



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

July 25, 2023, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

CITY STAFF PRESENT: Steve Mumford, Deputy City Administrator/Community Development Director; Marcus Draper, City Attorney; Evan Berrett, Economic Development Director; Robert Hobbs, Planning Manager; and Steven Lehmitz, Planner.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

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

Commissioner Everett called the meeting to order at 5:32 p.m.

1. Discussion Items

1.A. WORK SESSION ITEM: Small Area Plans Update and Review

Economic Development Director Evan Berrett introduced the item.

Consultant Ben Levenger with Downtown Redevelopment Services reviewed the purpose, process, and public and stakeholder engagement used in creating small area planning for Eagle Mountain City. He presented the descriptions, acre ranges/residential unit density (when applicable), standard building heights and square footage, parking, amenities, and anticipated job creation for the following development typologies used in the scenario planning:

- Residential – Small Lot Detached Residential, Large Lot Detached Residential, Townhomes, and Multifamily Residential.
- Commercial – Big Box Commercial and Strip Commercial.
- Office/Civic – Office/Medical Park and Institutional.
- Mixed Use – Residential and Commercial Mixed Use and Commercial Mixed Use.
- Industrial – Low Density Warehouse and High Density Warehouse.

Mr. Levenger presented suggested layouts and use compositions and acreages for the Commercial Core, Mid-Valley, and Gateway areas of the City and the resulting socio-economic results, revenue generation, and building area and utility impacts of the plans.

Discussion ensued regarding the following:

- The number of jobs being created in the residential area being based on work-at-home positions and people living and working in the City;
- Clarification that the proposed Walmart site is located outside of the Gateway area;

- The consultants receiving direction to minimize residential and maximize commercial and industrial uses;
- The location of the industrial uses in the Gateway being adjacent to industrial uses in Saratoga Springs and clarifying the future freeway will make the retail uses more visible due to differences in elevation to the industrial uses;
- The City's need for additional industrial uses to create jobs and to support and allow for commercial use growth;
- Residents being the most vocal regarding the Mid-Valley area and feedback desiring a walkable, downtown area for the City;
- The precise location of the schools and other buildings possibly changing during the process;
- Industrial water usage and City strategies to mitigate high water use businesses; and
- Reporting that the second public event had 68 participants and a third public event is planned.

1.B. DISCUSSION ITEM: Parkway Fields Fencing

Applicant representative Bronson Tatton presented their request for six-foot privacy fencing and three-foot split rail fencing for the collector roads in the Parkway Fields development. The benefits of the Weathered Gray Estate Style Vinyl Fence include:

- Being locally produced in Ogden, Utah with national support;
- An integral color rather than a color coating;
- Steel reinforced rails;
- Easy to replace if vandalized;
- Low cost of maintenance; and
- Lifetime product warranty for bowing, distortion, and discoloration.

In the Silverlake project, the developer switched to this product after experiencing issues with the wood fencing they had installed in a portion of the development.

Planning Manager Robert Hobbs clarified that the application will not return to the Planning Commission as an action item and requested Commission feedback on the proposal for staff to provide to the City Council.

Commissioner Eaton stated he prefers a landscaping buffer in addition to the fencing rather than fencing that abuts the sidewalk.

Discussion ensued regarding landscaping adjacent to fencing and fencing types and styles used in other areas of the City.

Commissioner Strong spoke in favor of a more durable material along Pony Express Parkway such as concrete and asked if sound studies had been performed for this fencing.

Mr. Hobbs said he was unsure of the sound protection of vinyl but assumes that it would be less effective as a sound barrier than masonry or concrete.

Commissioner Bergener concurred with sound concerns.

Commissioner Eaton noted that at some point in the future, traffic will merit the need for sound barrier walls possibly at the City's expense. He recommended that the City create standards based on traffic counts or other statistics to trigger a requirement for sound-mitigating fencing.

Discussion considered consistency in fencing and the types of fencing that have been permitted along major collectors in the City.

Commissioner Allen said the product is more consistent with existing fencing along Pony Express Parkway than changing to a masonry fence would be. He likes the look of the product, the low maintenance, and the lifetime warranty.

