



**EAGLE MOUNTAIN
PLANNING COMMISSION MEETING**

MAY 26, 2026, 5:30 PM

**EAGLE MOUNTAIN CITY COUNCIL CHAMBERS
1650 EAST STAGECOACH RUN, EAGLE MOUNTAIN, UTAH 84005**

5:30 PM – PLANNING COMMISSION WORK SESSION

1. DISCUSSION ITEMS

1.A. TRAINING - Impact Fees

1.B. AGENDA REVIEW

6:30 PM PLANNING COMMISSION POLICY SESSION

2. CALL TO ORDER

3. PLEDGE OF ALLEGIANCE

4. DECLARATION OF CONFLICTS OF INTEREST

5. MINUTES

5.A. May 12, 2026 Planning Commission Minutes

6. STATUS REPORT

7. ACTION AND ADVISORY ITEMS

7.A. VARIANCE - Pony Express Business Park

8. DISCUSSION ITEMS

9. AGENDA REVIEW

10. NEXT SCHEDULED MEETING

11. ADJOURNMENT

THE PUBLIC IS INVITED TO PARTICIPATE IN PUBLIC MEETINGS FOR ALL AGENDAS.

In accordance with the Americans with Disabilities Act, Eagle Mountain City will make reasonable accommodations for participation in all Public Meetings and Work Sessions. Please call the City Recorder's Office at least 3 working days prior to the meeting at 801-789-6611. This meeting may be held telephonically to allow a member of the public body to participate. This agenda is subject to change with a minimum 24-hour notice.



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
MAY 26, 2026**

TITLE:	TRAINING - Impact Fees
ITEM TYPE:	Discussion Item
FISCAL IMPACT:	N/A
APPLICANT:	N/A

CURRENT GENERAL PLAN DESIGNATION & ZONE	ACREAGE
N/A	N/A

PUBLIC HEARING

No

PREPARED BY

Brandon Larsen, Planning
Director

PRESENTED BY

Brandon Larsen

RECOMMENDATION:

N/A

BACKGROUND:

N/A

ITEMS FOR CONSIDERATION:

N/A

PLANNING COMMISSION ACTION/RECOMMENDATION:

N/A

ATTACHMENTS:

None



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
MAY 26, 2026**

TITLE:	N/A
ITEM TYPE:	Discussion Item
FISCAL IMPACT:	N/A
APPLICANT:	N/A

CURRENT GENERAL PLAN DESIGNATION & ZONE	ACREAGE
N/A	

PUBLIC HEARING

No

PREPARED BY

PRESENTED BY

RECOMMENDATION:

N/A

BACKGROUND:

N/A

ITEMS FOR CONSIDERATION:

N/A

PLANNING COMMISSION ACTION/RECOMMENDATION:

N/A

ATTACHMENTS:

None



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
MAY 26, 2026**

TITLE:	May 12, 2026, Planning Commission Meeting Minutes
ITEM TYPE:	Minutes
FISCAL IMPACT:	N/A
APPLICANT:	N/A

CURRENT GENERAL PLAN DESIGNATION & ZONE	ACREAGE
N/A	N/A

PUBLIC HEARING

No

PREPARED BY

Megan Green, Planning
Secretary

PRESENTED BY

RECOMMENDATION:

N/A

BACKGROUND:

N/A

ITEMS FOR CONSIDERATION:

N/A

PLANNING COMMISSION ACTION/RECOMMENDATION:

N/A

ATTACHMENTS:

1. 5.12.2026 PC Meeting Minutes Draft, Brandon's Corrections



PLANNING COMMISSION MEETING MINUTES

May 12, 2026 5:30 p.m.

Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Brent Strong, Bryan Free, Mandy Lane, and Alternate Commissioner Chad DeCoursey.

CITY STAFF PRESENT: Brandon Larsen, Community Development Director; Marcus Draper, City Attorney; Robert Hobbs, Senior Planner; David Stroud, Senior Planner; Abby Ivory, Economic Development Director; Evan Berrett, Director of Legislative and Strategic Services; and Megan Green, Planning Secretary.

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

Commissioner Strong called the meeting to order at 5:30 p.m., excusing Commissioner Hess from the meeting.

