the required half-width of the collector and arterial roads to the City and includes a mix of lot sizes and zones for a total of 426 lots, with an average lot size for the entire project of 10,477 square feet.

The west concept area is designated as Employment Center/Campus on the Future Land Use Plan. The concept plan proposes a General Plan amendment for approximately 11.1 acres to CC, 28.3

acres to MF2, and 36.5 acres to MF1, and 74 acres of Employment Center/Campus. The property is north of Rush Creek and a future charter school, east of a future freeway, west of the Ivory development west of Frontier Middle School, and northwest of Cory Wride Park.

Mr. Jensen explained that larger lots could be included in a lower zoning designation to meet the transition code due to Municipal Code dictating lot size minimums but excluding maximums. He is unsure if the eastern concept plans meet the transition code standards. The applicant proposes relocating the major arterial road, indicated on the Future Transportation Map to transect the northeast corner of the property, to run along the northeast corner at a 90-degree angle.

Applicant Kurt Ostler, a partner in Eagle Quest, LLC, said they have owned the property for over 20 years. Two years ago, they were told that due to animal rights for the properties to the east there could be incompatibility conflicts. To address City Council concerns, they propose half-acre lots along the east side of the development. Smaller lots are placed to the north to buffer the adjacent uses. The proposed curvature for the major arterial road to the east matches the curve radii in the Sunset Flats design to meet a road in the Ivory development. He said concerns from Hoofbeats to Healing and Lake Mountain Road residents regarding increased traffic is one of the reasons for the proposed design and intersection. They are amenable to developing either the concept with the road dedication or the reduced density plan.

Discussion ensued clarifying the land to the north of the property has a Neighborhood Residential Two General Plan land use designation which contemplates the MF1 and RC zones.

Commissioner Wright expressed concern with the recommendation to alter the orientation of the eastern major arterial, the length of the central north to south road encouraging traffic speeds, and the proposal of product not included in the Neighborhood Residential One General Plan designation for the area. He advocated for increasing the R1 product. Half-acre lots would help meet the average lot size zoning requirements to balance the smaller lots.

Mr. Mumford explained the placement of the road to the east facilitates meeting the Utah Department of Transportation (UDOT) intersection and traffic light spacing standards; however, the City is not required to meet those standards unless it becomes a UDOT road in the future. Relocating the curvature to the property to the north would impact that property more than currently contemplated. The City Engineer is evaluating the proposal.

Mr. Ostler said the park locations are to assist with drainage. The central park could potentially be relocated to segment the road along the northeast of the park to mitigate traffic speed concerns.

Commissioner Everett expressed concern regarding the impact to the property owner to the north should the full road curvature be required on their property. He suggested absorbing part of the road curving on this property and advocated for compliance with the General Plan and zoning averages. He supports the shorter block lengths and connectivity and agreed with concerns regarding the length of the road northeast of the central park. He encouraged the applicant to contemplate church and school sites and reminded the applicant that density is nontransferable from land sold for public facilities.

Commissioner Pengra said that due to the width of the powerline corridor and roadway, he is unconcerned with use conflicts with the property to the east. Although he likes the inclusion of half-acre lots in the plan, he does not view the half-acre lots as a benefit to the City that merits other concessions. He agrees with the concerns regarding the length of the central north to east road. He emphatically stated that the major arterial road should not be relocated to reduce impediment to this development due to the thought involved in determining the road location.

Commissioner Bergener echoed Commissioners Wright's sentiments to increase the number of R1 units due to the concerted effort by the Planning Commission to require adherence to the General Plan.

Mr. Ostler announced that after a year of negotiation with a landowner, Intermountain Healthcare (IHC) plans to build a medical facility in the southwest corner of the western development.