Commissioner Everett noted that, although it is similar in color and style, it is not the same product as the fencing in the adjacent development. He invited staff, Commissioners, and City Councilmembers to view the change in fencing from the intersection of Golden Eagle Road and Porter's Crossing to Golden Eagle Road and Silverlake Parkway and Golden Eagle. In his opinion, the fencing in the Silver Lake development appears to be lower quality than the fencing used in Evans Ranch. He recognized that the City has considered removing ambiguity in City standards to better define the intention of the requirement for durable quality fencing along arterial and collector roads. He advocated for requiring the same or superior fencing material as that used in Evans Ranch to provide more durable fencing to endure traffic and weather and for increased safety to better withstand traffic collisions. He is likewise concerned with the durability of the split rail fence as a section of the existing fence is broken.

Commissioner Strong concurred with Commissioner Everett. As a former plastics engineer, he is concerned with the durability of the proposed fencing as vinyl is more brittle and is of different composition than composite fencing such as Trex.

Commissioner Everett adjourned the work session at 6:47 p.m.

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

Commissioner Everett called the policy session to order at 6:47 p.m. Robert Fox was appointed as a Commissioner and Jimmy Eaton was appointed as the Alternate Commissioner at the July 18, 2023 City Council meeting.

2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. July 11, 2023 Planning Commission Minutes

MOTION: *Commissioner Bergener moved to approve the July 11, 2023 minutes. Commissioner Strong seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☒ <i>Robert Fox</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>
☐ <i>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>	☒ <i>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>

The motion passed with a vote of 3:0 with 2 abstaining. As Commissioner Fox was absent, Alternate Commissioner Eaton voted.

5. Status Report

Staff reviewed the planning items discussed and voted upon during the July 18, 2023 City Council meeting.

6. Action and Advisory Items

6.A. HEARING ITEM: Cleverly Court Rezone and Preliminary Plat

Mr. Hobbs presented the item. In May, the City was contacted by one of the applicants about building a home on a 1.25-acre parcel of land, Utah County Assessor No. 59:007:0122, addressed as 4264 North Cedar Valley Drive, which adjoins Eagle Point J Subdivision at the northeast end of North Cedar Valley Drive. Ensuing discussions revealed the need for the applicants to begin the process of seeking a rezone from Agriculture to Foothills Residential (FR), and an associated preliminary plat application to facilitate the creation of a one-lot residential subdivision on the same property. An application package was subsequently received from the applicants to initiate that effort. The development review committee (DRC) review of the proposed one-lot plat has already been conducted.

Finding that the proposed rezone and associated preliminary plat comply, or substantially comply within acceptable limits, with Municipal Code policy recommendations and requirements, for the reasons stated in the staff report, staff suggests that the Planning Commission advance a favorable recommendation to the City Council respecting the proposed rezone and preliminary plat approvals contingent upon:

1. Applicants and project conformance to corrections required by the DRC, including corrections of stated setbacks on plat to reflect Foothills Residential zoning inclusion of required utility easements, revision of callouts for front property line and street centerline, etc.

Applicant Dallas Cleverly said they plan on developing a second lot on the 1.25 acres in the future. They are amenable to making the changes required by the DRC.

Commissioner Everett opened the public hearing at 6:59 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the rezone to Foothill Residential and the preliminary plat for Cleverly Court with the condition that the applicants and project shall conform to corrections required by the development review committee, including corrections of stated setbacks on plat to reflect Foothill Residential zoning, inclusion of required utility easements, revision of callouts for front property line, and street centerline. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☒ <i>Robert Fox</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>
☐ <i>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>	☒ <i>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>

The motion passed with a vote of 4:0 with 1 abstaining. As Commissioner Fox was absent, Alternate Commissioner Eaton voted.

6.B. ACTION ITEM – PUBLIC HEARING: Amending Section 17.25.050 Generally Applicable Provisions, and 17.49.030 Applicability

Planner Steven Lehmitz presented the item. This was presented as a discussion item last month. In order to standardize wash setback language in Eagle Mountain Municipal Code and to avoid using verbiage such as “significant,” the City consulted with a hydrological engineering firm to analyze wash flow data, wash slope, and soil type, to generate a number that would likely prevent loss of property and lessen concern for human health and safety issues along the washes in the future. The result of this analysis suggests a setback distance of 75 feet. Their report was modeled on high flow, severe storms, soil, and slope of wash.

Commissioner Everett opened the public hearing at 7:04 p.m.

Bettina Cameron speaking on behalf of the Eagle Mountain Nature and Wildlife Alliance voiced support for the amendment.

Commissioner Everett closed the public hearing at 7:05 p.m.

