EAGLE MOUNTAIN

EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

April 28, 2020, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:30 P.M. Work Session – Electronic Meeting via Lifesize

COMMISSION MEMBERS PRESENT ELECTRONICALLY: Matthew Everett, Christopher Pengra, Erin Wells, Rich Wood, and Brett Wright.

CITY STAFF PRESENT ELECTRONICALLY: Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; and Elizabeth Fewkes, Recording Secretary.

Commissioner Wood called the work session to order at 5:30 p.m.

1. Discussion Items

1.A. Development Code Amendments

The Planning Commission discussed Eagle Mountain Municipal Code Chapter 17.37 Business Park Zones and suggested amendments to the Light Manufacturing Distribution zone, Education Medical Campus zone, Office Professional zone, and Land Use table.

The work session was adjourned at 6:29 p.m.

6:30 P.M. Policy Session – Electronic Meeting via Lifesize

Commissioner Wood called the meeting to order at 6:30 p.m. He announced the meeting was being held remotely via Lifesize and thanked staff for facilitating the remote meeting.

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. April 14, 2020 Minutes

MOTION: ***Commissioner Wells moved to approve the April 14, 2020 minutes. 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.

5. Status Report

Community Development Director Steve Mumford stated the City Council approved an ordinance amending Municipal Code Section 15.80.050 Retaining Walls in PUEs; the preliminary plat and site plan for McDonald's, with a condition for the northeastern access to be designated as an exit only; and the Carson Corner West rezone application from Towne Core Residential to Commercial Community that had been tabled on September 4, 2018 to allow the applicant time for negotiations on land located in the Pony Express Parkway right-of-way. He said the applicant requested to move forward with the rezone application, although land negotiations with the City are not finalized.

Mr. Mumford explained the Council denied approval for the Available Storage amended site plan requesting to delay the construction of the office building from Phase 1 to Phase 2, due to the lack of a specific timeframe for the completion of Phase 2 and concerns regarding conducting the business remotely through a kiosk system. He said the applicant may return to the Planning Commission with another site plan amendment or continue with the original approval, as it is still in place.

6. Action Items – Public Hearings

6.A. Development Code Amendment – Airpark Zone (EMMC 17.45) – Public Hearing

Mr. Mumford presented the item and stated the item was included on the agenda at the Planning Commission's request to consider the removal of the Airpark Zone from the Eagle Mountain Municipal Code due to concerns expressed regarding permitted and conditional uses. The current zone allows for manufacturing, distribution, research and development, shopping centers, aircraft manufacturing, and other uses. The Airpark Zone was intended for the Jake Garn Airport, which has closed. There are no active applications for the Airpark Zone.

Commissioner Wood stated the Airpark Zone is one several zones in need of examination to determine if zone coding needs to be updated to be in accordance with the Eagle Mountain City General Plan.

Commissioner Wood opened the public hearing at 6:41 p.m. No comments were submitted to the City Recorder's Office phone line at 801.789.6611 or online via the City website at https://eaglemountaincity.com/city-recorder/city-meetings-portal/#meetingdocs, *and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.*

Commissioner Everett said when the Eagle Mountain Airpark rezone application was brought before the Commission last year, a significant number of residents attended the meeting to advocate for an Airpark Zone and the existence of the zone would be a benefit to local aviation hobbyists. He expressed reluctance to remove the Airpark Zone from the Code due to concerns the zone would not be readdressed at a future date, due to changes in the Planning Commission members, and stated his preference to amend the Code.

Commissioner Pengra stated the Code is ineffective and needs to be rewritten. He suggested, in order to best determine the location of an Airpark Zone designation within the General Plan and appropriate zone uses, to delay the resource expenditures required to rewrite the Airpark Zone until an active application is presented to the Commission. He said the previous Airpark Zone application was withdrawn due to insufficient investor interest and support, and the removal of the zone would not impact the previous applicant's vested rights.

