EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

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

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

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

CITY STAFF PRESENT: 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 order at 5:30 p.m.

1. Discussion Items

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

This item was postponed.

1.B. DISCUSSION – Zoning Transition Table

Planning Manager Pete Kane presented the item. He explained the City Council requested for the Planning Commission to examine the number of residential zoning transition categories on the table to determine if the table should be revised to combine any of the transition steps.

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
Current Zone Transition	RA1	RA2	RD1	RD2 FR	FR R1	R2	R3	RC	MF1 MF2
Possible Zone Transition	RA1	RA2	RD1	RD2 FR	FR R1	R2	R3 RC	RC MF1	MF1 MF2

Staff recommends adding "For adjacent properties zoned under previous development code zone classifications, the City will determine the property's "equivalent" zone under the current development code based on the minimum/average lot size in that adjacent development," to EMMC 17.60.160 to clarify existing practices.

Commissioner Wells stated her support of the proposed changes and inquired based upon Mr. Kane's understanding of City Council discussion if the presented amendments will be sufficient or if the Council desires more thorough amendments.

Mr. Kane stated that the City Council directive for the Commission to review the table did not include specific direction other than requesting for the Commission to examine reducing the transitions. He recommended the review to include providing the City Council with the reasoning for their recommendation for any action determined appropriate by the Commission or should the Commission determine to recommend no further action.

Commissioner Pengra stated he feels it would be appropriate to allow half-acre lots adjacent to five-acre lots in order to reduce transitioning steps for larger lots. Although, he recognizes other Commissioners have expressed opposing views in the past.

Commissioner Wells strongly disagreed with Commissioner Pengra's recommendation due to animal rights concerns. She stated she might consider combining some of the large-lot categories but believes a half-acre lot adjacent to a five-acre lot is inappropriate.

Commissioner Everett expressed a willingness to consolidate the large lot transitioning but not to the extent recommended by Commissioner Pengra in consideration of potential animal rights conflicts. Due to statements by developers, he feels it is unlikely for the City to develop many additional five-acre or larger lots and the majority of the existing five-acre lots are adjacent to already developed and/or designated uses. He recommended clarifying that the lot size recommendations are minimums and that developers can buffer with larger lots than indicated as the lot size minimum in the residential zones.

Mr. Kane explained that the transition standards currently require one of the appropriate zone transitions to fulfill the buffering requirements and developers are unable to request a zone for their subject property not indicated as a compatible buffer on the zone transition table.

Senior Planning Tayler Jensen clarified that previous transitioning standards had restricted lot size minimums without setting lot size maximum requirements.

Commissioner Wright noted the eastern boundary of the City is designated for Agricultural/Rural Density One and Agricultural/Rural Density Two large lot products. He advocated their discussion to include preservation of that area of the City and felt that changes to the standards could reduce the likelihood of those products being developed in the City in the future. He concurred with Commissioner Wells and thinks that the removal of the lot-size transition table accomplished some of what Commissioner Pengra suggested to permit greater variance in adjacent lot sizes. He recommended retaining the current zone transitions.

Commissioner Bergener stated that he was open to finding areas to reduce the transitions. He expressed his preference to find a median solution as a compromise to the options proposed.

Commissioner Wright recognized that the City had received public comment on the item and explained as the discussion item does not include a public hearing, the City is not taking public comments on the item at this time. The opportunity to make public comment on the item will occur at future meetings should the Commission move forward with an amendment.

Commissioner Pengra reiterated he felt he did not have the proper background to make minute Municipal Code adjustments. However, he noted that during his life he has lived in many housing types due to variance and difficulties in economic circumstances. He recognized the need for transitioning and protecting animal rights but expressed concern in creating a perception of elitism. He noted that half-acre and larger lots have animal rights similar to larger lots and concurred with the unlikelihood of developing additional five-acre or larger lots due to the current development costs.

Discussion ensued regarding desired and potential zone transition amendments including setting lot size minimums while permitting larger lots than the required adjacencies and potential unintended repercussions and ways to encourage larger-lot products due to developer tendencies to request increased rather than decreased density.

