



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

February 8, 2022, 6:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Jason Allen, Jeremy Bergener, Matthew Everett, and Christopher Pengra. Commissioner Erin Wells was excused.

ELECTED OFFICIALS PRESENT: Councilmember Donna Burnham, Primary Liaison to the Planning Commission.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Robert Hobbs, Planning Manager; Tayler Jensen, Senior Planner; and Elizabeth Fewkes, Recording Secretary.

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

No work session was held.

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

Commissioner Everett called the meeting to order at 6:39 p.m.

2. Pledge of Allegiance

Commissioner Everett led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. January 25, 2022 Planning Commission Minutes

MOTION: *Commissioner Pengra moved to approve the January 25, 2022 minutes. Commissioner Allen seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, Matthew Everett, and Christopher Pengra. The motion passed with a unanimous vote.*

5. Status Report

Senior Planner Tayler Jensen reviewed the planning items discussed and voted upon during the January 18, 2022 City Council meeting.

6. Action and Advisory Items

6.A. PUBLIC HEARING [Open, Tabled from 1/25/2022] -- Preliminary Plat (Phase "A") Review and Approval Request for "Founders' Square Subdivision" (formerly "Ault Farms")...

Planning Manager Robert Hobbs reminded the Commission that the plan included nonconforming lots with narrower frontages on curved roads. During the master development agreement approval, the applicant had made the Commission aware of the reduced frontages and requested to be allowed an exception to the standards during the preliminary plat approval due to the allowance of shorter frontages on cul-de-sacs.

As no comments were received for the item, Commissioner Everett closed the public hearing, continued from the January 25, 2022 Planning Commission meeting, at 6:43 p.m.

Commissioner Allen stated his willingness to allow the narrow frontages due to standards in EMMC 17.25.040 permitting a 20-foot frontage for RC units in a cul-de-sac and the minimum requested frontage of 32-feet for a lot on a curved road in an RC area. Commissioner Everett concurred especially in consideration of the applicant increasing the front setback and lot depths to meet the frontage requirements at the location where the home is placed on the property.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of the preliminary plat for Founders' Square Phase A with the following conditions:*

- 1. The project shall be developed in accordance with the approved preliminary plat of/for the same, including the dedication of requisite, City required, right-of-way;*
- 2. The project shall comply with any requirement(s) from the Eagle Mountain City Engineer as are, or may be, set forth for the project;*
- 3. Open space development in the project's common lots shall comply with requirements listed in EMMC 16.35.105;*
- 4. The developer's engineer shall correct any spelling, grammar, punctuation, and numbering errors or yet-to-be City redlines that may be evident on the plat face and/or in the proposed Project plat development notes or on plat plan pages;*
- 5. The developer shall provide the City with a revised preliminary plat drawing prior to submittal of a final plat for the project; and,*
- 6. The revised plan shall feature all City Development Review Committee and Planning Commission required edits, corrections, revisions, etc. as communicated to the developer or his/her engineer.*

Commissioner Bergener seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, Matthew Everett, and Christopher Pengra. The motion passed with a unanimous vote.

6.B. PUBLIC HEARING – Wendy's at Marketplace

Mr. Jensen presented the item. The site plan application is for a Wendy's restaurant on a .781-acre parcel within the Marketplace at Eagle Mountain Town Center development. Municipal Code requires buildings near the setback line with parking to the side/rear. The approved master site plan shows the building setback from the road at the proposed location. Municipal Code requires buildings to closely approximate the style and design of significant buildings in the area. There are approved pad site elevations; however, some leeway has been granted to other businesses for corporate design elements. The project exceeds the minimum parking requirements. The applicant requests an exemption to the requirement for a landscaping island for every 12 parking stalls as it would impede delivery truck maneuverability on the site.

Applicant representative Eric Malmberg said they have worked with the master developer for the Marketplace at Eagle Mountain Town Center development and have presented a proposal in accordance with the master plan for the area including the location of the parking. They have attempted to match the architectural style of the area.

Discussion ensued regarding the location of the menu boards, the elements on the east elevation facing Pony Express Parkway, and screening as site limitations prevent the reorientation of the building.