Commissioner Wright concurred with Commissioner Everett's recollection of resident advocacy for an airpark-type facility within Eagle Mountain City. He said an airpark facility would be of benefit for residents; however, the Code, as written, and the location proposed are inappropriate for the City. He agreed with Commissioner Pengra's assessment and stated being in favor of removing the zone

Commissioner Wells said during discussions with Mr. Mumford prior to the meeting, she verified that although a future airpark use may be appropriate, Eagle Mountain City is unlikely to acquire a commercial airport as the Airpark Zone intended. Where the removal of the zone would not impact the vested rights of residents, she stated favor for the removal of the zone.

Commissioner Wood stated favor of City acquisition of a commercial airport and the associated uses in an appropriate land designation within the City. Due to the current lack of applications and investor interest in a commercial airport, he stated favor for the removal of the Airpark Zone and the future employment of consultants to assist with drafting an Airpark Zone, when requisite.

MOTION: ***Commissioner Wright moved to recommend approval to the City Council of the amendment to Eagle Mountain Municipal Code removing Chapter 17.45 Airpark Zone. Commissioner Pengra seconded the motion. Those voting aye: Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. Those voting nay: Matthew Everett. The motion carried with a vote of 4:1.***

6.B. Development Code Amendment – Commercial Zones (EMMC 17.35) – Public Hearing

Mr. Mumford presented the item. The Commercial Community and Commercial Neighborhood Zones were recently approved by the Planning Commission and City Council, in place of the previous Commercial Zone. The proposed amendment to Municipal Code Chapter 17.35 creates the Commercial Regional Zone and associated permitted and special land uses and development standards. Mr. Mumford explained staff amendment suggestions for the front, rear, and side minimum setback requirements for the Commercial Regional Zone and verbiage alterations to Chapter 17.35.020 Commercial Zones. He suggested the removal of all prohibited land uses from the land use table for clarity and the removal of the "with drive-through services" and "without drive-through services" special use specification from restaurant or bakery uses, due to language and standards within the Code addressing drive-through safety concerns.

Commissioner Wood opened the public hearing at 6:58 p.m. No comments were submitted to the City Recorder's Office phone line at 801.789.6611 or online via the City website at https://eaglemountaincity.com/city-recorder/city-meetings-portal/#meetingdocs, *and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.*

Commissioner Wright stated the caretaker/security guard dwelling unit use did not have a designated use within the Commercial Zone but had not been marked by staff for removal from Chapter 17.35. Discussion ensued regarding the appropriate land use designation for caretaker/security guard dwelling units, including potential live/work and mixed-use zoning requisites. The Commission and staff determined to research the use further before determining land use zone designations.

Commissioner Wells was excused at 7:02 p.m.

Mr. Mumford asked if the commission desired to include plasma and blood donation centers in the Commercial Zones Land Use table.

Discussion ensued regarding plasma and blood donation and dialysis centers and appropriate land use designations for the centers.

MOTION: ***Commissioner Everett moved to recommend to the City Council approval of an amendment to Municipal Code Chapter 17.35 Commercial Zones as presented by staff adding the plasma and blood collection land use in the Commercial Regional Zone and the dialysis center land use in the Commercial Community Zone and the Commercial Regional Zone as permitted uses. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion carried with a vote of 4:0.***

6.C. Development Code Amendment – Sign Regulations and Sign Permits (EMMC 17.80) – Public Hearing

Mr. Mumford presented the item and stated at the suggestion of the City Attorney, staff proposed the addition of a category for "official signs" to Municipal Code Chapter 17.80.120 Exempt Signs. The additional language clarifies that signs that are owned and operated by Eagle Mountain City and are used for informational or civic purposes, including advertising special events within the City, are exempt from the regulations in Chapter 17.80, and do not require a permit. Official signs may include electronic message centers, reader boards, or other replaceable copy signs. Any official sign that does not comply with the standards in Chapter 17.80 requires approval by the City Council.

Commissioner Pengra expressed concern regarding electronic sign adherence to the dark sky ordinance and suggested the addition of a requirement to dim or shut off electronic signs during the evening. Mr. Mumford concurred with Commissioner Pengra and stated he had discussed dark sky ordinance adherence concerns with staff and the electronic sign design consultants.

Commissioner Wells returned to the meeting at 7:16 p.m.

