



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

June 22, 2021, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. Commissioner Christopher Pengra was excused.

ELECTED OFFICIALS PRESENT: Councilmember Donna Burnham, Primary Liaison to the Planning Commission.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Tayler Jensen, Senior Planner; Jessa Porter, Planner; Director of Administrative Services/City Recorder, Fionnuala Kofoed, and Elizabeth Fewkes, Recording Secretary.

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

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

1. Discussion Items

1.A. FIELD TRIP – A fact finding trip in preparation of amendments to the City Animal Rights Ordinances

Site #1 Location: 3152 E Cedar Pass Road

Site #2 Location: 2853 E Cedar Pass Road – Cancelled by Property Owner

Mayor Tom Westmoreland; Councilmembers Donna Burnham, Jared Gray, Carolyn Love; Commissioners Jeremy Bergener, Matthew Everett, Erin Wells, Brett Wright; and staff members Steve Mumford, Tayler Jensen, Jessa Porter, and Fionnuala Kofoed attended site visits at the beginning of work session. The body visited 3152 Cedar Pass Road to evaluate the housing of animals at the locations in response to complaints and a Councilmember request to evaluate the City's animal rights ordinances.

MOTION: *Commissioner Everett moved to approve to continue the work session following the conclusion of the policy session. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

Commissioner Wright closed the work session at 6:33 p.m.

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

Commissioner Wright opened the policy session at 6:33 p.m.

2. Pledge of Allegiance

Commissioner Wells led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. June 8, 2021 Planning Commission Minutes

Commissioner Everett requested a correction to page five amending, “The applicant received feedback that the applicant wanted more commercial uses in the area,” to “The applicant received feedback that the *City Council* wanted more commercial uses in the area.” Commissioner Wright noted that staff had also been notified of grammatical and spelling corrections.

MOTION: *Commissioner Everett moved to approve the June 8, 2021 minutes as amended. Commissioner Wells seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

5. Status Report

Senior Planner Tayler Jensen explained that the preliminary plat and site plan for Hidden Hollow Phase C had been tabled during the previous City Council meeting in order to properly notice the disposal of property component as the appraisal of the property was received after the noticing deadline.

6. Action and Advisory Items

6.A. PUBLIC HEARING – Pony Express Dental at Porters Crossing

Mr. Jensen presented the item. Per EMMC 17.100.050(B), Any commercial lot which abuts a residential use shall be effectively screened. This area is buffered by a masonry wall; however, the wall does provide appropriate buffering to the west. In this location, the elevation of the base of the wall is 4,795 feet and the parking lot is between 4,792 and 4,794 feet resulting in insufficient buffering. The zoning of the property is CC and medical, health care, and professional offices are permitted uses. EMMC 17.35.050(K) requires bicycle parking to be provided in locations that do not interfere with pedestrian circulation. The application does not currently include bicycle parking.

The elevations include the use of four-sided architecture, varied materials, varied rooflines, and the mechanical equipment is screened. The building fronts onto Pony Express Parkway. It is the opinion of staff that these elevations comply with EMMC 17.72.

Staff recommends that the Planning Commission motion to recommend approval of the application to the City Council for the reasons set forth in the staff report and in the meeting with the condition that bicycle parking is provided in compliance with EMMC 17.25.050(K).

Mr. Jensen stated that the plans do not indicate any mechanical equipment that requires screening.

Applicant Ivy Tornow stated this location is the second dental office they are building in the City and it will include two leasing spaces available for other businesses.

Commissioner Wright opened the public hearing at 6:42 p.m. As there were no comments, Commissioner Wright closed the hearing.

Mr. Jensen verified the parking exceeds the parking requirements for the entire building including the leased space. A use with more intensive parking needs is not expected for the building and should such a use desire to lease the space the parking needs could be addressed at the time of the application for the use.

Commissioner Everett noted that the Oak Hollow neighborhood has expressed concerns with previous applications and none of the residents have submitted concerns regarding this application.

Commissioner Wells agreed with Commission Everett. She stated it is refreshing to not need to address concerns with the proposed elevations for a building.

