EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

July 14, 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 5:34 p.m.

1. Discussion Items

1.A. DISCUSSION ITEM – Special Uses Standards

This item was discussed after item 1.C.

Long-Range Planning Manager Pete Kane presented the item. He requested for the Commissioners to review the Special Uses Standards staff suggested amendments and provide him feedback by July 22, 2020 in order for the Planning Commission to discussion the item during the July 28, 2020 Planning Commission meeting and, depending upon the extent of revisions and further discussion, provide a recommendation for approval to be presented at the August 11, 2020 City Council meeting for a public hearing and City Council vote to adopted the amended standards.

Mr. Kane explained "conditional use" and "special use" verbiage needed to be maintained throughout all standards until all conditionals uses are removed from Municipal Code. He said the standards in this section supplement the other sections of Municipal Code, but all other sections will still apply (i.e. parking, lighting, landscaping, etc.). Discussion ensued regarding the removal of existing conditional use verbiage in current Municipal Code standards and staff comments and concerns. Mr. Kane recommended drafting and including definitions for each use to improve clarity.

The Planning Commission and staff discussed potential standard requirements to resolve concerns regarding animal short-term boarding in residential and commercial zones, check cashing service spacing requirements, neon lighting standards, parking garage height and design standards, portable storage and shipping container number and time restrictions, requiring opaque screening for industrial uses, landscaping screening maintenance needs, balancing aesthetical appeal with potentially losing desirable industrial developments due to exorbitant cost increase resulting from imposing standards not required by other cities, and the potential negative impacts of lax storage containers standards.

Mr. Kane stated the Planning Commission could codify minimum standards and require additional standards, if deemed desirable and necessary to minimize nuisances, during the application and special use approval process.

Discussion ensued regarding amending the title "nonresidential adult group care facility or child group day care/preschool center" to increase clarity and concerns regarding the sufficiency of the parking and frontage standards included with the use, concerns regarding the legality of the City allowing the licensee to request the confidential records of rehabilitation and treatment facility residents, public notification and signage requirements to inform citizens firearms are prohibited at rehabilitation and treatment and/or other facilities, comparable and desired distance requirements regarding sexually oriented businesses, and possibly limiting the number of permitted sexually oriented businesses in relation to population like some other less-desirable uses standards.

1.B. DISCUSSION ITEM – Historic Preservation Zone

This item was discussed before item 1.A.

Commissioner Wood directed staff to place the Historic Preservation Zone as a discussion item on the agenda of a future work session meeting, due to the number of more time-sensitive topics in need of discussion.

1.C. DISCUSSION ITEM – Industrial Zone

This item was discussed before item 1.A.

Commissioner Wood asked if the Commissioners thought the Industrial Zone should remain included as a zone in Municipal Code. The Commission determined the the zone should be retained and moved the discussion regarding Industrial Zone standards to a future meeting due to time limitations and the number of discussion items.

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

This item was discussed after the policy session.

Planner Jessa Porter explained staff is reviewing Municipal Code to update tier language and to remove bonus and base density language in accordance with the residential development language standards adopted in August of 2019.

Commissioner Wood expressed concern regarding the retention of verbiage that no longer applies to the updated Municipal Code and suggested exclusively using either "acres" or "zones" for clarity and continuity and other language updates.

Discussion ensued regarding rural zone streetlight safety standards, trail connectivity requirements and maintenance expenses in relation to lot sizes and safety concerns, concerns that overly prescriptive standards will increase costs and discourage large lot development within the City, improving and clarifying zone and density definitions, agricultural zoning, permittance of tiny homes on wheels, Tier 1 verbiage removal, lot size transitioning, and the lot size transitioning table.

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

This item was discussed after policy session.

Commissioner Wood explained he had requested that master development agreements (MDA) and master development plans (MDP) be included as a discussion item due to requests from the City Council for amendments to the approval process and Municipal Code due to undesirable language and terms in previous agreements. Commissioner Wood instructed the Commission to review existing MDAs to become familiar with the process and to identify areas of concern.

Commissioners Pengra and Wells discussed their perspectives regarding MDPs and MDAs in relation to their professional experiences.

