



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

May 25, 2021, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

The 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; City Recorder, Fionnuala Kofoed, Elizabeth Fewkes, Recording Secretary, and Brad Hickman, Parks and Recreation Director.

CITY STAFF PRESENT ELECTRONICALLY: Tayler Jensen, Senior Planner; and Jessa Porter, Planner.

Commissioner Wright called the meeting to order at 5:31 p.m.

1. Discussion Items

1.A. Smith Ranch Community Park Design Update

Senior Landscape Architect/Project Manager Vince Olcott and Landscape Designer Alison Lewis with MHTN Architects presented the item. Mr. Olcott discussed the project vision and goals:

- Establish a series of paths and trails that connect the community to open spaces while limiting impact on this native landscape and wildlife area.
- Clean up existing native space areas.
- Create a variety of gathering spaces from benches along trails to pavilion and covered spaces for larger gatherings.
- Provide new play areas and programming of spaces including challenge course and new playground equipment spaces.
- Extend and update field spaces for games and practices to accommodate growing demand in this rapidly growing community.

The Parks and Recreation Master Plan classifies four types of open space: conservation, recreational, buffer, and corridor. This park meets both the conservation and recreational open space categories and will include buffering areas. Conservation open spaces are areas that are determined to be of value to the community and intended to be protected for the purposes of natural resource protection, public health and safety areas, resource management areas, and historical/archaeological areas. The standards dictate these areas are primarily native habitats and are not intended to be manicured or maintained, are intended to be limited in development and uses for the protection of the public's health and safety, and may be used for some forms of active and passive recreation such as trails for hiking and biking where determined appropriate.

Ms. Lewis reviewed the data obtained from the 575 responses to the residential online survey and open house community outreach efforts. The majority of respondents lived near the park. The survey explored the amenities and balance desired between recreation and conservation. Over half of the respondents supported the inclusion of field and play space and the protection and preservation of the wash. The proposal includes an enhanced neighborhood park play area that appeals to multiple age groups. Analysis of the area evaluated site disturbance, the wash, and the impact of a potential detention pond. The center of the wash was measured to mark the 330-foot setback from the wash required by Municipal Code. The plan includes various types of vegetation including untouched native, restoration, vegetated buffer and restoration, and manicured landscape to transition from the wash to heavy use areas.

The concept design for the park includes an eight-foot concrete path, two graded sports fields, a playground with a poured-in-place surface, a flex field, enhancement of the existing play structure, a sidewalk along the existing parking lot, the existing restroom, a 12-foot-by-12-foot pavilion, a four-foot soft-surface path, native trees and vegetation as a buffer between the formal planting in the park and the native plantings in the wash, approximately 46 additional parking stalls, a second pavilion and restroom, an outdoor classroom/education node, nature/educational play element, an obstacle course, a two-foot discovery single-track path with interpretive elements, and wash vegetation restoration and cleanup. The next steps are the refinement of the overall Park Master Plan, present design concept at Pony Express Days, cost estimate of the overall plan, identify phasing, geotechnical investigation, and finalizing the design of Phase 1.

Mr. Olcott clarified the interpretive elements are proposed to be interactive educational components.

Commissioner Everett stated that he appreciates the inclusivity and accessibility of the existing play structure. He supports the idea of the obstacle course but expressed concern with the location due to the potential of mischief due to low visibility of the area from roadways while recognizing the logistical considerations of the park design. He said that residents in the area use the parking lot as overflow parking for the neighborhood. He requested for the City to discuss enforcement of overnight parking restrictions at parks.

Mr. Olcott said they intend to improve the existing structure while maintaining accessibility and to provide additional activities for various age groups in different areas.

Commissioner Pengra expressed concern with emergency accessibility of the obstacle course. He supports the interpretive elements for the unique natural elements in the community. Helping youth to embrace and understand those elements will hopefully inspire them to protect and preserve the natural elements in the City.

Parks and Recreation Director Brad Hickman explained that the design contemplates full-size fields that can be divided into smaller fields for recreation youth sports use.

Commissioner Bergener likes the interpretive elements and thinks such uses are lacking in Utah and supports the implementation of the learning items.

Commissioner Wright appreciates that resident feedback has been sought and the interpretative and educational elements combined with the play and sports areas with consideration of protecting the wash.

1.B. DISCUSSION – Front Loaded Garages and Private Streets

Senior Planner Tayler Jensen presented the private streets portion of the item and reviewed private street standards in other cities including right-of-way width and number of units served requirements. He noted some cities prohibit private streets. No current City standards address private street standards other than a requirement for Fire Marshal approval. The City can prohibit private streets, continue with requiring Untied Fire Authority (UFA) approval of private streets, or draft private street standards.