Bentley Pay with IHC stated their vision is for a large, community-scale hospital with a medical campus similar in size to the Spanish Fork Hospital with a phased approach, building sections of the hospital in correspondence with need and community growth. They desire for the hospital to be in the appropriate area surrounded by compatible and complementary uses. Other locations have encountered issues with being located by single-family homes. The location is desirable due to the future UDOT freeway and proximity to schools and Wride Memorial Park; however, the agreement would be contingent upon the freeway location as the property would not be large enough should the freeway bisects the parcel. The hospital is included in their planning models with a conceptually anticipated, unfinalized timeframe of five to ten years.

Mr. Ostler said the closest regional hospital is 27 miles away and the Saratoga Springs location is intended for surgical centers and medical offices. He envisions future college campuses in the northwest portion of the development, potentially with medical training programs. The reason for the requested MF1 and MF2 products is to buffer from the R3 and RC products to the east and due to IHC's desire not to build adjacent to single-family uses. Another possibility would be an active adult community or assisted living and commercial uses near the major roadways. The reduced land price offered to IHC in their negotiations is contingent upon the development being granted zoning for the multifamily uses.

Commission Pengra noted the possibility for conditions to change over the next five to ten years and expressed concern with granting entitlements in the hope for a project that does not have finalized plans. Other medical users have expressed interest in the City. Multifamily may be appropriate for this area; however, he is unsure if it would be appropriate to grant that amount of multifamily use requested in exchange for the hospital. He recommended for Mr. Ostler to partner with a master planning developer and believes there are ways for the applicant to work with a developer without creating a conflict of interest as a Councilmember in another city. He expressed his preference for the resulting master development plans as being more desirable and more likely to find favor with Eagle Mountain representatives.

Commissioner Everett said he is excited about a hospital, commercial, and educational uses and feels it is an appropriate and desirable location. He appreciates the applicant's research into the transitioning requirements, nevertheless, the amount of multifamily requested gives him pause. He supports the proposed active adult or assisted living communities. He recommended incorporating single-family uses into the plan and reducing the overall residential component.

Commissioner Wright concurred with Commissioners Pengra and Everett.

7.B. CONCEPT PLAN – Porters Crossing Town Center Revised Concept Plan

Mr. Jensen presented the item. The request proposes changes to Pods 1, 2, 9a, 9b, 10, and 15 of the Porter's Crossing Town Center Master Development Agreement (MDA) and Master Development Plan (MDP).

Current entitlements:

- Pod 1: Retail pod with 4.9 acres of commercial.
- Pod 2: Mixed-use, residential above retail with 11.6 acres, 180 residential units, 15.5 dwelling units per acre.
- Pod 9a: Institutional 12.3 acres reserved for a recreation center, assisted living, and/or charter school.
- Pod 9b: 4.34 acres reserved for commercial, senior housing, or assisted living housing. Buildings allowed to be up to five stories in height. No required improved park space.
- Pod 10: 4.95 acres reserved for a potential church site.
- Pod 15: 4 acres of community open space located within the powerline corridor.
- Total Residential Units: Over 180 with up to 17 acres of assisted living or senior housing without a specific unit count.
- Total Commercial Area: 4.9 to 9.24 acres.
- Total Open Space: 4 acres.
- Total Church Area: 4.95 acres.

Concept Proposal:

- Pod 1: Hotel, Class A office, and retail buildings.
- Pod 2: Retail buildings.
- Pod 1 and 2 area: 17.3 Acres.
- Pod 9a: 8 acres, 96 apartments, 15 townhomes for a total of 111 residential units and 13.88 dwelling units per acre.
- Pod 9b: 4.34 acres, 80 apartments, 20 townhomes for a total of 100 residential units, and 23.04 dwelling units per acre.
- Pod 10: 4.95 acres, 33 townhomes, and 6.67 dwelling units per acre.
- Pod 15:4 Acres of improved open space.
- Conceptual Residential Units: 244.
- Conceptual Commercial Area: 17.3 acres.
- Conceptual Open Space: 4 acres.

