EAGLE MOUNTAIN
PLANNING COMMISSION MEETING

February 23, 2021, 5:30 PM
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

This meeting will be an electronic meeting Pursuant to Utah Code Ann. 52-4- 207(4).

I, Mayor Tom Westmoreland, do hereby determine conducting an electronic meeting of the Eagle Mountain City Planning Commission with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location and hereby authorize the Eagle Mountain City Planning Commission to conduct electronic meetings without an anchor location.

The foregoing determination is based on the following facts:

- Federal, state and local leaders, including the Eagle Mountain City Mayor and City Council, have all recognized a global pandemic caused by the spread of the COVID-19 virus.
- Governor Herbert and the Utah Department of Health have recently issued updated orders in response to record numbers of COVID-19 cases and COVID-19-related hospitalizations. The orders implement statewide what has been termed a 'mask mandate' and have severely limited social gatherings in an attempt 'to prevent and control the rapidly changing consequences of COVID-19 throughout the state.'
- It is difficult, if not impossible, to predict the number of attendees at any meeting and to manage issues regarding social distancing in order to comply with applicable health orders.
- COVID-19 poses a continuing and immediate threat to the health, safety, and welfare of Eagle Mountain City residents and the public in general.
- The City has the technological capability to provide means by which the public may hear, or view and hear, the open portions of the meeting and to participate in public hearings.

To participate, please see the options below:

Those wishing to speak during the meeting, send a request and include your name, address, and phone number to recordersoffice@emcity.org.

The public may monitor or listen to open portions of the meeting via Lifesize electronic meeting through Granicus at the following website:
eaglemountaincity.com/cityrecorder/citymeetingsportal#meetingdocs.

1. **Discussion Items**

1.A DISCUSSION - Conflict of Interest and Open Meeting Law Training

1.B DISCUSSION - Zoning Transition Table
A discussion regarding potential revisions to the zoning transition table (EMMC 17.60.160) to reduce the number of steps of transition between residential districts.
17.60 Landscaping Buffering Fencing and Transitioning - PROPOSED

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

2. Pledge of Allegiance

3. Declaration of Conflicts of Interest

4. Approval of Meeting Minutes

4.A January 26, 2021, Planning Commission Minutes
PC Minutes 01.26.2021 - DRAFT

4.B February 9, 2021, Planning Commission Minutes
PC Minutes 02.09.2021 - DRAFT

5. Status Report

6. Action and Advisory Items

6.A PUBLIC HEARING - The Pinnacles (Master Development Plan, General Plan Amendment, Rezone)
This is a request for a master development plan approval for the development of 161 acres of land on the north side of Aviator Avenue (5000 N) and west of the Brylee Farms development. The proposed project, referred to as The Pinnacles, would include: single-family residential, multifamily (townhomes and condos/apartments), commercial, business campus, and open space. The request includes rezoning and an amendment to the General Plan Future Land Use Map.
Master Development Plan Exhibits
Utility, Grading, and Phasing Plans
Compatibility Statement
Traffic Study Executive Summary
Environmental Impact Report
Infrastructure Analysis Report
Drainage Study

7. Discussion Items

8. Next scheduled meeting

9. Adjournment

THE PUBLIC IS INVITED TO PARTICIPATE IN PUBLIC MEETINGS FOR ALL AGENDAS.
In accordance with the Americans with Disabilities Act, Eagle Mountain City will make reasonable accommodation for participation in all Public Meetings and Work Sessions. Please call the City Recorder's Office at least 3 working days prior to the meeting at 801-789-6610. This meeting may be held telephonically to allow a member of the public body to participate. This agenda is subject to change with a minimum 24-hour notice.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda notice was posted on this 19th day of February, 2021, on the Eagle Mountain City bulletin boards, the Eagle Mountain City website www.emcity.org, posted to the Utah State public notice website http://www.utah.gov/pmn/index.html, and was emailed to at least one newspaper of general circulation within the jurisdiction of the public body.

Fionnuala B. Kofoed, MMC, City Recorder

Chapter 17.60
Landscaping, Buffering, Fencing and Transitioning

17.60.160 Zones transitions.

The zone transition table found in Table 17.60.160(1) below identifies the compatible zones that may be adjacent to each zone. Each column is defined as:

A. Zone. The existing or proposed zone designation for the subject property.

B. Compatible Buffer. The permitted zones for land adjacent to the zone identified in the first column.

C. General Plan Category Compatibility. The future land use designation in the General Plan that the zone identified in the first column may be located within.

The "Zone Legend," "Overlay Zone Legend," and "General Plan Categories" found in Table 17.60.160(2) below are provided for reference.

Table 17.60.160(1)

ZONE	COMPATIBLE BUFFER	GENERAL PLAN CATEGORY COMPATIBILITY
AG	RA1, RA2, RD1, RD2, FR, MEC, OS-I, OS-N	ARD1, ARD2, FR, OS, PO
RA1	AG, RA2, OS-I, OS-N	ARD1
RA2	AG, RA1, RD1, OS-I, OS-N	ARD1
RD1	AG, RA2, RD2, OS-I, OS-N	ARD2
RD2	AG, RD1, FR, R1, OS-I, OS-N	ARD2
FR	AG, RD2, R1, CN, OS-I, OS-N	FR
R1	RD2, FR, R2, CN, OS-I, OS-N	NR1
R2	R1, R3, RC, CN, OS-I, OS-N	NR1
R3	R2, RC, MF1 CN, OS-I, OS-N	NR1
RC	R2, R3, MF1, MF2, CN, CC, OS-I, OS-N	NR2
MF1	R3, RC, MF2, CN, CC, CR, CS, OS-I, OS-N	NR2, CC, RC~~R~~
MF2	RC, MF1, CN, CC, CR, MEC, OP, CS, OS-I, OS-N	NR3, CC, RC~~R~~, TCM
CN	FR, R1, R2, R3, RC, MF1, MF2, CC, MEC, OP, OS-I	CC, TCM
CC	RC, MF1, MF2, CN, CR, MEC, OP, LMD, OS-I	CC, ECC, TCM
CR	MF1, MF2, CC, MEC, OP, LMD, CS, OS-I	CR, ECC
MEC	AG, MF2, CN, CC, CR, OP, OS-I	ECC
OP	MF2, CN, CC, CR, MEC, OS-I	TCM, CC, RC~~R~~, ECC
I	LMD, CS, OS-N	BPLI
LMD	I, CR, CC, CS, OS-N	BPLI
CS	MF1, MF2, CC, CR, I, LMD, OS-N	BPLI
OS-I	AG, RA1, RA2, RD1, RD2, FR, R1, R2, R3, RC, MF1, MF2, CC, CN, CR, MEC, OP, OS-N	PO

OS-N	AG, RA1, RA2, RD1, RD2, FR, R1, R2, R3, RC, MF1, MF2, OP, I, LMD, CS, OS-I	PO

Table 17.60.160(2)

ZONE LEGEND			
Rural Agricultural 1	RA1	Commercial Neighborhood	CN
Rural Agricultural 2	RA2	Commercial Community	CC
Rural Density 1	RD1	Commercial Regional	CR
Rural Density 2	RD2	Medical/Educational Campus	MEC
Foothill Residential	FR	Office Professional	OP
Residential 1	R1	Industrial	I
Residential 2	R2	Light Manufacturing/Distribution	LMD
Residential 3	R3	Commercial Storage	CS
Residential Cottage	RC	Improved Open Space	OS-I
Multi-Family 1	MF1	Natural Open Space	OS-N
Multi-Family 2	MF2	Agriculture	AG
OVERLAY ZONE LEGEND			
Ridgeline Protection Overlay	RL	Equine Overlay	EQ
Historical ~~Site and~~ Preservation Overlay	HP	Regional Technology and Industry Overlay	RTI
Extractive Industries Overlay	EIO		
GENERAL PLAN CATEGORIES			
Agricultural/Rural Density One	ARD1	Town Center Mixed Use	TCM
Agricultural/Rural Density Two	ARD2	Regional Commercial	RC
Foothill Residential	FR	Employment Center/Campus	ECC
Neighborhood Residential One	NR1	Business Park/Light Industry	BPLI
Neighborhood Residential Two	NR2	Civic Uses	CU
Neighborhood Residential Three	NR3	Parks and Open Space	PO
Community Commercial	CC		

EAGLE MOUNTAIN
Planning Commission MEETING MINUTES

January 26, 2021, 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: Jeremy Bergener, Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright.

ELECTED OFFICIALS PRESENT: Councilmember Donna Burnham, Primary Liaison to the Planning Commission; and Councilmember Colby Curtis, Secondary Liaison to the Planning Commission.

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

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

1. Discussion Items

1.A. DISCUSSION – Planning Commission Training

Senior Planner Tayler Jensen introduced himself and presented the duties and responsibilities of the Planning Commission.

Discussion ensued clarifying that appointing a Planning Commissioner to appear before the City Council when necessary to explain or sell a controversial action is a best practice recommendation and option and is not required by City or State Statute, a vote by a Commissioner can be disallowed and counted as an abstention if the Commissioner votes on an item when the Commissioner has a clear conflict of interest, and that Commissioners should not have private conversations outside of public meetings to influence or collude with other Commissioners regarding the action to take on an item or to promote a personal agenda or interests of external parties such as residents or developers.

Mr. Jensen explained that it is inappropriate for Commissioners to have private conversations electronically to coordinate decisions during a public meeting. All comments regarding Planning Commission decisions should be public and on the record.

Commissioner Wright requested for the links to the training materials to be made available to the Commission and encouraged the Commissioners to review the materials.

Assistant City Administrator/Community Development Director Steve Mumford stated it is appropriate for the Planning Commissioners to speak with and appeal to the City Council as

residents; however, it is inappropriate for the Councilmembers to influence the decisions of the Planning Commission. The Planning Commission and City Council should function as separate, independent bodies. The Planning Commission should make recommendations to the City Council as determined by the Commission. The City intends to hold joint meetings with the Planning Commission and City Council to publicly discuss planning and development issues.

Commissioner Everett provided the following addition to the minutes:

> During the Planning Commission meeting of January 26, 2020, in the Work Session Mr. Tayler Jensen gave a presentation discussing the duties and responsibilities of the Planning Commission.
>
> At the conclusion of Mr. Jensen's presentation, Commissioner Everett asked for clarification on two items. First being a statement regarding appointing a Planning Commissioner to appear before the City Council when necessary to explain or sell a controversial action. Commissioner Everett asked if that was something that was found within State or Municipal Code, or if that was a best practice. It was determined that it would be a best practice and that was not found within State or Municipal code. Whereupon Commissioner Everett stated that while he was serving as the Chair of the Planning Commission in previous years, he had a discussion with the Mayor about this very action, and was told in no uncertain terms that the Mayor felt this would not be appropriate and that he would not be favorable to having a member of the Planning Commission present at a City Council meeting.
>
> Commissioner Everett also asked Mr. Jensen to clarify when a Commission member should recuse themselves after having declared a conflict of interest. Mr. Jensen stated that if a Commission member declares a conflict of interest, they should recuse themselves from the discussion and not vote. If they do participate and do vote, the Commission can disallow that vote, and it be counted as an abstention. Commissioner Everett indicated that that practice had not been followed in the past, and it was good to know that we have that in Municipal code.
>
> Commissioner Wells then asked Mr. Jensen to clarify a statement from his presentation that Commission members should not communicate one-on-one or have private conversations outside of public meetings. Mr. Jensen stated that this was a best practice. Several Commissioners stated that they objected to this as they are very careful to not meet in groups of more than two to avoid constituting a quorum, but that it was appropriate for commission members to have discussions one-on-one, and disagreed with Mr. Jensen's presentation.

1.B. DISCUSSION – Community District Node Overlay Code Amendment

Planning Manager Pete Kane presented the item. The General Plan includes a topic regarding community nodes. These nodes, as identified in the Framework Map, were created to help achieve the four key initiatives of the General Plan. The nodes are described as:

DRAFT

- City Center Node: A "Downtown" Main Street style of commercial and office uses. Mixture of uses in a horizontal or vertical format for example residential or office above retail or residential above office.
- Community Node: A community business district style of commercial and office uses serving multiple surrounding neighborhoods. Mixture of uses in a horizontal or vertical format for example residential or office above retail or residential above office.
- Neighborhood Node: A small collection of retail and service uses focused on a corner or single block, serving the immediate surrounding neighborhood. Mixture of uses in a horizontal format for example different uses adjacent to each other.

These nodes can serve to relieve development pressure by identified targeted, limited areas of dense development. This Municipal Code amendment also creates the framework for transit-oriented development (TOD) zoning for the City, when transit becomes a reality.

The criteria for designation utilizes the General Plan's Framework Map and must be centered on an existing or future major intersection or mass transit stop. Not all neighborhood character areas (NCAs) may have a node, an NCA may have multiples of a node type, and not all node types may be within an NCA.

Mr. Kane explained that due to the complexity of the item, the item should return to one or more work sessions for further review and discussion.

Councilmember Wright recommended withholding questions and discussion until the item returns at a future meeting due to time constraints. The other Commissioners concurred.

1.C. DISCUSSION – Zoning Transition Table

Mr. Kane presented the item. The City Council expressed concern regarding the number of transition steps due to the inclusion of only one up and one down zone adjacency for residential zones on the current zone transition table and requested a review of options to decrease the number of required transitions. The current table has 10 residential designations: RA1, RA2, RD1, RD2, FR, R1, R2, R3, RC, and MF1/MF2. The potential zone transition table combines the R3 and RC zoning transitions. Mr. Kane noted corrections to the table to amend "CR" to "RC" as the appropriate abbreviation of the Regional Commercial General Plan land use designation.

Commissioner Pengra stated that at the time the table had been previously discussed he had approved the removal of the lot size transition table; however, he believes the zone transition table is onerous and expressed his willingness to support the combination of the smaller lot categories.

Discussion ensued clarifying that as the Foothill Residential (FR) zone, identified in the fifth column in the presentation, is not appropriate in all areas of the City, the RD2 and R1 zones are listed in the zone transition table as appropriate buffers enabling the exclusion of the FR zone where not permitted in the City.

Commissioner Bergener stated he felt it would be beneficial to discuss the proposed amendment further at a future meeting.

DRAFT

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

Commissioner Wright called the meeting to order at 6:30 p.m. and welcomed the meeting participants.

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. January 12, 2021, Planning Commission Minutes

Commissioner Wright requested a correction to the minutes on page 10 "Commissioner Pengra concurred with the concerns expressed by Commissioners Everett and Wells that the dedication of the parcel could appear to be an enticement to the City to approve a plan the City would object to otherwise," to amend "Wells" to "Wright," as he was the Commissioner that agreed with Commissioner Everett's concerns.

