EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

April 11, 2023, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jeremy Bergener, Christopher Pengra, Brent Strong, and Alternate Commissioner Robert Fox. Commissioner Matthew Everett was excused.

COMMISSION MEMBERS PRESENT ELECTRONICALLY: Commissioner Jason Allen.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Fionnuala Kofoed, Director of Administrative Services/City Recorder; Todd Black, Wildlife Biologist/Environmental Planner; Robert Hobbs, Planning Manager; and David Stroud, Senior Planner.

CITY STAFF PRESENT ELECTRONICALLY: Brad Hickman, Parks and Recreation Director; and Elizabeth Fewkes, Recording Secretary.

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

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

1. Annual Planning Commission Training

Director of Administrative Services/City Recorder presented a training on the Open and Public Meetings Act in the conference room at City Hall.

Commissioner Bergener adjourned the work session at 6:00 p.m.

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

Commissioner Bergener called the policy session to order at 6:33 p.m.

2. Pledge of Allegiance

Commissioner Bergener led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. March 28, 2023 Planning Commission Meeting Minutes

MOTION: ***Commissioner Pengra moved to approve the March 28, 2023 minutes. Commissioner Strong seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☒ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***

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

5. Status Report

Planning Manager Robert Hobbs reviewed the planning items discussed and voted upon during the March 21, 2023 City Council meeting.

6. Action and Advisory Items

6.A. ACTION ITEM/PUBLIC HEARING – CIRCLE 5 RANCH & JOE'S DUGOUT AREA REZONE

Assistant City Administrator/Community Development Director Steve Mumford presented the item. At the request of several City Council members, the City is proposing a rezone of the vacant properties in the Circle 5 Ranch and Joe's Dugout areas located to the north of Hidden Hollow Elementary, east and northeast of Lone Tree, south of Cedar Pass Ranch, and west of Ruby Valley and Ash Point. These properties were part of the Ranches Master Development Plan. The Ranches Master Development Agreement, which contained the zoning details for the properties, has been expired for approximately five years. This proposal would bring the properties into compliance with current Municipal Code, generally comply with the City's General Plan Future Land Use Map, and add the Wildlife Corridor Overlay Zone to portions of the properties, ensuring the future success of the corridor.

The proposed rezone includes the following:

- Parcel #58:040:0326 is shown on the Future Land Use Map as Commercial Community. Generally, the CC and CN zones are appropriate in the Commercial Community areas. The proposed zone is CC (Commercial Community). Small portions of this parcel are proposed to be zoned as OS-N for a wildlife corridor connection on the west end of the property and a trail connection on the east end.
- Properties shown as Parks and Open Space on the Future Land Use Map are being zoned as Open Space Natural (OS-N) or Open Space Improved (OS-I).

- Parcel #58:040:0378 is the Circle 5 Ranch property. A preliminary plat was approved for this property many years ago, and the property owner is entitled to the approved lot layout and street layout of the project. No matter how the property's zoning is modified, the project remains approved. The Future Land Use Map designates the property as "Foothill Residential." EMMC 17.25.020(C) indicates that the most appropriate zone within that land use category is the Foothill Residential Zone, which allows a minimum lot size of 1/4 acre and an average lot size of 1/2 acre. Staff has been asked to propose the RD2 Zone for the areas of the property that were included as lots and roads in the approved preliminary plat. The RD2 Zone has a required minimum lot size of 1/2 acre and an average lot size requirement of 3/4 acre. The Commission and Council can determine whether the RD2 Zone is appropriate within the Foothill Residential category of the General Plan.
- Parcels 58:048:0129 and 58:048:0045 are the properties included in the Lone Tree F-3 proposed preliminary plat application, and are designated in the Future Land Use Map as Neighborhood Residential One. EMMC 17.25.020(D) indicates that the appropriate zones in that category are R1, R2, and R3. Staff is proposing the Foothill Residential (FR) Zone and the R2 Zone, based on the lot sizes being proposed with the Lone Tree F-3 plat. The R1 Zone would seem to be compatible as well, with a minimum required lot size of 1/4 acre and an average lot size of 1/3 acre.
- The areas of the Circle 5 Ranch parcel that were shown as open space on the approved preliminary plat are being proposed to be zoned OS-N (Open Space Natural).
- The Wildlife Corridor Overlay Zone is being proposed to begin across the street from the open space area of the hill in the Lower Hidden Valley planned development, and follow the open space areas along the east side of the project, utilizing the City's parcel and ultimately connecting to the area within Deer Haven with the overlay zone. The City's Wildlife Biologist, Todd Black, is supportive of this proposal.