Ms. Tornow states she is willing to comply with the bicycle parking requirement.

MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the site plan for the Pony Express Dental at Porters Crossing with the condition that bicycle parking shall be provided in compliance with EMMC 17.35.050(K). Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

6.B. PUBLIC HEARING – 7-Eleven at Campus Drive

Mr. Jensen presented the item. A portion of the site was previously open space that turned into a development lot with the Eagle Mountain Business Park project. Due to the change, the applicant proposes to rezone the entire parcel to CC. Per 17.72.030(A), buildings should be located at or near the front setback with pedestrian access. The site provides pedestrian access with parking and gas islands to the front. Although the design does not comply with Municipal Code standards, the City has approved similar designs throughout the City.

It is within the purview of the Planning Commission to determine if the east elevations provide sufficient architectural detailing and if allowing the parking lot and gas island in front of the building is appropriate. Convience stores require one parking stall per 200 square feet of floor area; 21 stalls are required and 21 stalls are provided.

Special use standards for gas stations require:

- The use will not be a nuisance to residences and surrounding uses.
- The use will not cause traffic hazards or undue traffic congestion.
- The site is over 15,000 square feet and more than 125 feet are provided as frontage.
- The gas pumps and buildings are located at least 25 feet from the property lines.
- The gasoline island is more than 25 feet from all property lines.
- The City Engineer reviews the proposed driveway.
- The site is not within 200 feet of a school, park, playground, residence, museum, or place of public assembly.
- No outdoor storage or truck rentals are allowed.

The proposed site is across the road from a gas station and located adjacent to a parkway and a Utah Department of Transportation highway and is in a commercial district; therefore, it will not be a nuisance. By utilizing a right-in-right-out configuration off of Ranches Parkway and having full access on Campus Drive, the site is not anticipated to cause any undue traffic congestion. No rental truck component has been proposed.

Staff recommends that the Planning Commission motion to recommend approval of the rezone to the City Council, for the reason set forth in the staff report and in the meeting with any conditions the Planning Commission feels are appropriate.

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

1. Additional design elements are carried over to the east elevation; and
2. The project shall comply with the dark sky ordinance.

Applicant Ryan Forsyth verified the location of the vents in the southwest area of the property and the fuel delivery route.

Commissioner Wright opened the public hearing at 6:52 p.m.

Bart Gardiner said his dental location is across the street from the site. He expressed concern with the consistency and negative impact of a gas station use to the office and reception uses in the area, safety risks caused to his business due to 24-hour gas station patronage, traffic increase and flow issues, and design and aesthetical impacts. The City had previously planned a waterfall feature in the location but changed plans to due water usage concerns and now the open space is being removed. He said the reasons he selected the location are being altered. The businesses that lease space from him share his concerns. He suggested that the opposite side of Wride Memorial Highway would be a better location for a gas station.

Nathan Long said he represents the general contractor desiring to construct a Beto's on the lot to the east of this location. The shape of the parcels makes it difficult to develop and they are concerned with the negative impact of the proposed cross easements to the property on the east that would limit design options and parking. The property is also subject to a thirty-foot Utah Department of Transportation slope easement to maintain the shoulder of the highway. They have proposed a retaining wall to protect the slope to increase the developable space to ensure a building space large enough to provide an adequate return on investment. They might be able to accommodate the northern access but not the southern.

Nathan Long also submitted the following email, "7-11 is proposing a plan with cross easements across lot to to the east. We have talked to 7/11 engineers and said this is not work with the battles plan that we are planning to the east. And they quit communicating with us and I just saw on the agenda tonight that they still have those crosses easments drawn into their plan. The Beto's property is shaped in a way that with those two cross easements the Beto's property would be almost useless. Beto's does not want those cross easements."

Dale Erling submitted the following email, "We do not need another convenience store and gas station within a mile of two others. Ranches parkway is already busy during the morning and Evening rush. Adding another unnecessary gas station at that location will only increase congestion and add another safety hazard to an already highly trafficked city road, and busy cedar fort road. You have access to the traffic studies. Instead consider doing something to ranches parkway to reduce congestion and improve intersection safety. I urge you as the planning commission to reject this proposal."