Assistant City Administrator/Community Development Director Steve Mumford said that if the City decides to prohibit private streets, he suggested considering allowing narrower cross-sections for public rights-of-way or the exclusion of park strips as an alternative where merited.

Commissioner Bergener said that due to street parking in the City that causes traffic impediments, he supports drafting private street standards.

Commissioner Pengra said it is easy to draft a high standard; however, due to the current cost of housing, he hesitates to create a high standard due to concerns with cost increases. Developers tend to request private roads for small or non-standard shaped or sized parcels. His greatest concern is with parking and traffic flow issues. He advocated for a compromise to create a standard that mitigates issues without causing a high-cost increase to developers.

Commissioner Everett agreed with Commissioner Pengra's concerns regarding the economic feasibility of the standards with consideration of emergency access. Prohibiting private streets is preferable but there are times and places where private streets maintained by homeowners are appropriate and reduce the burden to the City. He advocated for creating a private street standard, with a preference for public streets, including requirements based upon the number of homes served. Even on public streets, parking along both sides, especially by wide vehicles can obstruct traffic flow.

Commissioner Wells said that private streets may assist with affordable housing; however, should the homeowner's association maintaining the streets dissolve, the burden falls to the City. She agrees private streets are appropriate in some areas and that Municipal Code standards should be created. She desires to set specific standards clarifying the requirements for staff and developers without being onerous.

Commissioner Wright said he is not in favor of private streets but sees the needs for them in some circumstances. Private streets are more affordable to install; nevertheless, maintenance costs increase the fees paid by the impacted homeowners. He advocated against permitting private streets that connect two public streets. Although he would prefer to prohibit private streets, he would be willing to permit private streets in specific and limited circumstances.

Mr. Mumford discussed current and proposed developments in the City that request reduced standards for private streets ranging from 20-feet to 27-feet of asphalt with reduced width for or exclusion of sidewalks. Public street standards require 28-feet of asphalt and five-foot-wide sidewalks. In addition to the expressed concerns regarding street parking and maintenance, he requested for the Commission to also consider requiring park strips for pedestrian safety, even though park strips increase maintenance.

Mr. Jensen presented the front-loaded garages portion of the item. Current Municipal Code standards recommend that there be no front-loaded garages in multifamily developments. The City commonly allows front-loaded garages in multifamily developments in contradiction to the standards. Recently passed, HB 98 still allows the City to regulate garage placement. Staff determined to examine garage and private street regulations concurrently.

Potential amendments include prohibiting front entry on collector, arterial, or private streets; requiring 40% of the townhomes in the development to have rear-entry garages; permitting shared drive accesses when deemed appropriate; and/or requiring higher quality aesthetics for front-entry garages through allowing an option for a front-entry garage subject to higher design standards than the rear-loaded product if allow the option is determined to be in compliance with HB 98 requirements.

Commissioner Everett explained he had worked with staff on the item. He clarified that his concern is enforcing Municipal Code as written rather than a preference for either rear-loaded or front-loaded product. He advocated for standards requiring front-loaded garage developments to have visual appeal and variety and for higher design standards for townhomes visible along a major roadway. He expressed concern with safety problems caused by street parking in townhome developments and driveways backing on major roadways. Affordable multifamily products should still be aesthetically desirable.

Commissioner Wright requested for Commissioner Everett to continue working with Mr. Jensen on the amendment. Commissioner Bergener volunteered to assist them with the project. Commissioner Wright requested for the updated item to return to a future work session.

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

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

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. May 11, 2021 Planning Commission Minutes

MOTION: *Commissioner Pengra moved to approve the May 11, 2021 minutes. Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. Those voting nay: None. The motion carried with a vote of 4:0. Commissioner Wells abstained as she was not in attendance at the May 11, 2021 meeting.*

5. Status Report

Mr. Jensen reviewed the planning items discussed during the May 18, 2021 City Council meeting.

6. Action and Advisory Items

6.A. PUBLIC HEARING – A to Z Building Blocks (Site Plan)

Mr. Jensen presented the item. The site is currently zoned as Village Code under previous standards and daycare centers are a permitted use. The applicant is proposing a three-foot stone wainscot with the addition of 25 feet of Hardie Board that will match the color of the existing building.

