



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

March 28, 2023, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Marcus Draper, City Attorney; Evan Berrett, Economic Development Director; Todd Black, Wildlife Biologist/Environmental Planner; David Stroud, Senior Planner; and Steven Lehmitz, Planner.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

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

Commissioner Everett called the meeting to order at 5:41 p.m.

The Planning Commission and staff discussed Planning Commission training requirements and potential future Municipal Code amendments to be placed on future agendas.

Commissioner Everett adjourned the work session at 6:16 p.m.

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

Commissioner Everett called the policy session to order at 6:34 p.m.

1. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None.

3. Approval of Meeting Minutes

4.A. Minutes

MOTION: *Commissioner Allen moved to approve the March 14, 2023 minutes. Commissioner Pengra seconded the motion.*

Those Voting Yes

☒ *Jason Allen*

Those Voting No

☐ *Jason Allen*

Those Abstaining

☐ *Jason Allen*

Those Absent

☐ *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

The motion passed with a unanimous vote.

4. Status Report

5. Action and Advisory Items

5.A. ACTION ITEM – PUBLIC HEARING: Taco Bell Site Plan

Senior Planner David Stroud presented the request for site plan approval of a commercial building for use by Taco Bell. The subject property is platted as lot 201 of The Marketplace at Eagle Mountain Phase 2 Subdivision. The zoning of the property is Commercial Community (CC) and follows the standards of the CC zone unless otherwise permitted in the development agreement for the Marketplace at Eagle Mountain Town Center. The use as a restaurant is classified as a permitted use in the CC zone.

Staff recommends the Planning Commission consider the site as it relates to the applicable EMMC requirements and the Development Agreement for the Marketplace at Eagle Mountain Town Center and forward a positive recommendation to the City Council subject to the following:

1. Correction of any outstanding redlines, if any.

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

Mr. Stroud verified that the applicant has made the redline corrections and the changes are reflected in the material presented.

Commissioner Allen asked if the drive-through queue would impede traffic flow through the parking lot.

Commissioner Bergener inquired about the adjacent uses.

Mr. Stroud said the plan meets drive-through queue stacking length standards and the minimum parking requirements.

Discussion ensued regarding the City's inability to suggest additional measures to address the Commission's drive-through queue stacking concerns as the proposal complies with Municipal Code requirements.

- **MOTION:** *Commissioner Bergener moved to recommend approval to the City Council of the site plan for Taco Bell at The Marketplace at Eagle Mountain Town Center. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

- 5.B. ACTION ITEM – PUBLIC HEARING: Rezone of Approximately 668 Acres Comprised of Parcels 59:047:0011, 59:069:0003, and a Portion of Parcel 59:030:0003, to Add the Regional Technology and Industry Overlay Zone

Mr. Stroud presented the item. The applicant requests that the City amend the zoning map to place the Regional Technology and Industry (RTI) Overlay zone on approximately 668 acres comprised of two locations. The first location is along the east side of the future south extension of Pony Express Parkway with the second location along the south side of 4000 North and east of Tyson Foods and the Pole Canyon Industrial area. The two proposed RTI areas are adjacent to existing RTI overlay zone properties. The extent of the applicant's request is to rezone to the RTI overlay zone and then market to currently undetermined users. The requested zoning for the Regional Technology and Industry Overlay is compatible with the General Plan Land Use of Business Park/Light Industry and Regional Commercial and is appropriate in these locations due to the adjacency to existing overlay areas.

Applicant representative Jessica Bennett with Tract explained they build fiber networks and own, develop, and operate data centers. Their vision is to master plan data center campuses and develop the infrastructure and road networks to drive economic development to a certain area and attract businesses. The campus with house multiple users.

Commissioner Everett opened the public hearing at 6:51 p.m. As there were no comments, he closed the hearing.

Commissioner Allen thanked the City's Economic Development Director for submitting a letter that resolved his concerns with data center uses and encouraged residents to reference the letter if they have questions.

Commissioner Everett stated his support for the application as the area was slated for this type of use in the General Plan.

MOTION: *Commissioner Everett moved to recommend approval to the City Council of the rezone of approximately 668 Acres comprised of parcels 59:047:0011, 59:069:0003, and a portion of parcel 59:030:0003, to add the Regional Technology and Industry Overlay Zone. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

5.C. ACTION ITEM – PUBLIC HEARING: Development Code Amendment – Section 17.60.160 Zone Transitions

Items 5.C. and 5.D. were presented and discussed concurrently.

Mr. Stroud presented the item. Eagle Mountain Municipal Code contains a list of various zones and which compatible buffer zones may be located near a particular zone. The proposed amendment permits the City Council to make rare exceptions to the list of buffer zones. The applicant has proposed the addition of, “Exceptions to the compatible buffer zones should be rare but may be approved by the City Council in areas where, at the discretion of the Council, the value or benefit to the general public will be significantly higher with an alternative buffer,” to EMMC 17.60.160 Zone Transitions. The applicant has requested the amendment because the CR zoning, needed for their use, is not compatible with the adjacent residential zoning.