Commissioner Pengra stated MDAs and MDPS are valuable and that newer agreements are more favorable to the City and advocated for the inclusion of reasonable time horizon clauses on the agreements.

Commissioner Wells stated infrastructure timing and funding impacts the residents and City and should be carefully considered. She expressed concerns regarding density, clause contradictions in existing plans, advocating for the best interests of the City without being onerous to the developers, and agreed with requiring reasonable timing restrictions.

Commissioner Wright concurred with the other Commissioners and recommended implementing MDPs on smaller parcels of land and requiring timing restrictions and third-party review.

Commissioner Everett concurred with timing restriction requirements and suggested imposing a 5-year timeframe on smaller land portions to be evaluated and possibly extended to 10 years, depending upon existing circumstances. He expressed concerns regarding the undesirable standards permitted in previous agreements and potential impacts of current agreements to the City in the future and unfinished developments due to bankruptcy of past developers. He advocated for agreement amendment applications to be required to adhere to present Municipal Code standards.

Commissioner Wood stated the concerns expressed by the Commissioners were in alignment with his discussions with the City Council. He expressed concerns regarding infrastructure installation timing requirements, particularly in regard to the completion of common areas and parks; favorable plan phasing to prevent the burden of undeveloped space being deferred to the City; and allowing collector and arterial roads to be completed during each phase of the development. He recommended requiring infrastructure improvements to be completed at the beginning of the project, concurred with smaller MDA areas with shorter timing restrictions, and suggested penalties for failure to meet agreement terms. He stated the developer should be responsible for determining natural obstructions to development and assume any resulting decrease in density and advocated for the agreements to undergo a strenuous review process.

Commissioner Wood requested feedback from the Commission and stated he will be meeting with staff to discuss concerns and hopefully amended standard suggestions will be ready for discussion at the following meeting.

Mr. Mumford stated he looks forward to addressing his own concerns and expressed the desire to discuss suggestions with the City Attorney. He cautioned against requiring onerous infrastructure installation timing standards that create undue finical burdens for developers.

Commissioner Pengra expressed concern regarding creating maintenance burdens by requiring the installation of infrastructure prior to the need for or use of the amenities. He advocated for balancing City and developer needs and against creating standards that discourage City development.

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

Commissioner Wood called the meeting to order at 6:31 p.m.

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. June 23, 2020 Planning Commission Minutes

The approval of the June 23, 2020 was postponed to the August 11, 2020 Planning Commission meeting.

5. Status Report

Planning Manager Mike Hadley stated the Appeals Board affirmed the Planning Commission approval of the 7-Eleven conditional use permit, and the City Council approved the 7-Eleven and Dollar Tree site plans and the Sunset Flats alternative fencing request with direction to review fencing standards to include approved alternative fencing options.

Commissioner Wood requested for alternative fencing standards to be included on the agenda for the August 11, 2020 Planning Commission meeting.

6. Action and Advisory Items

6.A PUBLIC HEARING – LBiSat (Site Plan)

Mr. Hadley presented the LBiSat site plan located on 10 acres in Sweetwater Industrial Park, which is intended for the Sweetwater Industrial Overlay Zone and allows for communications facilities and towers. The final approval is contingent upon the rezone approval of the Sweetwater Industrial Overlay Zone for the property. The applicant intends to present the rezone application and site plan to the City Council concurrently. The building is 13,478 square feet, including an office area and a warehouse area. The proposed building design uses both acceptable and unapproved materials. The proposed parking is located in the front of the building between the building and road and the project has the parking divided into two separate requirements, one for office and one for professional. The proposal has 20 parking stalls for the office building, 4 stalls for the warehouse, and 1 ADA stall. LBiSat will be responsible for the maintenance of the landscaping on the site.

Staff recommends the following conditions: The applicant shall submit a lighting plan that complies with the dark sky outdoor lighting standards, the west side and the front of the building shall include more articulation and an increased mixture of materials, the final site plan approval shall be contingent upon the approval of the Sweetwater Industrial Overlay Zone rezone, and all signage shall require a sign application and permit.

Commissioner Wells requested clarification regarding traffic patterns in the area in relation to fencing requirements along major roadways. Mr. Hadley stated Pony Express Parkway and Tiffany Lane are the major roads in the area and this property is setback from the major roadways and stated the adjacent roads will be industrial public roads.