Front entrances are required to front toward the public right-of-way. The current building does not have a front entrance onto the right-of-way. The proposal does not change the entrance location but does add new doors onto the public right-of-way. Parking is required to be behind or to the side of the building. The parking location remains the same but moves the building closer to the right-of-way bringing the project into compliance. The building should be similar in style to the adjacent building. The proposal uses the same stacked stone and color material as the surrounding buildings. All buildings in the area have sloping roofs; however, a flat roof is proposed for the two-story addition. The proposed addition fails to comply with the multiple roof planes, heights, or slopes with overhanging eaves required in EMMC 17.72.040(C). The addition includes three feet of wainscot of stacked stone, timber sheltering elements over entrances, awning over the windows, and fiber cement siding. The proposed elevations include windows and decorative trim wainscot trim, rock columns, and timbers over doors, and the use of awnings. It is the opinion of staff that while the proposal does not provide all the features called for by code it matches the existing building's color and materials and should be seen as in compliance. The proposed elevations utilize fiber cement siding, awnings, stone wainscot and timber sheltering the elements over the door and it is the Planning Commission's purview to determine if the proposal complies with EMMC 17.72.040(F)(2).

Daycares are required to provide one parking stall per staff member and one stall per ten children. This proposal includes parking considerations for 20 staff members and 190 children requiring 39 parking stalls. The current site offers 17 dedicated parking stalls and 6 shared parking stalls. An additional 16 parking stalls are required. The applicant proposes shared parking within the development to be counted toward the requirement. A total of 117 parking stalls are provided through lots 1, 2, 5, and 6 in the development. The additional 16 required stalls could be met by

counting 10 stalls from Village Pizza on lot 6 and six stalls on strip building lot 1. Calculations for parking requirements for the businesses with shared parking access determined 105 parking stalls are required and 117 stalls are provided offering 12 excess stalls.

Staff recommends the Planning Commission recommend approval to the City Council with the following conditions:

1. A decorative parapet, tower, or sloping roof with overhanging eaves on the addition shall be in compliance with EMMC 17.72.040(C);
2. Sidewalks shall be installed from every exit to the public ways; and
3. The supra box shall be upgraded to a Knox box.

Applicant representative Scot Hazard said the reorientation of the trail on the property will be the responsibility of the daycare center. He is only responsible for the curved section of the trail on the adjacent property.

Applicant Jody Zabriskie the owner and co-founder of A to Z Building Blocks said they desire to expand to provide additional high-quality daycare to the City. The business is State licensed and in good standing. She is working with Mr. Hazard to align their portions of the trail outside of the property lines. The playground location will be extended and fenced to separate the playground from the natural detention area. Their peak drop-off and pick-up hours are from 7:00 p.m. to 7:45 a.m. and 4:30 p.m. and 6:30 p.m. They provide busing services to and from local schools. The daycare is closed on weekends. No recitals or programs are held during the evenings and graduation ceremonies are held at a different location. Parking in the front of the building is reserved for family use and staff parks in other locations. No parking issues have occurred with adjacent businesses as their peak hours generally differ from the other businesses. The school capacity will increase from 85 children to 190 children; however, student capacity varies throughout the day when children are at school or are on summer field trips. She verified that the design has two sets of stairs and the floor plan has the same layout on the first and second floor. The design is to maximize capacity.

Commissioner Wright opened the public hearing at 7:05 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 Wright closed the hearing.

Commissioner Pengra said childcare is a necessity and insufficient childcare options are available in the City especially with consideration of current housing costs. From an economic development standpoint, he supports this project. However, he expressed mild concern with the aesthetical variances in the two buildings, while recognizing the need for the two-story addition and the efforts to match the existing building design. The parking dedicated to the daycare does not comply with Municipal Code and parents escorting young children and carrying car seats from parking located near the other business could be problematic.

Commissioner Everett agreed with Commissioner's Pengra parking concerns; however, due to the variance in the time usage of the daycare and the restaurants, parking conflict should be reduced during the day but could be an issue in the evening. The path across the powerline corridor crosses the street at a marked crosswalk. He advocated for the new trail to connect to the current street

crossing when the trail is relocated. He explained his question to the applicant regarding drainage in the area was to ensure safety measures were adequate to protect the children. He concurs with the staff-proposed condition for increased character and articulation on the front elevation.

Commissioner Wright said the parking stalls are closer to the daycare than they appear on the plan. He visited the site and feels the parking distance would not be onerous for daycare patrons. He expressed concern with the elevation difference between the open drainage in relation to the playground area. Ms. Zabriskie explained a higher-quality, six-foot fence will be installed to replace the existing fence and will separate the drainage area from the playground. She intends to leave the drainage area natural and unimproved but expressed a willingness to adjust the slope if required. The property is set back 50-feet from the powerline corridor.