Commissioner Everett opened the public hearing at 7:09 p.m. As there were no comments, he closed the hearing.

Commissioner Pengra noted the nebulous nature of the language in the requested amendment and inquired if staff had considered a more targeted approach.

Mr. Stroud explained that as the wording was proposed by the applicant, staff has not considered other verbiage but can make changes as directed by the Commission and Council.

Commissioner Everett expressed apprehension that the change could set a dangerous precedence and create a potential for misuse of the exemptions in the future. Current standards allow for a compatible buffer of improved open space; although, the amount of open space is not identified. He is against amending the standards as proposed, especially where open space can be used to resolve the compatibility conflict.

Mr. Stroud stated that staff has informed the applicant of the ability to use improved open space, such as a trail, as a buffer and they are weighing that option with other possibilities.

The other Commissioners concurred with the concerns of the open-ended nature of the language causing future issues and the desire for more precise exemption criteria.

Commissioner Pengra noted the time and intentionality in the drafting of the compatible buffering standards. Even though a Walmart store is in line with the desire for commercial uses in the area, he is hesitant with the proposal of a trail as a buffer as he feels it might not be the best practice from a planning perspective.

Mr. Mumford explained the different options staff and the applicant discussed. The location of a buffer trail could have maintenance challenges and safety issues. The adjacent properties have not been rezoned to the current standards and buffering and transition recommendations are based on the most similar residential zone.

Applicant representative Jim Wright stated they desire to be sensitive to the neighboring property owners while finding a solution that allows for their needed zoning. They are amenable to a recommendation to the City Council that requires adjusting the wording of the amendment.

City Attorney Marcus Draper noted that the political impacts and ramifications of the City Council granting exceptions build in checks and balances to the proposed wording, despite the vagueness.

Commissioner Pengra expressed concern that being too dogmatic could be problematic and result in losing significant economic opportunities because they fail to meet standards. Regardless, he is uncomfortable with the verbiage as written and feels it needs additional consideration and revision as it would apply to more than this single applicant.

Commissioner Everett suggested amending the wording to, "Exceptions to the compatible buffer zones may be approved by the City Council." Discussion ensued regarding Commissioner Everett's suggestion and other wording possibilities. Mr. Draper expressed concern about the proposed wording changes that could result in many applicants requesting exceptions. He advised to revise the language to provide direction about which items might qualify for an exception should the Planning Commission desire to reword the amendment.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.60.160 Zone Transitions as presented by staff with the additional suggestion that City staff and the applicant work with the City Council to identify ways to make the code narrower and more specific in scope. Commissioner Bergener seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☐ <i>Matthew Everett</i>	☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a vote of 4:1.

Commissioner Everett said that although he is not opposed to the project, he voted against the item because he is uncomfortable moving the amendment forward to the City Council with the current wording.

- 5.D. ACTION ITEM – PUBLIC HEARING: General Plan Land Use Map Amendment on Parcel 58:033:0404 from Neighborhood Residential One and Community Commercial to Regional Commercial and Rezoning the Same Parcel from Agriculture to Commercial Regional.

Mr. Stroud presented the request to amend the General Plan Land Use Map from Neighborhood Residential One and Community Commercial to Regional Commercial and rezoning the subject lot from Agriculture to Commercial Regional for the purpose of permitting development of a Walmart store. The subject property is located at the northwest intersection of Wride Memorial Highway and Spring Run Parkway. The project would additionally require a master site plan approval.

Applicant representative Jim Wright reviewed the history of the project which included feedback from the City expressing the desire for commercial development of the parcel. He presented a video produced by Armstrong Capital Development in partnership with Walmart that demonstrated data supporting the viability of a store at this location including population and income levels, growth projections, area schools, relevant roads, and the 3.1-mile distance between the site and Saratoga Springs store. They projected 4,200 average daily traffic (ADT) on Wride Memorial Highway to the west of the store, 34,000 ADT on Wride Memorial Highway to the east of the store, and 12,000 ADT on Ranches Parkway.

Commissioner Pengra stated that he felt the 4,200 ADT for Wride Memorial Highway west of Ranches Parkway seemed low.

The applicant stated they used data from 2019 in their presentation.

Mr. Mumford clarified that the Master Transportation Plan completed by Horrocks for the City earlier in the year using traffic counts from 2022 determined an 8,200 ADT on Wride Memorial Highway west of Ranches Parkway, 22,200 ADT on Ranches Parkway, 3,300 ADT on Spring Run Parkway, and 36,900 ADT on Wride Memorial Highway east of Ranches Parkway.

Commissioner Everett opened the public hearing at 7:47 p.m.

Marco Palacios suggested making exceptions contingent upon the approval of the adjacent property owners.

Commissioner Everett closed the public hearing at 7:50 p.m.

Commissioner Allen expressed concern regarding the traffic impacts of a Walmart at the location and the future freeway. Nevertheless, he foresees the benefits of the project and desires to help to make it succeed.

Commissioner Bergener noted that a traffic study will be completed to clarify traffic impacts during future applications for the project. He inquired if the site has topographical challenges.