1. Discussion Items

1.A. Corrigan Farms Rezone

- Senior Planner David Stroud presented the plan for the Corrigan Farms Rezone.
- David Stroud explained the request to rezone 41 acres from agriculture to RTI due to the surrounding properties.
- The Commissioners questioned the benefit of changing the underlying zone to industrial, and David Stroud explains that the agriculture zone fits well with overlay areas and agreements.
- Jaren Davis spoke on behalf of the applicant, noting that they are wanting to get ahead of the game and appreciates the City's support.

1.B. Deer Run Concept Plan

- David Stroud introduced the Deer Run concept plan by Ivory Homes, which involves developing property north of SR 73.
- The jog in the property along the north side, which includes two lots owned by the City and subject to the Clear View development agreement was highlighted.
- The wash running west to east through the property was identified as a potential open space area. Commissioner Strong expressed that the wash is a migratory path that floods occasionally and believes it should be managed by the City.
- Brad Mackay from Ivory Homes explained that a road was added to the concept development plan to break up the block length and the wildlife corridor wash. He also mentioned that the road was built by Ivory Homes and the City, and the City has acquired two parcels for access.
- Commissioner Strong and others provided positive feedback on the plan, noting the thoughtful design and consideration for future development.

1.C. Scenic Mountain Area Rezone

- Senior Planner Robert Hobbs introduced the rezoning of the Scenic Mountain area, which includes 36.5 acres.
- The goal for the rezone is to bring the properties into conformity with current zoning standards to avoid legal non-conformities.
- Commissioner Strong and other Commissioners provided positive feedback, noting the importance of standardizing zoning to avoid outliers.

Commissioner Strong adjourned the work session at 6:07 p.m.

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

2. Commissioner Strong called the policy session to order at 6:30 p.m.

3. Pledge of Allegiance

Commissioner Strong led the Pledge of Allegiance.

4. Declaration of Conflicts of Interest

None.

5. Approval of Meeting Minutes

5.A.

MOTION: *Commissioner Allen moved to approve the minutes of the April 28, 2026, Planning Commission meeting. Commissioner Lane seconded the motion.*

Jason Allen	Yes
Bryan Free	Yes
Rod Hess	Excused
Brent Strong	Yes
Mandy Lane	Yes
Chad DeCoursey	Yes

The motion passed with a unanimous vote.

6. Status Report

Community Development Director Brandon Larsen reviewed the planning items discussed and voted upon during the City Council meeting on May 5, 2026.

7. Action and Advisory Items

7.A. **EMMC 17.64 Alternate Energy Overlay Zone**

Presentation Summary: Evan Berret presented the proposed creation of an overlay zone known as the Alternative Energy Overlay Zone (AEOZ) which would allow for the development of a variety of types of power generation facilities at approved locations. The AEOZ is not being proposed at this time to be applied to any property and would generally be contemplated for use on request. The AEOZ contains a number of requirements and restrictions regarding power generation facility development including demonstration of approval from state and federal entities as applicable.

Discussion summary:

- Evan introduced the updated Alternative Energy Overlay Zone proposal, which includes changes based on feedback from the City Council and legislative sessions.
- The proposal includes definitions for abandonment, ancillary building, micro reactor, and small modular reactor unit.
- Proposal changes include a sequencing process for nuclear approvals, administrative appeal process, limitations on natural gas and nuclear technologies, requirements for decommissioning plans, safety and emergency planning, and architectural standards.
- Commissioner Strong and others provided feedback, noting the importance of balancing economic development with resident safety and environmental considerations.
- Commissioner Allen and others provided positive feedback on the Alternative Energy Overlay Zone proposal, noting the thorough research and careful consideration of resident concerns.

- Commissioner Strong and others discussed the importance of maintaining flexibility in water use requirements and ensuring that the City is not obligated to provide potable water.

Commissioner Strong opened the public hearing at 7:06 p.m.

Jill Jones made a public comment.

Commissioner Strong closed the public hearing at 7:09 p.m.