Commissioner Everett concurred with the importance of removing ambiguity from the standards by replacing the word significant with a fixed setback distance.

MOTION: *Commissioner Allen moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code Section 17.25.050 Generally Applicable Provisions and Section 17.49.030 Applicability. Commissioner Everett seconded the motion.*

Commissioner Eaton expressed concern about rendering additional property unusable by increasing the setback as 50 feet seemed adequate.

Discussion referenced and explained the studies in the staff report utilized in increasing the setback requirement and verified that the setback is of the natural wash and will not require wash improvements at the City's expense.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☐ <i>Robert Fox</i>	☒ <i>Robert Fox</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>
☒ <i>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>	☐ <i>Jimmy Eaton</i>

The motion passed with a unanimous vote. As Commissioner Fox was absent, Alternate Commissioner Eaton voted.

6.C. ACTION ITEM – PUBLIC HEARING: Site Plan Approval of A to Z Building Blocks Addition

Mr. Lehmitz presented the item. On July 6, 2021, the Eagle Mountain City Council approved the site plan for an addition to the existing A to Z Building Blocks daycare center. This approval expired after one year, as the project failed to obtain a building permit (EMMC 17.100.090). The applicant resubmitted the project within the allotted two-year time frame and is substantially similar to the expired plan. The resubmitted project is to be reviewed under the current development code. This item was on the July 11, 2023 Planning Commission agenda for review and recommendation. However, it was tabled due to not having all the required materials submitted. Everything has now been submitted and reviewed by staff prior to this meeting. The applicant is proposing a 3,268-square-foot addition to their current 4,990-square-foot building. The 0.69-acre lot is platted as lot 2 of Parkway Crossroads Plat A First Amendment, recorded in December 2020. New landscaping totals 1,514 square feet and is comprised of trees, shrubs, grasses, flowers, sod, and stone. The proposed addition will have a height of 33 feet at the tallest points.

Child Day Care Centers/Preschools require 1 parking stall per 10 children. The applicant has indicated they will have 20 staff members and will serve up to 190 children, therefore 39 parking

stalls are required. The project currently provides 17 parking stalls. They are proposing to utilize an additional 22 shared parking spaces from the Parkway Crossroads development to meet their parking requirements. The applicant is proposing more than 50 percent of their required parking be shared with other required parking areas. They have provided an agreement for the shared parking, but have not provided data from a professional traffic engineer. Staff presented the site plan and elevations and explained their recommended changes to bring the project into compliance with City standards.

Staff recommends the Planning Commission consider the proposed site plan as it relates to applicable Eagle Mountain Municipal Code requirements and forward a positive recommendation to the City Council with the following conditions and any other conditions deemed appropriate:

1. The southwest elevation, adjacent to Ranches Parkway, shall have increased architectural elements, including two columns instead of just one and timbers on the covering.
2. A schedule detailing the materials being used in the addition is provided to staff.
3. The parapet is made more decorative.
4. Building elevations shall show increased articulation (structure) to meet Municipal Code.
5. Architectural details are provided on all sides of the proposed addition such as columns and timbers over the doors on the southeast elevation.
6. If the proposed shared parking is approved, then data from a professional traffic engineer shall be provided to staff.
7. A bike rack is included on the new site plan.
8. All outstanding redlines on the submitted plans are resolved with staff.

Commissioner Everett inquired regarding bike racks.

Mr. Lehmitz noted that the bike rack had been included because of City requirements; however, it is unlikely to be heavily used due to the nature and operation of the daycare facility.

Discussion clarified the location of the accesses to the building and that the fire department has reviewed and approved the exits.

Applicant Jody Zabriskie explained that the project had not been completed under the previous approval because of delays due to the pandemic. They have not experienced parking issues even during their peak hours from 7:00 a.m. to 8:30 a.m. and 4:30 p.m. to 6:00 p.m. and the addition will not significantly increase parking needs. As such, she requested to be allowed to forgo a traffic study, which would cost \$5,000 to \$10,000, as they will not greatly increase traffic and vehicles are only on site for a few minutes for drop off and pick up. They have a shared parking agreement with other businesses. Staffing will increase by ten employees and enrollment will increase by 105 children. Childcare, particularly for children under preschool age is lacking in Utah in general Eagle Mountain in particular. The extension will allow them to double infant care enrollment from 8 to 16 and toddler care enrollment from 8 to 16 as well as double two-year-old care and open spots for children on their waitlist. Parking in front of the building is reserved for drop-off and pickup. The second column on the southwest elevation was omitted to provide better visibility and access to the entrance. Stone was excluded from the bottom of the southeast elevation because of the potential for the students to damage it; siding is more easily repaired and replaced. Where the southeast elevations open to the playground area, pillars would be a safety hazard.

