



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

June 25, 2024, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Rod Hess, Robert Fox, Brent Strong, and Craig Whiting; and Alternate Commissioner Bryan Free.

ELECTED OFFICIALS PRESENT: Councilmember Brett Wright, Liaison to the Planning Commission.

CITY STAFF PRESENT: Evan Berrett, Economic Development Director; Brandon Larsen; Planning Director; Marcus Draper, City Attorney; Robert Hobbs, Senior Planner; David Stroud, Senior Planner; Steven Lehmitz, Planner; and Elizabeth Fewkes, Recording Secretary.

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

Commissioner Allen called the meeting to order at 5:30 p.m.

1. Discussion Items

1.A. DISCUSSION – Towns at Brylee Farms Phase B

Planner Steven Lehmitz presented the item. Brylee Estates/Farms is located at the northwest corner of the Eagle Mountain Boulevard and Aviator Avenue intersection. The Brylee Estates Phase B preliminary plat (all townhomes) was originally approved on July 16, 2019, and then amended on January 5, 2021, to move and increase open space/park amenities between both Phase A (single-family) and Phase B. Two final plats within Phase B were approved and recorded: Plat 1 on September 29, 2020, and Plat 2 on July 21, 2021. The approved amenities have been constructed in both Phase A and B. The preliminary plat has since expired, and the applicant never requested an extension. The City has recently been approached with a request to enter into a development agreement to allow the project to be completed as originally approved. If not approved, the project must adhere to current codes, necessitating changes to the design.

Applicant representative Ross Holliday explained that the primary issue revolves around the garage width requirements, which were expanded to 22 feet wide, while the lots are only 26 feet wide. This makes it architecturally unfeasible to accommodate a garage and a stairwell to the second floor. If the original approval is not reinstated, pending changes could lead to incongruence within the neighborhood and a loss of zoned units, reducing the project's density by 12 to 15 units per acre which would impact the project's overall density, the financial viability of the homeowners' association (HOA), and the financial impact on the residents. They misunderstood that delays during the phases would result in the loss of the entire entitlement. Work has commenced in several areas of the project and efforts have been made in good faith to continue the project, including infrastructure installations.

Applicant representative Sam Brown explained that the project was delayed due to supply chain issues and market conditions during the COVID-19 pandemic. They had assumed that renewing entitlements would be a formality once the market stabilized. Unclear understanding of entitlement expiration led to the current situation where the development's entitlement has lapsed.

Discussion ensued regarding the City's development agreement expiration standards and procedures, concerns with setting a precedent, and the process and whether the City should enter a development agreement to allow the project to proceed under the original approval or to require areas where development has not begun to follow new standards, particularly 22-feet wide garages.

1.B. DISCUSSION – ADU Code Minor Revisions

Senior Planner Robert Hobbs presented the item. The goal is to gauge the Planning Commission's stance on drafting amendments to accessory dwelling unit (ADU) standards, which could also affect any attached housing product, by requiring a minimum amount and type of connection of an ADU to a house. The City has received plans proposing to effectively join two separate homes with breezeways, hallways, carports, pergolas, patio covers, etc., and call that assembly one house. He presented examples of units similar to those requested and proposed by residents. Staff believes that connecting two separate homes on the same lot with minimal structures violates the spirit and intent of municipal laws. Additionally, staff desires Commission feedback regarding the maximum size of additions and potential appearance regulations. He clarified that residents are permitted only one ADU per property.

Discussion and Commission feedback:

- Balancing the protection of single-family home characteristics with the need for affordable housing.
- Possibly introducing a minimum common wall requirement for attached ADUs.
- Shared or separate utility requirements.
- Potentially introducing new standards to limit the size of attached ADUs to no larger than the existing floor area of the primary structure.
- The State's focus on creating additional affordable housing units.
- Concerns that oversized ADUs do not support the goal of affordable housing.
- Importance of ADUs for multi-generational living and supporting people on fixed incomes.
- Potential for relaxing square footage restrictions and other regulations to facilitate ADU construction.
- Requirements for owner and familial occupancy to prevent properties from being converted into multi-unit rentals.
- Difficulties in enforcing owner occupancy and usage restrictions.
- Importance of parking regulations for ADUs and challenges in policing subleasing and unauthorized use of ADUs.

Commissioner Allen adjourned the work session at 6:24 p.m.