MOTION: *Commissioner moved to recommend approval to the City Council of Item 7.A., EMMC 17.64 Alternate Energy Overlay Zone. Commissioner Lane seconded the motion.*

Jason Allen	Yes
Bryan Free	Yes
Rod Hess	Excused
Brent Strong	Yes
Mandy Lane	Yes
Chad DeCoursey	Yes

The motion passed with a unanimous vote.

7.B. EMMC 16.15 Concept Plans

Presentation summary: Community Development Director Brandon Larsen presented the proposed amendment on EMMC 16.15 Concept Plans. Brandon Larsen explained the purpose of the amendment focusing on improving the development process and infrastructure considerations. The proposed changes include requiring concept plans for certain applications to address road and utility connections early in the process. The amendments aim to streamline the development process and ensure proper infrastructure planning.

Discussion summary:

- Brandon Larsen detailed the new requirements for traffic circulation plans, utility infrastructure plans, and conceptual layout plans.
- Commissioners agreed that the amendments are needed and thanked Brandon for his work on the item.

Commissioner Hess opened the public hearing at 7:23 p.m. As there were no comments, he closed the hearing at 7:24 p.m.

MOTION: *Commissioner Allen moved to recommend approval to the City Council of Item 7.B., EMMC 16.15 Concept Plans. Commissioner DeCoursey seconded the motion.*

Jason Allen	Yes
Bryan Free	Yes
Rod Hess	Excused
Brent Strong	Yes
Mandy Lane	Yes
Chad DeCoursey	Yes

The motion passed with a unanimous vote.

7.C. Overland 5th Amendment to the ARMDA Agreement

This Item was withdrawn and will not be rescheduled.

8. Discussion Items

- Upcoming trainings for the Planning Commission during the work sessions were discussed.
- Commissioner Free mentioned he will be gone at the next meeting on May 26.

- Commissioner Lane mentioned that this will be her last meeting as she is relocating out of state. She expressed gratitude for her opportunity to serve the City. The other Commissioners thanked Lane and wished her well in her new endeavors.

9. Next Scheduled Meeting

The next Planning Commission meeting is scheduled for May 26, 2026.

6. Adjournment

MOTION: *Commissioner Free moved to adjourn the meeting at 7:30 p.m. Commissioner Lane seconded the motion.*

Jason Allen	Yes
Bryan Free	Yes
Rod Hess	Excused
Brent Strong	Yes
Mandy Lane	Yes
Chad DeCoursey	Yes

The motion passed with a unanimous vote.

The meeting was adjourned at 7:30 p.m.

Approved by the Planning Commission on

Brandon Larsen
Community Development Director



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
MAY 26, 2026**

TITLE:	VARIANCE - Pony Express Business Park
ITEM TYPE:	Variance
FISCAL IMPACT:	N/A
APPLICANT:	Georgia Bales

CURRENT GENERAL PLAN DESIGNATION & ZONE	ACREAGE
General Plan Designation: Community Commercial Zone: Commercial Community	0.86 Acres

PUBLIC HEARING

No

PREPARED BY

Steven Lehmitz, Planner

PRESENTED BY

Steven Lehmitz

RECOMMENDATION:

Staff recommends that the Planning Commission deny the Variance request based on the following findings:

1. There is enough buildable area to construct a building on the property, though two buildings are very unlikely. It is not an unreasonable hardship if there is still buildable area available for use. If only one building is proposed, the property may be able to follow the retaining wall and drive-thru escape lane requirements;
2. The property will still enjoy the same rights possessed by neighboring properties (the ability to develop a viable and usable site);
3. It may be in the public interest to have tiered retaining walls that blend better with the natural landscaping and slope of the wash banks.

Staff notes that they are not against this project as proposed, and further recommends that the Applicant consider seeking Development Agreement approval from the City to obtain the development code exception(s) that they desire.

BACKGROUND:

On May 27, 2025, the Planning Commission discussed a concept plan for 4040 E and 4068 E Pony Express Parkway. The Applicant is seeking site plan approval for both properties (along with an expected plat amendment). To allow the 4068 E. Pony Express Parkway (Parcel No. 70:036:0002) property to be developed as the Applicant proposes, Staff informed them that they would need to receive a Variance or enter into a Development Agreement with the City. First, they are proposing two buildings within the wash setback (50' from the top of the bank/75' from the center flowline of the wash). Second, they are proposing retaining walls taller than the City's 6' height limit. Third, they are requesting a Variance to the drive-thru escape lane requirement.