Mr. Jensen explained that past discussions had contemplated a joint recreation center in the development to be shared between the development and the City. The assisted living was intended as an appropriate, buffering use.

Commissioner Wright cited portions of the 2nd Amendment to the Master Development Agreement for the Porter's Crossing Town Center Master Development, Section 4A.1. "Pod 9a. The City and Developer intend that Pod 9a will be dedicated to the City in accordance with Section 10A.4," Section 4A.3. "Pod 9b shall be developed for either Senior Housing, Assisted Living Housing or Commercial or Institutional Uses. Senior Housing or Assisted Living Housing buildings shall not exceed five (5) stories in height and shall include off-street parking," and Section 10A.8. "Alternate Zoning/ Development of Pod 9a and Use of Funds. If City fails to obtain the funding to construct the Recreational Facility by January 1, 2021, City shall notify Developer that it does not intend to construct the Recreational Facility. Upon such notice from the City, Pod 9a shall be automatically zoned either as Residential (with densities not to exceed the density in Pod 6b), or as Commercial or Institutional Use. Developer shall be required to meet the City Vested Code and City bonus density structure if Pod 9a is zoned as Residential. Any alternative zoning Pod 9a shall include, at a minimum, a one (1) acre park improved to the City's minimum standards."

Mr. Mumford confirmed that City failed to obtain the funding to construct the recreational facility by January 1, 2021. The City has not sent an official letter; however, discussions with the developer indicated the City is not prepared to build the recreation facility. The assisted living center was planned on Pod 9b because of the proposed recreation facility and potentially a second-level walkway joining the two buildings. The recreation facility was intended to fulfill some of the amenity requirements for the assisted living and other portions of the development with the intent to have reduced usage fees for the recreation facility for residents in lieu of the standard amenity requirements. The developer desires to renegotiate the agreement to transfer some of the vested density to the portion of the development where the assisted living and recreation facility were contemplated. A benefit to the City of the new proposal is additional commercial uses along Pony Express Parkway in Pod 2. The applicant desires to move the vested density from that area to the northern portion of the development. The City has encouraged the applicant to move forward with the commercial area as soon as possible.

Commissioner Wright desired to clarify that the potential density transfer is not contemplated in the purview of the current agreement and would require an amendment to the terms of the MDA.

Commissioner Wells expressed concern with the distance from the parking to the west and southwest to the apartments it is meant to service increasing the unlikelihood of the residents utilizing the parking and the stalls would more likely be used by the adjacent townhomes. She likes the integration of the housing types, retail, and a potential hotel and appreciates that the applicant located the retail stores along the street as required by Municipal Code. Due to the extremity of the changes from the original MDA, she is evaluating the concept plan as a new application and is unsure if the requested number of increased units is appropriate with consideration of buffering requirements. She is concerned with the proposal for one-car garages due to most households having multiple vehicles.

Commissioner Everett said he supports the retail and hotel proposal as appropriate for the location while desiring to ensure a five-story building adheres to Municipal Code; however, the residential proposal causes him concern. He was unsure if the pool is sized appropriately for the number of residential units served and concurs with the parking guest location concerns. Municipal Code standards currently require rear-loaded garages on townhomes and one-car garages cause him concern regardless of the garage location.

Commissioner Wright noted that the MDA allows for a five-story building. He is in favor of the commercial site but is concerned with access to the northern portion for the residential uses and the parking located in the powerline corridor. He would prefer assisted living and single-family uses in Pods 9a and 9b similar to the proposal for Pod 6a and 6b.

Commissioner Pengra said that a one-car garage might be the house-owning entry point for new homeowners given the current housing market.