Mr. Hobbs explained that as parking stall requirements and the number allowed to be shared are set by Municipal Code, a parking agreement with the adjoining property owners or a variance is required for an exemption.

Commissioner Everett opened the public hearing at 7:38 p.m. As there were no comments, he closed the hearing.

Commissioner Everett noted that when the site plan was previously reviewed, robust discussion regarding parking considered staff counts and the difference between a daycare and schools with evening events that require additional parking. As Municipal Code cannot account for all possibilities, exceptions are occasionally necessary. He feels there are opportunities to make reasonable exceptions for the parking and bike rack requirements for this application. Given the additional articulation and the reasons provided, he is in favor of allowing the single column on the southwest elevation.

Commissioner Eaton expressed concern about the possibility of needing additional parking should the surrounding uses change to businesses requiring more parking and the existing parking issues for other current businesses.

Discussion considered parking standards, the zoning and uses of the surrounding properties, and future development limitations due to the property being mostly developed except for the powerline corridor.

Staff, the Commission, and the applicant discussed and clarified the landscaping will meet City standards and exclude fruit-bearing trees and fencing will be a solid, privacy fence.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of a site plan for A to Z Building Blocks Addition with the following conditions:*

- 1. A schedule detailing the materials being used on the addition shall be provided to staff;*
- 2. The parapet shall be made to be more decorative;*
- 3. Building elevations shall show increased articulation (structure) to meet Municipal Code;*
- 4. Architectural details shall be provided on all sides of the proposed addition; and*
- 5. All outstanding redlines on the submitted plans shall be resolved with staff.*

Commissioner Bergener seconded the motion.

Those Voting Yes

☒ ***Jason Allen***
☒ ***Jeremy Bergener***
☒ ***Matthew Everett***
☐ ***Robert Fox***
☒ ***Brent Strong***

Those Voting No

☐ ***Jason Allen***
☐ ***Jeremy Bergener***
☐ ***Matthew Everett***
☐ ***Robert Fox***
☐ ***Brent Strong***

Those Abstaining

☐ ***Jason Allen***
☐ ***Jeremy Bergener***
☐ ***Matthew Everett***
☐ ***Robert Fox***
☐ ***Brent Strong***

Those Absent

☐ ***Jason Allen***
☐ ***Jeremy Bergener***
☐ ***Matthew Everett***
☒ ***Robert Fox***
☐ ***Brent Strong***

☒ **Jimmy Eaton** ☐ **Jimmy Eaton** ☐ **Jimmy Eaton** ☐ **Jimmy Eaton**

The motion passed with a unanimous vote. As Commissioner Fox was absent, Alternate Commissioner Eaton voted.

7. Discussion Items

8. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for August 8, 2023.

9. Adjournment

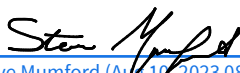
MOTION: ***Commissioner Allen moved to adjourn at 7:54 p.m. Commissioner Strong seconded the motion.***

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ Jason Allen	☐ Jason Allen	☐ Jason Allen	☐ Jason Allen
☒ Jeremy Bergener	☐ Jeremy Bergener	☐ Jeremy Bergener	☐ Jeremy Bergener
☒ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett	☐ Matthew Everett
☐ Robert Fox	☐ Robert Fox	☐ Robert Fox	☒ Robert Fox
☒ Brent Strong	☐ Brent Strong	☐ Brent Strong	☐ Brent Strong
☒ Jimmy Eaton	☐ Jimmy Eaton	☐ Jimmy Eaton	☐ Jimmy Eaton

The motion passed with a unanimous vote. As Commissioner Fox was absent, Alternate Commissioner Eaton voted.

The meeting was adjourned at 7:54 p.m.

Approved by the Planning Commission on August 8, 2023.


[Steve Mumford \(Aug 10, 2023 08:16 MDT\)](#)
Steve Mumford, AICP
Deputy City Administrator/Community Development Director

07.25.23 PC DRAFT Minutes

Final Audit Report

2023-08-10

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