Commissioner Wood opened the public hearing at 7:19 p.m. No comments were submitted to the City Recorder's Office phone line at 801.789.6611 or online via the City website at https://eaglemountaincity.com/city-recorder/city-meetings-portal/#meetingdocs, *and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.*

Commissioner Pengra suggested an amendment prohibiting electronic sign usage from 11:00 p.m. to 6:00 a.m.

Commissioner Wright expressed concern regarding an electronic sign time limitation amendment due to the use of City electronic signs to communicate information in the event of an emergency.

Commissioner Wood suggested allowing the City Council to determine electronic sign restrictions.

Mr. Mumford cited Municipal Code dimming requirements per Chapter 17.80. He suggested a future sign code amendment to address dark sky ordinance concerns, if desired.

Commissioner Wells stated as she has managed electronic sign communications previously, her preference for a timing limitation instead of a dimming requirement.

Commissioner Everett suggested the inclusion of a definition and requirements for emergency communication exemptions. Commissioner Pengra stated his desire to allow flexibility within the Code to allow City staff to determine when an emergency communication exemption is warranted.

Discussion ensued regarding dark sky ordinance adherence concerns.

MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of an amendment EMMC 17.80 sign regulations and sign permits with the condition that electronic signs must be turned off between the hours of 11:00 p.m. and 6:00 a.m., except in the case of emergency communications. Commissioner Wells seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.***

Commissioner Wood recessed the meeting at 7:37 p.m. and reconvened the meeting at 7:46 p.m.

7. Action Items

7.A. Overland Village 2 Concept Plan

Mr. Mumford presented the item and explained that it is an action item. He stated the item was tabled at the previous Planning Commission meeting on April 14, 2020. Concerns expressed during the previous meeting included: the maximization of the allowable density, amendments to the plan submitted prior to the meeting with insufficient time for the Commission to review the changes, the lack of open space within the townhome development, the location of the park, and the transportation network.

Mr. Mumford explained that increases in lot sizes, reduction in units, minor changes to road and lot configurations, and minor changes to trail and park locations are not considered major changes and would not require an amendment to this village concept plan and may be proposed or made during the preliminary plat stage of the project.

Mr. Mumford explained the Overland Master Development Plan (MDP) designates Village 2 with a minimum unit count of 540 units/lots, a base of 675 units/lots, and a maximum count of 743 units/lots. The proposed Village 2 concept plan includes the 743-maximum number of units/lots and includes a mix of lot sizes and housing types. The lots range in size from the smallest, at about 5,200 square feet, to the largest, at about 11,200 square feet. An approximate percentage breakdown of the lot sizes is as follows: 33% Townhomes, 22% Cottage at 5,200 square feet, 15% Collection at 6,000 square feet, 4% Garden at 6,500 square feet, 14% Collection at 8,000 square feet, 10% Estate at 10,000 to 11,000 square feet, and 2% Homesteads at 11,000+ square feet. Mr. Mumford said the proposed village plan also includes a ten-acre elementary school site, already owned by the Alpine School District and density transfer options between villages.

Mr. Mumford stated items suggested for Commission consideration include:

- Parks: the MDA requires a medium park to be improved in Village 2. The plan contains a three-acre park and a couple of smaller parks. The City has planned a hilltop park adjacent to northeast corner of Village 2. The concept plan provides little open space for the townhome units and changes may be necessary to retain connectivity with the existing and planned City trail system.
- Cul-De-Sacs: Per connectivity Code, a cul-de-sac maximum length is 250 feet. The concept plan was modified to comply with this requirement.
- Roads: The north-south road in the middle of the development connects to the north, potentially bringing traffic from Oquirrh Mountain, Lone Tree, and future development through this project. For the safety of residents along this road and the benefit of the overall transportation system, staff recommends that this road be upgraded to a minor collector road and that no lots have direct driveway access onto this road. A City traffic study predicts the failure of other accesses to Pony Express Parkway will make the installation of Airport Road a necessity to provide access to Overland and other developments.
- Commercial Development: The southeast corner of Village 2, at the intersection of Pony Express Parkway and Airport Road, is an ideal location for commercial development. Staff recommends that the Village 2 plan include a minimum five-acre commercial area at the southeast corner and the resulting reduction in density in that location. The MDP and MDA may require an amendment to permit additional commercial development.