Staff spoke with three of the property owners in this area. The owner of the Joe's Dugout property, to be zoned CC, has expressed opposition to the proposal, and has stated their desire to develop the property as residential, based on the slopes and limited buildable area, among other reasons. The residential property owners of Circle 5 Ranch and Lone Tree F-3 have mainly expressed concern if the rezones remove or modify their rights to construct their developments as planned.

The Joe's Dugout area proposed for commercial zoning is adjacent to Pony Express Parkway, a major arterial roadway that contains capacity for the proposed uses. Staff's biggest concern is related to potential traffic impacts during school times for Hidden Hollow Elementary School located on the opposite side of Pony Express Parkway. The commercial project would have to connect a road at the signalized intersection. Staff suggests limiting the uses to those that are compatible with school traffic. Once a property is zoned, all uses are open for a site plan submission and the use would be approved as long as it complied with the requirements.

Commissioner Bergener opened the public hearing at 6:58 p.m.

Scot Hazard, the owner of the Circle 5 Ranch property, presented a concept plan with minor adjustments to the approved preliminary plat that removes the multifamily and replaces the units with 1/3-acre lots. As he intends to develop the property in accordance with the layout and lot sizes of the approved preliminary plat, he requested zoning in harmony with his concept plan and to remove the required connectivity to the City property, as is no longer needed and is not desirable for the wildlife corridor, and to replace the connection with two approximately half-acre lots.

Residents Sherri Hill, Karina Woodbury, Rachel Clements, Ben Watson, and Jamie Mascherio spoke against the proposal due to concerns including elementary school pedestrian safety; connectivity; and the impact of additional residents and traffic on the wildlife, dark skies, and the Pony Express history of the area.

Brian Haskell, a property owner, supported the stance in his email as represented in the staff report.

Amy Walker, an attorney representing the landowner for the Joe's Dugout area, said they have concerns with previous zoning, takings with the open space and wildlife corridor, and use limitations they wish to have addressed prior to the approval of the rezone.

Bettina Cameron, speaking on behalf of the Eagle Mountain Nature and Wildlife Alliance, reviewed their recommendations as contained in the email she sent the City and advocated for the application of the Wildlife Overlay Zone while recognizing the need to respect the vested rights of developers.

Commissioner Bergener closed the public hearing at 7:42 p.m.

Discussion ensued regarding the potential traffic impacts of the proposal that would be verified with future traffic studies in conjunction with site plan and plat applications.

Commissioner Allen supported CN zoning for the commercial area over CC zoning with restricted uses.

Mr. Mumford stated that representatives of the Joe's Dugout property requested to remove the item from the agenda or to table the item. Staff is willing to work with them regardless of whether the item is tabled or moves forward with a recommendation. The main objective of the proposal is to zone properties without zoning due to the expiration of the Ranches Master Development Plan in accordance with the City's General Plan.

Commissioner Pengra suggested dividing the rezone into smaller pieces to facilitate resolving issues raised by the residents and property owners.

Commissioner Bergener stated that due to the complexity of the issues, he is uncomfortable with formulating recommendations for solutions at this time.

Discussion ensued regarding Mr. Hazard's concept proposal and vested preliminary plat approval.

Commissioner Fox said he feels that more questions have been raised than answered. He supported tabling the item rather than rushing a decision on a complicated item.

MOTION: ***Commissioner Pengra moved to recommend denial of the rezone for the area of Circle Ranch 5 and Joe's Dugout. Commissioner Fox seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☒ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***

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

6.B. ACTION ITEM – PUBLIC HEARING: SITE PLAN, ARCHITECTURAL DESIGN AND PRELIMINARY PLAT APPROVAL FOR "PARKWAY FIELDS C"

Planning Manager Robert Hobbs presented the item. The applicant is petitioning to subdivide a portion of the Ault Farms Master Development approved by Council in December 2021 in the southeast region of the City. The Planning Commission previously tabled the request for approval of a site plan and Preliminary Plat C associated with 235 townhouse units on 31.28 acres of land within the Parkway Fields, formerly Founders' Square and Ault Farms, Master Planned Development. The building lots' dimensions and arrangement are designed to conform to the MF1 Zone as well as the approved master plan.