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

Commissioner Allen called the policy session to order at 6:33 p.m.

2. Pledge of Allegiance

Commissioner Allen led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. June 11, 2024 Planning Commission Minutes

MOTION: *Commissioner Fox moved to approve the June 11, 2024 minutes. Commissioner Whiting seconded the motion.*

Jason Allen	Abstain
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes

Craig Whiting	Yes
Bryan Free	Yes

The motion passed with a vote of 4:0.

Commissioner Allen abstained due to his absence at the June 11, 2024 meeting. Due to Commissioner Allen's absence, as alternate Commissioner Free voted.

5. Status Report

Planning Director Brandon Larsen reviewed the planning items discussed and voted upon during the City Council June 18, 2024 meeting.

6. Action and Advisory Items

6.A. ACTION ITEM/PUBLIC HEARING – Eagle Square Commercial Phase 1 – Preliminary Plat

Senior Planner David Stroud presented the item. The proposed preliminary plat complies with the standards of the Porter's Crossing master development regarding the subdivision of the property. The development is situated within Porter's Crossing, specifically in commercial Pod 1, which includes five lots fronting Pony Express Parkway. The area is governed by the Porter's Crossing master development agreement (MDA), first executed in 2016 with two amendments and a third pending execution. The property is vested with commercial zoning, and no users of the property have been identified at this time. Road dedication will occur with the recordation of the final plat, which has been approved by staff. He noted public notices resulted in six or seven emails from residents, primarily concerned about the potential for a hotel on the northern property, which is permissible under the initial MDA as a conditional use since 2016. One email expressed opposition to commercial development in general.

Commissioner Allen opened the public hearing at 6:40 p.m.

The following residents submitted emails against the proposal due to concerns with the potential for a hotel to be located within the plat in the future and the resulting impacts: Kalleen Pratt, Parker Lyons, Robert Williams, Megan Lyons, Allie Henrich, Aimee Gough, Calli Wilson, Sarah Villamizar, Kelsey Jumper, and Emily Layton.

Daniel Wilson voiced concerns about traffic congestion causing safety issues and objections to a hotel being located on the site in the future.

Jared Campbell spoke against commercial development of the site due to increased traffic.

Commissioner Allen closed the public hearing at 6:46 p.m.

Commissioner Allen clarified that the meeting focused on the layout rather than zoning, emphasizing the Planning Commission's obligation to approve permitted uses. He raised concerns about traffic flow, specifically questioning the feasibility of a left-turn exit onto Pony Express Parkway without a traffic light, suggesting potential congestion issues.

Discussion ensued regarding traffic concerns due to increased trips caused by commercial development, traffic routes and flow patterns, and possible mitigation measures.

Applicant representative Fred Simpson explained the traffic study findings and proposed improvements. He highlighted plans to relocate the traffic signal at Pony Express Parkway and Porters Crossing and to add a right-turn pocket on Pony Express Parkway to improve traffic flow into the development. He assured the Commission that the current plan accounts for existing traffic conditions and anticipated future needs, such as potentially adding a left-turn lane onto Pony Express Parkway. No street parking is permitted by the City on Pony Express Parkway or in turn lanes near intersections.

Mr. Stroud clarified that the redlines have been corrected by the applicant.

MOTION: *Commissioner Hess moved to recommend approval to the City Council of the preliminary plat for Eagle Square Commercial Phase 1. Commissioner Strong seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

Mr. Larsen noted that the City Engineer retains the authority to mandate additional traffic studies for new developments, especially those of significant scale like hotels to ensure that any potential traffic impacts are thoroughly assessed and mitigated as necessary.

6.B. ACTION ITEM/PUBLIC HEARING – Second Kitchen – CODE AMENDMENT

Planner Steven Lehmitz presented the item. Residents desiring to construct a second kitchen on their property have been completing an agreement form with the City. The purpose of the agreement is to permit the construction of the second kitchen without creating an ADU. The proposed code amendment formalizes the process for reviewing and permitting the construction of second kitchens. He reviewed the standards for a second kitchen and how they differ from those for ADUs with kitchens. All International Building Codes would still be applicable. Residents could convert the area with the second kitchen to an ADU in the future if desired.

Commissioner Whiting supported the ordinance, highlighting its clarity and the convenience it offers residents who wish to add a second kitchen for non-ADU purposes, such as accommodating family members without the need for an ADU process. He appreciated the safeguards in the standards, including recording requirements at the Utah County Recorder's Office.