The Applicant provided the following Variance requests:

(1) We would like to request a reduced setback from Tickville Wash. We cannot reasonably build on our site with a 50-foot setback from the top of the Tickville Wash bank and a 75-foot setback from the flowline of the Wash. We request permission to locate buildings and site improvements closer than 50 feet from the top of bank and 75 feet from the flowline as measured from our current property boundary, while still maintaining an appropriate and safe separation from the Wash itself. The exact proposed setback distances are illustrated in our civil plans provided to City staff for review.

(2) City code states that retaining walls shall not exceed six feet in height from finished grade to top of wall, and that where multiple retaining wall tiers are used, a terrace must be created between walls with a minimum horizontal distance equal to one and one-half times the average height of the two adjacent walls. The terrace slope must also not exceed a 5:1 gradient. Our proposed retaining wall varies in height from approximately 1 foot to 11 feet, which exceeds the maximum wall height allowed by code in portions of the site. We are requesting a variance to allow a retaining wall up to 11 feet in height, without landscape tiers.

(3) We request a variance from the drive-thru escape lane requirement referenced in EMMC17.72.050(C)(1), which requires one lane, minimum 10 feet wide, in addition to the service lane. On our site, we do not have sufficient space to add an escape lane, so we would like a variance that allows us a single service lane in our drive-thru.

ITEMS FOR CONSIDERATION:

EMMC 17.105.050 Approval process.

(C) The Planning Commission shall consider the variance request, together with all pertinent facts, applicable regulations and the Staff recommendation and shall take action to approve, approve with modifications, disapprove or request further information prior to rendering a final determination on the variance application.

EMMC 17.105.060 Approval criteria.

A. Approval Criteria. (Applicant's responses are provided in italics) ((1) Tickville Wash Setback, (2) Retaining Wall Height, and (3) Drive-Thru Escape Lane)

1. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title.

(1) Our project site directly abuts a buffer area between the flowline of Tickville Wash and our property boundary (parcel no. 49:955:0005), which has been dedicated to the City as open space and drainage corridor. This buffer provides a substantial physical and functional separation between the active flowline of the Wash and any proposed structures on our property. Because of the depth of this buffer and its dedicated, city controlled status, imposing the same 50-foot top-of-bank and 75-foot flowline setbacks significantly reduces the buildable area of our parcel and compromises the feasibility of the project.

(2) We are requesting relief from this requirement because the site conditions do not allow us to feasibly terrace the wall into multiple tiers. The area between the proposed building, drive aisles, and the south property line is limited, and there is insufficient room to create the required terrace separation between tiers. Adding a second tier with approximately 9 feet of landscape area between walls would substantially reduce the usable portion of the site, eliminate the needed drive-thru lane and parking, and reduce building square footage. As a result, the project would become significantly less feasible from a design and financial standpoint.

(3) The proposed project includes a drive-thru on the south building, but the site has significant spatial constraints. The area between the building, the internal drive aisles, and the property line is limited, and the addition of an escape lane would severely compromise the viability of the project. If we were required to add an escape lane, we would either lose approximately one-third of the building square footage or eliminate the space needed for the retaining wall required to support the site grading. Either result would materially reduce the functionality and economic

feasibility of the development.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.

(1) The unique circumstances of this site include:- The presence of a dedicated buffer area between the Wash and our property that already preserves the Wash corridor and provides flood protection and maintenance access (parcel no. 49:955:0005).- The fact that no structures are proposed within the Wash or its buffer, and all improvements will remain entirely outside of the City-owned/open space corridor.- The configuration and dimensions of the remaining buildable area, which, under the current interpretation of the setback requirements, would not support a viable site plan or reasonable economic use of the property consistent with surrounding development and the City's land use objectives.

(2) The unique circumstances of this site include:- The presence of a dedicated buffer area between the Wash and our property that limits the usable space for a tiered retaining wall (parcel no. 49:955:0005).- The configuration and dimensions of the remaining buildable area, which, under the current interpretation of the retaining wall requirements, would not support a viable site plan or reasonable economic use of the property consistent with surrounding development and the City's land use objectives.