Kimly Mangum submitted the following email, "The current proposed site plan shows two cross easement from the east side of the 7-11 site into Lot 2. These two cross accesses take up a lot of space that impacts the potential parking and use of the site. Our preliminary site concepts made this clear and the engineers for the 7-11 were so advised. I recommend that better coordination be required so that both city and property owner needs can be addressed and the best solution found.

Commissioner Wright closed the public hearing at 7:00 p.m.

Commissioner Everett said he had previously advocated for the cross easements as a benefit to the property to the east; however, considering new information that the easement may have a detrimental impact on the adjacent use, he inquired regarding the requirements for cross access.

Mr. Jensen stated that code requires at least one cross access and the City has not received an application for the property to the east. Once an application is submitted, the City can better work with the applicants for a solution that works for all parties. Expecting the applicant to work with the adjacent property without an active application for the property to the east might be an unreasonable burden.

Mr. Forsyth said that they have had discussions with the other potential applicant and obtained more space for a turning radius. They are willing and would prefer to work with the developer for the property to the east with consideration of their contractual timeframe constraints for their project. A dumpster could be placed at the northern access to prevent cross-traffic. They are

required to provide a 25-foot landscape buffering at the rear of the property line and due to the orientation of both buildings, relocating or reducing the landscape area would benefit both businesses.

Commissioner Wells expressed concern with approval of the proposal resulting in making the area to east impossible to develop. She inquired regarding the impact of approval of the site plan to the eastern property and the impact of delaying this project until a resolution is reached.

Mr. Jensen said that Commission could make a non-binding recommendation for the applicant to work with the developer for the property to the east. He verified the City has not received a concept plan for the property to the east.

Commissioner Bergener inquired regarding the other Commissioner's thoughts on the east elevation in consideration of the use.

Commissioner Everett stated he was not concerned with the lack of windows and awnings on the east elevations for the rear of a gas station.

Mr. Forsythe noted that the 25-foot landscape buffer would screen the rear of the building.

Commissioner Wells stated although she feels the east elevations would benefit from an additional column, she feels the reduced standards are appropriate for a gas station with landscaping buffering and noted that other projects in the City have been approved with less articulation.

Commissioner Wright stated the minimally appropriate elevations area appropriate for this application. He recommended for staff and the Commission to review and address the commercial standards in EMMC 17.72.030 specific to gas stations.

Commissioner Everett addressed the public comment suggestion to relocate the gas station by explaining that the Planning Commission has no control over where businesses are placed. An applicant makes a request and the Commission's purview is to evaluate if the application complies with Municipal Code standards. The traffic access is of concern due to the congestion at the intersection of Campus Drive and Ranches Parkway; however, as the City Engineer did not object, he defers to the expertise of the City Engineer. He suggested retaining the proposed accesses as the business to the east could elect not to connect to both accesses recognizing the challenges of the unique shape of the eastern parcel. The rezone request for the CC zone is appropriate and gas stations are a permitted use within the CC zone.

Discussion ensued regarding the inclusion of the nonbinding condition to work with the development to the east.

MOTION: *Commissioner Wells moved to recommend approval to the City Council of the rezone for the 7-Eleven at Campus Drive to the CC zone. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

MOTION: *Commissioner Wells moved to recommend approval to the City Council of the site plan for the 7-Eleven at Campus Drive with the following conditions:*

- 1. Additional design elements are carried over to the east elevation;*
- 2. The project shall comply with the dark sky ordinance; and*
- 3. The applicant will work with the potential property development to the east to attempt to coordinate access.*

Motion failed for lack of a second.

MOTION: *Commissioner Wells moved to recommend approval to the City Council of the site plan for the 7-Eleven at Campus Drive with the following conditions:*

- 1. The project shall comply with the dark sky ordinance; and*
- 2. The applicant will work with the potential property development to the east to attempt to coordinate access.*

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

6.C. PUBLIC HEARING – Maverik at Marketplace

Mr. Jensen presented the item. The front elevation is toward Eagle Mountain Boulevard with pedestrian trails tying into the trails along Pony Express Parkway. The gas pumps and parking are located in the front of the building. Per EMMC 17.72.030(A), buildings should be located at or near the front setback with pedestrian access. The site provides pedestrian access with parking and gas islands to the front. Although the design does not comply with Municipal Code standards, the City has approved similar designs throughout the City.