MOTION: ***Commissioner Pengra moved to approve the January 12, 2021 minutes as amended. 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.***

5. Status Report

Mr. Kane stated that during the January 19, 2021 City Council meeting work session discussion of the Brylee North rezone and General Plan amendment, the Councilmembers expressed concern regarding shifting commercial land to residential, the City being a land developer, and the City accepting land donation as a part of the rezone request. Although the Neighborhood Residential Three land use designation may be appropriate due to the location of the property and the Council expressed willingness to consider a 24-unit building, the Council was not amenable to reducing the parking requirements. The item will move forward to policy session. The Council discussed concerns regarding the number of retention ponds and the dedication of the collectors on the east and south sides of the property for the Scarlett Ridge Estate Master Development Plan, preliminary plat, rezone, and General Plan amendment. The applicant has updated the plans to dedicate the roads and reduce the retention areas. The item will return to a future work session. The Wildlife Corridor Overlay Zone discussion was generally favorable in support of the amendment and included general agreement in removing the density transfer allowance; however, if it is retained, it was recommended that the density transfer only apply to buildable land. The item will move forward to policy session.

DRAFT

During the January 19, 2021 policy session, the Woodward property rezone was approved with the Planning Commission recommendations and the applicant will move forward with the plat recording. The Historical Preservation Zone was approved unanimously. The Ridgeline Protection Overlay Zone was approved unanimously with an abstention by Councilmember Gray as he was unable to review the amendment prior to the meeting. The Scenic Mountain Phase C Master Site Plan was approved unanimously after significant changes by the applicant including updated elevations, increased pedestrian access, and additional off-street parking stalls.

6. Action and Advisory Items

6.A. PUBLIC HEARING – Eagle Commons (Rezone)

The applicant requested for the item to be postponed until the February 9, 2021 meeting as the applicant is seeking a zoning designation that does not exist currently. The Municipal Code amendment and rezone will appear concurrently at the next meeting.

Commissioner Wright opened the public hearing at 6:40 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment.

MOTION: ***Commissioner Everett moved to table the Eagle Mountain Commons rezone and continue the public hearing until the applicant has prepared their application for the review of the Planning Commission. Commissioner Pengra 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. Ault Farms (Master Development Plan, Rezone, General Plan Amendment)

Mr. Kane presented the item. The subject property is located on the east side of Pony Express Parkway at about 3000 North. The property is currently zoned Agriculture and identified in the General Plan Future Land Use Map for Foothill Residential, Neighborhood Residential One, Parks and Open Space, and Business Park/Light Industrial.

The applicant has submitted concept plans in 2019 and 2020, most recently this past summer. The Planning Commission and City Council requested the applicant focus on compliance with the General Plan and requesting zone districts that exist within the current Municipal Code.

A master development plan (MDP) has been submitted for the property. Rezoning: From Agriculture to a mix of FR, R1, R2, R3, RC, MF1 (for both single-family detached and townhome), MF2, CN, OS-I, and OS-N. A land use amendment requests a change from Foothill Residential, Neighborhood Residential One, Parks and Open Space, and Business Park/Light Industry designations to Foothill Residential, Neighborhood Residential One, Neighborhood Residential Two, Neighborhood Residential Three, Community Commercial, Business Park/Light Industry, and Parks and Open Space.

DRAFT

The Planning Commission opened and closed a public hearing on the requests on January 12, 2021. The requests were tabled to allow the applicant to make revisions to the plans including an exhibit demonstrating the multiple plan areas in compliance with the 200-acre size limit for master development plans (MDPs), a revised master plan with proposed road widths, a revised rezoning exhibit with corrections and changes as noted in the staff report, a revised General Plan amendment exhibit with corrections and changes as noted in the staff report, a revised open space exhibit with corrections and changes as noted in the staff report, an outline of potential amenities and features for the development, and identification of necessary phasing with specificity as to what open space and infrastructure elements will be included for each phase.

Based on the Planning Commission request, the applicant has provided a potential option to break the development into four separate MDPs. The four MDPs have proposed acreages of Area 1 at approximately 147 acres, Area 2 at approximately 232 acres, Area 3 at approximately 163 acres, and the Business Park Area at approximately 208 acres. The plan calls for the following amendments to the City's Transportation Master Plan including reducing Pony Express Parkway from a 122-foot minor arterial to a 77-foot minor collector, reducing Airport Road from a 152-foot to 176-foot major arterial to a 122-foot minor arterial, reducing Tiffany Lane from a 152-foot to 176-foot major arterial to a 122-foot minor arterial, adding the "South Collector" as a collector, and adding a collector loop access from the "south collector" around the central park and into the MF2 portion of the development.

The requested open space and parks changes have been incorporated, except merging the two small parks on the far east as there are existing utilities in those two locations that the parks are then proposed around. An outline of potential amenities and further description of the parks is included in the staff report.

The rezone request proposes FR zoning for 8.8 acres/1.6 percent, R1 zoning for 38.9/7.2 percent, R2 zoning for 39.8 acres/7.4 percent, R3 zoning for 83.7/15.5 percent, RC zoning for 80.1 acres/14.9 percent, MF1 zoning for 163.3 acres/30.3 percent, MF2 zoning for 25.3 acres/4.7 percent, Commercial Neighborhood (CN) zoning for 12.6/2.3 percent, Natural Open Space (OS-N) zoning for 36.6 acres/6.8 percent, and Improved Open Space (OS-I) zoning for 49.3 acres/9.2 percent of the development.

The southern 208 acres would retain the Business Park/Light Industrial land use designation. The remaining approximately 26 acres of the Business Park/Light Industrial area north of the "south collector" would be changed to a mix of Neighborhood Residential Three, Neighborhood Residential Two, Neighborhood Residential One, and Community Commercial. The current Foothill Residential designation of approximately 38 acres would be reduced to 8.8 acres with the rest of the area changed to Neighborhood Residential Two and Neighborhood Residential One. The Parks and Open Space land use designation would not change. The remainder of the property is currently designated for Neighborhood Residential One land uses with a request to include Neighborhood Residential One, Neighborhood Residential Two, Neighborhood Residential Three, Community Commercial, and Parks and Open Space.

DRAFT

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

1. If the Planning Commission recommends separated master development plans for the four planning areas, that the first plan should include the entire length of Tiffany Lane and the central park;
2. If the Planning Commission recommends separated master development plans, that a concept plan for the complete 750 acres be incorporated into each separate master development plan; and
3. That the southern approximately 208 acres be approved through a separate master development plan based on a future request by the applicant.

Staff recommends that the Planning Commission make a motion to recommend approval of the rezone to the City Council, for the reasons set forth in the staff report and in the meeting, and with any conditions as determined by the Commission.

Staff recommends that the Planning Commission make a motion to recommend approval of the General Plan amendments to the City Council, for the reasons set forth in the staff report and in the meeting, with the following conditions:

1. The approval of the land use designation changes as proposed (with any conditions as determined by the Commission);
2. The approval of the addition of the "south collector" and loop collector roads as collector roads in the Future Transportation Plan; and
3. That the loop collector road shall continue as a collector road to connect the MF2 zone to the "south collector."

Mr. Kane explained that the zoning of the property to the north of the project falls under previous Municipal Code requirements and is zoned as residential with single-family units with a minimum lot size of 7,000 square feet and an average of 8,000 square feet which is equivalent to approximately R2 and R3 zone and townhomes, in the northeast corner of the property, are equivalent to the MF1 zone under the current standards.

Applicant representative Pete Evans stated they are willing to work with staff within the transportation plan and their proposed road widths are based upon a transportation study they conducted in conjunction with the City. He said the traffic study consultant worked with City Engineer to determine the scope of the study and included considerations in addition to their project. Due to the size of their project, they desire to help the City with regional planning for the surrounding area. He feels the data from their study will assist with the Transportation Master Plan for this portion of the City. He said they had not extended the loop road due to the location of the multifamily housing and the expected associated traffic generation but expressed willingness to extend the loop road as recommended.

Commissioner Wells requested clarification regarding the division of maintenance for the parks in the project.

DRAFT

Applicant representative Bronson Tatton explained that the local parks will be maintained by the homeowner's association (HOA). The regional parks and trails will be dedicated to the City as the trails connect to other projects. Potential HOA maintenance of the trails can be explored if desired. The multifamily units will have common areas that will possibly include pools and clubhouses that will be HOA owned that will be determined and presented during the site plan process.

Commissioner Wells clarified that she did not have a recommendation regarding the park maintenance but wanted to ensure the intended expectation for the care of the various areas was clear.

Mr. Evans explained that the MF1 single-family product would be similar to the single-family detached product with a two-car garage identified as cluster homes in their SilverLake development. The buffering and transition standards require multifamily products along the major arterials and collector roads. Based upon feedback desiring more single-family products and lower density, they are offering a product between multifamily and the wider and larger RC units on larger lots.

Commissioner Wright noted the master plan tabulation sheet provided by the applicants prior to the meeting is only about 24 percent compliant with the General Plan. He recognizes that the General Plan is a guiding document and is expected to be adjusted but expressed concern regarding the high amount of density in the project proposed for an area that has been designated for lower density products especially in regard to the 38.9 acres on the eastern edge of the project designated with the Foothill Residential land use designation. He said that he is in favor of allowing the three residential area MDPs. He appreciates the applicants and the staff recommended phasing for the plan and was open to permitting Area 2 to be above the 200-acre MDP acreage limit. He desires an increase in FR, R1, R2, and R3 products.

Commissioner Wells said that she feels they have transitioned as well as they can to adhere to Municipal Code transitioning standards due to the multifamily units to the north of the project. She noted that acreage should also be a factor in determining the product balance of a project because larger lot homes will generally have a lower unit count for the equivalent acreage of multifamily or small lot homes. However, she agrees that the overall density of the project is too high and thinks there should be more single-family R1, R2, and R3 products.

Commissioner Everett stated that the transitioning Municipal Code standards allow for acreages higher than the adjacent property category standard unit size and could be employed to buffer the Foothill Residential designated area. The product in the development to the north is not ideal for this area in the City and the resulting impact on the surrounding developments. He would like to see that area remain as Foothill Residential. He thanked the applicant for dividing the project into smaller sections with multiple MDPs to comply with the 200-acre requirement. He concurred with granting an exemption for the MDP for Area 2 to exceed the maximum acreage allowance as appropriate due to the size and shape of the development. He said he would prefer to see the smaller lot single-family homes along the major roadways rather than multifamily product; however, the overall density for the project is higher than desirable for the area. He said he would feel comfortable recommending the item to the City Council with the recommendations.

DRAFT

Commissioner Bergener stated in consideration of the General Plan and transitioning requirements, some compromise regarding density could be appropriate; however, he agrees with the desire to see an increase in the Foothill Residential product in the northeast portion of the project. He concurred with Commissioner Everett's recommendation to make a recommendation to the City Council regarding the item.

Commissioner Pengra stated that in the previous meeting he had said he did not have concerns regarding the proposed density for the project. However, after further examination of the plan in relation to the General Plan, he believes the density is not in harmony with the desired development of this area of the City. He apologized for his conflicting feedback and concurred that more Foothill Residential product should be included on the eastern portion of the development. As more land could be annexed into the City from the surrounding areas, he is not in favor of approving the reduction of the road widths.

Commissioner Wright noted that the proposed density per acre for the single-family MF1 product is 5.3 units per acre and the RC product is 5.0 units per acre and recommended decreasing the MF1 single-family product and increasing the RC product in the development due to the frontage and setback requirements intended to provide enough space between the units to add additional, off-street parking for a third car or trailer. Parking is an issue in most areas of the City and the request to develop 50 percent of the project as multifamily should take into account the resulting parking considerations when making a recommendation to the City Council.

Commissioner Wright clarified that he prefers a density reduction through upsizing some of the proposed multifamily product to create more quarter-acre or larger lots to provide more move-up products for residents for their secondary or tertiary homes as he feels that product type is underrepresented in the City.

Commissioner Pengra expressed concern proceeding to a recommendation to the City Council due to the comments surrounding the density in the project that would result in significant changes. He suggested tabling the item with direction to the applicants regarding the desired changes.

Commissioner Wright concurred with Commissioner Pengra.

Commissioner Wells noted that the item included several elements and inquired if it would be appropriate to move a portion of the approval forward to the City Council and to table other elements of the approval. She asked if the applicant was amenable to making additional changes to the project.

Mr. Kane verified that as the MDP, rezone, and General Plan amendment are interdependent, all three should be tabled or moved forward and not be divided.

Mr. Evans stated that they recognize their proposal alters the existing General Plan as a part of the amendment process and feels their proposal is closer in line with their assessment of the current housing market and desired product. He believes the market has changed since the time the General Plan was contemplated for this area and is the motivation for their General Plan amendment request. He said the proposed MF1 single-family, detached units represent an important product

DRAFT

that meets a specific market need that the City lacks at this time and although the MF1 excludes a minimum lot size for a single-family, detached product, the standards include setback requirements. He believes the City has mislabeled their residential zones and that the requirements are misaligned with the product that customers desire due to the unlikelihood of housing becoming more affordable in the future, but the plan can be amended to meet alterations in the future market if merited. Transitioning from the powerline corridor and townhomes to the north have created difficulties with planning the Foothill Residential area portion of the development. They provided FR product along the eastern edge to prevent the adjacent developments from needing to employ additional buffering. He requested for specific recommendations to be included with a recommendation to move the item forward to the City Council.

Commissioner Everett noted that the master plan tabulations chart submitted by the applicant includes 13 FR units representing .6 percent of the total project and inquired regarding the potential FR unit count should the entire Foothill Residential area be developed with FR product.

Applicant representative Greg Magleby stated that the 38.9 acres of Foothill Residential could accommodate approximately 50 FR product units due to the average half-acre requirements.

Commissioner Everett suggested that the recommendation to the City Council to include a requirement to increase the FR product and RC product and to reduce the MF1 single-family product.

Commissioner Wright stated that an adjustment to the unit count of any category will impact the entire project and for that reason, he preferred to table the application to allow the applicant to make the requested adjustments rather than move the item forward to the City Council. He recognized the burden to the applicant but felt the action was in the best interest of the City and in preparing the application for review by the City Council.

Discussion ensued regarding the desired action for the item and associated recommendations to the applicants.

MOTION: ***Commissioner Pengra moved to table the Ault Farms Master Development Plan, rezone, and General Plan amendment until the applicant:***

1. ***Increases the number of Foothill Residential product to a minimum of 50 units;***
2. ***Implements a significant reduction in multifamily product units, including the single-family units identified as an MF1 product, and an increase in the R1, R2, and R3 zone designation single-family unit product;***
3. ***Maintains Pony Express Parkway at 122-foot minor arterial;***
4. ***Maintains Airport Road at 152 to 176-foot major arterial;***
5. ***Maintains Tiffany Lane at 152 to 176-foot major arterial;***
6. ***Includes the "south collector" and loop collector roads as collector roads in the Future Transportation Plan; and***
7. ***Continues the loop collector road as a collector road to connect the MF2 zone to the "south collector."***

DRAFT

Brett Wright seconded the motion.

Discussion ensued debating and clarifying the direction to the applicants to include in the motion to table.

Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. Those voting nay: Erin Wells. The motion carried with a vote of 4:1.

Commissioner Wells clarified her dissenting vote was due to the inclusion of a specific unit count for the Foothill Residential units although she concurs with the request to increase the Foothill Residential product.