Commissioner Wright encouraged Ms. Zabriskie to consult with an engineer regarding the slope issues.

Mr. Hazard said the restaurant previously located at the business was more impactful but he felt it had sufficient parking. The purchase of the building includes the conveyance of staff parking stalls farther from the entrance to reserve the most proximate parking for the patrons.

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

- 1. A decorative parapet, tower, or sloping roof with overhanging eaves on the addition shall be in compliance with EMMC 17.72.040(C);*
- 2. Sidewalks shall be installed from every exit to the public ways; and*
- 3. The supra box shall be upgraded to a Knox box; and*
- 4. The applicant shall provide an exhibit detailing the existing parking provided and required within the Parkway Crossroads project that shows there are at least 22 shared parking stalls able to be utilized by this project.*

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.

6.B. Scarlet Ridge Master Development Agreement (MDA)

Mr. Mumford presented the item. The rezone, master development plan, and preliminary plat were approved by the City Council on March 2, 2021. The approvals are contingent upon the MDA approval per EMMC 16.10. The MDA, drafted by the City Attorney, includes language related to the dedication timing of exterior roads, improvement timing of roads, improvement of stormwater retention basins, and a six-year expiration or automatic termination at buildout. EMMC 16.10.060 required the Planning Commission to review the MDA in a public meeting and provide a recommendation to the City Council. The Preliminary Plat Notice of Decisions and the Rezone and General Plan Amendment Notice of Decision have been included as exhibits in the MDA.

Mr. Mumford explained the road development phasing for the project. Improvement of the eastern and the southern roads is not required for access to the development. The language in the agreement addresses the required road improvements and dedications.

At the advisement of the City Attorney, Section 2.4. of the MDA Exterior Road Dedications and Improvements was modified to "Developer shall dedicate to the City the portions of Tiffany Lane (38.5 feet wide), the exterior road running along the East side of the Project (the "East Road") (26.5 feet wide), and the exterior road running along the South side of the Project (the "South Road") (26.5 feet wide) together with any final plat that is adjacent to those road sections. Development phasing shall generally proceed according to the phasing designated on the site plan/preliminary plat and shall not exclude lots to avoid road improvements or leave large sections of road improvements to later phases. Developer shall construct the portions of the road right-of-way for Tiffany Lane, together with any additional asphalt necessary to provide access to the Project. Improvements and improvement completion assurance are not required for the East Road and South Road, unless the Fire Marshal requires improvement in order to develop any portion of the project. Developer shall improve off-site roads to the project as required by the Fire Marshal, in accordance with the International Fire Code."

Mr. Mumford clarified that the phasing for the project is outlined in the preliminary plat. Discussion ensued regarding the phasing of the project.

Mr. Mumford explained changes to Section 2.4 include condensation and simplification of the language and removal of the requirement to improve the eastern and southern roads. The City Attorney had expressed concern with whether the City could require improvement of the roads as a condition of this development. Discussions evaluated whether the southern road was a requirement of the Fire Marshal as a second access to the project. UFA deemed improvement of the other accesses to the project were sufficient for emergency response. After review, staff determined to require dedication but not improvement of the southern and eastern roadways.

Commissioner Pengra requested time to review the changes to Section 2.4 of the MDA. Due to the desire to be able to review and understand the implications and benefits of the changes to the MDA prior to making a recommendation to the City Council, the Commission discussion determined to recess to review the new material.

Commissioner Wright recessed the meeting from 7:39 p.m. to 7:56 p.m. for the purpose of reviewing the changes to Section 2.4 of the MDA.

The original Section 2.4 of the MDA Exterior Road Dedications and Improvements, with redline changes: "Developer shall dedicate to City the portions of Tiffany Lane (38.5 feet wide), the exterior road running along the East side of the Project (the "East Road") (26.5 feet wide), and the exterior road running along the South side of the Project (the "South Road") (26.5 feet wide) together with any final plat that is adjacent to those road sections. ~~For example, if the first plat includes Lot 113 but not any lots to the east (101-112), Developer shall dedicate 38.5 feet for the portion of Tiffany Lane from the western boundary line to the eastern edge of Lot 113. If a final plat contains Lots 101-105, Developer shall dedicate 38.5 feet for the entire length of Tiffany Lane and 26.5 feet for the portion of the East Road from the north boundary line to the southern end of~~

~~Lot 105.~~ Development phasing shall generally proceed according to the phasing designated on the site plan/preliminary plat and shall not exclude lots to avoid road improvements or leave large sections of road improvements to later phases. Developer shall construct the portions of the road ~~right-of-way for Tiffany Lane, dedicated to the City,~~ together with any additional asphalt necessary to provide access to the Project. ~~Improvements and improvement completion assurance are not required for the East Road and South Road, unless the Fire Marshal requires improvement in order to develop any portion of the project. If any section of Tiffany Lane, the East Road, or the South Road is not dedicated to the City and constructed prior to recording of the final subdivision plat for 75% of the lots, Developer shall dedicate any remaining sections of roads and provide improvement completion assurance for the road improvements in conjunction with City subdivision bonding requirements prior to recording any additional final plats.~~ Developer shall improve off-site roads to the project as required by the Fire Marshal, in accordance with the International Fire Code.”