EMMC 17.72.040(A) requires commercial buildings to be similar to adjacent buildings. The colors are similar to those approved for the pad buildings, but beyond the coloring, the elevations largely differ. Parking for convenience stores requires one parking stall per 200 square feet of gross floor area. Thus 23 parking stalls are required and 31 parking stalls are provided.

Special use standards for gas stations require:

- The use will not be a nuisance to residences and surrounding uses.
- The use will not cause traffic hazards or undue traffic congestion.
- The site is over 15,000 square feet and more than 125 feet are provided as frontage.
- The gas pumps and buildings are located at least 25 feet from the property lines.
- The gasoline island is more than 25 feet from all property lines.
- The City Engineer reviews the proposed driveway.
- The site is not within 200 feet of a school, park, playground, residence, museum, or place of public assembly.
- No outdoor storage or truck rentals are allowed.

The proposed site is across the road from a gas station and located adjacent to Pony Express Parkway and Eagle Mountain Boulevard and is in a commercial district; therefore, it will not be a nuisance. All access to the gas station comes off the shared accesses for the Marketplace at Eagle

Mountain as such, the site is not anticipated to cause any undue traffic congestion. No rental truck component has been proposed.

Per the dark sky ordinance, no more than 100,000 lumens per acre shall be provided. Parking lot lights should be no taller than 17 feet. The applicant has provided examples of lighting used at other locations similar to their proposal; however, the Eagle Mountain location will have a lower lumen count than the example stores.

Staff recommends that the Planning Commission motion to recommend approval of the site plan to the City Council for the reasons set forth in the staff report and in the meeting with any conditions to the Planning Commission finds appropriate.

Mr. Jensen clarified that the size of the site would allow 170,000 lumens and the proposal is for approximately 145,000 lumens.

Applicant representative Cassie Younger explained sufficient lighting is needed to mitigate safety concerns at the location as it will be open 24 hours a day. The example photo would not be compliant with the dark sky ordinance and is brighter than the lumen count in the proposal. She explained the Eagle Mountain lighting plan will be similar as all the lighting is directed downward and contained within the property lines. She confirmed the area to the west is designed for the installation of two additional gas pumps in the future if and when merited.

Commissioner Wright opened the public hearing at 7:30 p.m. As there were no comments, Commissioner Wright closed the hearing.

Mr. Jensen said that the site is a part of the Market Place at Town Center and would have shared accesses off Pony Express Parkway and Eagle Mountain Boulevard.

Assistant City Administrator/Community Development Director Steve Mumford stated to the lighting concerns with this project are due to a gas station in the area developed soon after the passing of the dark sky ordinance exceeding the permitted lumen count which resulted in requiring the gas station to turn off half of the lights. The gas station has not experienced safety issues due to the lower lumen count.

Discussion ensued regarding clarifying the lumen requirements in relation to the proposal and the direction the applicant received regarding the standards.

Commissioner Everett stated he feels the applicant has a valid reason to have the lumen count proposed for safety reasons while remaining compliant with code. He echoed that the City is working on amending standards to permit parking in front of gas stations. He thinks the business will be well-utilized by residents.

Commissioner Wright cited the commercial design standards assessment in the staff report and verified the Commissioners were not concerned with the proposed elevations.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of the site plan for the Maverik at Marketplace. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

6.D. PUBLIC HEARING – White Hills Country Estates

Planner Jessa Porter presented the item. The proposal is for a rezone and recorded plat amendment to split parcel 55.320.0004. The parcel is in the Pole Canyon area; however, it is not a part of or subject to the Pole Canyon Master Development Agreement. The property is still identified as Utah County zone designation for the Residential Agricultural zone RA-5.