Commissioner Wells noted that while she is passionate about protecting animal rights, she agreed that current circumstances indicate the development of five-acre or larger lots unlikely and thus is willing to consider reducing the transitioning step categories for larger lot sizes.

Mr. Kane further explained the purpose of the discussion was due to the proposed removal of the lot size transition table and concerns regarding the impact of transitioning on product type and use conflicts especially transitioning from commercial uses.

Discussion ensued regarding concerns that the standards unintentionally require higher-density uses to meet the buffering requirements and the appropriate transitions.

Commissioner Pengra recommended a five-step transition table.

The Commission determined the table required additional consideration.

Commissioner Wells concurred that the retention of the lot size table could facilitate the compression of the zone transition table and expressed she had had concerns with their previous recommendation to remove the lot size transition table.

Commissioner Wright agreed that the inclusion of a lot size transition table would alleviate many of his concerns with recommending the reduction of residential adjacencies in the zone transition table. He requested for staff to prepare a table with fewer transition steps and a reexamination of the lot size transition table to encourage large lot development and lot size variety within zones to help mitigate adjacency concerns.

The meeting was recessed at 6:25 p.m.

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

Commissioner Wright called the meeting to order at 6:31 p.m.

2. Pledge of Allegiance

Recording Secretary Elizabeth Fewkes led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

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

Commissioner Wells requested clarification regarding Commissioner Everett's statement that was added to the minutes regarding disagreement with Mr. Jensen's presentation, as per her recollection, staff had been in agreement that the Commissioners could have one-on-one discussions outside of meetings that did not result in a decision on items.

Commissioner Everett requested for "and disagreed with Mr. Jensen's presentation" to be removed.

MOTION: ***Commissioner Everett moved to approve the January 26, 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.***

4.B. February 9, 2021, Planning Commission Minutes

Commissioner Wright requested an amendment to page 10 correcting "legislated" to "legislative."

MOTION: ***Commissioner Everett moved to approve the February 9, 2021 minutes as amended. Commissioner Pengra seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. Those voting nay: None. The motion carried with a vote of 4:0. Commissioner Wells abstained as she was not in attendance at the February 9, 2021 meeting.***

5. Status Report

Mr. Kane stated during the February 16, 2021 City Council work session the Ault Farms Master Development Plan, rezone, and General Plan amendment was moved forward to a future policy session with direction to revise the plan to further reduce the density. During policy session, the Brylee North General Plan amendment and rezone were both unanimously denied due to the history of the project and concern with further reducing the commercial acreage. The public hearing for Scarlet Ridge Estates was held for the Transportation Master Plan of the General Plan and rezone; however, public hearings were not held for the master development plan or preliminary plat due to the tabling of all three applications due to concerns with the number of lots, the number of one-acre lots, and a desire for a higher average lot size acreage. The Scarlet Ridge Estates applications and public hearing have been noticed and rescheduled for the March 2, 2021 City Council policy session. Closed sessions discussions were held regarding the Hidden Hollow Phase C consideration of density vesting and the request was tabled, and the City Attorney is working with the applicant to determine next steps.

6. Action and Advisory Items

6.A. PUBLIC HEARING – The Pinnacles (Master Development Plan, General Plan Amendment, Rezone)

Mr. Kane presented the item. The subject property is approximately 161 acres of land on the north side of Aviator Ave and west of the Brylee Farms development. The property is currently zoned Agriculture and identified in Future Land Use Map for Employment Center/Campus and Neighborhood Residential One.

The applicant had submitted a rezone and General Plan amendment request last summer that included a mix of single-family, multifamily, and business park uses. The Planning Commission recommended using the CC zone along Aviator Ave, noting the CC zone conflicted with the General Plan but would provide a buffer to the residential uses.