Commissioner Pengra clarified that he recognizes the need for affordable housing, especially in consideration of industrial development employee needs, and his recommendation is due to the product entitlements for other areas that include the smaller-lot and multifamily product types similar to those proposed in this development and due to this area of the City being designated for move-up and larger lot products. He concurs that the market indicates the need for the proposed products; however, the General Plan indicates the proposed number of those products as inappropriate for this location in the City.

7. Discussion Items

8. Next scheduled meeting

The next Planning Commission meeting is scheduled for February 9, 2021.

Commissioner Wells stated she will not be in attendance at the February 9, 2021 meeting.

9. Adjournment

MOTION: ***Commissioner Everett moved to adjourn the meeting at 8:31 p.m. 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.***

The meeting was adjourned at 8:31 p.m.

Approved by the Planning Commission on February 23, 2021.

_____

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

DRAFT

DRAFT

EAGLE MOUNTAIN
Planning Commission MEETING MINUTES

February 09, 2021, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:30 PM Work Session – Electronic Meeting via Lifesize

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

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Planning Manager; Tayler Jensen, Senior Planner; Fionnuala Kofoed, City Recorder; and Elizabeth Fewkes, Recording Secretary.

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

1. Adjourn to a Closed Executive Session

MOTION: ***Commissioner Everett moved to adjourn the meeting to a closed executive session for the purpose of discussing reasonably imminent litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Commissioner Pengra seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, Brett Wright. The motion passed with a unanimous vote.***

The meeting was adjourned at 5:32 p.m.

2. Discussion Items

2.A. DISCUSSION – Zoning Transition Table

This item was not discussed due to time constraints and will be moved to a future meeting.

2.B. DISCUSSION – Community District Node Overlay Code Amendment

This item was not discussed due to time constraints and will be moved to a future meeting.

6:30 PM Policy Session – Electronic Meeting via Lifesize

Commissioner Wright called the meeting to order at 6:33 p.m.

3. Pledge of Allegiance

City Recorder Fionnuala Kofoed led the Pledge of Allegiance.

DRAFT

4. Declaration of Conflicts of Interest

None.

5. Approval of Meeting Minutes

5.A. January 26, 2021, Planning Commission Minutes

Commissioner Everett requested the inclusion of additional detail regarding the Planning Commission training work session discussion to be added to the minutes.

MOTION: ***Commissioner Everett moved to table the January 26, 2021 minutes for staff to work with Commissioner Everett to clarify the work session Planning Commission Training discussion. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.***

6. Status Report

Planning Manager Pete Kane stated that during the February 2, 2021 City Council work session the Council discussed the updated Scarlet Ridge Estates application that included revisions to the preliminary plat to dedicate the requested roadway right-of-way which reduced some large lots resulting in four one-acre lots within the project. The Council directed the applicant to provide more one-acre lots as wells as a greater variety of large lot sizes and considered the appropriateness of the Equine Overlay for the half-acre lots in the project due to compatible animal right concerns and allowances.

During policy session, the Brylee North application was tabled and moved to a future meeting at the request of the applicant. The City Council approved the Wildlife Corridor Overlay Zone with revisions replacing the language regarding density transfers with “the City may utilize other tools to aid in the application of the overlay zone on property, as approved on a case-by-case basis by the City Council.” The proposed standards regarding recreational vehicle use in the corridor were also amended to include “No recreational vehicles, such as off-highway vehicles (OHVs), shall be allowed in the corridor during the mule deer migration season, except for corridor maintenance and private landowner use. No new off-road vehicle trails will be constructed where the corridor is at its minimum width to minimize recreational vehicles' negative impacts. Recreational vehicles are permitted to cross the corridor on established trails year-round.”

7. Action and Advisory Items

7.A. Ault Farms (Master Development Plan, Rezone, General Plan Amendment)

Mr. Kane presented the item. The subject property is located on the east side of Pony Express Parkway at about 3000 North. The property is currently zoned Agriculture and identified in the General Plan Future Land Use Map for Foothill Residential, Neighborhood Residential One, Parks and Open Space, and Business Park/Light Industrial.

The applicant submitted concept plans in 2019 and 2020, the most recent application was submitted in the summer of 2020. The Planning Commission and City Council requested that the applicant focus on compliance with the General Plan and incorporate zone districts that exist within the current Municipal Code.

A master development plan (MDP) has been submitted and includes a rezone and General Plan map amendment; the latest revised plans call for a rezone to RD2 (with the Equine Overlay), FR, R1, R2, R3, RC, MF1 (single-family detached and townhome), MF2, CN, OS-I, and OS-N. The General Plan amendment to Agricultural/Rural Density Two, Foothill Residential, Neighborhood Residential One, Neighborhood Residential Two, Neighborhood Residential Three, Community Commercial, Business Park/Light Industrial, and Parks and Open Space.

The General Plan future transportation map amendment changes Pony Express Parkway from a minor arterial to a minor collector and adds a southern collector and a loop collector in the center of the development.

The Planning Commission held a public hearing on January 12, 2021, and continued the review to a public meeting on January 26, 2021. The requests were tabled on January 26, 2021, to allow the applicant to revise the plans. The requested revisions identified by the Commission included for the applicant to provide a minimum of 50 lots within the FR zone, significantly reduce the multifamily units including the MF1 single-family product, increase the units in the R1, R2, and R3 zoning designations, and meet the staff transportation recommendations.

To comply with Municipal Code and at the request of the Planning Commission, the applicant has provided a master plan division document dividing the property into multiple areas. Staff recommends potential action on the three planning areas, though the southern Business Park should not be acted upon at this time. The development of Area 1 should include the installation of the entirety of Tiffany Lane and the central park area.

The plan proposes to amend the City's Transportation Master Plan by reducing Pony Express Parkway from a 122-foot minor arterial to a 77-foot minor collector, adding a collector road along the south end of the project, and extending the loop collector road up and around the central park and back to the southern collector. Staff recommends against reducing the width of Pony Express Parkway.

Several neighborhood and local parks are proposed throughout the project including a large regional park at the center of the development. The applicant also proposes gateway landscape entries at the five main entries to the development. An outline of the potential amenities and further description of the parks is included in the staff report.

The revised rezone request proposes RD2 zoning for 17.9 acres/3.3 percent, FR zoning for 37.3 acres/6.9 percent, R1 zoning for 28.6 acres/5.3 percent, R2 zoning for 21.2 acres/3.9 percent, R3 zoning for 92.8 acres/17.2 percent, RC zoning for 74.4 acres/13.8 percent, MF1 zoning for 145.9 acres/27.1 percent, MF2 zoning for 26.3 acres/4.9 percent, Commercial Neighborhood (CN)

DRAFT

zoning for 12.6 acres/2.3 percent, Natural Open Space (OS-N) zoning for 28.2 acres/5.2 percent, and Improved Open Space (OS-I) zoning for 53.1 acres/9.9 percent of the development.

The new plan proposes changes in unit and lot counts within various zones including the addition of 28 units in the RD2 zone, an increase of 42 FR units from 13 to 55, a decrease of 46 R1 units from 116 to 70, a decrease of 28 R2 units from 94 to 66, an increase of 37 R3 units from 335 to 372, and a decrease of 121 MF1 single-family units from 702 to 581. The proposal retains 252 MF1 multifamily units and 380 MF2 units.

The applicant has incorporated an RD2 zone with an Equine Overlay along the western edge of the power corridor, replacing the previous proposal of MF1 single-family detached units. The RD2 zone is proposed for about 17.9 acres of land; however, about half of the land is within the corridor which is identified as Parks and Open Space on the Future Land Use Map. Staff recommends against using land designated as open space for development and advises to shift the RD2 units west.

The southern 208 acres would remain Business Park/Light Industrial. The eastern 38 acres would remain Foothill Residential. The remaining approximately 26 acres of the Business Park/Light Industrial north of the south collector would be changed to a mix of Neighborhood Residential Two, Neighborhood Residential Three, and Community Commercial.

Most of the Parks and Open Space land use designation would be retained except for a narrow section of about nine acres that is requested to be changed to Agricultural/Rural Density Two. Staff recommends against this change. The remainder of the property is currently designated as Neighborhood Residential One with a request to include Agricultural/Rural Density Two, Neighborhood Residential One, Neighborhood Residential Two, Neighborhood Residential Three, Community Commercial, and Parks and Open Space.

Staff recommends that the Planning Commission make a motion to recommend approval of the General Plan amendments to the City Council, for the reasons set forth in the staff report and in the meeting, with the following conditions:

1. That the proposed Agricultural/Rural Density Two land use be shifted west outside of the electric power corridor to match the location of the requested change for the RD2, so that the land currently designated Parks and Open Space is not amended; and
2. Approval of the addition of the southern collector and loop collector roads as collector roads in the Future Transportation Plan.

Staff recommends the Planning Commission make a motion to recommend approval of the rezoning to the City Council, for the reasons set forth in the staff report and in the meeting, with the condition that the proposed RD2 and Equine Overlay zone be shifted west outside of the electric power corridor.

Staff recommends that the Planning Commission make a motion to recommend approval of the master development plan for Master Plan Area 1 to the City Council, for the reasons set forth in the staff report and in the meeting, with the following conditions:

DRAFT

1. That any conditions approved for rezoning and the General Plan amendment be revised within the plan;
2. That the plan area includes the entire length of Tiffany Lane and the central park; and
3. That a concept plan for the complete 750 acres be incorporated into the master development plan.

Staff recommends that the Planning Commission make a motion to recommend approval of the master development plan for Master Plan Area 2 to the City Council, for the reasons set forth in the staff report and in the meeting, with the following conditions:

1. That any conditions approved for rezoning and the General Plan amendment be revised within the plan; and
2. That a concept plan for the complete 750 acres be incorporated into the master development plan.

Staff recommends that the Planning Commission make a motion to recommend approval of the master development plan for Master Plan Area 3 to the City Council, for the reasons set forth in the staff report and in the meeting, with the following condition:

1. That any conditions approved for rezoning and the General Plan amendment be revised within the plan; and
2. That a concept plan for the complete 750 acres be incorporated into the master development plan.

Staff recommends that the Planning Commission moves to recommend approval to the City Council that the lower 208 acres of land labeled as Business Park/Light Industrial be applied for in a separate application in the future and no further action taken by the City.

Applicant representative Pete Evans agreed to work with engineering staff regarding the road widths in conjunction with the Master Transportation Plan update and traffic studies. He stated the acreage of the MF2 remained the same and had been shifted to accommodate the extension of the loop collector. He said that all the area they are proposing for RD2 is on private property located within the Kerns River Gas Transmission Co easement and not the Rocky Mountain Power powerline corridor easement. The intent is to locate the RD2 half-acre lots adjacent to the HOA-owned land within the easement. The land would have an equestrian facility and be improved for equestrian uses rather than left as natural open space with space on the east for the trail corridor. They desire to make the area more attractive to buyers as they feel the location of the powerline corridor detracts from the land value. The HOA manager for this project has a similar equestrian usage in a powerline corridor for one of their Park City properties.

Commissioner Pengra expressed appreciation to the applicant for their changes to the project and concerns regarding the proposal in relation to the General Plan.

Commissioner Everett thanked the applicant for adjusting the project in response to feedback. He expressed concern that the MF1 single-family product was inappropriate for the zone and the reduction of frontage and setback requirements from an RC product. He expressed his support of the staff recommendation to include the installation of the central park and Tiffany Lane with the development of Area 1. He expressed concern that phasing the development of the larger lot

DRAFT

areas along the west to be completed last, in 2028 and 2029, could result in the applicant requesting amendments for higher density products in the future and requested for those areas to be moved to a sooner phase in the project.

Mr. Evans said the RC product in Eagle Mountain Municipal Code is what they consider to be a medium-lot product. City standards exclude the type of small-lot product they desire to offer to provide a detached product that adheres to the transition requirements along transportation corridors and other uses. He said a 58-foot frontage home design is incompatible with a 4,500 square foot lot. The MF1 15-foot setback requirement is a 50 percent larger setback than incorporated in their SilverLake development. He expressed hesitation with the recommendation to improve the central park in conjunction with the development of Area 1 and suggested dedicating the entirety of the park to the City as open space and improving it proportionally. The bonding requirements for parks reduce the risk to the City. He understood one of the reasons the City limited the size and timeframe for MDPs was in order to be able to revisit the plans in the future to make adjustments in accordance with City needs and conditions at that time. Large developments have high, front-loaded costs due to infrastructure installation and earlier expiration dates increase risks of the vested rights expiring after infrastructure improvement before all the homes in the development can be built. They have agreements with the development to the east of their development which could result in additional development access. The phasing map is likely to change in order to offer more product types to increase sales.

Commissioner Bergener noted that although the applicant increased in the FR product, the Planning Commission had also requested an increase in the R1, R2, and R3 products in the previous meeting. He said he was deliberating to determine if he felt the new plan filled the changes requested by the Commission.

Commissioner Wright expressed appreciation for the applicant's efforts; however, he still has concerns with the project regarding compliance with the General Plan which indicates R1, R2, and R3 products for this area of the City. Although, he is willing to allow some flexibility within the land use designations, the new proposal requests for the majority of the project to be uses outside of the General Plan. He believes it is inappropriate for the Planning Commission to ignore the recommendations of the General Plan especially in consideration of the thought, time, and effort implemented and resident input involvement in the recent update to the plan.

Mr. Evans explained that the larger lots are included in the final phases of the project due to the existing utilities being located on the west side of the project and that they would have been developed first if the existing utilizes were located to the east of the project.

Commissioner Pengra requested clarification regarding the utility accessibility concerns due to the location of the powerline corridor near the east side of the project and the waterline running north to south on Pony Express Parkway. He expressed concern that vested densities might not be achieved in the earlier phases of the project and then later used to attempt to reduce the density for the large lots to the east. He inquired why the MF1 unit reduction was limited to the single-family attached project but not the MF1 multifamily product as his desire with the reduction was to reduce the overall density in the project.

DRAFT

Mr. Evans clarified that the sewer and water accesses are located at the northwest corner of the property and noted the road installation requirements to access for the east portion of the project. He stated that he has concerns regarding losing vested rights for the project if they are unable to finish the project within the required timeframe. If the projects to the east install utilities, they will be able to develop those areas sooner to offer additional product types as there is a market for all the units contemplated in the project. He had misunderstood and believed the Commission desired a reduction in the MF1 single-family product as the greatest concern especially along the powerline corridor. He felt they made significant changes to the project and thought the plan would be better received.

Commissioner Wright reiterated that the direction of the Commission in the previous meeting included increasing the units in the R1, R2, and R3 zoning designation. In the updated proposal, the R1 product was reduced by 46 units, the R2 was reduced by 28 units; the R3 product increased by 37.

MOTION: ***Commissioner Wright moved to recommend denial of the to the City Council of the Ault Farms General Plan amendment. Commissioner Pengra seconded the motion.***

Commissioner Wright stated that his expectation for this area of the City has not changed. The applicant has consistently requested higher density for the project than he is willing to give due to the General Plan Neighborhood Residential One land use designation. He is uncomfortable making a recommendation of approval on a project as far out of compliance with the General Plan as this proposal.

