



EAGLE MOUNTAIN CITY Planning Commission Staff Report

MAY 11, 2010

<i>Project:</i>	Harmony Preliminary Plat
<i>Applicant:</i>	Mike Wren - Eagle Mountain Communities
<i>Location:</i>	Southwest of Overland Trails, West of Sweetwater Rd.
<i>Request:</i>	Concept Plan Review – provide feedback to the applicant
<i>Type of Action:</i>	Public Hearing, Action Item

Preface

A concept plan for the proposed Harmony development was discussed with the Planning Commission in September, 2009. Since that time the applicant has worked with the staff to try and resolve some of the concerns that were raised during that discussion. Here are some of the concerns from that meeting:

- Drainage & Walkability – Concerned with long blocks, especially for the drainage problems that this causes along the rear property lines of the homes. This also causes a concern for walkability. A master drainage plan should be required.
- Housing Variety – There needs to be more variety in the housing product, architecture, house size, and lot design. The courtyard and paseo designs reduce garage dominance on the street, increase safety, and are more attractive. Be creative.
- Architectural Quality – Not every house should look the same. Worried about architecture of the future multi-family buildings. Stagger buildings/setbacks.
- Traffic Studies – Must take place along the way.
- Upward Growth – Concerned that there will be numerous times over the next 25 years that larger lots will sell. This does not appear to be a plan for upward growth of families.
- Small Frontages – Small 40-foot wide lots have a history of not being attractive in this city. The only way to approve small lots would be with increased architectural standards, or with the garage pushed back or rear-access.
- Code Review – A hybrid review of codes must be to enhance the community, not detract from it.
- Parks – A variety of options for parks should be included in the future park designs.

The applicant has revised the plans and brought back a proposal that he feels responds to the concerns of the Commission. These concerns will be discussed in more detail later in this document. Generally large projects of this size (772 acres) would be proposed as a master development plan, vesting the project with densities, but allowing for more detailed planning throughout the years, allowing for some flexibility to meet market fluctuations, changes in the surrounding properties, and improvements to the city code standards and requirements. This, however, is a very large project (772 acres) that is being proposed as a preliminary plat, which would vest the project with densities, lot layouts, and street configuration.

Eagle Mountain Properties Master Plan

The proposed Harmony plan is located within the Eagle Mountain Properties Master Development Plan, which is governed differently than many of the other properties/developments within the city. First of all, the zoning designations in the master plan allow for a majority of uses by right. For example, even though portions of this site are designated as Commercial, single-family homes are permitted in this zone. So you may notice that the zoning may not match the plan. The master plan also contains a total number of lots/units that can be spread throughout the properties, so the number of lots and proposed densities in this plan are allowed by the master plan. The EMP master plan also allows for an application to be considered under the 1997 Eagle Mountain Interim Development Code rather than the current Development Code. Several important aspects of that code include:

- A parks requirement of 2.5 acres per 400 proposed dwelling units.
- No minimum frontage requirement for single-family lots.
- Alleys are required for development of 4 units/acre and above.
- Architectural design review standards, including the requirement of garage doors not facing the street unless the garage is set back 75 feet or more from the front property line.
- Storm detention basins may be counted in the park requirement.

The current Development Code contains the following requirements/standards: 8% of the total buildable land as improved open space (parks); 55-foot minimum lot frontage; no architectural design standards for single-family homes; a setback of 22 feet for garages; detention basins may not be included in the parks calculation; and an allowance for alleys, but no requirement.

It appears that several past applications have been reviewed under a hybrid '97/current code, or in other words, they were reviewed with the current code but gave allowance for 40-foot lot frontages, the parks calculation of the '97 code, no alley requirement, and no architectural design review requirements. The applicant has asked that this project be reviewed with the 1997 Interim Development Code with these same exceptions. At the meeting in September the applicant had proposed quite a few lots with a frontage of 40-45 feet. Since that time the applicant has worked with the staff and has modified the plans to include no lots with less than 50 feet of frontage. Alleys would not be required for the lots in this development, as the density is less than 4 units/acre.