Commissioner Wood stated as the roads are public, the storage, loading areas, and trash enclosures require screening on the north and west side and verified that the building elevations do not meet building design standards and require additional articulation.

Commissioner Wright requested staff opinion regarding a parking location standard exemption for the project. Mr. Hadley stated as the area is industrial, he believes permitting parking in front of the building is appropriate and the decision could be left to the City Council. He said the light plan had not yet been submitted.

Mr. Mumford clarified the commercial design standards cited are not required for industrial uses but are highly encouraged. Commissioner Wood stated the standards are required in the Sweetwater Industrial Overlay Zone. Mr. Mumford stated if that was the case, the Sweetwater Industrial Overlay Zone required an amendment to rectify the error, as the overlay was intended to allow reduced standards for industrial areas.

Applicant representative Scot Hazard stated he had submitted a compliant light plan. He expressed a willingness to screen the trash enclosure. He stated locating the parking in the front of the building is crucial for the security of the company and the number of stalls is more than sufficient for staffing needs. As the location is near the sewage treatment zone, Mr. Hazard requested leniency in design standards to reduce costs in accordance with the intent of the overlay zone. He stated variance in banding color could be employed to increase architectural movement. Alternate fencing, other than the desired chain link, is problematic due to cost and security issues and stated the fencing could include slats, if desired. Chain link fencing with security wire is necessary for security reasons and explained other secure fencing options would greatly increase the cost; he advocated for City fencing requirements to be in harmony with the proposed use. He explained the site plan is for 5 acres of the property with the intention to develop the additional five acres at a future date.

Commissioner Wells requested clarification regarding the security wire.

Applicant Rodger M. Lyman stated at existing facilities, they have used three or four strands of barbed wire or razor wire. Commissioner Wells verified Municipal Code permits barbed wire, if approved, and razor wire is prohibited.

Mr. Lyman explained the undeveloped 5 acres of the property will be used for the installation of additional satellite antennas in the future. The satellite antennas range in size from 1.2 meters up to 9 to 11 meters; an 9-meter antenna is approximately 30 to 33 feet in diameter. The antennas will face southward and be arranged in the field in an aesthetically appealing formation. He stated his other facility has reached max capacity and explained companies are utilizing more cost-effective lower earth orbit constellation satellites rather than greater earth orbit satellites. However, the lower earth orbit satellites require a greater number of satellite antennas on the ground. Mr. Lyman stated he is in negotiations with several companies desiring to implement lower orbit satellites, requiring him to procure additional land for antenna installation to interface with the satellites to then distribute the data, voice, and video around the world.

Scot Hazard stated the satellite antennas will be located on concrete pads with gravel between the pads and are aesthetically appealing.

Commissioner Wood opened the public hearing at 7:00 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 Wood verified Municipal Code does not specify satellite screening requirements.

Mr. Lyman stated the chain link fence will be six feet in height with up to an additional two feet of barbed wire.

Commissioner Wood expressed concern in recommending approval of a site plan with an expired master development agreement prior to the approval of the rezone application.

Commissioner Everett stated he was comfortable in making a recommendation to the City Council, as the application would be terminated should the City Council fail to approve the rezone application.

Commissioner Wood stated approval of the project as a benefit to the City and desired to adhere to City standards and to mitigate potential issues regarding the application.

Commissioner Pengra stated this is the appropriate use for the area and the applicant understands the item could be denied by the City Council. He stated he was in favor of the use and recommending approval to the City Council. This use is complimentary to Facebook and is the type of desired use envisioned by the City.

Commissioner Wright stated he is in support of the application, expressed concern a 35-foot wide satellite antenna would also be taller than the building, and requested clarification regarding the antenna quantity, size, and volume. Mr. Lyman confirmed the satellite antennas are large, vary in size, are angled, and move to track the satellites throughout the day.

Commissioner Wright asked if the fence height was a City requirement or requested by the applicant and suggested potentially requiring a taller fence. Mr. Lyman expressed a willingness to increase the fence height, if desired.