Discussion ensued regarding General Plan compliance calculations regarding product type and average lots per acre, the minimal overall density reduction from the previous proposal, and transitioning requirements.

Commissioner Pengra stated his concerns center on overall density rather than specific product type and a vast departure from the overall intent of the General Plan.

Commissioner Wright clarified that he is willing to entertain some variance in product type from the Neighborhood Residential One uses but not to the extent requested.

Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.

MOTION: ***Commissioner Wright moved to recommend denial to the City Council of the Ault Farms rezone request due to lack of compliance with the General Plan. Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.***

DRAFT

MOTION: ***Commissioner Wright moved to recommend denial to the City Council of the Ault Farms Master Development Plan for Area 1, Area 2, and Area 3 due to lack of compliance with the General Plan land use designations. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.***

MOTION: ***Commissioner Wright moved to recommend to the City Council that the lower 208 acres of land labeled as Business Park/Light Industrial be applied for in a separate application in the future and no further action taken by the City. Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.***

7.B. Hidden Hollow Phase C (Consideration of Density Vesting)

Assistant City Administrator/Community Development Director Steve Mumford presented the item. The Planning Commission tabled the application on January 12, 2021, with direction to the applicant to work with staff to bring the application into compliance with Municipal Code. The applicant is now requesting that the Planning Commission consider their density vesting claim and make a recommendation of approval to the City Council of their proposed density of 134 lots/units. Approval of a portion of the 134 units is contingent upon the City agreeing to sell the 1.5-acre City parcel to the applicant at fair market value. Rather than building the preliminary platted 360 units, the applicant proposes to reduce the density by approximately 60 percent and proposes 48 single-family lots and 86 townhomes for a total of 134 lots/units.

The timeline for the history of events that impacted the product is as follows:

- 1998: Ranches Master Development Plan and Agreement Approved (Zoning and Density)
- 2006: Hidden Valley North Plat A approved
- 2007: School Board condemned a portion of the property for Hidden Hollow Elementary School
- 2014: Hidden Hollow Phase A approved
- 2017: Hidden Hollow Phase B submitted
- 2018: Ranches MDA expired
- 2018: Hidden Hollow Phase B preliminary plat and site plan approved
- 2019: Blasting permit approved
- 2020: Hidden Hollow Phase B amended site plan approved
- 2020: Hidden Hollow Phase C applications submitted and in review

Because this review is of the density vesting claim only, items for consideration related to the design and layout of the preliminary plat and site plan will be included when those plans are being considered. The applicant will revise the plans to comply with Municipal Code and return for approval of the preliminary plat and site plan.

DRAFT

If Planning Commission chooses to recommend approval of this application, staff recommends for the Eagle Mountain Planning Commission to recommend approval of the Hidden Hollow Phase C density vesting to the City Council with the following conditions:

1. A portion of the density is contingent upon the sale/purchase of the 1.5 acres of City property at fair market value. The City may use revenue from the same to benefit the area, some options include additional park/trailhead improvements, safety improvements for school children, trail improvements, etc.;
2. The Phase C site plan and preliminary plat must be redesigned to comply with Municipal Code, including, but not limited to, garage sizes, architectural standards, and parking. These plans shall be reviewed by the Planning Commission and City Council through the standard approval process; and
3. No blasting shall be permitted within this Phase C development.

If the Commission feels there is sufficient evidence to recommend denial of the proposed density vesting, then a motion to recommend denial of the Hidden Hollow Phase C Density Vesting is appropriate.

Applicant representative Ryan Bybee clarified that their vesting claim is on 360 units; however, the current design has 134 units. He explained the history of the changes to the project including density reductions and redesigns and the associated costs to adhere to changes to Municipal Code. Although he believes that a front-loaded product is better for the residents, he wants to move forward with the project; however, he desires to ensure the density is approved before investing additional funds to redesign the product to meet current standards.

Commissioner Pengra stated that after reviewing the materials, he does not believe the applicant has vested density rights. He believes it is in the City's favor to deny the density vesting. However, working with the applicant to avoid litigation might be the most favorable course of action for both parties.

Commissioner Everett concurred with Commissioner Pengra's assessment regarding vested rights and working with the applicant to avoid litigation. Municipal Code evaluation should not be based on personal opinion in regard to rear-loaded products or other standards. He believes the density request by the applicant is reasonable and appreciates the willingness of the applicant to redesign the product to meet the current standards. He expressed his willingness to move the item forward to the City Council.

Commissioner Bergener stated that as the applicant has been amenable to working with the City, he desires to reciprocate and to work with the applicant to move the project forward.

Mr. Bybee explained they invested $75,000 for the architecture design for the five building types for Phase B with the belief that the same product would be allowed for Phase C. Although he disagrees with some of the design standards and feels a rear-load product is inferior and less aesthetically appealing, especially on the rear elevations, and causes vehicle conflicts and safety issues for residents, he is willing to comply with the rear-loaded product requirement.

DRAFT

Commissioner Wright said that although the Commission is not the land use authority or legislated body, he desires to send their best recommendation to the City Council. He is unsure if the applicant has vested rights but desires to balance the interests of the City with dealing fairly with the applicant. Although he would prefer this area of the City to be developed as Foothill Residential, he is unsure if that is a realistic expectation and other townhomes have been approved for this area. A potential outcome of a lengthy legal battle could result in the applicant being vested for 360 units. He advocated for open, honest, and upfront communication and fair interactions between the Commission and applicants. He stated he would be willing to support a recommendation of denial if desired by the other Commissioners, but expressed his preference for a recommendation of approval to the City Council due to the applicant stating on the record his willingness to abide by current Municipal Code design standards.

MOTION: ***Commissioner Everett moved to recommend approval to the City Council of the Hidden Hollow Phase C consideration of density vesting with the following conditions:***

1. ***A portion of the density is contingent upon the sale/purchase of the 1.5 acres of City property at fair market value. The City may use the revenue to benefit the area through additional park/trailhead improvements, safety improvements for school children, and trail improvements;***
2. ***The Phase C site plan and preliminary plat must be redesigned to comply with all current Municipal Codes standards, including, but not limited to, garage sizes, architectural standards, and parking. These plans shall be reviewed by the Planning Commission and City Council through the standard approval process; and***
3. ***No blasting shall be permitted within this Phase C development.***

Commissioner Wright seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, and Brett Wright. Those voting nay: Christopher Pengra. The motion carried with a vote of 3:1.

Commissioner Pengra clarified his dissenting vote was due to his belief that the applicant does not have vested density rights. Although he is willing to work with the applicant, he feels the product type and density are inappropriate for this area of the City in consideration of the General Plan, traffic and safety concerns due to the project's proximity to Hidden Hollow Elementary School, and emergency response and evacuation transportation route limitations in the area.

Commissioner Wright requested for staff to include Commissioner's Pengra's comments in their presentation to the City Council.

7.C. PUBLIC HEARING – MF3 Residential District (Development Code Amendment)

Mr. Kane presented the item. The applicant is seeking to add an additional multifamily zoning district, MF3, to the Eagle Mountain Municipal Code. The proposal creates the new zoning district and amends the land use and development standards tables within EMMC 17.25

DRAFT

Residential Zones. The applicant has also requested amending EMMC 16.30.090 Connectivity Standards.

Municipal Code currently has two established multifamily zoning districts. The MF1 zone is single-family homes, twin homes, duplexes, triplexes, and townhomes with no more than six units per building, with common/shared open space between buildings, and a homeowners' association that maintains the open space. The maximum density is 10 dwelling units per acre. The MF2 zone is townhomes, condominiums, and apartments with no more than 12 units per building. Developments in this zone should be within immediate walking distance of a park, retail/office development, transit facilities, or adjacent to major roadways or intersections. The maximum density is 20 dwelling units per acre.

The proposed standards establish the zone as one of the relevant zones for the Neighborhood Residential Three land use designation, amends the EMMC 17.25.030 Land Use Table by adding a column for the MF3 zone and setting the permitted and special uses within that district, and sets the allowed dwelling (multifamily) use as permitted up to 24 units per building. Staff recommends that Assisted Living Facility and Residential Facility for Persons with a Disability (Up to Four Unrelated Adults) line items also be allowed as special uses for the MF3 zone, to allow similar uses as other multifamily zones.

The proposed amendments to EMMC 17.25.040 establish the development standards that would apply to the MF3 district. Staff recommends allowing accessory structure rear and side setbacks to be increased to 15 feet and accessory structure distance from a residential dwelling to be increased to 15 feet due to the request that accessory structures be permitted a maximum height of 35 feet.

The applicant submitted a Municipal Code amendment for EMMC 16.30.090 Connectivity Standards. The applicant requested the three tables within this section add an additional row for MF3 with the requirement statement that permits an evaluation of the necessary connectivity requirement on a case-by-case basis. Staff does not recommend approval of this amendment and instead recommends that MF3 be added next to instances of MF1 and MF2 within all three tables so that the requirements are clear and specific while following the current requirements for the other two multifamily districts.

EMMC 17.60.160 Zoning transitions should also be amended in order to identify compatible zone adjacencies for the MF3 zone. An MF3 row should be added to Table 17.60.160(1) with MF1, MF2, CC, CR, MEC, OP, CS, OS-I, OS-N in the Compatible Buffer column and NR3, CR, TCM in the General Plan Category Compatibility column. Table 17.60.160(2) should be amended to add Multi-Family 3 to the Zone Legend column and MF3 should be added to the adjacent column.

Applicant representative Lew Swain stated that their assessment of the property along Wride Memorial Highway determined three-story residential units are justified for the area and presented renderings of the product type. They desire to provide a product with ten-foot ceilings which they believe increases the desirability and appeal. He stated that the current height standards are insufficient to accommodate a building with ten-foot ceilings and pitched roofs.

DRAFT

The proposed MF3 zone consolidates two 12-unit buildings for greater efficiencies. He expressed concern regarding the connectivity standard requirements in EMMC 16.30.090 in relation to a multifamily development; however, he is willing to trust staff and work together to devise a compliant plan that meets both their and the City's needs.

Discussion ensued regarding developments in other cities with products similar to the product desired for this development.

Commissioner Wright opened the public hearing at 8:41 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.

Mr. Kane clarified that the Planning Commission is obligated to hold a public hearing to consider requests; however, the City is not obligated to approve all requests not specifically excluded in or in conflict with the General Plan. Requests can be evaluated with the intent of the plan and the vision for the City.

Commissioner Pengra expressed concern with accommodating a higher-density product due to the desired identity of the City. However, if the product type were approved, placement along major roadways would be an appropriate location for an MF3 zone.

Commissioner Everett concurred with Commissioner Pengra's concerns regarding approving a higher-density product in relation to the General Plan and the vision for the City. During the update to the General Plan, higher-density multifamily zoning was considered and determined inappropriate for the City at this time; however, he is willing to consider allowing increased height allowances for 12-unit buildings in the MF2 zone standards. He said he concurs with the staff recommendation regarding the connectivity standards.

Commissioner Bergener said that although the proposed buildings are attractive, he is not in favor of allowing the increased unit count in consideration of the General Plan and does not feel it is currently appropriate for the City.

Commissioner Wright stated that a denser product had been considered during the recent update of the General Plan but determined not to be in line with the desires for the City at this time.

MOTION: ***Commissioner Everett moved to recommend denial to the City Council of the MF3 Residential District development code amendment as it is not compatible with the General Plan as currently written. Commissioner Pengra seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.***

Mr. Swain inquired regarding the possibility and process of requesting a height limit increase for the MF2 zone as he believes the design standards limit the ability to build user-friendly structures.

DRAFT

Discussion ensued regarding the mechanism and desirability of increasing the MF2 zone height limit to allow for three-story buildings with 10-foot ceilings.

Commissioner Wright directed Mr. Swain to discuss options to request height limit increases with staff.

7.D. PUBLIC HEARING – Eagle Commons (Rezone)

Mr. Kane presented the item. The subject property of 27.4 acres is located to the northeast of the intersection of Wride Memorial Highway and Spring Run Parkway. The property was first annexed into the City in 2005 and zoned Agriculture. A portion of the property was later rezoned to Commercial on November 18, 2008. Due to the Utah Department of Transportation (UDOT) land acquisition, the remaining portion of the parcel that was zoned Commercial is about 5.4 acres along the southern portion of the subject parcel; with the remainder as Agriculture. About 9.8 acres of land was acquired by UDOT from the original parcel, leaving the remaining 27.4 acres.

The property is currently zoned, under previous Municipal Code standards, Commercial on 5.4 acres and Agriculture on 22 acres. The rezone requests zoning to 5.25 acres CC, 5.69 acres MF1, 9.96 acres MF3, and 6.51 acres OS-N. The property is designated as Community Commercial in the General Plan. Per EMMC 17.60.160, the MF1 and CC zones, as requested, are compatible zones for this land use designation. Depending on the action taken on the proposed MF3 zone, the MF3 zone may also be determined to be compatible with this land use designation.

Mr. Swain suggested for the Planning Commission to table the item due to the recommendation of denial to the City Council regarding the MF3 zone. He stated the commercial viability of the property was reduced due to the UDOT land acquisition. The average grade of the remaining parcel is 4 to 11 percent and a grade of 4 percent or lower is necessary for retailers that use shopping carts. He requested a work session with staff and the Commissioners to discuss the commercial options for the property and to determine the appropriate acreage for commercial uses. He advocated for the appropriateness of multifamily residential uses on the property. He recognized that the location is important for the City's future. He entreated for the City to take into consideration when making decisions for the property that they allowed the entire right-of-way for Wride Memorial Highway to be taken from their property. Had they refused, half of the right-of-way would have been taken from The Ranches Golf Course. He said they desired to work in a partnership with the City to provide a development that is a benefit to the community.

Commissioner Wright opened the public hearing at 9:14 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 noted and thanked the applicant for being the first landowner to accommodate the right-of-way for the Wride Memorial Highway acquisition. He felt it was appropriate to table the item and to work with the applicant as requested. He believes that multifamily would be appropriate for this area and he would be willing to entertain a potential MF2 development.

DRAFT

Commissioner Everett expressed appreciation for the perspective provided by the applicant regarding the slope of the land to assist with the Commission's evaluation. He noted that as this is the primary entrance into the City, the area is jealously guarded for commercial use. However, Municipal Code allows for multifamily products adjacent to commercial uses and transportation corridors. He stated his willingness to collaborate with the applicant to determine appropriate uses and that the City can benefit from the applicant's experience with retail development.

Commissioner Bergener concurred with the recommendation to table the item. He advocated for following the staff recommendations regarding appropriate buffering while allowing the applicant to achieve his goals.

Mr. Kane stated that the applicant could return to a future work session for further discussion without being required to submit a formal concept plan.