Mr. Mumford verified with the City Attorney that the City may require traffic study updates and infrastructure improvements, which may necessitate City reimbursement agreements, to facilitate the demands of City growth.

Mr. Mumford stated the City Attorney and the City Engineer indicated the City may require the installation of additional asphalt to expand the width of the north-south central road in accordance with quality planning principles and as a benefit to the City by providing access to and preventing homes from fronting on a higher capacity road, as the residents are likely to use the road as a minor collector road regardless of road width.

Mr. Mumford explained road access preservation and alterations during the improvement of Pony Express Parkway to maximize turn lane distances in anticipation of future development in accordance with City standards and indicated preexisting accesses within the Overland project in need of improvement, where the City was unable to implement distance standards due to terms of previous agreements with developers and Alpine School District. He said access improvement, such as turn lane installation, traffic study updates, and road widening requirements may be addressed with conditions either during the concept plan or preliminary plat stage of the project.

Commissioner Wright verified road design and connectivity north of the Overland development. Mr. Mumford clarified staff recommendations and options for parks and open space improvements in Village 2.

Discussion ensued regarding concerns due to the lack of open space available for and the townhome units.

Applicant representative Bryon Prince with Ivory Development expressed willingness to install trail connectivity to the Oquirrh Mountain Ranch development trail system to the north of the Overland development. Mr. Prince stated the MDA does not increase open space requirements in conjunction with unit density and said Ivory Development removed parks from the original master plan for the villages due to a fee-in-lieu of $1.7 million paid to the City for the development of Wride Memorial Park. He explained the northern location for the park within Village 2 was due to the elementary school open space and other parks in adjacent villages within the Overland development. He said he would consider options for the relocation of the park, if requested.

Mr. Prince expressed concern regarding the request to widen the north-south road to a minor collector road. He stated he did not believe the road was necessary due to connectivity within the villages, which does not direct traffic to a single road, and the proximity of other major roadways. He stated the installation of a minor collector road would bisect the village and increase the speed of traffic, resulting in pedestrian safety hazards and connectivity impediments.

Mr. Prince stated Ivory Development had not marketed or perused economic opportunities for commercial development in the area called out by staff. He stated a willingness to conduct a market analysis to gage commercial use viability and optimize development timing. He stated the designated church site may be relocated depending upon ecclesiastical interest and requirements.

Commissioner Wood stated the likelihood of the north-south road being used as a minor collector, due to vehicular usage of similar roads within the City and said a collector road would increase connectivity between villages and increase commuter safety. He stated he understood it presented difficulty for the applicant and expressed a desire to work together. Commissioner Wood expressed support for commercial development within Village 2 and the resulting benefits to the City. He requested an increase of more centralized open space within the townhome units and throughout the development.

Mr. Prince stated he was willing to work with staff to widen a neighborhood local road to provide space for residents to safely back out of driveways onto the road. He said his concern is not losing lots, but livability within the community should he install a collector road. Mr. Prince stated Villages 5 and 8 have a combined ninety acres of designated commercial lots and Ivory Development intends to secure a grocery store anchor for the Overland Development. Ivory Development has declined partnerships with industrial business interests. He expressed the desire to employ patience and discretion in order to secure appropriate commercial development for the area.

Commissioner Wells inquired if a cul-de-sac in the northwest corner of Village 2 could be converted into a stub road. Mr. Prince expressed a willingness to consider the suggestion and said the topography of the area and road connectivity availability would determine the feasibility of the change.

Commissioner Wright suggested relocating the park to the western area of the village near the townhomes.

Commissioner Everett asked about the timeframe for the elementary school construction. Mr. Price said a representative from Alpine School Districted projected three to five years during the purchase negotiations a year ago, but an exact timeframe has yet to be determined.

Commissioner Everett expressed concern regarding the townhomes fronting on the same road as the elementary school due to traffic flow congestion and safety issues during school drop off and pick up times and stated this has created traffic issues in other areas in the City. Commissioner Wood concurred with Commissioner Everett's concerns and suggested an additional access for the townhomes that would not conflict with school traffic. Mr. Prince stated a secondary access could not be determined until site design renderings for the elementary school were available and expressed willingness to work with Alpine School District to address traffic flow and safety concerns. Commissioners Wood and Everett suggested determining traffic flow projections based upon current elementary schools within the City, due to the likelihood of the Alpine School District to construct an elementary school with a similar design. Mr. Prince expressed concern that the suggested addition of commercial uses in the southeast corner would augment traffic flow difficulties with the elementary school.