Commissioner Strong agreed with Commissioner Whiting, noting that the ordinance appropriately addresses scenarios like adding a wet bar with kitchen-like features and ensuring proper safeguards are in place.

Commissioner Allen opened the public hearing at 7:05 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Fox moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code enacting Chapter 17.69 Second Kitchen. Commissioner Whiting seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

6.C. ACTION ITEM/PUBLIC HEARING – Modification to 17.55.120 Tables. Parking Requirements for Hotel, Motel, Bed and Breakfast Uses - CODE AMENDMENT

Economic Development Director Evan Berrett presented the item. Previously, Eagle Mountain City staff requested a modification to the parking code for hotel developments. Following feedback from the City Council, staff waited to

pursue further action until a Hotel Market Feasibility Study was completed and discussions with various hotel brands took place. Both actions have been completed.

Mr. Berrett detailed research, comparing Eagle Mountain's parking codes with those of over 20 cities in Utah. The current requirement of one parking stall per bed is unique to Eagle Mountain, while other cities typically require one stall per room, plus additional stalls for employees and ancillary spaces such as banquet halls or restaurants. The purpose of the new standard is to bring parking restrictions in line with other cities in Utah so as to not deter hotel development in Eagle Mountain. The proposed code revision suggests: one stall per sleeping unit, one stall per employee on duty, and one stall per 200 square feet of banquet or restaurant space. He provided an example using a floor plan from a typical hotel, showing a 27% reduction in required parking spaces under the new code, which could significantly impact the feasibility of hotel projects in smaller sites within the City.

In response to event and RV/trailer parking concerns raised by the Commission, Mr. Berrett clarified that the proposed requirements are a minimum and hotel developers could choose to add more parking if they see the need. He emphasized the importance of making parking requirements manageable for developers while recognizing potential demand from specific groups such as mountain bikers. He explained that adding RV/trailer parking would complicate site planning and that there is no substantial data to support the need for such spaces especially as a City-wide standard applicable to all hotels that might not be needed or beneficial for some locations. He noted that hotel developers could include these spaces voluntarily.

Discussion ensued regarding whether to allow the free market and hotels to determine methods to accommodate large vehicle parking, such as permitting vehicles to utilize multiple stalls or including requirements to provide for large vehicles, and the possibility of moving hotels to a special use permit category for more control over parking requirements with consideration of the negative effects of large parking lots that are empty most of the time.

Mr. Hobbs explained that hotels are typically permitted depending on the zone, and even with a special use permit, standards would need to be clearly defined in the code.

Commissioner Allen opened the public hearing at 7:25 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Allen moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.55.120 Tables. Parking Requirements for Hotel, Motel, Bed and Breakfast Uses. Commissioner Hess seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

6.D. ACTION ITEM/PUBLIC HEARING – Drive-Thru Escape Lanes – CODE AMENDMENT

Mr. Hobbs presented the item proposing an amendment to Eagle Mountain Municipal Code 17.35.050 regarding drive-thru lanes to refer to standards in 17.55.130. The proposal includes adding a new subsection 130 to 17.55, titled Drive-Thru Regulations, which preserves existing standards and introduces new ones, primarily requiring minor escape lanes in drive-thru designs. This proposal also involves deleting section 17.75.069, Restaurant with drive-thru services, in its entirety. The standards were reviewed by the Commission previously and have been modified to be more concise. The site plan review process will ensure the proper application of the proposed language, which mandates some form of escape or bypass lane in drive-thru designs.

Drive-thru bypass or escape lanes can be practical and beneficial for several reasons:

- Improved Traffic Flow: Bypass lanes help prevent congestion and long lines by allowing customers with complex orders or issues to move aside temporarily, keeping the main drive-thru lane flowing smoothly.

- Customer Safety and Convenience: These lanes provide an option for customers to leave in an emergency, assist in moving stalled vehicles into a free space, and allow those who need to adjust their order or have last-minute changes to do so without holding up others.
- Reduced Frustration: They minimize frustration for both customers and staff by preventing backups and allowing for more efficient handling of different situations. In busy locations or during peak times, bypass lanes can significantly enhance efficiency and customer satisfaction by contributing to faster service times and separating straightforward orders from those needing more attention.