MOTION: ***Commissioner Pengra moved to table the Eagle Commons rezone. Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.***

8. Discussion Items

Commissioner Pengra suggested meeting with the City Council to discuss their desired density for the City in relation to the General Plan to verify the Commission evaluations and recommendation are in harmony with the vision for the City.

Discussion ensued regarding periodically meeting with the City Council, and potentially developers, builders, and architects, to discuss topics such as the General Plan, development density, architectural standards, multifamily buildings, and other development standards and the future growth of the City.

Commissioner Everett noted the importance of the role of the Planning Commission to act as citizen planners to evaluate projects in accordance with Municipal Code requirements regardless of personal preferences even when the decision might be difficult or unpopular. He agreed with periodically meeting with the City Council to collaborate and discuss the vision of the land use authority for the City while continuing to evaluate developments according to City standards and requirements as an autonomous body when making recommendations to the Council.

At the request of Commissioner Wright, Mr. Kane presented future growth statistics for improved subdivisions and approved preliminary plats provided at the January 14, 2021 Eagle Mountain Chamber of Commerce meeting.
Commissioner Wright requested staff to provide additional data for the benefit of the Commission, City Council, and residents regarding approved MDPs in the City and expressed his appreciation to staff for their efforts and contributions to the City.

DRAFT

Mr. Mumford stated existing City growth statistics are available for presentation at a future meeting; however, future City growth lot size vesting and distribution data for approved MDPs would require additional time to compile.

9. Next scheduled meeting

The next Planning Commission meeting is February 23, 2021.

10. Adjournment

MOTION: ***Commissioner Pengra moved to adjourn the meeting at 9:42 p.m. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.***

The meeting was adjourned at 9:42 p.m.

Approved by the Planning Commission on February 23, 2021.

_____

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

DRAFT

EAGLE MOUNTAIN	**EAGLE MOUNTAIN CITY** **PLANNING COMMISSION MEETING** **FEBRUARY 23, 2021**
TITLE:	PUBLIC HEARING - The Pinnacles (Master Development Plan, General Plan Amendment, Rezone)
ITEM TYPE:	Master Development Plan, Rezone, and General Plan Amendment
APPLICANT:	Allegiant Real Estate (Andy Flamm)

ACTION ITEM:
Yes

PUBLIC HEARING:
Yes

PREPARED BY:
Pete Kane, Planning

BACKGROUND:

The subject property (~161 acres) is a parcel of land on the north side of Aviator Avenue (5000 N) and west of the Brylee Farms development. The property is currently zoned Agriculture and is identified in the General Plan Future Land Use Map for "Employment Center / Campus" and "Neighborhood Residential One."

The applicant (Allegiant Real Estate) for the proposed development (The Pinnacles) has submitted a master development plan which also calls for the following:

Rezoning

The master development plan proposes a rezoning from Agriculture to a mix of: R3, RC, MF1, MF2, CC, and OS-I. The northern ~65 acres are intended for future development and not requested for rezoning at this time.

General Plan Amendment

The master development plan proposes an amendment to the Future Land Use Map of the General Plan from "Employment Center / Campus" and "Neighborhood Residential One" to "Neighborhood Residential One," "Neighborhood Residential Two," "Neighborhood Residential Three," and "Community Commercial." The northern ~65 acres would remain in the "Employment Center / Campus" land use designation.

ITEMS FOR CONSIDERATION:

PROJECT SCOPE

The parcel includes ~161 acres of land. The project proposal is for the southern ~96 acres of land. The applicant has requested not to take action on the northern 65 acres at this time. If the master development plan (MDP) is approved, it may note the northern portion as "Future Development" to be handled as an amendment to the MDP or have the northern portion treated as a separate MDP.

ROAD NETWORK

The development is proposed to include three road connections onto Aviator Avenue. It also includes two connections to the "Business Campus" portion to the north which may then have at least one connection to the Brylee North development to the east. There are a number of residential roads proposed throughout including a couple of curved roads as well as a few private roads within the two proposed multifamily developments. There are also three pedestrian trail connections within the single-family portion of the project to improve connectivity.

A future UDOT freeway is anticipated to cut through the northwest corner of the property for which the applicant has anticipated within the MDP. This freeway is also noted in the City's Transportation Master Plan. The timing of the freeway is unknown, but the Commission should consider approving the proposed changes in higher density residential in exchange for some of the future freeway right-of-way to be dedicated to the City along with this project.

TECHNICAL STUDIES

A number of studies have been performed to evaluate the project proposal. Those studies are attached to this staff report. A complete traffic study has been completed with the executive summary attached here. Due to that report's length, the full study is available upon request.

OPEN SPACE & PARKS

The plan calls for two large parks within the development, surrounded by single-family homes. Each of the parks are adequately sized to be dedicated to the city. The multifamily developments would also include common space and amenities as required by City Code.

PUBLIC FACILITIES

The submitted materials do not currently include designation for

potential public facilities. The applicant is encouraged to discuss the development with the school district and church organizations. Any rezoning to commercial or residential zoning would allow for these uses (permitted in commercial districts; special use in residential districts). Any site selection for these public and civic uses after the approval of the MDP and rezoning would not result in permitted additional density within the development. Although not required, the school district and church organizations are encouraged to request a rezoning of selected sites to the Public Facilities Zone.

REZONE REQUEST
Based on the submitted materials, the northern portion (~65 acres) identified as "Business Campus" is not requested for a rezoning at this time. As noted above, this portion may be handled as an amendment to an approved MDP for the project or as a separate MDP.

The proposal requests CC zoning along Aviator Avenue totaling 16.67 acres of land. This zoning district is described in EMMC 17.35.020 as providing "commercial retail, office, and services, located near transportation hubs and major intersections and designed to buffer neighboring residential areas." Although much of this portion of the property is currently designated in the General Plan as "Neighborhood Residential One," the applicant has requested the commercial zoning based on previous plan reviews with the Planning Commission. The Commission may find that the CN zoning may be more appropriate due to the single-family development to the south (Brandon Park) which roughly falls in the R2 zoning designation.

R3 residential zoning is proposed on just under 14 acres of land on the eastern half of the property. This portion of the project is designated as "Neighborhood Residential One" in the General Plan, and the R3 zone is an appropriate zoning district for that land use designation. The applicant anticipates 40 residential lots within this district.

RC zoning is proposed around the R3 zoning and within the western portion of the project. As noted in EMMC 17.25.020(E)(1), the "RC zone is for single-family homes on small lots in walkable neighborhoods with improved parks and trails that connect the neighborhoods with surrounding land uses." The RC zone acts as a buffer and transition between the CC zone to the south, the

multifamily to the west, and the future business campus to the north. Brylee Farms (to the east) includes single-family lots of about 4,700 square feet directly adjacent to this project. The RC zone allows for a minimum lot size of 4,500 square feet and requires an average lot size of 6,000 square feet, making it an appropriate adjacency to Brylee Farms. The applicant proposes the RC zone on 39 acres of land with 148 residential lots.

It may be appropriate that the R3 zone be expanded by changing some of the requested RC to R3, specifically the area between the R3 and the east property line as well as the row of lots directly to the north and south of the R3 requested area up to the proposed residential roads. This would allow this additional area of R3 to remain in the "Neighborhood Residential One" land use designation and reduce the amount of requested change to the general plan.

An MF1 zone is proposed on ~12.4 acres of land and located between the RC and MF2 zones and the future business campus to the north. The MF1 zone is described in EMMC 17.25.020(E)(2) as a zone "for 'footprint' single-family homes (not on fee simple lots; sometimes defined as patio homes), twin homes, duplexes, triplexes, and townhomes with no more than six units per building, with common/shared open space between buildings, and a homeowners' association that maintains the open space." It allows for a maximum density of 10 dwelling units per acre. The applicant's conceptual layout for this area anticipates 123 units, which is just under the permitted density. An approval of this zoning district will require a master site plan approval for a multifamily development.

An MF2 zone is proposed on 13.85 acres of land and located on the western edge of the property. It's proposed to be adjacent to the CC, RC, and MF1 zones as well as the future business campus to the north. EMMC 17.25.020(F)(1) states that this zone is "for townhomes, condominiums, and apartments with no more than 12 units per building. Developments in this zone should be within immediate walking distance of a park, retail/office development, transit facilities, or adjacent to major roadways or intersections." The maximum density permitted for this district is 20 dwelling units per acre. The applicant's conceptual layout for this area anticipates a mix of two- and three-bedroom units totaling 240 units, which is about 17.3 units per acre.

The final zoning request for the property is OS-I (improved open space zone) for about 12 acres of land. The zoning district is proposed on the two public parks that would be developed within the single-family portion of the project.

Based on EMMC 17.60.160, the proposed zones do meet the allowed zoning transition and adjacencies.

GENERAL PLAN AMENDMENT
In general, the land use amendment exhibit reflects the land use designations that are appropriate based on the requested zoning districts and EMMC 17.60.160.

The current land use designations on the property are "Employment Center / Campus" on about 107 acres and "Neighborhood Residential One" on about 54 acres.

The proposed land use designations would leave 65 of the 107 acres of "Employment Center Campus" unchanged. Additionally, about 21 of the 54 acres of "Neighborhood Residential One" would also remain unchanged. The remainder of the property is requested to be amended to "Community Commercial" on ~16.6 acres of land for the CC zone, "Neighborhood Residential Two" on ~31.7 acres of land for the RC zone, and "Neighborhood Residential Three" on ~26.6 acres of land for the the MF1 and MF2 zones.

Staff recommends that the area proposed for the MF1 zone be changed to the "Neighborhood Residential Two" land use in compliance with EMMC 17.25.020(E) and 17.60.160. Any change of RC zoning to R3 zoning should be reflected by noting the expanded R3 zone as the "Neighborhood Residential One" land use.

REQUIRED FINDINGS:
Amendments to the General Plan are legislative actions and do not require approval based upon findings of facts. The Commission should consider the health, safety, and welfare of the community.

A rezone is a legislative decision and is considered valid if reasonably debatable and not illegal. The criteria for approval for a rezone are listed in EMMC 17.90.060.

Master development plan approvals are based upon compliance with City Code requirements. The approval criteria for a master development plan can be found in EMMC 16.10.070.

RECOMMENDATION:

The Planning Commission can recommend approval with conditions or denial of the proposed applications. If the Planning Commission agrees with the proposal, or chooses to recommend approval with conditions/changes, the following motions are recommended.

We recommend the Planning Commission make a motion to recommend approval of the General Plan amendments to the City Council, for the reasons set forth in the staff report and in the meeting, with the following conditions:

1. That the areas to be zoned MF1 be amended to "Neighborhood Residential Two;" and
2. That any requested changes to the proposed zoning districts be reflected in the appropriate request for land use designation.

We recommend the Planning Commission make a motion to recommend approval of the rezoning to the City Council, for the reasons set forth in the staff report and in the meeting, with the following conditions:

1. That the CC zone be changed to the CN zone; and
2. That some portions of the RC zone be changed to the R3 zone.

We recommend the Planning Commission make a motion to recommend approval of the master development plan, for the reasons set forth in the staff report and in the meeting, with the following conditions:

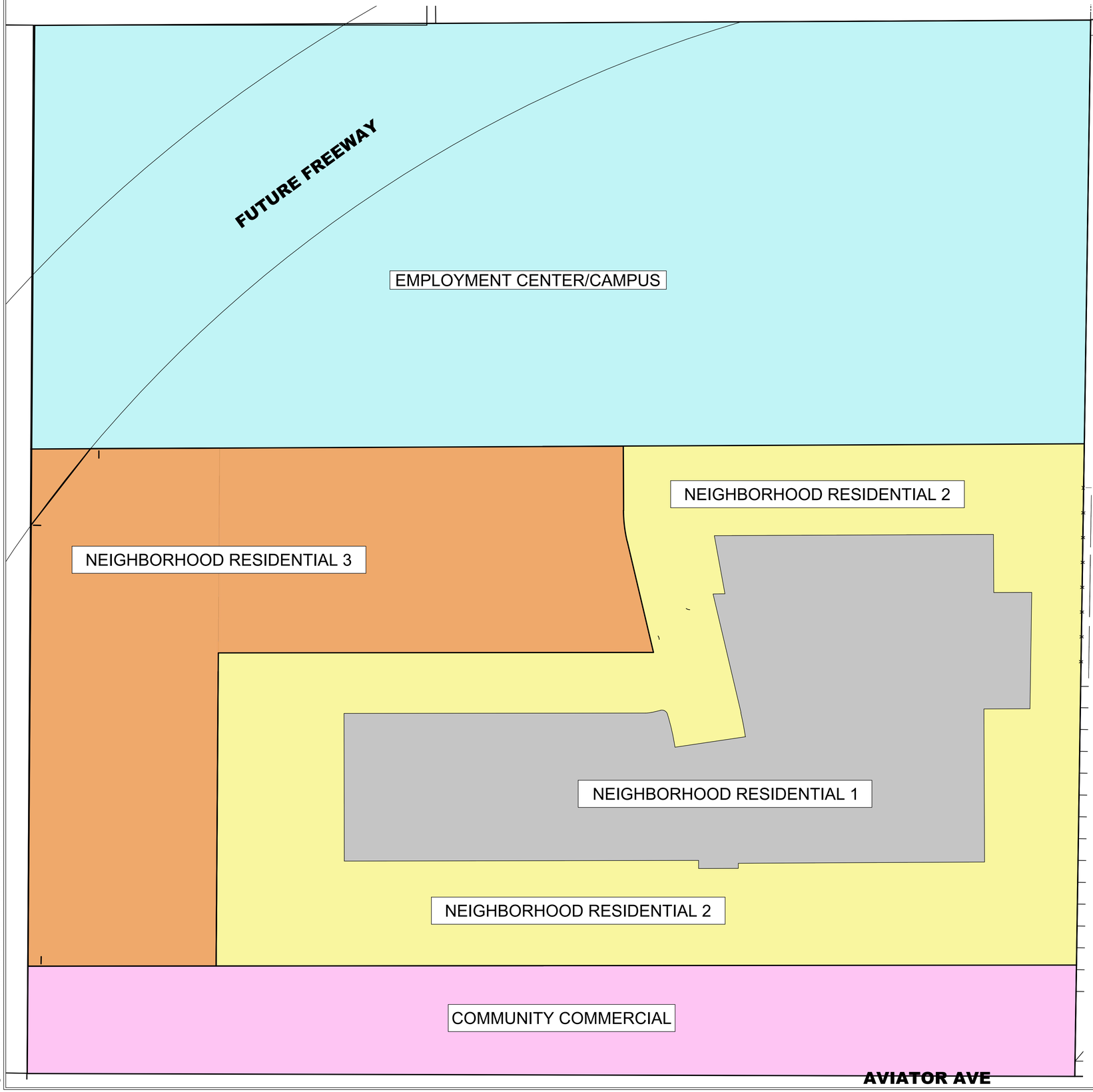
1. The concept plan should be updated to indicate proposed road widths;
2. That any conditions approved for rezoning and the General Plan amendment be revised within the plans;
3. That the future freeway land be dedicated for the right-of-way; and
4. That the northern ~65 acres of land either be noted as "Future Development / Business Campus" for a later amendment to the MDP or permitted to be applied for as a separate MDP.