7.C. CONCEPT PLAN – Smith Property

Mr. Jensen presented the item. The conceptual plan is for approximately 80.04 acres located south of the Brandon Park Estates and west of the School and Institutional Trust Lands Administration (SITLA) land known as the "Pony Express Parcel" in the Overland MDP. The property is designated Neighborhood Residential One in the General Plan and slated for two to four units per acre. The regional Pony Express Trail is anticipated to bisect the southeast corner of the property. The concept plan is divided into a northern Phase 1 and a southern Phase 2 with proposed R2 and R3 zoning. SITLA representatives expressed concern with the proposal due to the road alignment and the Pony Express regional trail being depicted as a road in Phase 2 of the project. The trail is currently designated as Lehi-Fairfield Road.

Commissioner Wright clarified that the R2 zone has a minimum lot size requirement of 8,000 square feet and an average lot size of a one-quarter acre and the R3 zone has a minimum lot size of 6,500 square feet and an average lot size of 8,500 square feet.

Applicant Austin Smith expressed concern with how landowners to the south would access their property if Lehi-Fairfield Road were converted to a trail.

Mr. Jensen explained that SITLA anticipates roads along the north and south of their property providing two east to west connections.

Commissioner Everett stated that the City desires to preserve the trail to connect to other trail systems.

Mr. Smith stated his preference is to group the open space into a single larger park with increased amenities.

Commissioner Everett explained that Park 1 fails to comply with accessibility standards. He agrees a larger, centrally-located park would be preferable or a park centered around the regional trail with consideration of the park space being a benefit to the adjacent lots, particularly the smaller lots.

Mr. Jensen confirmed the proposed density for the project is 2.87 dwelling units per acre.

Commissioner Wright stated his interpretation is that the Neighborhood Residential One land use designation contemplates an assortment of R1, R2, and R3 products. He requested for R1 to be added to the plan and a greater variety of lots. He agreed with the suggestion to place smaller lots near the park space. He advocated for preserving the Pony Express Trail through the application of the Historical Preservation Overlay.

Mr. Jensen explained to the applicant that he had provided the engineer for the development with contact information for the SITLA planner for the area to facilitate planning road connectivity between the properties.

Commissioner Pengra expressed concern with requiring the applicant to adapt his plan in accordance with unfinalized plans for the surrounding area and the City's approval to use the Lehi-Fairfield Road as a temporary, secondary development access for other projects due to the difficultly in reverting the road to a trail. Although he loves the preservation of history, including the Pony Express Trail, he is unsure how to revert the road to a trail. Should the City desire to prioritize the preservation of the trail, alternative transportation routes need to be provided.

Mr. Mumford explained that the location of the road is on the historic Pony Express Trail route and is being used as a temporary, alternate access for Facebook. Mortenson Construction paved the road to divert construction traffic around school zones. SITLA refused to allow pavement of their portion of the road due to concern allowing pavement of the road would result in the loss of the area for a regional trail. The General Plan designates the area for a future trail. The timetable for construction completion and access use is unspecified. Facebook buildings 5 and 6 should be completed in two and a half years with room for three more full buildings excluding potential development of an additional 600 acres of undeveloped property. Project Freemont has been approved to the east of Facebook.

Discussion ensued regarding road accesses and the desire to revert the temporary access to preserve the Pony Express Trail and potentially connecting the trail to the park and open space plan and incorporating the Pony Express experience theme for the park.

Commissioner Wright stated that he believes the Pony Express Trail is worth preserving and suggested contemplating zoning the area with the Historical Preservation Overlay.

The applicant stated his willingness to adjust the plan to relocate the parks to incorporate the Pony Express Trail.

Commissioner Bergener noted that cul-de-sacs are discouraged unless required due to topographical issues and recommended for the applicant to remove the cul-de-sac when making other modifications.

8. Next scheduled meeting:

The next Planning Commission meeting is scheduled for August 24, 2021.

9. Adjournment

MOTION: ***Commissioner Wells moved to adjourn the meeting at 9:20 p.m. Commissioner Pengra seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.***

The meeting was adjourned at 9:20 p.m.

Approved by the Planning Commission on August 24, 2021.

Steve Mumford, AICP
Assistant City Administrator/Community Development Director