The Future Land Use Map identified this property as Agricultural/Rural Density Two. The requested rezone to RD1 is an appropriate zone for this land use designation. Per EMMC 16.35.060(A), “utilities shall be installed and stubbed.” A water line runs along the west of the parcel, but to install the utilities the applicant will either need to be granted permission from the lot 1 property owner to access the area or to obtain an easement on a segment of land to the northwest to gain access to the water line.

Staff recommends the Planning Commission motion to recommend approval of the rezone and recorded plan amendment to the City Council with the condition the applicant shall stub water to the new lot by obtaining permission from the adjacent landowner for access to run the water line to the new property or by splitting the most northwestern portion of the property for access to lot 2.

Applicant representative Marty Horsley explained that the existing home to the west of the property connects to the City waterline that runs north to south along the west side of the property. The plan is to obtain a ten-foot-wide easement to run a water line from the existing line on the west to the subject property on the east. For other utilities, they will obtain a permit for a septic tank and use propane.

Ms. Porter confirmed that the proposed lot will meet the RD1 zone designation frontage requirements.

Commissioner Wright opened the public hearing at 7:45 p.m. As there were no comments, Commissioner Wright closed the hearing.

Commissioner Everett said his concern with the proposal was water access. Although the 10-foot easement is not an ideal solution, it would not prevent him from recommending approval.

Commissioner Wells said she believes the proposed water access is the best solution available.

MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the rezone and recorded plat amendment for the White Hills Country Estates property with the condition the applicant shall stub water to the new lot by splitting the most northwestern portion of the property for access to lot*

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

6.E. PUBLIC HEARING – Marketplace at Eagle Mountain Town Center Lot 4 Pad E (Site Plan)

Mr. Jensen presented the item. The applicant applied for a site plan approval for a pad building located on the northwest corner of the intersection of Eagle Mountain Boulevard and Pony Express Parkway, also known as Marketplace at Eagle Mountain Town Center. The master site plan and preliminary plat for Marketplace at Eagle Mountain Town Center were approved on August 18, 2020, with the development agreement being approved on December 1, 2020. The property is zoned Commercial Community (CC).

The master development agreement (MDA) site approval elevations are seen as minimum standards. The applicant, after discussion with staff, has proposed elevations that add additional features in excess of the minimum requirements. EMMC 17.72.030(A)(1) requires the main entrance to front towards the street. Meeting this requirement is not feasible due to the existence of a drive-through. At a minimum, the east elevation should contain materials and design to approximate the look of the west, main entrance. It shall be at the purview of the Planning Commission to determine if the updated elevations adequately address the north and south elevations. The applicant has revised the elevations to use more colors than the tan/desert colors in accordance with EMMC 17.72.040(G).

All parking is located behind the building in compliance with EMMC 17.72.030(B). Retail establishments require one parking stall per 300 square feet of gross floor area and a maximum of one stall per 200 square feet of the gross floor area. Thus, if the entire building were retail between 14 to 23 parking stalls are required. Restaurants with drive-throughs require one parking stall per 125 square feet. Thus, if the entire building were a fast-food restaurant(s) with drive-through(s), 35 parking stalls would be required. Restaurants without drive-throughs require one parking stall per 250 square feet. Thus, if the entire building were restaurants without drive-throughs, 18 parking stalls would be required. The applicant is proposing 33 parking stalls as a mix of uses is anticipated and there is only room for one drive-through. Therefore, this project complies with the minimum and maximum parking requirements.

Staff recommends that the Planning Commission motion to recommend approval of the site plan for the Marketplace at Eagle Mountain Town Center Lot 4 Pad E to the City Council with the following conditions:

1. Additional features shall be added to the east elevation so that it is similar in appearance to the west elevations (unless the Commission determines the elevations comply with standard requirements);
2. Additional features shall be added to the south, east, and north elevations to more closely match the approved site plan elevations. (Staff recommends the removal of this condition given the new elevation submission.); and
3. Additional colors and modern features shall be used on the elevations. (Staff recommends the removal of this condition given the new elevation submission.)

Commissioner Wright expressed concern that the headlights of vehicles waiting in the drive-through queue will shine into oncoming traffic on Pony Express Parkway.