A master development plan has been submitted and includes a rezone and General Plan map amendment; the latest revised plans call for a rezone to R3, RC, MF1, MF2, CC, and OS-I. The northern approximately 65 acres would remain Agriculture and a General Plan amendment to Neighborhood Residential One, Neighborhood Residential Two, Neighborhood Residential Three, and Community Commercial. The northern approximately 65 acres would remain Employment Center/Campus.

The adjacent properties General Plan land use designations include Employment Center/Campus to the north and west of the project and Business Park/Light Industry to the southwest. Adjacent property zoning includes commercial to the northeast and residential to the east and south.

The plan calls for three connections via Aviator Avenue, two connections into the northern Business Campus, a connection from the Business Campus to Brylee North at the northeast, and a potential connection under or over the future freeway to the property to the north.

The plan includes two large parks within the single-family portion of the development. These two parks would be dedicated to the City and meet the two-acre minimum size for dedication. Each of the multi-family areas will be required to provide open space and amenities as a part of their site plan and platting process.

The property's General Plan land uses are designations indicate approximately 101 acres (representing 63% of the total acreage) of Employment Center/Campus and approximately 60 acres (27%) Neighborhood Residential One. The plan calls for 65.02 acres (40%) of Employment Center/Campus, 21.16 acres (13%) of Neighborhood Residential One, 31.7 acres (20%) of Neighborhood Residential Two, 26.55 acres (17%) of Neighborhood Residential Three, and 16.63 acres (10%) of Community Commercial.

The proposed General Plan amendments would retain 64 percent of the Employment Center/Campus; the remaining acreage would change to Neighborhood Residential One, Neighborhood Residential Two, Neighborhood Residential Three, and Community Commercial. For the Neighborhood Residential One portion, 35 percent of the land use would not change, and the remainder would change to Neighborhood Residential Two, Neighborhood Residential Three, and Community Commercial. Based on the proposed zoning, staff notes that the area proposed for MF1 zoning should receive a land use designation of Neighborhood Residential Two instead of Neighborhood Residential Three.

The rezone requests CC on 16.67 acres (representing 10% of the total acreage of the property), R3 on 11.21 acres (7%), RC on 31.86 acres (20%), MF1 on 12.41 acres (8%), MF2 on 13.88 acres (9%) and OS-I on 9.69 acres (6%). Staff recommends consideration of changing some of the RC zone to R3. The R3 zone has a minimum lot size of 6,500 square feet and an average lot size of 8,500 square feet. The RC zone has a minimum lot size of 4,500 square feet and an average lot size of 6,000 square feet. Staff also recommends consideration to change the CC zone to the CN zone due to the Brandon Park development to the south which has an approximate equivalency to an R2 zone under current standards.

Staff recommends that the Planning Commission 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.

Staff recommends that the Planning Commission 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.

Staff recommends that the Planning Commission 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 approximately 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.

Mr. Kane clarified that the Brandon Park development to the south is the only adjacency to the development that would not adhere to the current land use transition standards for the zoning requested in the application. The zoning conflict is the reason why staff recommends the southern zoning for the project to be CN rather than CC.

Applicant representative Andy Flamm presented previous concept plans and the associated incorporation of the feedback he had received from the Planning Commission and City Council. When he submitted a plan in October 2020, staff informed the applicant the current transition standards had been implemented and the plan did not adhere to the new standards. He updated the plan to adhere to the transition standards which required reducing the number of R3 units and adding RC units to buffer along the townhomes to the northeast of the development and the commercial uses to the south. The dedication of the right-of-way for the future freeway does not meet the State Code proportionality test as it requires the donation of land in excess of the portion of land utilized by the project. He expressed his willingness to work with staff to find a solution regarding the right-of-way dedication.

Commissioner Wells inquired if the applicant was willing to increase the R3 units on the southeast portion of the project along the west edge that was not adjacent to townhomes.

Mr. Flamm stated he was open to adding additional R3 units along the eastern edge of the property.

Commissioner Wright inquired if the applicant was willing to amend the proposal to change the CC use to CN which would allow for R3 units in place of the RC units above the commercial area on the south of the development.