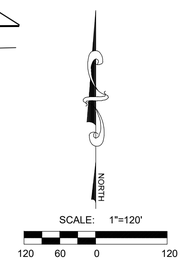
If the Planning Commission does not agree with the proposal, or feels

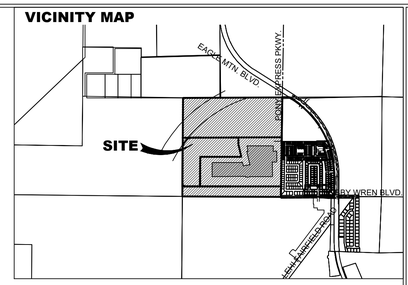
that too many changes would be necessary for approval, then a recommendation of denial would be appropriate.

ATTACHMENTS:

Master Development Plan Exhibits
Utility, Grading, and Phasing Plans
Compatibility Statement
Traffic Study Executive Summary
Environmental Impact Report
Infrastructure Analysis Report
Drainage Study







LAND USE	ACRES	% OF TOTAL
EMPLOYMENT CENTER/CAMPUS	65.02 AC	40%
NEIGHBORHOOD RESIDENTIAL 1	21.16 AC	13%
NEIGHBORHOOD RESIDENTIAL 2	31.70 AC	20%
NEIGHBORHOOD RESIDENTIAL 3	26.55 AC	17%
COMMUNITY COMMERCIAL	16.63 AC	10%

LEI
- A Utah Corporation -
ENGINEERS
SURVEYORS
PLANNERS
3302 N. Main Street
Spanish Fork, UT 84660
Phone: 801.798.0555
Fax: 801.798.9393
office@lei-eng.com
www.lei-eng.com

NOT FOR CONSTRUCTION

B&H HOLDINGS

EAGLE MOUNTAIN ,UTAH

GENERAL PLAN AMENDMENT

REVISIONS
1 -
2 -
3 -
4 -
5 -

LEI PROJECT #: 2020-0059
DRAWN BY: DSE/BJA
DESIGNED BY: BTG
SCALE: 1"=120'
DATE: 2/9/2021

SHEET 1

FUTURE FREEWAY

AVIATOR AVE

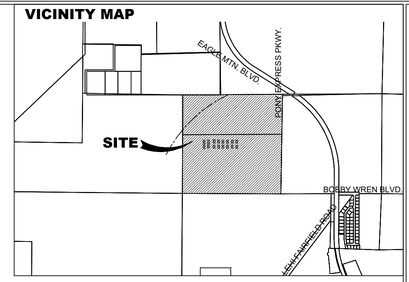
BRYLEE FARMS

NORTH

SCALE: 1"=120'

120 60 0 120

VICINITY MAP



TABULATIONS

	AREA	# OF UNITS	DENSITY
RESIDENTIAL AREA=	79.08 AC	551	
COMMERCIAL AREA=	82.01 AC	N/A	
R-C=	39.69 AC	148	3.73 U/A
R-3=	13.16 AC	40	1.95 U/A
MF-1=	12.41 AC	123	9.93 U/A
MF-2=	14.17 AC	240	17.33 U/A
BUSINESS CAMPUS=	65.34 AC		
COMMUNITY COMMERCIAL=	16.67 AC		

LEI
- A Utah Corporation -
ENGINEERS
SURVEYORS
PLANNERS
3302 N. Main Street
Spanish Fork, UT 84660
Phone: 801.798.0555
Fax: 801.798.9393
office@lei-eng.com
www.lei-eng.com

NOT FOR CONSTRUCTION

B&H HOLDINGS

EAGLE MOUNTAIN ,UTAH

CONCEPT PLAN

REVISIONS

1 -
2 -
3 -
4 -
5 -

LEI PROJECT #: 2020-0059

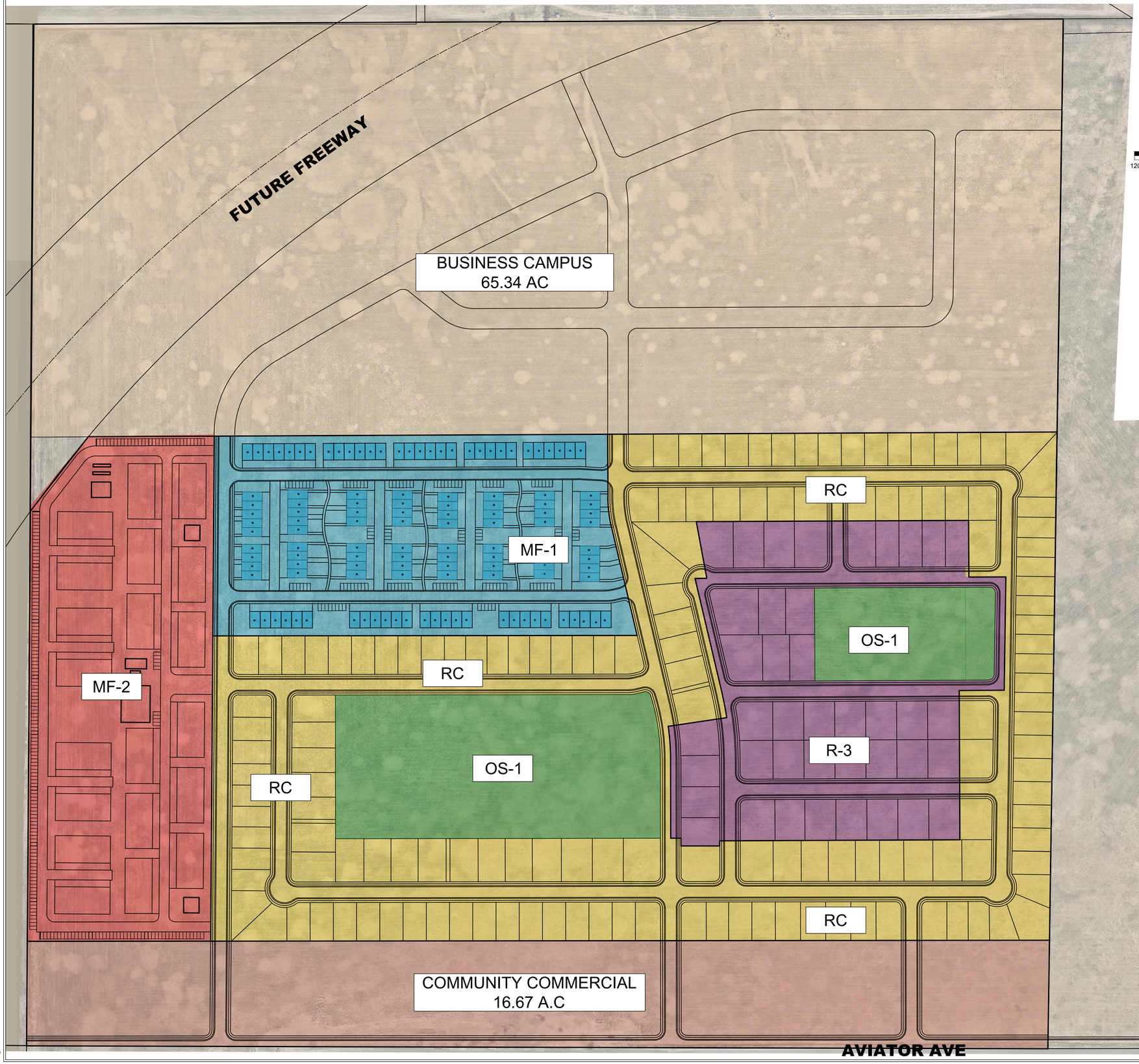
DRAWN BY: DSE/BJA

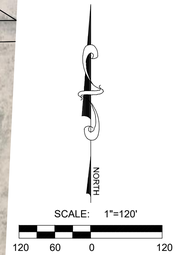
DESIGNED BY: BTG

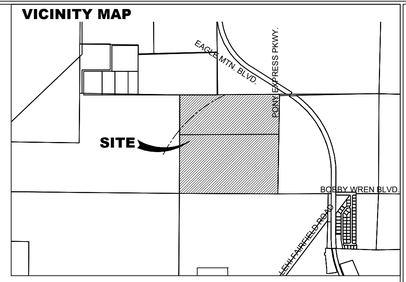
SCALE: 1"=120'

DATE: 2/9/2021

SHEET 1







TABULATIONS

	ACRES	% OF TOTAL
R-C	31.86 AC	20%
R-3	11.21 AC	7%
MF-1	12.41 AC	8%
MF-2	13.88 AC	9%
BUSINESS CAMPUS	65.34 AC	40%
COMMUNITY COMMERCIAL	16.67 AC	10%
OPEN SPACE	9.69 AC	6%

LEI
- A Utah Corporation -
ENGINEERS
SURVEYORS
PLANNERS
3302 N. Main Street
Spanish Fork, UT 84660
Phone: 801.798.0555
Fax: 801.798.9393
office@lei-eng.com
www.lei-eng.com

NOT FOR CONSTRUCTION

B&H HOLDINGS

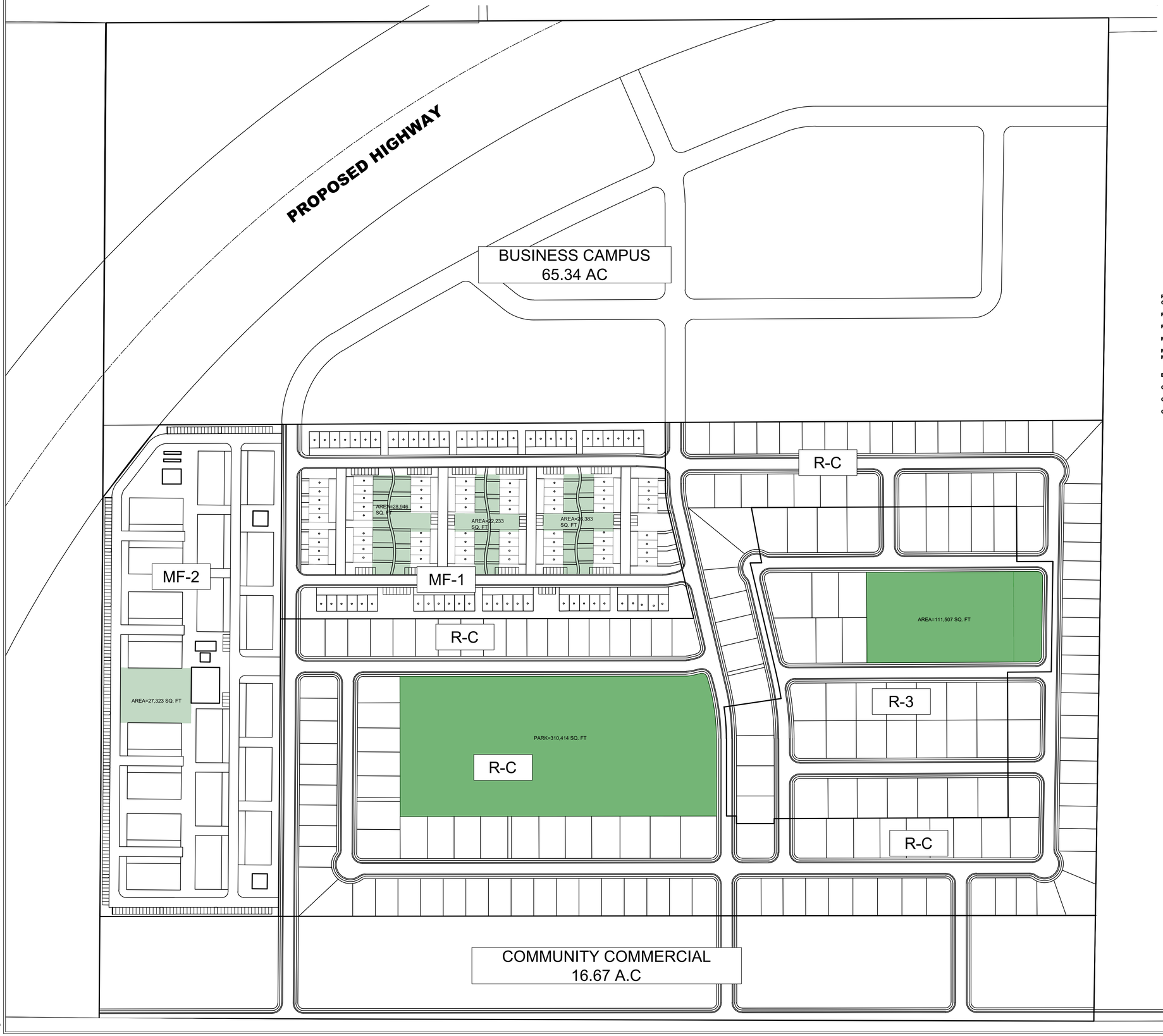
EAGLE MOUNTAIN ,UTAH

REZONE EXHIBIT

REVISIONS
1 -
2 -
3 -
4 -
5 -

LEI PROJECT #: 2020-0059
DRAWN BY: DSE/BJA
DESIGNED BY: BTG
SCALE: 1"=120'
DATE: 2/9/2021

SHEET 1



NORTH

SCALE: 1"=120'

120 60 0 120

TABULATIONS

	AREA	# OF UNITS	AVERAGE LOT SIZE	MIN LOT SIZE	DENSITY
RESIDENTIAL AREA=	79.08 AC	551			
COMMERCIAL AREA=	82.01 AC	N/A			
R-C=	39.00 AC	148	6,486 SQ FT	4,500 SQ FT	3.79 U/A
R-3=	13.85 AC	40	8,545 SQ FT	6,500 SQ FT	2.89 U/A
MF-1=	12.38 AC	123			9.93 U/A
MF-2 (2 BEDROOM)	13.85 AC	120			17.33 U/A
MF-2 (3 BEDROOM)		120			

BUSINESS CAMPUS=	65.34 AC
COMMUNITY COMMERCIAL=	16.67 AC
OPEN SPACE AREA REQUIRED=	521,000 SQ. FT
OPEN SPACE PROVIDED=	526,807 SQ. FT

LEI
- A Utah Corporation -
ENGINEERS
SURVEYORS
PLANNERS
3302 N. Main Street
Spanish Fork, UT 84660
Phone: 801.798.0555
Fax: 801.798.9393
office@lei-eng.com
www.lei-eng.com