(3) The site must accommodate the building footprint, drive-thru circulation, parking, grading, and the necessary retaining wall, all within a constrained buildable area. Requiring a separate escape lane would create a condition that is not practical to implement without significantly diminishing the project's utility and value. The configuration and dimensions of the remaining buildable area, which, under the current interpretation of the escape lane requirements, would not support a viable site plan or reasonable economic use of the property consistent with surrounding development and the City's land use objectives.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

(1) Compliance with the 50-foot and 75-foot setbacks would leave very little buildable space on our site. The other properties in the same district are not close enough to the Tickville Wash to need any setback requirements, but our site would be greatly affected by these setbacks.

(2) Compliance with the retaining wall requirements would leave very little buildable space on our site. The other properties in the same district do not have such differences in elevations that they would require so many retaining walls, but our site would be greatly affected by these requirements.

(3) Compliance with the drive-thru escape lane requirements would leave very little space for the retail building on our site. The constraints between the building and Tickville Wash create a difficulty that other properties in the same district do not have.

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

(1) With the requested variance, the project will continue to protect the function and integrity of Tickville Wash. Our design will maintain the dedicated buffer area in its current open space/drainage function; avoid any encroachment into the flowline or top-of-bank of the Wash and comply with applicable floodplain, stormwater, and environmental regulations; and incorporate appropriate erosion control, grading, and drainage measures to ensure no adverse impact on the Wash or adjacent properties.

(2) The requested variance will not be contrary to the public interest or substantially affect the general plan because it will be more functional and allow the site to be developed in a more beneficial way. The taller retaining wall allows for more space on our site, allowing the public to enjoy more usable space in and around the proposed businesses. It will also allow for more profitable businesses because they will have more usable square footage in their buildings.

(3) This variance will not substantially affect the general plan because of the very rare use of the drive-thru escape lane. Most existing drive-thrus do not have an escape lane, and the addition of an escape lane on our site would significantly reduce the square footage of the

building and thus the ability of any business owners to profitably carry out business there.

5. The spirit of this title is observed and substantial justice is done.

(1) We believe this variance request is consistent with the intent of the City's development standards and the general principles for variances under Utah law. Granting this variance will allow a logical and attractive development that fits within the established character of the area, utilizes existing space efficiently, and does not diminish the protection afforded to Tickville Wash. The reduced setbacks will not affect the spirit of EMMC 17. Title 16 will be observed even with this reduced setback because the site design will be more cohesive and complete, allowing for better facilities and more successful businesses.

(2) The spirit of Title 16 and EMMC 17 is observed with this variance because we will engineer a wall that will be functional and attractive, not taking away from the overall look and feel of the development. We will use natural elements for our wall. Granting this variance will allow a logical and attractive development that fits within the established character of the area, utilizes existing space efficiently, and does not diminish the protection afforded to Tickville Wash.