Staff noted that Angelina Talamantes, the architect for the project, indicated their willingness to add additional architectural features to the rear of the building.

Commissioner Everett recommended adding an awning or another element to the rear elevation to increase articulation and depth variance.

Commissioner Everett opened the public hearing at 7:06 p.m. As there were no comments, he closed the hearing.

Mr. Jensen confirmed that the grading plans were provided as requested and the City Engineer did not have any concerns.

Mr. Malmberg explained that the landscaping plan indicates headlight screening on the eastern side that wraps to the north and south sides of the site.

Commissioner Allen expressed concern with the amount of red in the proposal as incongruent with the area and the dumpster being located near the public walkway. He would prefer for the front of the building to face Pony Express Parkway. He feels the request to exclude the parking island is reasonable.

Commissioner Pengra noted the only other potential locations for the dumpster would be towards the front of the building or in an area that would reduce parking and make collection more difficult. Although, the preferable orientation would be for the building to face Pony Express Parkway, the shape of the site prevents the building from being rotated 90 degrees and a 180-

degree rotation would impede traffic flow and reduce profitability as it would decrease the functionality of the site.

Commissioner Everett agreed with Commissioner Pengra regarding the building orientation as the most optimal option for drive through stacking. The parking is not compliant but as the issue was overlooked during the previous approval, the City is limited in being able to enforce the requirement. Although he feels the request to exclude the parking island is logical, as it is a Municipal Code requirement, it would be the prerogative of the City Council to grant an exemption. He does not want to be overly prescriptive with coloring requirements for corporate colors recognizing companies' desire for branding and visibility. He noted the City has approved corporate colors for other businesses and coloring approvals should not be based upon personal preferences.

MOTION: *Commissioner Bergener moved to recommend approval to the City Council of the site plan for the Wendy's at Marketplace with the following conditions:*

- 1. Additional design elements shall be added to the rear (east) elevation so that it is similar in appearance to the front (west) elevation; and*
- 2. A bike rack shall be provided in accordance with EMMC 17.35.050(K).*

Commissioner Pengra seconded the motion.

Commissioner Everett requested an amendment to the motion to require the landscape parking island. Commissioner Bergener declined the request.

*Those voting aye: Jason Allen, Jeremy Bergener, and Christopher Pengra.
Those voting nay: Matthew Everett. The motion carried with a vote of 3:1.*

6.C. PUBLIC HEARING – Marketplace at Eagle Mountain Town Center Lot 11 Pad A

Mr. Jensen presented the item. The application is for a pad site building located in the Marketplace at Eagle Mountain Town Center project. The area is zoned CC. Municipal Code requires the primary entrance to orient toward the street and sidewalk. The main entrance orients towards the parking lot, with a drive-through between the building and Pony Express Parkway. Municipal Code requires building to closely approximate the style and design of significant buildings, consistent theming, and design features on all four sides of a building. The development has approved pad site elevations. The main entrance and the façade with the most design elements should face the public right-of-way. The application complies with parking and drive-through stacking length requirements.

Applicant representative Forrest Gaskill confirmed their willingness to add awnings to the east elevation. The four sides of the buildings have similar features that can be made more pronounced if desired. They are using the color palette for the pad sites that the Commission and Council found preferential during the previous review. The building and the parapets have a depth difference of six inches to a foot.

Commissioner Everett opened the public hearing at 7:26 p.m. As there were no comments, he closed the hearing.

The Commission requested additional architectural details to be added to the rear/east elevation because it faces a major roadway.

Commissioner Bergener verified with staff that bike racks were included on the site plan.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of the site plan for Lot 11 Pad A at the Marketplace at Eagle Mountain Town Center with the following condition:*

- 1. Additional architectural details shall be added to the east elevation in keeping with the architectural details found on the other sides of the building.*

Commissioner Allen seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, Matthew Everett, and Christopher Pengra. The motion passed with a unanimous vote.

