EAGLE MOUNTAIN PLANNING COMMISSION MEETING

January 22, 2019, 6:00 p.m.
Eagle Mountain City Hall Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

6:00 P.M. - Eagle Mountain City Planning Commission Policy Session

COMMISSION MEMBERS PRESENT: Rich Wood, Brett Wright, Jared Gray, and DeLin Anderson. Matthew Everett arrived at 6:05 p.m.

OFFICIALS PRESENT: Councilmember Donna Burnham

CITY STAFF PRESENT: Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Tayler Jensen, Planner; Fionnuala Kofoed, City Recorder; Chris Trusty, City Engineer

Commissioner Wood opened the meeting at 6:00 p.m.

1. Pledge of Allegiance

   Commissioner Wood led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

   None

3. Approval of Meeting Minutes
   A. December 11, 2018

   Commissioner Wright requested the Fieldstone Homes representative's name be corrected to "Dylan" on page seven.

MOTION: ***Jared Gray moved to approve the December 11, 2018, meeting minutes, with the correction to "Dylan" on page seven. DeLin Anderson seconded the motion. Those voting aye: Rich Wood, Brett Wright, Jared Gray, and DeLin Anderson. The motion passed with a unanimous vote.***

   B. January 8, 2019

MOTION: ***Brett Wright moved to approve the January 8, 2019, meeting minutes. DeLin Anderson seconded the motion. Those voting aye: Rich Wood, Brett Wright, Jared Gray, and DeLin Anderson. The motion passed with a unanimous vote.***

4. Action and Advisory Items

   A. Arrival Amended Master Development Plan, Public Hearing; Action Item

Planner Tayler Jensen explained this item was not noticed in time to present at the last Planning Commission meeting, when the associated preliminary plat was presented.

Commissioner Gray expressed concern regarding the reduction in trails. Mr. Jensen explained the developer adjusted the trails according to residents' feedback. Commissioner Wright said topography issues prevented the trail's installation as originally planned.

Commissioner Gray stated if horse trails are in the plan, he would like horse hitching posts included.

Mr. Jensen clarified with the Commissioners that a site originally planned for a water tank was no longer needed, so the land was added to the adjacent lot.

Commissioner Everett opened the public hearing at 6:06 p.m. As there were no comments, he closed the hearing.

Mr. Jensen said the master development agreement, which includes the updated park plan, will be presented to City Council.

MOTION: ***Rich Wood moved to recommend approval of the Arrival master development plan to the City Council with the following condition:***

1. Add a hitching post at each entry to the park.

Jared Gray seconded the motion. Those voting aye: Matthew Everett, Rich Wood, Brett Wright, Jared Gray, and DeLin Anderson. The motion passed with a unanimous vote.

B. Skyline Ridge Phase 2 Plats 5 & 6, Preliminary Plat, Public Hearing; Action Item

Planning Manager Michael Hadley said the item contains the final two plats in the Skyline Ridge development. Plat 5 consists of 20 lots and Plat 6 consists of 23 lots, for a total of 43 lots with an overall density of 2.98 dwelling units per acre. The plats were redesigned to reduce the amount of blasting required. There are four more lots in the presented item than in the previously approved plan.

Mr. Hadley stated the developer will pay the same fee for parks that they have paid for previous plats within the project. That amount is $1,795.36 per lot to the park escrow. He noted there are areas within the plan with steep slopes; lots 514, 515, 603, 604, and 610 have slopes above 15%, and lots 605 through 609 have slopes above 20%. City Municipal Code states lots are buildable on slopes up to 25%.

Mr. Hadley explained while the cul-de-sac is longer than allowed in Municipal Code, this was done at staff's request to facilitate more buildable area in the lots. He said the Fire Chief has stated he will approve the extended cul-de-sac, and the Municipal Code allows the Fire Chief to grant an exception for the proposed distance.

Mr. Hadley said the project includes a proposed retaining wall of between eight and twelve feet in height. The City requires retaining walls to be tiered, with heights not above six feet, and also requires a fence at the top of the retaining wall, with a drainage swale to direct runoff away from the slope face.