The Eagle Mountain Properties Master Development Plan and Agreement expires after December 22, 2017. The applicant has expressed that the Harmony project will be a 25-30 year project. The City's Legal Counsel has advised us that approval of this project would essentially vest the provisions of the 1997 Code which apply to this project. Other provisions of the Master Development Agreement are not vested after 2017 and will not apply. This means, however, that a plat that is approved 20 years in the future would be reviewed using the 1997 Interim Development Code rather than a future code. The City has been making a concerted effort to avoid vesting of any specific development code with projects, as this does not account for future improvements to the City Codes and Standards. For example, with recent master plans that have been approved, the current city code has not been vested with the projects, only certain aspects of the code/project. We believe that the 1997 Code should not be used for review of a project 20-30 years in the future. There are good reasons that codes change over the years, and a large majority of those reasons are a direct result of poorly planned, designed, or implemented projects in the past. I'm not saying that this project is poorly planned or designed, simply that Cities learn from their mistakes and try to improve their communities and neighborhoods through amendments to the codes. This is an issue that needs to be resolved in a development agreement for this project. Certain protections should be given to the applicant, but the City should also be allowed to review future projects using future codes.

Project Overview

The current version of the proposed Harmony Preliminary Plat includes a total of 2,137 single-family lots, 1,935 multi-family units, and 182 single-family units in the "alternate design blocks." In total, the number of lots/units was reduced from the previous plan by 196. The average single-family lot is 7,050 square feet, with the lot sizes ranging from 5,000 to 37,010 square feet. A majority of the lots that are located along the proposed trail system or enlarged sidewalks are between 6,500 and 9,100 square feet. These would include lots along Johnny Circle, Shumate Street, Wainwright Street, Barbara Boulevard, and Doris Parkway. The single-family density is approximately 3.86 lots/acre, while the multi-family areas are shown at a density of 21 units/acre, for an overall project density of 5.51 units/acre. As stated previously, the smallest lot frontage in the development is now 50 feet, rather than 40.

Alternate Design Blocks

The applicant has modified his plans to include four "alternate design blocks" that are intended to be designed in the future (with a final plat and site plan) as a single-family detached courtyard or green court development, similar to the examples that we discussed at the September meeting. We recommend that the following language be included in the development agreement:

Blocks A through D as noted on the Preliminary Plat are to be platted and designed as either single-family detached courtyard or green court developments, substantially similar to the examples in Exhibit 3, or other similar product as approved by the Planning Commission and City Council. The homes/lots fronting onto a green court may have a minimum frontage of 35 feet, and the homes/lots fronting a public street may have a minimum frontage of 40 feet, with no garages facing the public street. The fronts of homes shall face the public street or the green court. The final design will be approved at the Final Plat and Site Plan stage.

Another benefit of the alternate design blocks is that they break up some of the long blocks that were discouraged by the Planning Commission in September. Additional streets are provided that will allow for better walkability and potentially better drainage. While staff suggested more creative designs and layouts throughout the project, the alternate design blocks that have been included at least provide for some level of creativity and variety in the development. Staff believes that the density shown for these areas (10.3 units/acre), however, is too high. It would be nearly impossible to fit the number of units shown in an attractive single-family courtyard or green court design without seriously affecting the quality of the development. After attempting various designs

for these areas, we recommend approximately 8.5 units/acre as a maximum for each area. If the applicant is worried about “losing lots” from this change, we recommend adding another couple alternate design blocks in another area of the development, providing additional options and variety in those areas.