NOT FOR CONSTRUCTION

B&H HOLDINGS 160± ACRES

EAGLE MOUNTAIN ,UTAH

OPEN SPACE EXHIBIT

REVISIONS

1 -
2 -
3 -
4 -
5 -

LEI PROJECT #: 2020-0059

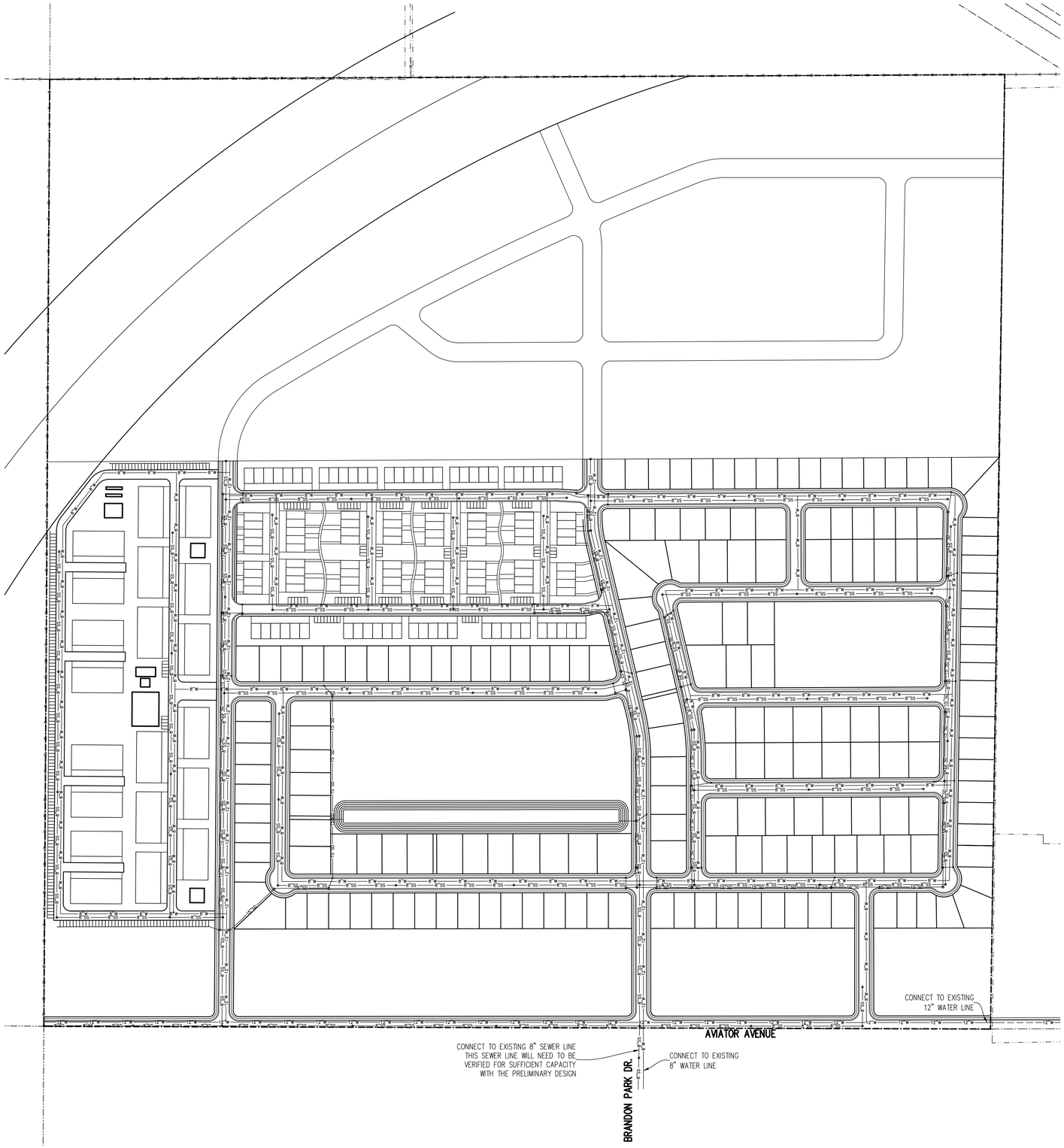
DRAWN BY: DSE/BJA

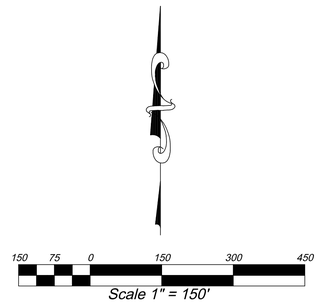
DESIGNED BY: BTG

SCALE: 1"=120'

DATE: 29/2021

SHEET 1





WATER MODELING NOTE:

WITH THE PRELIMINARY PLAN APPLICATION, A WATER MODEL WILL BE PREPARED TO SHOW SUFFICIENT FLOWS AND PRESSURES. THE WATER LINE IS TO BE LOOPED WITH A MINIMUM OF TWO POINTS OF CONNECTION.

UTILITY NOTE:

FIRE HYDRANTS, VALVES, ETC. WILL BE INCLUDED WITH PRELIMINARY PLAN.

REVISIONS

Rev.	Date	Description
1	02/10/21	REVISED PER CITY COMMENTS

EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; david@excelcivil.com

B&H HOLDINGS

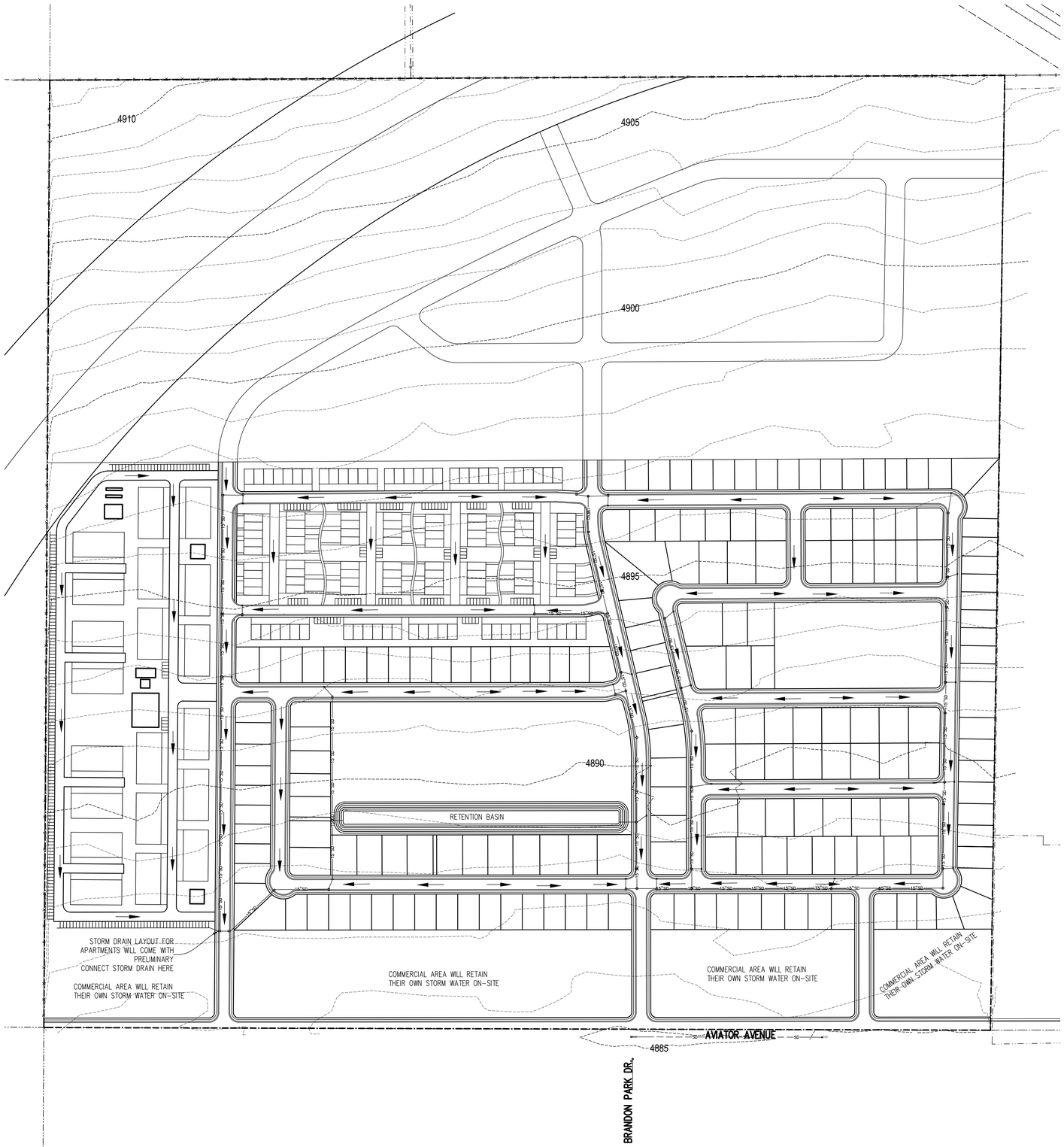
EAGLE MOUNTAIN UTAH

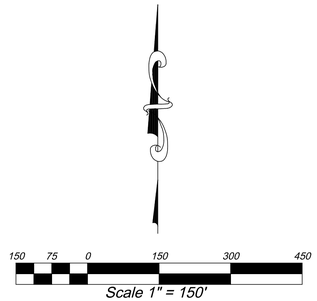
Drawn by: D.W.P.
Designed by: D.W.P.
Checked by: D.W.P.

CONCEPT UTILITY PLAN

Scale: 1"=150'
Date: 01/20/21

C1





EROSION CONTROL NOTES:

1. EACH PHASE OF CONSTRUCTION WILL ADHERE TO THE FOLLOWING EROSION CONTROL PRACTICES
2. CONSTRUCT A SILT FENCE AROUND PERIMETER OF DOWNSTREAM PORTIONS OF EACH PHASE.
3. INSTALL A CONSTRUCTION ENTRANCE FOR EACH PHASE.
4. CONSTRUCT STORM DRAIN FACILITIES AND INSTALL INLET PROTECTION AFTER INSTALLATION.
5. IMPLEMENT DUST CONTROL MEASURES FOR EACH PHASE.
6. CONTRACTOR IS TO REMOVE INLET PROTECTION FROM CATCH BASINS AND CLEAN-OUT ALL CATCH BASINS BEFORE LEAVING THE SITE.

REVISIONS

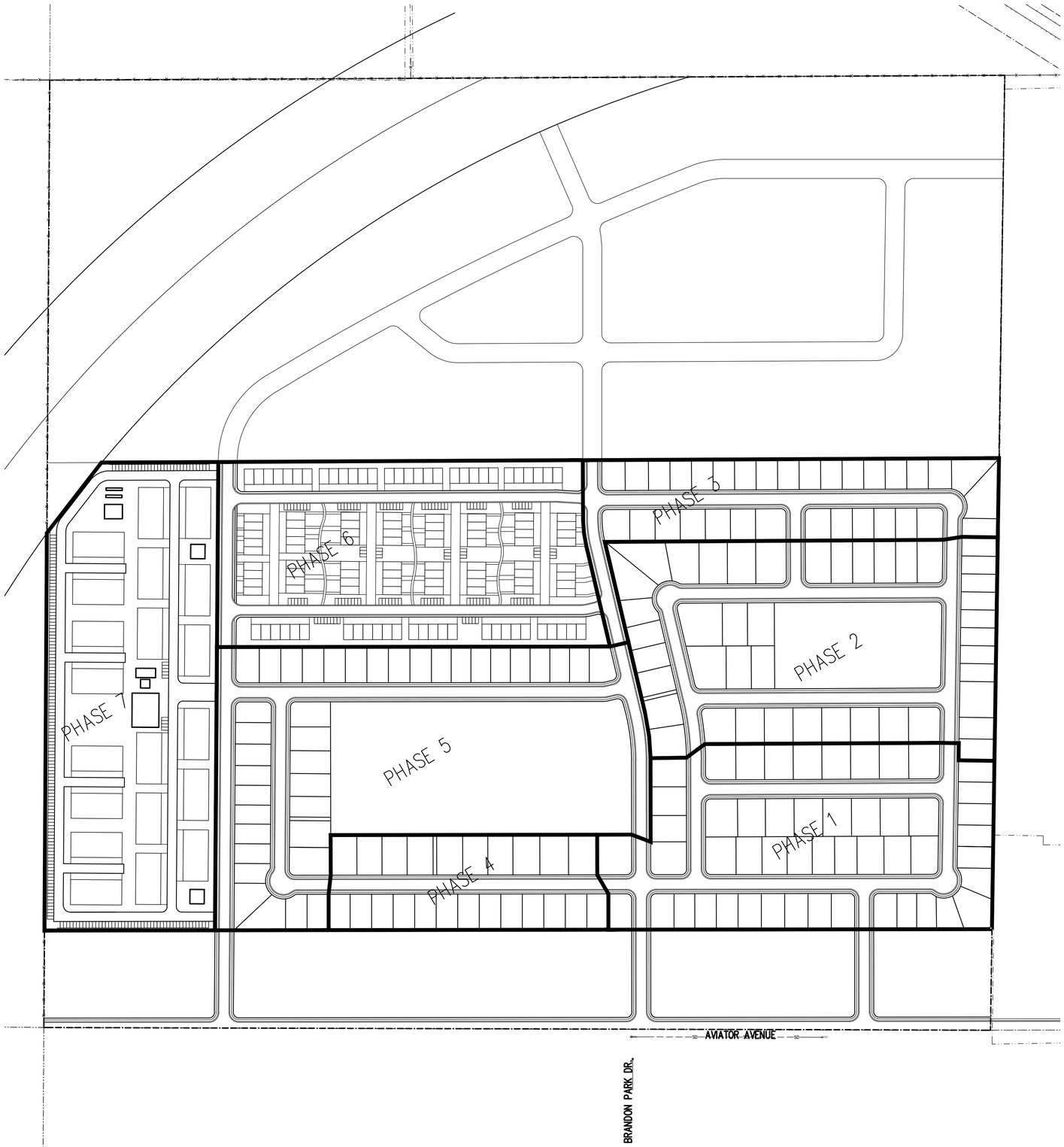
Rev.	Date	Description
1	02/10/21	REVISED PER CITY COMMENTS

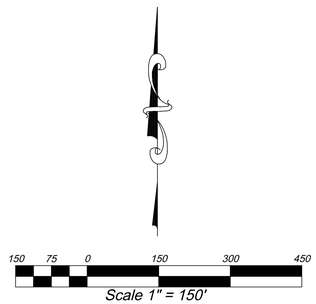
EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; david@excelcivil.com

B&H HOLDINGS

EAGLE MOUNTAIN UTAH

Drawn by: D.W.P.	CONCEPT GRADING, DRAINAGE & EROSION PLAN	Scale: 1"=150'
Designed by: D.W.P.		Date: 01/20/21
Checked by: D.W.P.		C2





REVISIONS		
Rev.	Date	Description
1	02/10/21	REVISED PER CITY COMMENTS

EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; david@excelcivil.com

B&H HOLDINGS

EAGLE MOUNTAIN UTAH

Drawn by: D.W.P.	CONCEPT PHASING PLAN	Scale: 1"=150'
Designed by: D.W.P.		Date: 01/25/21
Checked by: D.W.P.		C3

B&H Land Holdings – Compatibility Statement

The subject property being evaluated is a 161-acre parcel adjacent to Brylee Estates and Brandon Park, which are both residential communities. Brandon Park is located adjacent to the south, on the opposite side of Aviator, and has mostly larger lots that fall within the Neighborhood Residential One category. Brylee Estates is located adjacent to the east and is mostly residential, with a section of commercial. Brylee Estates has smaller single-family lots and a section of multifamily housing.

