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.
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> 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.
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> 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.
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> 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.

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:

- 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.

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.

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.

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.

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.

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.

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 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."***

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 (Feb 24, 2021 14:16 MST)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

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Final Audit Report 2021-02-24

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