Mr. Stroud said that he is unaware of slope and grading concerns with the project.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of the amendment to the Future Land Use Map of the General Plan for parcel 58:033:0404 from Neighborhood Residential One and Community Commercial to Regional Commercial and rezoning the subject lot from Agriculture to Commercial Regional for the purpose of permitting "big box" development. Commissioner Allen seconded the motion.*

AMENDED MOTION: *Commissioner Pengra moved to recommend approval to the City Council of the amendment to the Future Land Use Map of the General Plan for parcel 58:033:0404 from Neighborhood Residential One and Community Commercial to Regional Commercial. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
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☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

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

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of the rezone of parcel 58:033:0404 from Agriculture to Commercial Regional. Commissioner Everett seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

5.E. ACTION ITEM – Eagle Quest East MDA

Assistant City Administrator/Community Development Director Steve Mumford presented the item. A rezone and master development plan were approved for the Eagle Quest East project by the City Council on April 5, 2022. A preliminary plat was approved on April 19. These approvals are contingent upon the approval of a master development agreement, as described in EMMC 16.10. This master development agreement was drafted by the City Attorney and negotiated between the parties, and is now presented to the Planning Commission for review and a recommendation to the City Council. The approved Eagle Quest East master plan includes a total of 401 residential lots with a mix of RD1, RD2, R1, R2, and R3 zoning. It also includes two parks totaling 8.3 acres.

The project includes planned collector roads on the north, west, and south. The developer is required to construct a half-width of the collector roads dedicating 38.5 feet, with a minimum of 24 feet of asphalt. The developer is also providing an extra 12 feet of right-of-way on Aviator Avenue and dedicating 50.5 feet. The City will enter into a reimbursement agreement for the extra costs to upsize Aviator from a 53-foot road to a 77-foot road and for the value of the additional 12 feet of land. The land value will be based on the agricultural value of the land as of the date of the land dedication. The developer shall dedicate 152 feet of right-of-way for Old Airport Road within 60 days of a request by the City. The City will enter into a reimbursement agreement for the cost of the land, exempting the land needed for the road crossing between phases 10 and 11.

Mr. Mumford confirmed that Old Airport Road is included in the Mountainland Association of Government's Regional Transportation Plan and is eligible for funding. The project would need to be added to the Impact Fees Facility Plan before the City enters into the reimbursement agreement in order to be able to collect impact fees for the improvements.

Applicant representative Josh Cummings said they are comfortable with moving forward with the plan without finalizing the terms of the road improvements and reimbursement agreement.

Mr. Draper confirmed that he is comfortable with the agreement as drafted and the future completion of the reimbursement agreement.

MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the Eagle Quest East Master Development Agreement. Commissioner Strong seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>	☐ <i>Brent Strong</i>

The motion passed with a unanimous vote.

6. Discussion Items

6.A. DISCUSSION ITEM – Eagle Mountain Pet Care Concept Plan EM

Planner Steven Lehmitz presented the item. Eagle Mountain Pet Care is a veterinary clinic proposed at 1495 E. Raven Way. The lot is zoned Community Commercial and is 0.63 acres. The proposed building is 6,000 square feet. City staff has reviewed the proposed concept plan and provided feedback. The applicant is now seeking feedback about the proposal from the Planning Commission.

Staff explained that the development has an open space buffer between the commercial and residential areas and Raven Way has been platted but not improved.

Commissioner Pengra stated that he has no concerns with the proposal as long as it adheres to Municipal Code requirements.

Commissioner Bergener suggested that the applicant take into consideration the appearance of other buildings in the area to be in harmony with design standards.

Commissioner Everett supported Commissioner Bergener's statements, noting a two-story building is unlikely to be problematic as long as it does not exceed the height of the grocery store. A veterinary clinic will be beneficial to the City and will have a less intensive impact and provide a better buffer than other possible uses.

7. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for April 11, 2023.

Commissioner Allen will be in attendance virtually.

Commissioner Everett might not be able to attend and will inform staff and the Commission once his plans are finalized.

Commissioner Everett noted that the Open and Public Meetings Act training will take place at the next meeting and requested a future discussion or training regarding recent legislative changes impacting the Commission. He reminded the Commissioners to complete their required annual trainings.

8. Adjournment

MOTION: *Commissioner Bergener moved to adjourn at 8:33 p.m. Commissioner Everett seconded the motion.*

Those Voting Yes

☒ *Jason Allen*

☒ *Jeremy Bergener*

Those Voting No

☐ *Jason Allen*

☐ *Jeremy Bergener*

Those Abstaining

☐ *Jason Allen*

☐ *Jeremy Bergener*

Those Absent

☐ *Jason Allen*

☐ *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

The motion passed with a unanimous vote.

The meeting was adjourned at 8:33 p.m.

Approved by the Planning Commission on April 11, 2023.


Steve Mumford (APR 11 2023 07:25 MDT)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

03.28.23 PC Approved Minutes not signed

Final Audit Report

2023-04-13

Created:	2023-04-12
By:	Shawna Ellis (sellis@emcity.org)
Status:	Signed
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Document e-signed by Steve Mumford (smumford@emcity.org)

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