Mr. Flamm stated the CN zone allows most of the same uses as the CC zone. They had suggested the CC zone to permit the additional uses along Aviator Avenue but were willing to amend the plan to CN uses as they did not currently have plans to develop a use not permitted in the CN zone. He said he also develops commercial projects and intends to begin seeking commercial uses for that area. The Business Campus area is not being requested for rezoning at this time.

Mr. Kane clarified that Aviator Avenue is designated as a collector road not an arterial. Should the northern portion of the property be developed as commercial uses on a separate application, only the northwest corner of the residential portion of the property would be requested for dedication to the City. The portion of the property requested for a right-of-way dedication for the future freeway would be reevaluated with the development of the northern portion once the alignment of the freeway is determined. The City is only seeking the dedication of the approximate one-acre of land northeast of the MF2 units in association with this application.

Commissioner Wright opened the public hearing at 7:12 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 Everett thanked the applicant for incorporating the feedback received during the various reviews of the project. He expressed his support of the plan and the recommendations to change some of the RC to R3. He noted deficiency in the transition standards that required the reduction in the R3 to prevent the R3 product adjacency to the MF1 and CC uses that resulted in smaller the lot sizes in this project and potentially increased density for other new developments adjacent to existing or vested uses.

Commissioner Wells supported changing the CC to CN and the staff recommendations to increase the R3 product, with the exclusion of the portion adjacent to MF1 units which would not adhere to the transition standards.

Commissioner Pengra acknowledged the amendments made by the applicant to accommodate previous feedback and the changes in City standards.

Commissioner Bergener expressed appreciation for the review of the history of the project and concurred with the suggestions to change the CC to CN and increasing the R3.

Commissioner Wright reiterated appreciation for the applicant's willingness to amend the project. Although he generally supports reduction in density, he believes higher-density uses are appropriate for this area of the City due to the future freeway and the intended non-residential uses to the north. He agreed with changing the CC to the CN to allow an increase in the R3 product.

Mr. Flamm verified that the roads in the multifamily developments will be private roads and road widths will adhere to City requirements.

MOTION: ***Commissioner Wells moved to recommend approval to the City Council of The Pinnacles rezone with the following conditions:***

1. ***The CC zone shall be changed to the CN zone;***
2. ***The RC zone north of the CN zone and south of the OS-I zone shall be changed to the R3 zone except for the units adjacent to the MF2 to the west; and***
3. ***The RC zone east of the north-to-south road in the center of the project shall be changed to R3 except for the units adjacent to the multifamily portions to the west and east and except for the RC at the very north adjacent to the Business Campus.***

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.

MOTION: ***Commissioner Wells moved to recommend approval to the City Council of The Pinnacles Master Development Plan with the following conditions:***

1. ***The concept plan shall be updated to indicate proposed road widths;***
2. ***The conditions approved for rezoning and the General Plan amendment shall be revised within the plans;***
3. ***The approximately one-acre parcel northwest of the MF2 be dedicated to the City for the future freeway right-of-way; and***
4. ***The northern approximately 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.***

Christopher 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.

MOTION: ***Commissioner Wells moved to recommend approval to the City Council of The Pinnacles General Plan amendment with the following conditions:***

1. ***The areas to be zoned MF1 shall be amended to Neighborhood Residential Two;***
2. ***The requested changes to the proposed zoning districts shall be reflected in the appropriate request for land use designation; and***
3. ***The land proposed to be zoned as R3 shall be amended to Neighborhood Residential One.***

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

7. Discussion Items

8. Next scheduled meeting

The next meeting is scheduled for March 9, 2021.

9. Adjournment

MOTION: ***Commissioner Pengra moved to adjourn the meeting at 7:36 p.m. Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, Erin Wells, and Brett Wright. The motion passed with a unanimous vote.***

The meeting was adjourned at 7:36 p.m.

Approved by the Planning Commission on March 9, 2021.

Steve Mumford, AICP
Assistant City Administrator/Community Development Director