The decision to table was intended to give the applicant time to revise the townhouse elevations to better conform with standards including:

- Building Articulation – Vertical and horizontal articulation, including façade modulation, changes in textures and materials, window patterns, offsets, recesses, and projections. The proposed elevations demonstrate conformance to required design elements/styling – less so on the back and ends of buildings. Whether the proposed elevations are sufficiently compliant in form is a subjective decision left to the Planning Commission.
- Architectural Detailing – A majority of the following 18 select features are required on each side of each building in the development: decorative shutters, bay windows, popouts, trellis or arbor structures, porches, decorative gables, dormer windows, exposed timbers, balconies, columns, turrets, decorative trim and moldings, detailed grills and railings, architectural lighting, decorative masonry pattern, window grids, and decorative doors and windows. Architectural renderings provided by the applicant suggest compliance with the detailing tally requirement.
- Building Materials – A minimum of two exterior material types on all building faces and a minimum of 30% material type be used on any given wall face. The proposal includes siding and stucco on the front and back of the front-loaded townhomes but not the

ends. The 30% standard is not met on either the rear or end sides of the same buildings. A proposed condition of approval addresses this finding. Conversely, the rear-loaded townhomes appear to conform to the material types and coverage percentage requirements.
- Garage Doors – Garage doors shall not be the most prominent or visible feature on a building. They shall be placed at the sides or rear of buildings or be recessed from the front wall planes of units. The proposal includes 119 townhouse units with rear-loaded garages. The 116 front-loaded units do not feature the garages being recessed; rather, they are forward of unit entryways.

Staff recommends that the Planning Commission forward a positive recommendation to the City Council of the site plan and preliminary plat for Parkway Fields C, contingent upon the applicant's compliance with the following recommended conditions of approval:

1. The applicant shall cause that all townhouse buildings' two exterior siding material types cover at least 30% of all sides or ends of each building.

Applicant representative Bronson Tatton explained that they have changed architectural elements, particularly on the rear elevation, since the previous review of the application.

Commissioner Bergener opened the public hearing at 8:11 p.m. As there were no comments, he closed the hearing.

Commissioner Pengra stated that although he agrees that the units are garage dominant, it is challenging to design a non-garage-dominant plan due to the nature of townhomes. He feels that requiring alterations to make the garages less visible would negatively impact the aesthetic and functionality of the units and that the elevations meet the intent of the standards by providing variation and articulation on the façade.

Commissioner Fox recognized the need for affordable housing units and feels the developer has employed efforts to make the design appealing.

Commissioner Allen said he agrees with the statements of the other Commissioners.

Discussion ensued regarding the staff recommendation regarding the exterior siding materials.

MOTION: ***Commissioner Bergener moved to recommend approval to the City Council of the site plan, architectural design, and preliminary plat for Parkway Fields C with the condition that the applicant shall cause that all townhouse buildings' two exterior siding material types cover at least 30% of all sides and ends of each building. Commissioner Pengra seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☒ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***

☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***

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

6.C. ACTION ITEM – PUBLIC HEARING: SITE PLAN APPROVAL OF APPLEBEE'S

Senior Planner David Stroud presented the item. The applicant has been working for several months to bring an Applebee's into the City on a 3.47-acre site, lot 1 of the Ranches Crossing. The property is zoned CC. The preliminary plat of the project has been reviewed by the Planning Commission and City Council. The site plan attached as an exhibit is the latest submittal from April 6. These are under review until April 14. Existing redlines of planning have been largely addressed with a few non-substantive corrections needed. Engineering has yet to review the latest draft but their second review redlines will not substantially change the proposal once corrected. Staff asks that the Planning Commission review the changes in light of the redlines to be corrected as part of the recommended motion of approval.

The building will be 6,933 square feet with 4,241 feet of landscaping and will provide 64 parking stalls which exceeds the requirement. The south elevation facing Pony Express Parkway has fewer elements than the other sides of the building and staff recommends requiring additional design features as required in EMMC 17.72.030, "Orienting the primary entrance to a parking area without addressing the street-facing facade with entrances, display windows, awnings, increased architectural elements, increased landscaping, and/or other pedestrian-oriented features is prohibited." The applicant proposes to remove seven existing trees from the public right-of-way which requires City approval.