Discussion ensued regarding traffic flow concerns, access to Airport Road, and potential solutions.

Commissioner Pengra verified the concept plan has not changed since the previous meeting and reiterated frustrations and concerns expressed in the previous meeting regarding the presentation of a maximum density concept plan. He concurred with the concerns raised by the other Commissioners and stated detailed examinations of a maximum density concept plan the applicant did not intend to build was an exercise in futility.

Commissioner Everett expressed concern requiring the development of commercial property due to the proximity to the elementary school site and increased traffic concerns. Commissioner Pengra stated the inclusion of commercial development would be a request rather than a requirement and commercial uses would only be an option if included as a condition in the motion due to the terms of the MDA.

Commissioner Everett expressed concern regarding the difficulties the request for the creation of a maximum density concept plan caused for both the applicant and the Planning Commission. He stated frustration in the obstacles in the performance of their duties as Commission that resulted in a situation where the Planning Commission is sending a recommendation to the City Council for a concept plan with an excess of conditions, when it has been stated on public record that the plan, as presented, will not be built.

MOTION: ***Commissioner Pengra moved to recommend to the City Council approval of the Overland Village 2 concept plan with the following conditions:***

1. ***The applicant shall improve access to the Alpine School District's future elementary school site off Pony Express Parkway by adding a deceleration/turn lane;***
2. ***The applicant shall work with the City Engineer to identify and agree upon an acceptable interval by which traffic study updates will be provided by the applicant to ensure appropriate development of Airport Road;***
3. ***The applicant shall work with City staff to determine the appropriate plan to maximize the public benefit of the three-acre park by identifying a way to adjoin the Overland Village 2 park with the Oquirrh Mountain Ranch park;***
4. ***The applicant shall work with City staff to connect trails between Overland Village 2 and Oquirrh Mountain Ranch;***
5. ***The applicant shall upgrade the north/south road through the center of the development to a minor collector road with a width of at least forty feet, and no driveways shall directly access the road unless density is drastically reduced in the development;***
6. ***The applicant shall add at least a five-acre site for commercial development at the intersection of Pony Express Parkway and Airport Road;***
7. ***Additional trails shall be added to improve the connectivity throughout the Village, similar to the approved Master Trails Plan; and***

8. ***Should the proposed ecclesiastical site be developed, an additional park similar to what was planned for the potential church site, if left undeveloped, shall be added in the vicinity.***

Commissioner Wells seconded the motion. Those voting aye: Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. Those voting nay: Matthew Everett. The motion carried with a vote of 4:1.

8. Discussion Items

9. Next Scheduled Meeting

Commissioner Wood requested for staff to include the Eagle Mountain Municipal Code Chapter 17.37 Business Park Zones on the agenda for discussion during the following work session and a vote during policy session.

Discussion ensued regarding Code amendments to discuss before examining the General Plan for amendment suggestions.

Mr. Mumford stated City Engineer Chris Trusty proposed to update the Transportation Impact Fees Facility Plan the next budget year. Mr. Mumford stated staff would provide change recommendations and traffic modeling to the Planning Commission for discussion.

Commissioner Wood recommended the Commissioners review State statute regarding city General Plans. He expressed the desire to discuss and obtain resident feedback regarding the addition of agricultural land use designations to the General Plan.

Commissioner Wood requested to note for the record his appreciation for the work performed by the Planning Commission and the resulting benefits to City residents and expressed appreciation of City staff and Councilmember support.

Planning Manager Mike Hadley stated he has been working with several developers, and the May 12, 2020 Planning Commission agenda will likely include three commercial site plans.

10. Adjournment

The meeting was adjourned at 9:19 p.m.

MOTION: ***Commissioner Wright moved to adjourn. Commissioner Everett seconded the motion. No vote was called.***

Approved by the Planning Commission on May 12, 2020.

Steve Mumford (May 22, 2020 10:04 MDT)

Steve Mumford, AICP
Community Development Director