City Engineer Chris Trusty clarified the top of the wall will have a drainage swale for larger runoff, and weep holes will be located throughout the retaining wall. The retaining walls will be constructed with natural rock. He stated the six-foot height limitation is a City preference, but is not noted in the City's Municipal Code. Commissioner Gray stated three or four feet would be safer, and asked if staff felt six feet was an appropriate height. Mr. Trusty said the City's goal is safety, which is why the fence is required at the top of the wall.

Commissioner Gray asked for clarification on the lot slopes. Mr. Hadley said the lots noted in the presentation have slopes between 15% and 25%, but none are over 25%.

Commissioner Wood clarified with staff that the lots will require retaining walls in order to build structures.

Commissioner Anderson asked when the retaining walls will be constructed. Mr. Trusty said the walls are part of the grading plan, and constructing the wall is the responsibility of the developer. The City will not issue certificates of occupancy until the walls are in place. Commissioner Wood asked why the retaining wall is not required before the homes are constructed. He expressed concerns regarding excavation close to structures.

Commissioner Wright asked why staff would recommend approval of the plat, as the four additional lots are creating the longer cul-de-sac, which does not meet Municipal Code. Mr. Hadley clarified that staff does not have an opinion on the additional lots. He said Plat 4 was redesigned which removed 5 lots; those lots were moved to Plat 5. This was to add access to open space, based on resident feedback.

Shawn Herring, the applicant's engineer, explained the cul-de-sac was extended to avoid any blasting in Phase 5. Phase 4 has additional lots due to additional amenities and open space to include trailheads with parking. He said he has worked with staff in order to avoid blasting and to create more buildable lots. The lots are now 120- to 140-feet deep, versus the original 100-foot-deep lots. Mr. Herring confirmed with Commissioners no blasting is planned in the project, and stated the new plan contains more roadways and utility work than what was included in the previously approved plan.

Mr. Hadley clarified that the project only has four additional lots. The original preliminary plat was a single plat that encompassed Plats 4, 5, and 6. The proposed plan has two separate plats: Plats 5 and 6. The previously approved plat contained 98 lots; the proposed plan has 102 lots.

Discussion ensued regarding lot sizes in the project. The lots range from 0.17 acres to over 0.33 acres.

Commissioner Wright asked if the Fire Chief approves of the cul-de-sac length. Mr. Hadley stated the Fire Chief will sign off on the length at a future step in the process, but he has expressed his approval for the proposed length.

Commissioner Gray expressed concerns regarding snow removal along the extended cul-de-sac. Mr. Herring stated snow can be moved to the parking stalls at the trailhead site. He said another option is to include a snow loading area along the road. A twenty-foot pad can be added that could be utilized for parking during non-snow conditions.

Commissioner Gray asked how tall the retaining walls will be. Mr. Herring stated the highest walls will be eighteen feet tall with three six-foot tiers, but most will be twelve feet tall with two six-foot tiers. Commissioner Gray asked if the applicant would be willing to have three four-foot tiers in lieu of two six-foot tiers, as six-foot walls could pose a safety hazard. Mr. Herring stated his preference of limiting the tiers to five feet. He explained the retaining walls will be in place before home construction begins. Commissioner Gray said he would like a condition of approval stating no more than three tiers will be allowed, and the tiers will be equal in height, with no tier taller than five feet.

Commissioner Everett opened the public hearing at 6:40 p.m. As there were no comments, he closed the public hearing.

Discussion ensued regarding the physical appearance of natural rock retaining walls.

Commissioner Wood stated the additional lots are reasonable, as the new design will not require blasting. He stated the lot sizes included in the plan are the size Planning Commission has requested in the past. Commissioner Gray expressed concerns that the approval grants additional lots in order to offset costs for the developer, and the additional density creates an extended cul-de-sac that does not meet Municipal Code. Commissioner Wright stated the tradeoff of higher density for no blasting is one he is comfortable with.

Commissioner Gray asked if the half-acre lots will have animal rights. Mr. Hadley stated the project would need to apply for the Equine Overlay Zone in order to have animal rights on lots smaller than one acre.

Commissioner Anderson asked if the natural rocks on the project site would be utilized for the retaining wall structure. He stated the rocks in that area do not withstand the elements over time, and could possibly degrade. Mr. Trusty stated the integrity of the rock will be included in the geotechnical report. He explained the homeowners would be responsible for future repairs to the retaining walls.