Applicant representative Bill Gaskill explained that the park strip area design is a part of the landscaping plan for the overall development. He is unsure if the park strip plans include berms but hopes they are included.

Mr. Jensen said that landscaping was discussed with the master site plan and he will verify if the plan includes berms in the park strips.

Mr. Mumford recommending adding headlight screening as a condition of approval.

Commissioner Wright opened the public hearing at 7:58 p.m. As there were no comments, Commissioner Wright closed the hearing.

Commissioner Wright supported both the proposed elevations and the recommendation to add a condition to provide headlight screening.

Commissioner Everett stated he understands the staff recommendations regarding the elevations; however, as the proposed elevations are an upgrade from the approved pad elevations, he supports recommending approval without changes to the elevations and requiring berms to increase traffic safety. Commissioner Wells concurred.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of the site plan for the Marketplace at Eagle Mountain Town Center Lot 4 Pad E with the condition that berms providing headlight screening shall be added between the drive-through aisle and Pony Express Parkway. Commissioner Wright seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

6.F. PUBLIC HEARING – Marketplace at Eagle Mountain Town Center Lot 1 Pad G (Site Plan)

Mr. Jensen presented the item. The applicant applied for a site plan approval for a pad building located on the northwest corner of the intersection of Eagle Mountain Boulevard and Pony Express Parkway, also known as Marketplace at Eagle Mountain Town Center. The site plan and preliminary plat for the Marketplace at Eagle Mountain Town Center Master were approved on August 18, 2020, with the development agreement being approved on December 1, 2020. The property is zoned Commercial Community (CC).

The MDA site approval elevations are seen as minimum standards. The applicant, after discussion with staff, has proposed elevations that add additional features in excess of the minimum requirements. EMMC 17.72.030(A)(1) requires the primary entrance of a commercial building to be adjacent to a street and orient toward the sidewalk. This is unfeasible in this location due to the

drive-through; however, the south elevation shall include design elements similar to those on the north elevation to approximate the look of the main entrance. EMMC 17.72.040(A) requires that commercial buildings be similar in style to adjacent buildings. While the features of the proposed pad site are similar to the approved MDA elevations, and the Pad E elevations, the proposal uses colors (red and white) that are in contrast to approved elevations at the Macey's grocery store. Per 17.72.040(F)(2), all buildings shall avoid large-panelized products or featureless surfaces. It shall be up to the Planning Commission to determine if the west and south elevations provide enough features. The proposed buildings are not limited to desert landscape colors as required in 17.72.040(G).

All parking is located behind the building in compliance with EMMC 17.72.030(B). Retail establishments require one parking stall per 300 square feet of gross floor area and a maximum of one stall per 200 square feet of the gross floor area. Thus, if the entire building were retail between 15 to 23 parking stalls are required. Restaurants with drive-throughs require one parking stall per 125 square feet. Thus, if the entire building were a fast-food restaurant(s) with drive-through(s), 36 parking stalls would be required. Restaurants without drive-throughs require one parking stall per 250 square feet. Thus, if the entire building were restaurants without drive-throughs, 18 parking stalls would be required. The applicant is proposing 37 parking stalls as a mix of uses is anticipated and there is only room for one drive-through. Therefore, this project complies with the minimum and maximum parking requirements.

Staff recommends that the Planning Commission motion to recommend approval of the site plan for the Marketplace at Eagle Mountain Town Center Lot 1 Pad G to the City Council with the following conditions:

1. Additional features shall be added to the south elevation so that it is similar in appearance to the north elevations (unless the Commission determines the elevations comply with standard requirements);
2. The chosen architectural features shall be used on all four elevations; and
3. Additional features shall be added to the west and south elevations (unless the Commission determines the elevations comply with standard requirements).

Applicant representative Bill Gaskill stated the restaurant interested in the building traditionally purchased stand-alone buildings. More recently they have been utilizing endcap locations in multi-tenant buildings and adding brand coloring in the elevation design.

Commissioner Wright opened the public hearing at 7:58 p.m. As there were no comments, Commissioner Wright closed the hearing.

