# 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.

## 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) 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:

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 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.

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.***

**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.

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.

Commissioner Wright said that although the Commission is not the land use authority or legislative 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

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.

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.

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.

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.

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 (Feb 24, 2021 14:16 MST)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

# 0819_001

Final Audit Report 2021-02-24

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| Status: | Signed |
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