MOTION: ***Rich Wood moved to recommend approval of the Skyline Ridge Phase 2 Plats 5 & 6 preliminary plat to the City Council with the following conditions:***

1. ***An updated slope stability report is provided for both plats;***
2. ***Maximum height of retaining wall is 5 feet with a maximum of 4 tiers, with all tiers to be evenly divided in height. All retaining walls should be inspected by a licensed geotechnical engineer throughout the construction period and who will provide a letter at the completion of the project stating that the walls have been constructed per their recommendations and conform to typical construction requirements, including the stability and makeup of the materials. Retaining walls shall not be located any closer than 10 ft. from a home;***
3. ***No blasting may be used in this project;***
4. ***A fence and drainage swale shall be constructed on the top of any retaining wall area;***

5. ***Homes shall be designed with the hillside to reduce necessary cutting/grading and retaining wall heights;***
6. ***Lots that average 25% or greater shall be removed;***
7. ***All retaining walls, drainage, and required fence along the top of the retaining walls shall be completed before home construction in either of the phases; and***
8. ***Two more parking stalls shall be added in Track B park for snow removal.***

Brett Wright seconded the motion. Those voting aye: Matthew Everett, Rich Wood, Brett Wright, Jared Gray, and DeLin Anderson. The motion passed with a unanimous vote.

C. The Landing Phase 4 Preliminary Plat, Public Hearing; Action Item:

Mr. Hadley stated Phase 4 is the final phase in The Landing, and has 31 lots over 6.55 acres, with a density of 4.74 dwelling units per acre. The previous preliminary plat contained open space and a stub road which went to the Colonial Park development. The Landing was approved before construction in the Colonial Park development. That development has since been completed, and the stub road in The Landing would connect to a private road in Colonial Park; staff asked the applicant to remove the stub road. The updated plan removes the open space, the stub road, and adds two lots.

Commissioner Wright asked why the open space was removed, and what the park requirements are for the project. Mr. Hadley stated the open space areas are not owned by the applicant, and the applicant prefers to pay the fee in lieu for open space. He explained Walden Park is near the project and the funds can go towards that park.

Commissioner Wright asked for clarification regarding the alleyway. Mr. Hadley explained a previous phase contains an alleyway that is located to the south of Phase 4. The Municipal Code requires developments to utilize connected alleyways, but Planning Commission and City Council can grant a waiver to that requirement. The applicant prefers to not use the alleyway for rear-loading garages.

Commissioner Gray stated he would prefer to not allow the additional lots, and instead increase the frontages of the existing lots. Commissioner Wood agreed with that opinion.

Andrew Flamm with West Lake Investments LLC said he has attempted to communicate with the landowner of the property previously planned for open space, but has not received a response. Commissioner Gray asked who would be required to maintain the open space. Mr. Hadley stated any issues with weeds or maintenance would be addressed through code enforcement.

Commissioner Wood stated he does not support adding two lots to the development. Mr. Flamm said the presented plan meets all requirements of the Municipal Code. Commissioner Everett asked if the applicant would be willing to remove one of the additional lots. Mr. Flamm said he would be open to discussing that option. Commissioner Gray stated removing one lot would increase lot frontages by 6.1 feet along the north side of the project. Mr. Hadley clarified the presented plan is consistent with existing development in the area.

Commissioner Wright stated removing one lot along the north side of the road would create lot sizes more similar to those on the south side of the road. Mr. Flamm stated buyers prefer smaller lots that require less upkeep. Commissioner Wood stated the City has many first-time homebuyer lots, and the City needs larger lots for more variety. Commissioner Gray stated removing one lot would not require a redesign of the project.

Commissioner Everett asked if the condition of approval requiring the developer to work with the landowner of the strip of land to the north to add that land to the lots on the north side would hinder the development process, as the landowner has not been willing to work with the developer. Mr. Hadley stated the City would continue with the approval process if that landowner is unwilling to work with Mr. Flamm. Community Development Director Steve Mumford explained the Planning Commission can word the condition of approval with flexibility to allow the project to continue if the landowner is not willing to sell or dedicate the property.

Discussion ensued regarding legal options, to include a land swap, the City has regarding the lot previously designated as open space.

Commissioner Everett opened the public hearing at 7:28 p.m.

Jeff Ruth expressed concerns regarding the removal of an unofficial trail children currently utilize to walk to school. He said leaving the road stub will alleviate traffic in the area.