Commissioner Wells noted that as these elevations are an improvement to the approved pad site elevations, she supports the elevations as proposed.

Commissioner Everett stated his only concern is proving berms for headlight screening between the drive-through aisle and Eagle Mountain Boulevard.

MOTION: *Commissioner Wells moved to recommend approval to the City Council of the site plan for the Marketplace at Eagle Mountain Town Center Lot 1 Pad G*

with the condition that berms providing headlight screening shall be added between the drive-through aisle and Eagle Mountain Boulevard. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.

6.G. REMOVED BY THE APPLICANT – Pole Canyon NPA - 17

This item was removed from the agenda at the request of the applicant.

Commissioner Wright opened the public hearing at 8:10 p.m. As there were no comments, Commissioner Wright closed the hearing.

7. Discussion Items

Commissioner Wright recognized that the Commission received public comment from Bret Pack. As the comment was regarding an item not on the agenda and not subject to a public hearing, he requested for Mr. Pack to address the comment to the City Council during public comment at a City Council meeting.

8. Next scheduled meeting

The next Planning Commission meeting is scheduled for July 13, 2021.

MOTION: *Commissioner Everett moved to adjourn the policy session at 8:12 p.m. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

MOTION: *Commissioner Wells moved to reopen the work session at 8:13 p.m. Commissioner Wright seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

The work session was reopened at 8:13 p.m.

The Commission explained that due to the request of a Councilmember and complaints and concerns regarding the number of animals on certain properties within the City, the Commission participated in a site visit to one properties earlier during the work session. The Councilmember's request also included a review by the Commission of Municipal Code animal rights ordinances with the recommendation to amend the standard to allow two horses per half-acre of property.

Discussion ensued regarding previous concerns about the cumulative impact of the number of animals permitted under current standards, the amount of space needed to properly care for animals, sound and smell nuisance complaints, the possibility of implementing a point system to limit the total number of animals permitted, the variance between animals allowed on one acre

compared to property just under an acre, EMMC 6.10.060 general animal regulations for the airpark zone, the types of complaints received by code enforcement officers, the difficulty of evaluating the impact of the number of animals on noise and odor nuisance issues, and granting entitlements for additional horses based solely upon total acreage regardless of useable acreage due to topographical variance on properties within the City.

After review, the Commission determined the provision in EMMC 6.10.090, "Exceptions to these standards must be presented by the property owner through an alternative animal management plan to be heard by the planning commission. Approval of the plan by the commission shall be considered a conditional use and shall be subject to all required conditions. If an approved plan is violated or causes situations that become a nuisance to adjoining property owners, the conditional use shall be subject to revocation by the code enforcement or animal control officer," allows for residents to request an exemption in order to house a number of animals in excess of the standards and/or a type of animal not contemplated in the standards. It was further noted that many of the issues have arisen due to ambiguity regarding the zoning in the Cedar Pass Ranch area of the City. Resolving whether Cedar Pass Ranch zoning is residential or agricultural will help establish the appropriate animal rights for the area. Due to the existence of the provision to request additional animals, the lack of instances and the unlikelihood of residents housing the maximum number of permitted animals, and concern that permitting an increased number of horses without increasing the number of other types of animals allowed would unfairly favor equine uses and owners, the Planning Commission concluded that the current standards are adequate as written and preferable as the requirements provide management oversight and flexibility in exemption approvals. Therefore, the Commission decided against recommending a change to the equine standards to the City Council regarding the number of horses permitted.

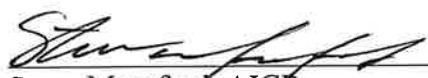
Commissioner Wright requested for staff to prepare an amendment to EMMC Chapter 6 removing the language regarding the Air Park zone due to the removal of the zone from Municipal Code.

9. Adjournment

MOTION: *Commissioner Everett moved to adjourn the meeting at 8:59 p.m. Commissioner Wells seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.*

The meeting was adjourned at 8:59 p.m.

Approved by the Planning Commission on July 13, 2021.



Steve Mumford, AICP

Assistant City Administrator/Community Development Director