Applicant representative Brian Haskell explained that the agreement for Applebee's to locate at this site has not been finalized and one of the contingencies is based on the approval of the site plan. Windows, awnings, landscaping, and berms have been added to the south elevation. The trail between the building and Pony Express Parkway will be three feet higher in elevation than the building and the road. They believe that the design meets Municipal Code and are willing to resolve the outstanding redlines identified by staff.

Commissioner Bergener opened the public hearing at 8:30 p.m.

Clinton Spencer said that although he does not object to the use or business, he is against the orientation of the building away from the major roadways in violation of Municipal Code standards, the sidewalk connection next to the drive-through, and the removal of the trees.

Andrew Martin supported Mr. Spencer's comments and expressed concerns about the impacts on the neighborhood of the drive-through, alcohol services, late hours of operation, and noise and light pollution.

Scott Sweeney expressed concern with how the remainder of the site will develop, access connections, and buffering and screening between the commercial and residential areas.

Jeff Ruth spoke about developers' rights and the inability of residents or the City to prohibit businesses that adhere to Municipal Code requirements.

Commissioner Bergener closed the public hearing at 8:48 p.m.

Commissioner Fox said that the proposal is in keeping with the layout of the property, is not uncommon in current building trends, and is the most effective use of the property.

Commissioner Strong agreed that one side of the building is plain but feels the use fits with the goals of the City.

Commissioner Allen supported requiring increased design elements. He feels the layout could be more pedestrian friendly and is concerned with the parking on the south side of the building not adhering to Municipal Code.

Commissioner Pengra stated that he feels the parking on the south side provides a drive lane for the drive-through. He noted the economic development benefits of a restaurant, especially considering the development challenges in the current market, and that it is a better use than the alternative types of businesses that would have interest in this site. He acknowledged the visibility impacts created by the existing trees and expressed concern that requiring additional architectural features on the south elevation would cause Applebee's to withdraw interest in the location.

Parks and Recreation Director Brad Hickman said some of the trees on the corner of Ranches Parkway and Pony Express Parkway not marked for removal by the applicant will need to be removed due to traffic sensors or tree health. He recommended planting new trees in other locations along the parkways to replace the removed trees.

MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of the site plan for Applebee's with the condition that the applicant work with staff to resolve any outstanding redlines. Commissioner Fox seconded the motion.***

Those Voting Yes	***Those Voting No***	***Those Abstaining***	***Those Absent***
☐ ***Jason Allen***	☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☒ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***

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

Commissioner Allen clarified although he has no objection to the restaurant, his dissension was due to feeling the item fails to meet Municipal Code.

6.D. ACTION ITEM – PUBLIC HEARING: REZONE OF ~162 ACRES COMPRISED OF A PORTION OF PARCEL 59:034:0168 AND A PORTION OF PARCEL 59:034:0010, FROM THE AGRICULTURE ZONE TO THE LIGHT MANUFACTURING/DISTRIBUTION ZONE AND WAIVER OF THE MASTER DEVELOPMENT PLAN REQUIREMENT

Mr. Stroud presented the item. The applicant requests the City amend the zoning map from Agriculture to Light Manufacturing/Distribution (LMD). The request encompasses approximately 162 acres and is located along Eagle Mountain Boulevard and northwest of Cedar Valley High School. The applicant has submitted a concept plan of the potential use as multiple LMD lots. EMMC 16.10.020 states that projects in excess of 50 acres require master development approval. However, EMMC 16.10.050 provides an option to waive the master development plan requirement.

Criteria to Approve a Request for Waiver. The City Council may approve a request for waiver of either item listed above upon finding one or more of the following:

1. The project's concept plan review (pursuant to Chapter 16.15 EMMC) received feedback from the Planning Commission and/or City Council in regard to reduced master development application requirements;
2. The project will not require modification or additions to existing conditions (zoning designation, land use designation, roadways);
3. The project involves limited development requirements for infrastructure; or
4. The strict application of this chapter would result in peculiar or exceptional difficulties, or exceptional and undue hardship, or the buildable area of the property is significantly reduced by topography or preexisting easement restrictions.