Future Multi-Family Areas

It is Staff’s opinion that the multi-family areas are inappropriately planned at 21 units per acre. Several of these areas are located immediately across the street from single-family lots. These multi-family areas should be designed with appropriate transitions from the lower density development to medium density to higher density. Conditions should be included in the development agreement that discuss this transitioning. We also believe the multi-family areas should be designed according to the future City Code at the time of site plan application. These areas will likely not be designed for the next seven years anyway, at which point the EMP Master Development Agreement will have expired.

Transportation

Along the southern border of the site is a planned major arterial, and along the west of the site is a planned major collector road. Another collector runs east-west through the middle of the project, and a minor collector connects the middle of the project to the property to the north. These roads are all included on the proposed amendments to the City’s Future Land Use and Transportation Corridors Map that was given a recommendation of approval by the Planning Commission at the last meeting. The roads also generally match the master planned transportation corridors on the existing map.

Traffic Studies / Road Failures

All roads within the development that are not included in the City’s Master Transportation Plan or Future Land Use and Transportation Corridors Plan will be paid for by the Developer. A comprehensive traffic study for the Project shows poor levels of service along Eagle Mountain Boulevard and Highway 73 at a certain point in the development of this project, as a direct result of this project. The City’s Capital Facilities Plan and Financial Analysis are being updated so that the Project, along with other future projects in the vicinity of these roadways, pays its share towards the widening of these facilities. However, the parties agree that a time may come when one of those roads will require widening to maintain a reasonable level of service, and not enough money may have been collected to complete this widening project. For this reason, the City Engineer shall have the discretion to require traffic studies with each final plat application, and if the next plat would likely reduce the level of service to D or worse on one of these roads, the developer would be required to fund the difference between the project cost and any impact fees previously collected by the City toward the required road project, under the terms of the Eagle Mountain Properties Master Development Agreement (2.6.7). An impact fee credit will then be applied to the Project to effectively reimburse the owner/developer for this additional cost over time.

Church and School Sites

The development contains six church sites and a junior high school site. While it is wise to plan for church and school locations with the preliminary plat, it is also quite possible that the church sites are not purchased for church use, and that the School District decides not to build a school at this site. The following two paragraphs are proposed to be included in a development agreement for this project:

The Project includes six church sites located throughout the development. In the event the church sites are not purchased, and remain undeveloped, the owner may elect to re-plat these blocks to a density of up to 3.86 dwelling units per acre. Half-width of the surrounding public streets may be included in the density calculations. No lot in any re-platted church block shall have a width of less than fifty feet, and no multi-family product may be platted on the church blocks.

The Junior High School block has been reserved for a future school. In the event the School District does not choose this block for another school, the school block may be platted to a maximum density of 3.86 dwelling units per acre. Half-width of the surrounding public streets may be included in the density calculations. No lot in this re-platted block shall have a width of less than fifty feet, and no multi-family product may be platted on the school blocks.

Parks and Open Space

The 1997 Interim Development Code requires 2.5 acres of open space for every 400 units/lots, so a total of 26.61 acres of improved open space would be required for this project. The applicant has included 35.96 acres of improved open space in the project, which consist of landscaped detention basins, parks of various sizes, and some decorative landscaped areas along the trails and other areas. An additional 3.51 acres of unimproved open space have been preserved for the historic Pony Express Trail corridor.

If the Parks and Open Space Master Plan were used to review this project, there would be 34.38 acres required of pocket and neighborhood parks. An additional 42 acres for community and regional parks would be provided

for through impact fees and land dedication. This project is near the Pony Express Regional Park, and Park L in the project would qualify as a community park based purely on its size. The future multi-family areas will have to provide some useable open space as well, when designed. The project meets the requirements of the 1997 Interim Development Code for open space.

All parks which are used as open space should have drainage piped through the park so that the park becomes usable and nuisance water is allowed to flow through, and bubble-up when flows begin to exceed historical run off. Also, a pad for pavilions and tot lots should be provided above the pond water mark to allow full use of these facilities without increasing the required maintenance. These will be designed with each phase of development.