Mr. Hobbs clarified that 17.75.069(D)(1), "A minimum of 120 feet for a single stacking lane or 60 feet per lane when there is more than one stacking lane. A stacking lane is measured back to the point of service or final service window. Stacking lanes do not have to be linear," is being removed from the standards due to difficulties in universal application to sites with varying configurations. The intent of the requirement is accommodated in other portions of the standards.

Commissioner Allen stated he agreed with the principles set forth and the requirements to prevent vehicle queuing over sidewalks or public streets instead of mandating specific lengths for stacking lanes.

Commissioner Allen opened the public hearing at 7:40 p.m. As there were no comments, he closed the hearing.

Commissioner Hess supported the escape lane requirement, citing safety concerns and aligning with standards he has experienced as a licensed landscape architect. He also strongly suggested eliminating drive-thrus altogether to promote better public use of parking and transit.

MOTION: *Commissioner Whiting moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code amending 17.35.050 Generally Applicable Provisions, enacting 17.55.130 Drive-Thru Regulations, and deleting 17.75.069 Restaurant with Drive-Thru Services. Commissioner Allen seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

6.E. ACTION ITEM/PUBLIC HEARING – Livestock Housing Setbacks – CODE AMENDMENT

Mr. Hobbs presented proposed changes to EMMC 17.10.030 Definitions and to 17.25.040 Residential Development Standards to clarify that structures housing livestock must be kept 50 feet from neighboring residences and 6 feet from all other structures in the RA1, RA2, RD1, RD2, and FR zones. Additionally, in the R1, R2, R3, RC, MF1, and MF2 zones, structures housing livestock must be kept 6 feet away from all structures, including neighboring residences. The proposal also amends footnote number 3 under the table to specify that setbacks for structures not requiring a building permit are not required, except for those that house livestock.

A conflict between two neighbors over the placement of a chicken coop highlighted the need to modify the code's setbacks for accessory livestock structures and to define the term "structure." These amendments do not change existing policy but clarify the required separations for livestock housing. This item was previously reviewed in November last year. However, due to the passage of nearly seven months, staff recommends reviewing the item again.

Commissioner Strong raised concerns about the specifics of the code amendment, noting that while it is clear about maintaining a 50-foot distance from someone else's house, it seems to allow placing a loafing shed for cows just six

feet from a resident's own house. He questioned if this interpretation was correct, pointing out that many cities require a significant buffer even on the same property. He asked if it was acceptable to place a horse barn so close to a house and sought clarification on the differences between livestock and chicken coops under the code, expressing concerns about the adequacy of spacing requirements in certain zones, particularly the RA1 Zone.

City Attorney Marcus Draper explained that the intent of the code was to ensure separation distance from neighbors, rather than enforcing a buffer on one's own property. He clarified that the code treats livestock and chickens differently, noting that chickens are permitted in all but one single-family residential zone and their coops are considered accessory uses.

Commissioner Fox expressed concern that large chicken coops can produce odors comparable to livestock. He noted that while livestock is regulated due to its potential impact on neighbors, chickens are not classified as livestock and are treated differently. He emphasized that livestock regulations are in place due to their potential smell and noise, and stressed that the number of chickens should be limited to mitigate impacts on neighbors.

Commissioner Allen opened the public hearing at 7:50 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Hess moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.10.030 Definitions and 17.25.040 Residential Development Standards. Commissioner Whiting seconded the motion.*

Jason Allen	Yes
Robert Fox	No
Rod Hess	Yes
Brent Strong	No
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a vote of 3:2.

6.F. ACTION ITEM/PUBLIC HEARING – Right-of-way Illustration Set – CODE AMENDMENT

Mr. Hobbs presented a proposal to amend EMMC 16.35 to reformat, re-illustrate, and clarify the City's required rights-of-way profiles. Staff was tasked with reorganizing the chapter to ensure that the illustrations are correctly ordered and uniformly formatted. Except for three types of rights-of-way illustrations, which could not be updated as the original illustrator is no longer with staff, this task has been completed. These changes apply only to public or private roadways and do not affect service drives or driveways.

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

Discussion focused on the amount of redundancy to include, specifically whether to have a table, graphic, and written explanation. The Commission ultimately decided to approve the amendment as presented.