6.D. ACTION ITEM – Eagle Heights Village

Mr. Jensen presented the item. The proposal is to amend the Eagle Heights Village Master Development Agreement (MDA) to allow for the construction and sale of single-family dwellings instead of the duplexes within the Eagle Heights Village Development Phases 3 to 5. The MDA was approved on July 17, 2019. The approval would allow the division of the duplex lots into single-family dwelling lots, increasing the number of lots but retaining the number of dwelling units and the project density. The same open space and amenities would be provided. If denied, Horizon Development, or the developer that purchases the project, could continue to develop the duplex units either as an affordable or market-rate development. Eagle Heights Village was approved as a Tier III development under previous Municipal Code standards. Under those standards, single-family dwelling units in Tier III had the same development standards as the Tier II units.

The applicant could meet the current RC standards if granted an exemption from lot frontages and minimum and average lot sizes. The duplex lots vary from 102 to 120 feet wide. If split, the resulting lot sizes would be between 51-feet and 60-feet; the RC Zone requires a minimum 58-foot frontage. Most, but not all the lots would exceed the minimum lots size of 4,500 square feet. However, the average lot size would be under the required 6,000 square feet for RC lots. Tier II excluded minimum average or minimum lot size standards. Should the Planning Commission determine to entertain the request, staff believes it is appropriate to consider a change to the modified RC standards making an exception for frontage and lot size with no changes to setbacks as RC is a closer transition to the Future Land Use Plan designation of Foothill Residential than the existing MF1 designation. The applicant is requesting standards differing from both the Tier II and RC Zone to permit front setbacks of 20-feet, driveway setbacks of 20-feet, rear setbacks of 20-feet, side setbacks of five-feet and garage side of 10-feet, and corner side setbacks of 20-feet.

Applicant representative Kirt Peterson said they feel the changes meet the demands of the current market and they intend to sell the remaining phases to another developer. The single-family homes will have basements increasing the square footage. The request for the reduced side setbacks is to be able to offer three-car garages. The amenities will be divided between the two developments and will have separate homeowner's associations (HOAs). The pool would be an amenity for the single-family homes. Excluding the pool would reduce the HOA fees for the duplexes resulting in more affordable units.

Mr. Jensen confirmed that under the previous standards, Tier III, multifamily units were required to have a pool.

Commissioner Pengra said he would entertain the requested changes to the setbacks to allow for three-car garages; however, he would like the inclusion of language to set lot frontages and minimum and average lot sizes. He desires to remove the proposed elevation exhibits from the MDA.

Discussion ensued clarifying that elevation exhibits are usually excluded from MDAs and that recent legislative actions by the State prevent cities from dictating design standards for single-family units.

Mr. Kirt stated that Fieldstone intends to build the units in the exhibits and the elevations provided were approved for another project in the City.

Assistant City Administrator/Community Development Director Steve Mumford noted that the City can negotiate with developers to require additional architectural elements when granting exemptions and bonus density.

Commissioner Everett expressed extreme concerns with approving an ambiguous hybrid of current and previous standards. He would consider allowing an RC development under the current standards, especially to provide buffering between the townhomes and the other Foothill Residential areas. The applicant during the initial approval presented the development as moderate-income housing. He is disappointed that requested changes to owner-occupied would result in the loss of a moderate-income component due to the need for it in the State and the current market. He is also concerned with dividing the amenities especially where the pool was a requirement for the duplexes.

Commissioner Allen agreed with holding the developer to the RC standards, although he has no objection to permitting single-family homes due to market shortages.

Discussion ensued clarifying that should the development retain the current vesting, the single-family units would need to meet the previous Tier II standards unless the property were rezoned to RC.

Commissioner Pengra said after further consideration and due to affordability concerns and current market needs, the original product might be preferential. Nevertheless, he recognized that

MOTION: *Commissioner Everett moved to recommend denial to the City Council of the amendment to the Eagle Village Heights Master Development Agreement. Commissioner Pengra seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, Matthew Everett, and Christopher Pengra. The motion passed with a unanimous vote.*

- The next Planning Commission meeting is scheduled for February 22, 2022.

- MOTION:** *Commissioner Bergener moved to adjourn at 8:05 p.m. Commissioner Allen seconded the motion. Those voting aye: Jason Allen, Jeremy Bergener, Matthew Everett, and Christopher Pengra. The motion passed with a unanimous vote.*

Approved by the Planning Commission on February 22, 2022.

Steve Mumford, AICP
Assistant City Administrator/Community Development Director