Park Completion & Timing

With this project being developed in many phases over many years, we do not want to get into a situation of having to “catch up” on the development of the parks in relationship to the lots. Prior to approval of the first final plat in a phase, we recommend that the applicant provide a plan for the parks that will be improved along with that phase. These plans should be designed at that time and approved by the Planning Commission. Parks must be improved at a rate of at least 2.5 acres/400 lots, or approximately 273 square feet per lot. For example, Plat A-1 includes 34 lots, so 9,282 square feet of park space plus amenities must be improved in a park within 1,320 feet of the plat as part of the infrastructure improvements for this plat. The location and type of improvements/amenities are to be approved as part of the final plat application. A fee-in-lieu of improved open space may be approved at the discretion of the City Council along with each final plat application.

Architectural Standards

While the 1997 Interim Development Code contained certain architectural standards for single-family developments, the current code does not. The current code does, however, require 75% of the building exterior in Tier II developments to consist of masonry materials (currently rock, stucco, brick). If the architectural standards in the 1997 code are not required, as has been done in the past, the buildings should be required to meet this bonus density standard of 75% masonry materials, in order to protect the level of quality in the buildings. No matter how well a project is designed, its quality in a large part is determined by the type/style of homes/buildings therein. To allow a hybrid review of the codes and yet not require any architectural standards, not even the masonry materials, is not really a hybrid review—it is simply ignoring both code requirements.

Corner Lots

There has been some concern by City Staff over some of the corner lots in the proposed development as to the difficulty with the spacing of the home foundations and the electric and gas lines. We recommend that all corner lots contain a “corner cutoff” setback to allow for proper distance for gas and electric utilities to round the corners of a lot while still keeping the required distance from a building foundation. This includes taking a triangle out of the potential building pad measuring five feet each direction at the corner of the setbacks. This should be a requirement of the development approval and included in the development agreement.

Phasing of Construction / Plat Approvals

Phasing shall generally follow the phasing included in the Project Overall Phase Index, but the City understands that variations to this phasing for various reasons will occur. Every phase should include approved emergency vehicle access and turnarounds, and no more than fifteen (15) lots may be built on a dead-end street or cul-de-sac.

Existing Utility Easements

Several utility lines and easements run through the Project, including Rocky Mountain Power and Mountain Bell. The cost of the Rocky Mountain Power facilities that run through this property should be paid to the City by the developer to then be transferred to Rocky Mountain Power, as is done in other cities. The developer will also have to pay for additional costs connecting the Rocky Mountain Power facilities to the City’s facilities in order to maintain service to downstream customers. The developer will also need to work out a solution to the Mountain Bell easements with Direct Comm and Mountain Bell. These facilities should be taken care of by the developer prior to recording any final plat that is affected by the facilities/easements.

Street Names

The Project contains many phases of development, most of which will be tying into streets that will have been previously improved along with earlier phases of development. The applicant is requesting that the City reserve the street names for this project along with this Preliminary Plat. Generally street names are not reserved until the final plat, but Staff understands the benefit of reserving these names at this point, as many of the streets will interconnect throughout various phases. A list of such names should be included with the City’s Street Guide,

and will be used in review of future developments so that no street names are duplicated in other areas of the City. There are several streets, however, that will require name changes for addressing and safety purposes, as well as avoiding any duplication or confusion, including: Doris Parkway (should be changed to Pole Canyon Boulevard), Brittany Street, Oquirrh View, Gracie Way, and Natahki Street (should be changed to Shumate Street), and others. Street names will require review and approval by the City Staff prior to any final plat approvals.

Not-A-Part

The areas labeled “Not a Part” on the Preliminary Plat are not a part of the Project, and are not vested with any density, road configuration, or lot layout.

Fencing

Fencing or a decorative block wall is required to be installed by the developer for all rear lots along a collector or arterial road.