This master development plan is compatible with surrounding uses because the proposed zones follow the new zone transition ordinance (17.60.160), with one exception that will be addressed later. The lots on the eastern perimeter are RC, which are a compatible buffer to the MF1 and RC zones directly to the east in Brylee Estates. The northern portion of the proposal is business center/campus, which follows the general plan. The southwestern part of this property has been proposed as multifamily housing, which will be adjacent to the proposed freeway.

The one section on this property that does not follow the zone transition ordinance is the proposed community commercial acreage along the southern perimeter of the property. This zone is being proposed because Aviator is a future arterial road and will have greater traffic than surrounding roads. The commercial ground will act as a buffer between Aviator and the residential units in this project.

Compatibility will be maintained through the platting process by working with the various departments, including the parks, planning, and engineering departments, to ensure that the plats follow the zoning ordinance.

THE PINNACLES DEVELOPMENT

TRAFFIC IMPACT STUDY

EAGLE MOUNTAIN, UT

FOCUS
ENGINEERING & SURVEYING, LLC

December, 2020

6949 South High Tech Drive, Suite 200, Midvale, Utah 84047 p 801.352.0075

1.0 Executive Summary

1.1 DESCRIPTION OF PROJECT

This report presents the results of a traffic impact analysis for the Pinnacles Development, located in Eagle Mountain, Utah. The project site is located west of Eagle Mountain Blvd., and north of Aviator Avenue. To the east of the proposed development is the Brylee Estates and to the south is Brandon Park. North and west of the proposed site is vacant land. The proposed parcel of land for the Pinnacles Development is also currently vacant land. The closest major intersections are Eagle Mountain Blvd. and Aviator Avenue, as well as Pony Express Parkway and Aviator Avenue. Figure 1 illustrates the Vicinity Map and the location of this development in relation to the adjacent roadway network.

The proposed Pinnacles Development will consist of 168 single-family residential homes, 385 multi-family residential units, and 145,000 sq. ft. of commercial property. For purposes of this study, the analysis will consist of one phase at full build-out of all units. The currently site plan illustrates 3 proposed accesses onto Aviator Avenue. Refer to Figure 2 for the Site Plan of the Pinnacles Development and the proposed access locations.

This study projects the traffic associated with the Pinnacles Development at full build-out. It should be noted the opening year of operation for this site is anticipated for the end of 2025. The traffic associated with this development is generated using the latest version of the Trip Generation Manuals published by the Institute of Transportation Engineers (ITE). It is anticipated the Pinnacles Development will generate 9,878 Average Daily Trips (ADT) with 431 AM peak hour trips and 730 PM peak hour trips on an average weekday.

1.2 PRINCIPAL FINDINGS AND RECOMMENDATIONS

2020 Existing Scenario

Figure 3 illustrates the 2020 Existing AM and PM peak hour traffic volumes that were collected on December 3rd, 2020 at the Eagle Mountain Blvd and Aviator Avenue intersection as well as the Aviator Avenue and Pony Express Parkway intersection.

At the time the existing traffic volumes were collected, the Eagle Mountain Blvd and Aviator Avenue intersection was stop controlled along Aviator Way. However, a new traffic signal is currently under construction. For purposes of this analysis, the 2020 Existing traffic volumes were analyzed under the stop-controlled conditions and lane configuration. All legs of this intersection currently function at acceptable LOS "C" or better, except the eastbound movements under the PM peak hour conditions, which currently function at a LOS "D".

The Pony Express Parkway and Aviator Avenue intersection currently functions as a signalized intersection. This intersection function with an overall LOS "A" in both the AM and PM peak hours.

2025 Opening Year Scenario

It is assumed 2025 will be the full build-out year of the Pinnacles Development. Using projected growth rates from the City's General Plan and from other studies performed in this area, the 2025 Opening Year traffic volumes were generated. These traffic volumes can be found in Figure 4 of this report. The 2025 Opening Year scenario was analyzed with the assumption the Eagle Mountain Blvd and Aviator Ave intersection will be signalized. It is also assumed by 2025, Pony Express Parkway will be fully constructed to its full width, two lanes in each direction as a Parkway, as proposed in the City's General Plan and Future Transportation Map.

With these assumptions, the Eagle Mountain Blvd and Aviator Ave intersection will function with an overall LOS "A". The Pony Express Pkwy and Aviator Ave intersection will continue to function at an acceptable LOS "B" or better in the AM and PM peak hours.

2025 Opening Year with Project Scenario

With the addition of the Pinnacles Development, the 2025 Opening Year with Project traffic volumes are illustrated in Figure 9. These traffic volumes were analyzed with the same assumptions as in the 2025 Opening Year scenario. The Eagle Mountain Blvd and

Aviator Avenue intersection will continue to function at an overall acceptable LOS "B" or better during the AM and PM peak hours as a signalized intersection.

The intersection of Aviator Avenue and Pony Express Parkway will function at an overall LOS "B" or better in the AM and PM peak hours. It is assumed by 2025 Pony Express Pkwy will be fully constructed with two lanes in each direction and separate right and left turns at this intersection.

With the addition of the Pinnacles Development, there will be three accesses onto Aviator Avenue. These are listed as Access #1, Access #2, and Access #3 in the figures of this report. It is recommended these accesses be constructed with one lane entering the development and one lane exiting development. It is also recommended Aviator Avenue be fully constructed to one lane in each direction and center two-way left turn lane to accommodate the vehicles turning left into all developments. With full build-out of the Pinnacles Developments, the movements entering and exiting the proposed site will function at a level of service "C" or better during both the AM and PM peak hours.

2030 Future Year Scenario

Five years after Opening Year is anticipated to be the year 2030. Using the projected growth rates as outlined in the City's General Plan and the previously performed traffic studies for other developments in this area, Figure 5 illustrates the projected 2030 Future Year traffic volumes. These are the anticipated traffic volumes at the study area intersections, without the addition of the Pinnacles Development.

The Eagle Mountain Blvd and Aviator Avenue will be a signalized intersection, and is anticipated to function at a LOS "A" in both the AM and PM peak hours.

With two lanes in each direction and separate left and right turn lanes at the Pony Express Pkwy and Aviator Ave intersection, it is anticipated to function at a LOS "C" in the AM peak hour and a LOS "A" in the PM peak hour. IT should be noted, as part of the City's General Plan, it is anticipated the east leg of this intersection will constructed as

development to the east occurs. With development in this area unknown at the time of this study, this leg of the intersection was not analyzed.

2030 Future Year with Project Scenario

With the addition of the Pinnacles Development, the 2030 Future Year with Project traffic volumes are illustrated in Figure 10. With the proposed widening of Pony Express Pkwy to two lanes in each direction and separate left and right turn lanes, this intersection is anticipated to function at a LOS "D" in the AM, which is still considered acceptable under Future Year conditions, and a LOS "A" in the PM peak hour.

The Eagle Mountain Blvd and Aviator Ave intersection will continue to function at an acceptable LOS "B" or better under both the AM and PM peak hours as a signalized intersection.

With the addition of the Pinnacles Development's three access along Aviator Ave, all legs of the three accesses will continue to function with a LOS "C" or better in the AM and PM peak hours.

2045 Future Year Scenario

Twenty years after Opening of the Pinnacles Development is anticipated for 2045. Using the projected growth rates similar to those in the previous scenarios, the 2045 Future Year traffic volumes were generated and are illustrated in Figure 6. Using the same assumptions for intersection control and lane configuration, it is anticipated the Pony Express Pkwy and Aviator Ave intersection begin to experience large delays and function at a LOS "F" in the AM peak hour, however continue to function at LOS "A" in the PM peak. With the growth anticipated to occur in Eagle Mountain and the addition of multiple new roadways and freeways according to the City's General Plan, traffic patterns will be adjusted and are assumed will be drastically different than they are today.

Using these growth projections at the Eagle Mountain Blvd and Aviator Ave intersection, it is anticipated this signalized intersection will continue to function at a LOS "B" under both the AM and PM peak hours.

2045 Future Year with Project Scenario

Using the 2045 Future Year traffic volumes, combined with the Pinnacles project generated traffic volumes, the 2045 Future Year with Project traffic volumes are generated. These traffic volumes are illustrated in Figure 11. The Pony Express Pkwy and Aviator Ave intersection will continue to function at a LOS "F" under the AM peak hour and a LOS "A" in the PM peak hour.

Under the 2045 Future Year with Project scenario, the signalized intersection of Eagle Mountain Blvd and Aviator Ave will continue to function at an acceptable LOS "C" in the AM and PM peak hours.

Each of the three project accesses will also continue to function at an acceptable LOS "D" or better under the Future with Project scenario.

The proposed internal roadway network of the Pinnacles is designed to provide an efficient flow of traffic throughout the development also providing safe ingress and egress to the existing roadway network.

Summary of Recommendations

Recommendations to improve the flow of traffic within this study area are as follows:

- By 2025 is assumed the traffic signal at Eagle Mountain Blvd and Aviator Ave will be fully operating. It is recommended all legs of this intersection be constructed with a minimum, separate left and right turn lanes with a separate thru lane.
- By 2025 it is recommended that Pony Express Parkway be constructed to its full width of two lanes in each direction and separate left and right turn lanes at the intersection of Aviator Ave as outlined in the City's General Plan.

- It is recommended Access #2 to the Pinnacles Development be aligned with the existing access to the development to the south (Brandon Park). It is recommended to align as many accesses as possible between the two development.

- Each of the site accesses will be designed and constructed with one receiving lane and one exiting lane that will allow left and right turn movement out of the development.

- As Aviator Ave is constructed along the frontage of the Pinnacles Development, it is recommended a center two-way left turn lane and one lane in each direction be constructed to allow left turn movements into the development. The projected traffic volumes entering and exiting the proposed development along Aviator Ave will not warrant separate right turn lanes once all accesses are constructed.

B&H Holdings Environmental Impact Report

February 10, 2021

The purpose of this report is to detail potential impacts of the proposed subdivision on existing vegetation and wildlife, water courses, sources of water, waste generation, noise, etc.

Vegetation and wildlife:

The subject property has been using for dry farming. The primary wildlife on this property would be those insects and small wildlife that surround farming operations. Deer and Antelope do occasionally graze in the area. Hawks have been seen in the area. No known endangered plants are located on this property. The impact on vegetation and wildlife will be minimal.

Water courses and sources of water

There are no continuous flowing water sources on or near this property. Additionally, there are no ground water wells or other sources of water located on this property.

Waste Generation

All waste generated during land development and home construction will be disposed of properly by the respective contractors. Waste generated from the proposed residences will be handled by the city waste disposal services.

Noise

The primary sources of noise generated from this site will be associated with land development construction, home construction, and vehicle travel. This noise generation is temporary in nature and is consistent with land development activities and long-term residences.

Sensitive Lands

There are no known sensitive lands located on this property.

Historical Sites

There are no known historical sites on this vacant property.

B&H Holdings Economic Analysis

January 20, 2021

There are no offsite improvements needed for this development.

Sewer is located approximately 90 feet South of the property in Brandon Park Drive. The construction of this sewer connection and pavement patching and repair will be included as part of the subdivision improvement costs.

Culinary water has been stubbed at the East end of the development in Aviator Avenue and is approximately 120 feet South of the property line in Brandon Park Drive. The construction of this water connection in Brandon Park Drive with pavement patching and repair will be included as part of the subdivision improvement costs. Water looping will be made by connecting to these water stubs.

Storm drain will be retained on-site; therefore, no off-site improvements are needed.

The existing property slopes from North to South at an approximate slope of 1%. As such, there will be no substantial grading or need for any retaining walls as part of this development.

B&H Holdings

Master Development Plan Drainage study

January 20, 2021

Introduction:

The purpose of this study is to prepare conceptual storm drain calculations to demonstrate that the master development plan concept has adequate area for storm drain retention. All rainfall data was obtained from NOAA Atlas 14, Volume 1, Version 5 for this area of Eagle Mountain. The area of the residential development is intended to be collected into 1 large retention basin located in the center of the project.

The Commercial areas will be required to retain storm water on-site as part of site plan design requirements.

The Business Campus area at the North end of the property will provide retention as part of that area of development.

The subject property is outside any FEMA flood areas. The general drainage pattern for the property flows from North to South at an approximate slope of 1%.

Prior to discharge into the retention basin, a treatment device will be installed to separate out any solids or debri prior to discharge into the basin.

Retention Basins Calculations:

The storm water runoff from B&H Holdings is designed to flow into a large retention basin and infiltrate into the ground. The calculations for the retention basin sizing are shown on the attached spreadsheet.

Pipe Calculations:

Pipe size calculations will be provided with the preliminary plat storm drain report.

Conclusion:

The proposed retention basin has a capacity of 180,164 c.f. which exceeds the required volume of 178,774 c.f.. The basin can store the 100-year storm event.

B&H Holdings
100-Year Storm Water Calculations
Retention Calculations
19-Jan-21

The storm drain calculations were performed using the rational method.

Hydrologic Calculations

CA CALCULATION

	C	Area (sf)	C * A
Residential area	0.5	2907194	1453597
Open Space Area	0.15	537705	80656
Total CA		3444899	1534253

The assumed percolation rate used was 10 minutes per inch.
The infiltration area will be the average depth surface area of of the pond.
The infiltration area is 28,573 s.f.
The infiltration rate = (28,573 s.f.)(0.1 inch/min.)(1 ft/12 inch)(1 min./60 sec.) = 3.97 cfs

Retention calculations

Lapsed Time (min.)	Rainfall intensity (in/hr)	Total Rainfall (in)	Rainfall Volume (cu.ft.)	Release Volume (cu.ft.)	Required Storage (cu.ft.)
A	B	C	D	E	F
5	5.76	0.48	61370	1191	60180
10	4.39	0.73	93462	2381	91080
15	3.62	0.91	115836	3572	112264
30	2.44	1.22	155982	7143	148839
60	1.51	1.51	193060	14287	178774
120	0.81	1.61	205846	28573	177273
180	0.56	1.67	213517	42860	170657
240	0.45	1.79	228859	57146	171713
1440	0.08	1.89	241645	342876	-101231
2880	0.04	2.05	262102	685752	-423650

Required Retention Storage = 178,774 cf

Notes:
A, B, & C are based upon NOAA Atlas 14, Volume 1, Version 5 rainfall data for Eagle Mountain
D = C / (12 inches/foot) x total acreage of site x 43,560 sf/acre x run-off coefficient, where Q=CIA and V=CiA
E = infiltration rate x A x 60 sec.
F = D - E to determine storage volume

Retention pond

Elevation	Volume (cf)	
4889	246,428	1' foot of freeboard
4888	180,164	Top of water surface
4887	122,547	
4886	73,418	
4885	32,622	
4884	0	Bottom of Pond

Discussion

1. Retention basin provides storage volume of 180,164 cf which exceeds required storage volume of 178,774 cf