MOTION: *Commissioner Fox moved to recommend approval to the City Council of amendments to Eagle Mountain Municipal Code 16.35 Development Standards for Required Public Facilities. Commissioner Allen seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

6.G. ACTION ITEM/PUBLIC HEARING – Industrial/Agricultural Comm Storage Revamp – CODE AMENDMENT

Mr. Hobbs presented proposed amendments to EMMC 17.20 Agriculture Zone, 17.38 Commercial Storage Zone, and 17.40 Industrial Zone. The amendments aim to add an introductory subsection for each chapter, reformat the land use tables, eliminate conditional use permit (CUP) requirements, and make minor revisions to 17.40.070 and 17.40.100. These revisions include removing the moving vehicle quantity cap and eliminating references to previous zoning district equivalents.

The Council expressed a desire to revise the Industrial Zone's land use table many months ago, intending to convert all CUP-required entries to "special use permits" due to Utah's lenient stance on CUPs. Similar changes are now proposed for the Agricultural and Commercial Storage zones. Additionally, land use allowances for all three zones have been reformatted into tables organized thematically and alphabetically for ease of use and reference.

Discussion clarified the definitions of commercial riding arena, equestrian center, and equine therapy center and considered whether each should be permitted or special uses.

Mr. Larsen provided context from his experience in Utah County, explaining that commercial riding arenas often come with significant externalities such as lighting, traffic, and large gatherings, which justify requiring special use permits. He supported the idea of making these arenas special uses while keeping equestrian centers as permitted uses.

Commissioner Whiting raised concerns about the land use changes in the Agricultural Zone, particularly questioning why commercial stockyards were shown as a permitted use when they were previously prohibited. He noted a potential clerical error regarding manufacturing allowance in the commercial storage zone in EMMC 17.38.050(B). Additionally, he expressed concern about the height restrictions for office buildings in the Industrial Zone EMMC 17.40.060 Maximum Building Height, seeking clarification on the existing and proposed standards.

Commissioner Strong supported removing commercial stockyards as a permitted use.

Mr. Hobbs explained that office buildings up to five stories are currently allowed in the Industrial Zone per EMMC 17.40.030.

Discussion clarified that the business park zones remain separate from industrial zones and that the proposed amendments do not alter the three-story height restrictions for office buildings with a 50-foot height maximum in those zones.

Commissioner Allen opened the public hearing at 8:13 p.m. As there were no comments, he closed the hearing.

MOTION: *Commissioner Allen moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.20 Agriculture Zone, 17.38 Commercial Storage Zone, and 17.40 Industrial Zone with the following changes:*

- 1. The Agricultural Land Use Table shall be amended as follows:*
 - a. Commercial Riding Arena shall be changed from a permitted to a special use,*
 - b. Commercial Stockard shall be stricken and become a prohibited use, and*
 - c. Equestrian Center shall be changed from special to a permitted use; and*
- 2. The Commercial Storage Land Use Table shall be amended as follows:*
 - a. Manufacturing shall be stricken and become a prohibited use.*

Commissioner Whiting seconded the motion.

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes

Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

Mr. Hobbs recommended adding rodeo arenas to the Agricultural Land Use Table in addition to commercial riding arenas and noted that a typo in the heading for the Commercial Storage Land Use table would be corrected.

SUBSTITUTE MOTION: *Commissioner Allen moved to recommend approval to the City Council of an amendment to Eagle Mountain Municipal Code 17.20 Agriculture Zone, 17.38 Commercial Storage Zone, and 17.40 Industrial Zone with the following changes:*

1. *The Agricultural Land Use Table shall be amended as follows:*
 - a. *Commercial Riding Arena/Rodeo Arena shall be changed from a permitted to a special use,*
 - b. *Commercial Stockard shall be stricken and become a prohibited use, and*
 - c. *Equestrian Center shall be changed from special to a permitted use; and*
2. *The Commercial Storage Land Use Table shall be amended as follows:*
 - a. *Manufacturing shall be stricken and become a prohibited use.*

Commissioner Whiting seconded the motion.

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

7. Discussion Items

Commissioner Whiting recognized and thanked Mr. Hobbs for his preparation and amazing work during the meeting.

8. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for July 9, 2024.

9. Adjournment

MOTION: *Commissioner Strong moved to adjourn the meeting at 8:29 p.m. Commissioner Whiting seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

The meeting was adjourned at 8:29 p.m.

Approved by the Planning Commission on July 9, 2024.


Brandon Larsen
Planning Director