Drainage

Drainage plans are required to be submitted along with each final plat for approval. All required storm drainage infrastructure will need to be installed at the earliest phase to use said infrastructure. Easements will be required for all offsite storm drain infrastructure. Detention ponds that are designed to allow for a discharge may be designed as temporary retention ponds until the phasing allows for the completion of the offsite outfall storm drain, provided that an overflow storm drain can be provided.

Water Rights

Preliminary Plat applications require the applicant to submit documentation showing the availability of water rights sufficient to serve the development. The applicant has stated that they have sufficient water rights for the first 5 years of development, and they expect to use the City’s CWP water for the remainder of the project. No documents have been submitted, however, so the City has no assurance that there will be enough water rights for the project. The City’s Legal Counsel has advised us that a process needs to be agreed upon for allowing developers to “sign up” for the CWP water rights, and how those will be distributed. The documents for the CWP water is pending litigation that we hope will be resolved shortly. We do not know the requirements for obtaining approval of using CWP water at this point, as there are some major decisions to be made by the City Council on this issue.

Additional Items of Consideration

The following items should be considered when reviewing this plan:

- The City’s General Plan states the following, “A variety of housing options results in a more diverse community that can accommodate young people, families, and senior citizens alike. Developers are encouraged to blend lot sizes and housing products in order to offer greater diversity throughout the City.”
- The intent of the Architectural Design Review section of the 1997 Interim Development Code is stated as follows, “The Town of Eagle Mountain is a planned community that will offer quality amenities and a high standard of commercial and residential design. The design guidelines are to protect homeowners’ investments and create unified community appearance. Variety is encouraged, but certain standards are necessary to promote quality, protect and enhance property values, and establish a consistent sense of community.”
- Some widely recognized and successful smart growth principles to consider: create a range of housing opportunities and choices; create walkable neighborhoods (provide an extensive and connected trail/sidewalk system and design for pedestrians more than vehicles); create communities with a strong sense of place (high quality architecture, well-designed parks/plaza spaces, etc.); mix land uses; provide eyes on the parks (front homes onto parks or sides of homes adjacent to parks rather than rear yards along parks); plan for compatibility (not placing single-family homes immediately adjacent to commercial or high-density residential); etc.

Summary & Recommendation

The applicant has taken the Planning Commission’s comments and Staff’s comments and revised the plan to increase the size and width of lots, include some locations for more creative designs, and reduced the overall density of the project. While the project is much improved over the original submittal, there are still several issues that need to be worked out prior to any approval. A development agreement is currently being prepared to include solutions to the issues brought up in this staff report. This agreement will have to be approved by the City Council, and any approval of this Preliminary Plat by the Planning Commission should be conditioned upon this agreement being approved by the City Council. The two large issues that will need to be resolved soon

include the water rights issue and the “extension” of the Eagle Mountain Properties Master Development Agreement. This is a very large project that, once approved, will be vested with densities, street configuration, and lot layout. All of the issues need to be resolved prior to that approval. This is by no means a way to simply “delay” the project; legitimate concerns exist that have a substantial impact on the future of the city and this development, and these need to be resolved prior to approving this subdivision.

In summary, following discussions with the City’s Legal Counsel and Administration, the Staff’s recommendation is that the Harmony Preliminary Plat be tabled or continued until the June 15 meeting to give ample time for the City to create a policy for the CWP water, and for the City and the applicant to create a development agreement that addresses and resolves the issues discussed in this report. The public hearing may either be allowed to continue at that meeting or the public hearing may be closed at this meeting.

PROCEDURAL SECTION

The Planning Commission is the approval authority for Preliminary Plats. A public hearing is required. This project will have a development agreement to be approved by the City Council.

ATTACHMENTS:

- Letter from the applicant, dated March 24, 2010
- Harmony Preliminary Plat
- Extended Plan (including surrounding properties)
- Color Harmony Plans (these have not been revised, but show the trail system, etc.)
- Monte Vista Ranch and Eagle Mountain Properties Amended and Restated Development Agreement