Commissioner Gray clarified the stub road cannot be included as it would connect to a private road. He stated a sidewalk will be installed with future development.

Commissioner Everett closed the public hearing at 7:34 p.m.

Commissioner Everett stated if one lot is removed from the proposal, lot variation would be created between lots 405 and 413. He said he wanted to ensure the condition regarding the open space does not give either landowner leverage over the other.

Discussion ensued regarding land disposal options.

MOTION: ***Rich Wood moved to recommend approval of The Landing Phase 4 preliminary plat to the City Council with the following conditions:***

1. ***The applicant makes reasonable attempts to work with the landowner to resolve the strip of land to the north and add it to the lots on the north side;***
2. ***The applicant makes reasonable attempts to work with the landowner to dedicate the eastern piece of land in the northeast corner to the City to be added to Walden Park;***
3. ***The applicant removes one lot and distributes the land to the lots on the north side of the project; and***
4. ***The applicant is allowed to front-load garages and not require the homes to utilize the alleyway for rear-loading garages.***

Jared Gray seconded the motion. Those voting aye: Matthew Everett, Rich Wood, Brett Wright, Jared Gray, and DeLin Anderson. The motion passed with a unanimous vote.

Councilmember Wood stated for the record that the Planning Commission recommends City Council consider options that may include a land swap to resolve the land dispute to the north of The Landing.

D. Sign Code (17.80.120) Development Code Amendment, Public Hearing; Action Item:

Mr. Jensen stated the amendment changes illustrations in the Municipal Code at the request of the Neighborhood Improvement Division, and creates standards for school monument signs. The Alpine School District submitted a comment requesting a maximum size of 45 square feet for electronic message boards, instead of 32 square feet.

Commissioner Wood asked if the size of signs allowed should be limited based on the school type. Mr. Mumford said State Code exempts schools from landscape and aesthetic requirements.

Commissioner Gray asked if the signs will be required to meet the dark sky ordinance. Mr. Jensen said the signs will be required to dim based on ambient lighting, but do not require hoods.

Commissioner Wright asked what restrictions are in place for school signs without the proposed amendment. Mr. Jensen said it can be difficult, as schools can state they are exempted from sign design restrictions. Mr. Mumford said a representative from Alpine School District has committed to working with the City to meet Municipal Code on school signs.

Commissioner Everett opened the public hearing at 7:58 p.m. As there were no comments, he closed the public hearing.

MOTION: ***Jared Gray moved to recommend approval of the Signs (17.80.120) Development Code amendment, Signs Code 17.80.120, to the City Council with the following condition:***

1. ***Section 5(i) is changed to "Electronic message boards or reader boards shall not exceed 45 square feet."***

Rich Wood seconded the motion. Those voting aye: Matthew Everett, Rich Wood, Brett Wright, Jared Gray, and DeLin Anderson. The motion passed with a unanimous vote.

E. Commercial (17.35.040) and Off-Street Parking (17.55.120) Development Code Amendments Public Hearing; Action Items:

Mr. Jensen stated the staff-proposed amendment adds the Meeting/Reception Room use to the Commercial code, as that use is currently not permitted. The amendment also adds the requirement of one parking stall per 250 square feet of gross floor area. Mr. Jensen explained that if the amendment is approved, the Meeting/Reception Room use will be a conditional use and will require Planning Commission approval.

Commissioner Everett opened the public hearing at 8:02 p.m. As there were no comments, he closed the public hearing.

MOTION: ***Jared Gray moved to recommend approval of the Commercial (17.35.040) and Off-Street Parking (17.55.120) Development Code Amendments to the City Council. Brett Wright seconded the motion. Those voting aye: Matthew Everett, Rich Wood, Brett Wright, Jared Gray, and DeLin Anderson. The motion passed with a unanimous vote.***

5. Next scheduled meeting: February 12, 2019

   Commissioner Wood asked staff to update the Planning Commission on recommended Municipal Code changes the Planning Commission made in November.

6. Adjournment

MOTION: ***Jared Gray moved to adjourn the meeting at 8:03 p.m. Jared Gray seconded the motion. Those voting aye: Matthew Everett, Rich Wood, Brett Wright, and Jared Gray. The motion passed with a unanimous vote.***

Approved by the Planning Commission on February 12, 2019.

Steve Mumford, Community Development Director