Applicant representative Dan Ford said after the positive response to Phase 1 of the project they desire to rezone this portion of their property. He explained that the lot sizes and configuration of the plan will change based upon the needs and uses of the businesses deciding to locate in the development. They believe their project qualifies for waiver criteria 2 and 3.

Commissioner Bergener opened the public hearing at 9:05 p.m.

Commissioner Bergener stated that the School and Institutional Trust Lands Administration submitted a letter regarding buffering requirements for the project that will be addressed during future applications.

Commissioner Bergener closed the public hearing at 9:06 p.m.

MOTION: ***Commissioner Fox moved to recommend approval to the City Council of the rezone of approximately 162 acres comprised of a portion of parcel 59:034:0168 and a portion of parcel 59:034:0010, from the Agriculture Zone***

to the Light Manufacturing/Distribution Zone and the waiver of the master development plan requirement. Commissioner Pengra seconded the motion.

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☒ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***

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

6.E. ACTION ITEM – PUBLIC HEARING: SITE PLAN APPROVAL A 90' MONOLITHIC CELL TOWER

Mr. Stroud presented the item. AT&T has submitted a site plan for a new 90-foot tall, 94-feet with the lightning rod, monolithic cell tower to be located on the north side of the City and surrounded by a masonry wall. The tower is proposed on a small, leased area next to Eagle Mountain Storage. The property surrounding the lease area is vacant or commercial.

Applicant representative Jason Hadley explained that they are trying to improve service in the area and the pole will have space for collocation of another company's equipment.

Commissioner Bergener opened the public hearing at 9:13 p.m. As there were no comments, he closed the hearing.

Discussion ensued regarding the justification letter for erecting a tower in a new location and the radio frequency engineering review requirement.

MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of the site plan approval of a 90-foot monolithic AT&T cell tower on Parcel 58:033:0386. Commissioner Fox seconded the motion.***

AMENDED MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of the site plan approval of a 90-foot monolithic AT&T cell tower on Parcel 58:033:0386 allowing for a lightning rod, emergency generator, and any other technical requirements necessary for the proper functioning of the cell tower. Commissioner Fox seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☒ ***Matthew Everett***

☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***

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

6.F. ACTION ITEM – PUBLIC HEARING: AMENDING EMMC SECTION 17.05.200, BY ADOPTING SUBSECTION (d), APPLICATION EXPIRATION

Mr. Stroud presented the item. Current Municipal Code standards do not have an expiration of applications after a time period of inactivity. The current direction is to keep applications open and progress to approval at the time of any resubmittal. This may keep the application open for several years with some likely forgotten by the applicant and/or staff. Expiration of applications is a common policy implemented by many municipalities. Ordinances pertaining to zoning code amendments, and processing of the same, may be found in EMMC 17.05.120 and USC 10-9a-501.

Commissioner Bergener opened the public hearing at 9:22 p.m. As there were no comments, he closed the hearing.

MOTION: ***Commissioner Strong moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code Table 17.05.020 by adopting subsection (d) Application Expiration. Commissioner Pengra seconded the motion.***

AMENDED MOTION: ***Commissioner Strong moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code Table 17.05.200 by adopting subsection (d) Application Expiration. Commissioner Pengra seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☒ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***

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

6.G. ACTION ITEM – PUBLIC HEARING: AMENDING EMMC SECTION 17.25.040, MULTI-FAMILY BUILDING HEIGHT

This item was presented and discussed after item 6.H.

Mr. Stroud presented the item. While reviewing plans for a multifamily development, the roof pitch and overall height of such units were discussed for possible amendment. The current standard permits the construction of up to three stories at a maximum of 35 feet high. The architectural trend in multifamily units appears to be flat roof design as the overall standard. Three stories at this height are easily constructed. Pitched roof structures with three stories at 35 feet are also viable but the overall maximum height is limited with using shallow-pitch gable roofs. Standards reviewed of other cities vary across the board as to the maximum height of multifamily buildings.