Discussion ensued clarifying the content and intent of the amended language in Section 2.4. Mr. Mumford said the applicant has submitted a final plat that is waiting upon the approval of the MDA that includes the improvement of the stipulated portion of Tiffany Lane with the development of Phase 1.

Commissioner Wright expressed concern that the MDA failed to comply with EMMC 16.10.080 requirements for phasing and benchmarks and suggested tabling the item until those items are addressed due to issues with previous projects not completing the required infrastructure improvements.

Applicant representative Ryan Kent explained some of the changes to the language were to clarify the requirements for his benefit. He understands the agreement requires him to meet all Municipal Code standards even if the specific requirements are not listed in the MDA.

Mr. Mumford explained that phases and benchmarks were not included in the MDA because the preliminary plat was already approved for the project by the City Council and the preliminary plat includes those elements. Furthermore, Section 1.22 in the agreement stipulates that if the final plat is not approved within two years from the approval of the site plan/preliminary plat, the site plan/preliminary plat expire.

Due to issues in other developments in the City, Commissioner Everett expressed concern with construction occurring in a disjointed sequence that circumvents infrastructure installation. He suggested adding language to clarify development phasing shall follow the numerical order indicated in the preliminary plat.

Mr. Kent requested latitude to be able to develop individual lots non-sequentially and concurrently when determined appropriate while agreeing to develop the roads and infrastructure as indicated with the phases in the preliminary plat. Due to the isolation of the development, utility installation will dictate the order and timing of the construction of the homes.

Commissioner Pengra stated he is slightly concerned with the order of development after Phase 3, should the project be sold to another developer. Mr. Kent said the secondary access requirement

should alleviate concerns with the infrastructure development for the later phases of the project. Mr. Mumford recommended adding a condition to require phasing generally from the north to the south of the development with flexibility to adjust phase lines to adapt to housing market demands.

Discussion ensued to determine the language to include as conditions of approval in the recommendation to the City Council.

MOTION: *Commissioner Pengra moved to recommend approval of the Scarlet Ridge Master Development Agreement to the City Council with the following changes:*

- 1. A requirement for development phasing sequence to follow the numerical order of the lots as indicated in the preliminary plat shall be added to Section 2.4 for the MDA; and*
- 2. Section 2.4. of the MDA Exterior Road Dedications and Improvements shall be amended to "Developer shall dedicate to the City the portions of Tiffany Lane (38.5 feet wide), the exterior road running along the East side of the Project (the "East Road") (26.5 feet wide), and the exterior road running along the South side of the Project (the "South Road") (26.5 feet wide) together with any final plat that is adjacent to those road sections. Development phasing shall generally proceed according to the phasing designated on the site plan/preliminary plat and shall not exclude lots to avoid road improvements or leave large sections of road improvements to later phases. Developer shall construct the portions of the road right-of-way for Tiffany Lane, together with any additional asphalt necessary to provide access to the Project. Improvements and improvement completion assurance are not required for the East Road and South Road, unless the Fire Marshal requires improvement in order to develop any portion of the project. Developer shall improve off-site roads to the project as required by the Fire Marshal, in accordance with the International Fire Code."*

Commissioner Everett 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

Commissioner Wright requested staff to prepare an updated zoning map indicating the current zoning districts. Mr. Mumford said that he is working with the GIS technician on an updated map including master plan information. The Engineering Department has requested to hire a second GIS technician. He is hopeful the zoning map will be completed in a few months.

The Planning Commission discussed plans to conduct a site visit at the beginning of the June 22, 2021 Planning Commission meeting.

8. Next scheduled meeting

The next Planning Commission meeting is scheduled for June 8, 2021.

9. Adjournment

MOTION: *Commissioner Wells moved to adjourn the meeting at 8:33 p.m. Commissioner Bergener 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 8:33 p.m.

Approved by the Planning Commission on June 8, 2021.


Steve Mumford 22 19 2021 11 31 1907
Steve Mumford, AICP
Assistant City Administrator/Community Development Director