Commissioner Everett expressed excitement regarding the project; however, he expressed the desire for color banding variance on the west elevation to increase the articulation. He expressed support in permitting the parking to be located in the front of the building and suggested that Municipal Code standards include parking exemptions. He said although he does not prefer chain link fencing, he concurred chain link is appropriate for this use.

Commissioner Pengra stated the types of uses appropriate for this area are not meant to be aesthetically appealing and, in the future, the City may be able to require more strict industrial design standards but feels increased standards at this juncture could be economically detrimental to City development. He objected to requiring architectural articulation on the interior sides of an industrial complex and is satisfied with the design presented.

Commissioner Wells expressed a willingness to offer reduced standards but stated support of requiring shade variation through banding to increase articulation on the side of the building fronting on a road.

Commissioner Wood expressed his desire to properly balance current and future City needs and advocated for moving forward with the application and compromising on standard requirements.

MOTION: ***Commissioner Wells moved to recommend approval to the City Council of the LBiSat site plan with the following conditions:***

1. ***The applicant shall submit a lighting plan that complies with the dark sky ordinance lighting standards;***
2. ***The west side and the front of the building shall include more articulation and an increased mixture of materials;***
3. ***The final site plan approval shall be contingent upon the approval of the Sweetwater Industrial Overlay Zone rezone;***
4. ***All signage shall require a sign application and permit; and***

5. ***The trash enclosure shall be screened from view of the public streets and designed with the architectural style of the building.***

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.

6.B. PUBLIC HEARING – Development Code Amendment Lot Line Adjustment (EMMC 16.50) and Development Code Amendment Plat Amendments (EMMC 16.55).

Mr. Hadley presented the item. The proposed changes to Lot Line Adjustment Municipal Code include requiring a mylar plat map to be submitted with any application located in in recorded subdivision map and current lots will be vacated and recorded as two new subdivision lots. The proposed changes to Plat Amendment Municipal Code include: an added section for minor plat amendments; allowing for staff to process lot line adjustments and minor changes that do not include the addition of lots or vacation, alteration, or amendment of any street; and minor plat amendment changes would be a staff level approval.

Commissioner Wells expressed concern requiring a mylar plat map would place undue burden upon residents.

Mr. Hadley stated he understood a mylar plat map only slightly increases the cost of the project, as the cost of a surveyor and legal descriptions account for the majority of the expense of a lot line adjustment; however, requiring a mylar will increase inconvenience due to the need for the applicant to obtain additional signatures from utility companies in order to record the plat map. He explained the reason for requiring a mylar map is to clarify the title and division of the property to prevent unclaimed, untaxed portions of property resulting in land and tax disputes.

Commissioner Wells requested clarification regarding the suggested addition of "if required by the current recorded plat," to the Application: Declaration of Covenants, Conditions, and Restrictions (CC&Rs) section requirement, "Declaration of covenants, conditions, and restrictions shall be submitting for any new lot."

Mr. Hadley stated if the recorded plat has CC&Rs, the applicant is required to provide the CC&Rs to be recorded with the new plat for consistency and to update the CC&Rs description verbiage.

Commissioner Wood opened the public hearing at 7:27 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 Wood expressed concern regarding the ambiguity of the verbiage "minor changes" and stated a preference for more prescriptive language.

Commissioner Wells stated due to her experience regarding a lot line adjustment for her own property, she is in favor of allowing staff-level approvals.

Commissioner Pengra concurred permitting staff to approve minor change is appropriate to prevent stranded pieces of land which is problematic throughout Utah County.

MOTION: ***Commissioner Everett moved to recommend approval to the City Council of the development code amendment Lot Line Adjustments and development code amendment Plat Amendments. 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.***

7. Discussion Items

8. Next scheduled meeting

Mr. Kane stated no additional discussion items are scheduled for the next meeting, other than the items requested to be moved to future meetings.

Commissioner Wood adjourned policy session and reopened the work session at 7:34 p.m.

9. Adjournment

MOTION: ***Commissioner Everett moved to adjourn the meeting at 8:53 p.m. No second or vote was called.***

The meeting was adjourned at 8:53 p.m.

Approved by the Planning Commission on July 28, 2020.

Steve Mumford, AICP
Assistant City Administrator/Community Development Director