The proposed change is only applicable to buildings in the MF2 zone and would permit an increase to 45 feet on structures with a minimum roof pitch of 4:12. Consideration of a minimum of 5:12 or greater may also be an option. The total number of stories permitted would be a maximum of three. By default, a 35-foot building which is currently permitted by Municipal Code is limited to a maximum of three stories. The code change would then specify three as the maximum. The change provides the developer and the City with a greater architectural design pallet. While not increasing the total story count, increasing the potential height gives greater flexibility to design upper dwelling units with a vaulted ceiling or greater interior ceiling height for all units. The change will also provide, if used, greater pitched roof design elements as opposed to what can currently be designed with the maximum 35-foot requirement.

Commissioner Strong expressed concern with increasing the primary structure height and still allowing for an ancillary structure maximum height of 10 feet above the primary structure.

Mr. Stroud stated that the only time he has seen the need for an ancillary structure with a height taller than the building was for elevator shafts which are generally not required or installed on three-story buildings.

Commissioner Bergener opened the public hearing at 9:37 p.m. As there were no comments, he closed the hearing.

MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of an amendment to the Neighborhood Residential 3 column of the Eagle Mountain Municipal Code 17.25.040 Residential Development Standards table. Commissioner Bergener seconded the motion.***

Those Voting Yes	*Those Voting No*	*Those Abstaining*	*Those Absent*
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☒ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***

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

6.H. ACTION ITEM – PUBLIC HEARING: AMENDING EMMC SECTION 17.30.030, ACCESSORY DWELLING UNIT STANDARDS

This item was presented and discussed prior to item 6.G.

Mr. Stroud presented the item. Eagle Mountain Municipal Code currently permits a detached accessory dwelling unit (ADU) to be up to 50% of the main dwelling footprint, including the garage, with a maximum size of 1,200 square feet. The minimum size is 400 square feet. A resident appeared at a public meeting and requested that the City look at removing the 50% requirement. A cursory look at homes in the City found that although many have a footprint greater than 2,400 square feet, several do not. The current 50% limit will not apply to those greater than 2,400 square feet. It can generally be accepted that smaller homes will be located on smaller lots. Removing the 50% limitation could affect detached ADU size but very few detached ADUs are built overall in the City and smaller lots will be hindered by lot size and available area in the rear yard to build a detached ADU. Detached accessory structure standards will also limit the potential size of a detached ADU or accessory structure.

Commissioner Bergener opened the public hearing at 9:27 p.m.

Rob Carlson spoke in favor of the amendment, especially considering the size of allowable accessory structures.

Commissioner Bergener closed the public hearing at 9:30 p.m.

MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.30.030 Accessory Dwelling Unit Standards. Commissioner Bergener seconded the motion.***

Those Voting Yes	***Those Voting No***	***Those Abstaining***	***Those Absent***
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☒ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***

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

6.I. ACTION ITEM – PUBLIC HEARING: AMENDING EMMC SECTION 17.100.050, SITE PLAN DEVELOPMENT STANDARDS

Mr. Stroud presented the item. Past site plan review discovered the need to clarify how the measurement between driveways and/or public rights-of-way is calculated. Municipal Code identifies a 100-foot minimum separation but where the measurements are taken is up to interpretation. The amendment identifies the points to use as starting and endpoints of the measurement.

Commissioner Bergener opened the public hearing at 9:39 p.m. As there were no comments, he closed the hearing.

MOTION: ***Commissioner Pengra moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.100.050 Site Plan Development Standards. Commissioner Fox seconded the motion.***

Those Voting Yes	***Those Voting No***	***Those Abstaining***	***Those Absent***
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☒ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***

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

7. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for April 25, 2023.

8. Adjournment

MOTION: ***Commissioner Pengra moved to adjourn at 9:41 p.m. Commissioner Strong seconded the motion.***

Those Voting Yes	***Those Voting No***	***Those Abstaining***	***Those Absent***
☒ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***	☐ ***Jason Allen***
☒ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***	☐ ***Jeremy Bergener***
☐ ***Matthew Everett***	☐ ***Matthew Everett***	☐ ***Matthew Everett***	☒ ***Matthew Everett***
☒ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***	☐ ***Chris Pengra***
☒ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***	☐ ***Brent Strong***
☒ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***	☐ ***Robert Fox***

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

The meeting was adjourned at 9:41 p.m.

Approved by the Planning Commission on April 25, 2023.

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

04.11.23 PC Approved Minutes-not signed

Final Audit Report 2023-04-27

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