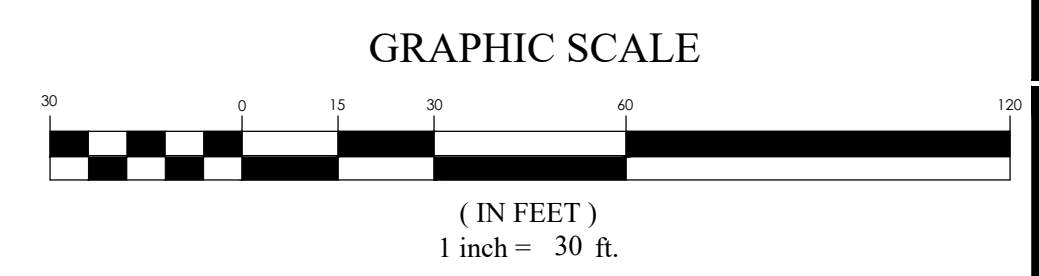
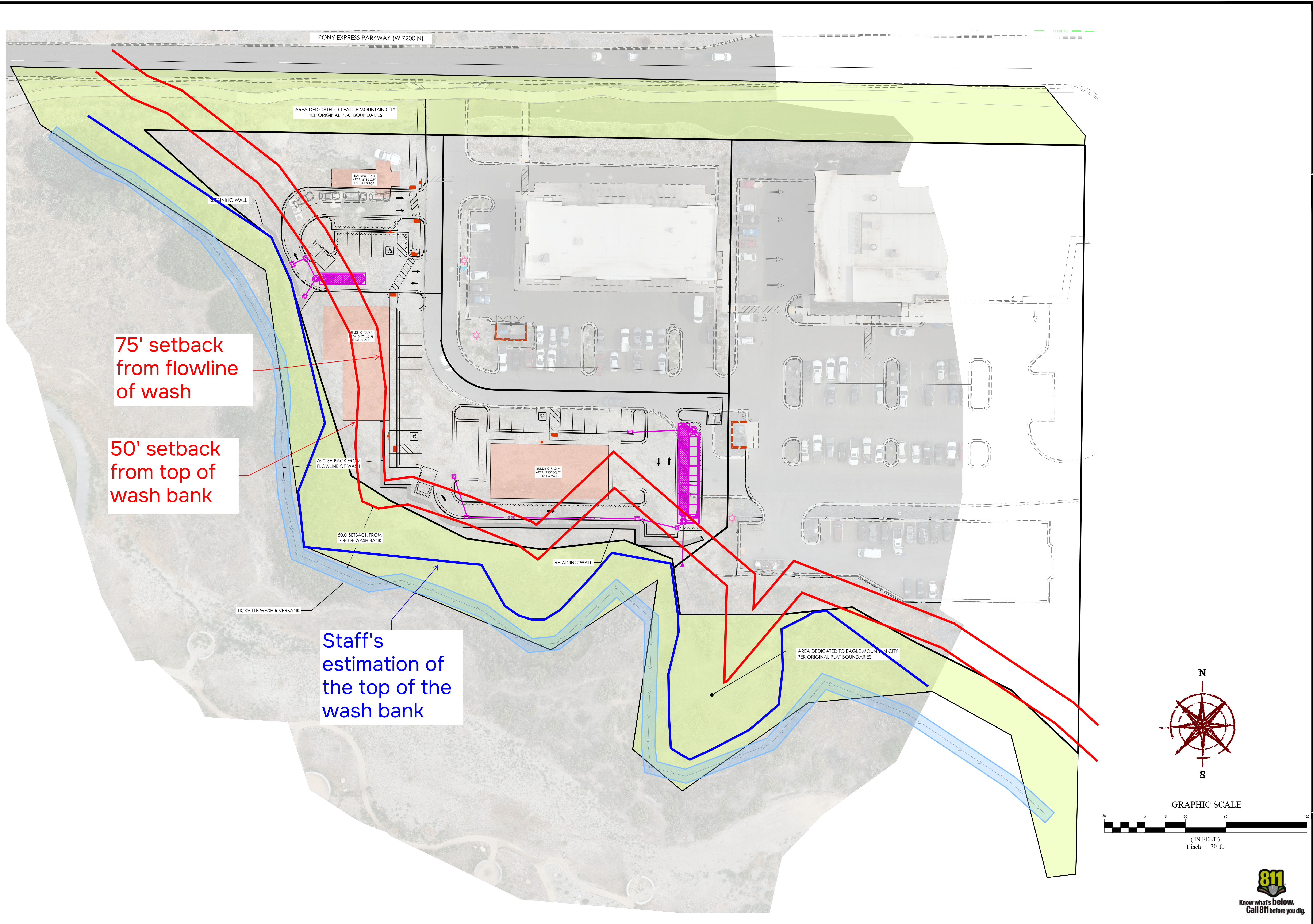
(3) Substantial justice is done with this variance because the lack of an escape lane in our drive-thru will not affect any other aspects of the site. Granting this variance will allow a logical and attractive development that fits within the established character of the area, utilizes existing space efficiently, and does not diminish the protection afforded to Tickville Wash.

PLANNING COMMISSION ACTION/RECOMMENDATION:

N/A

ATTACHMENTS:

1. Wash Setbacks - Pony Express Business Park Variance
2. Proposed Site Plan - Pony Express Business Park Variance
3. Presentation - Pony Express Business Park Variance

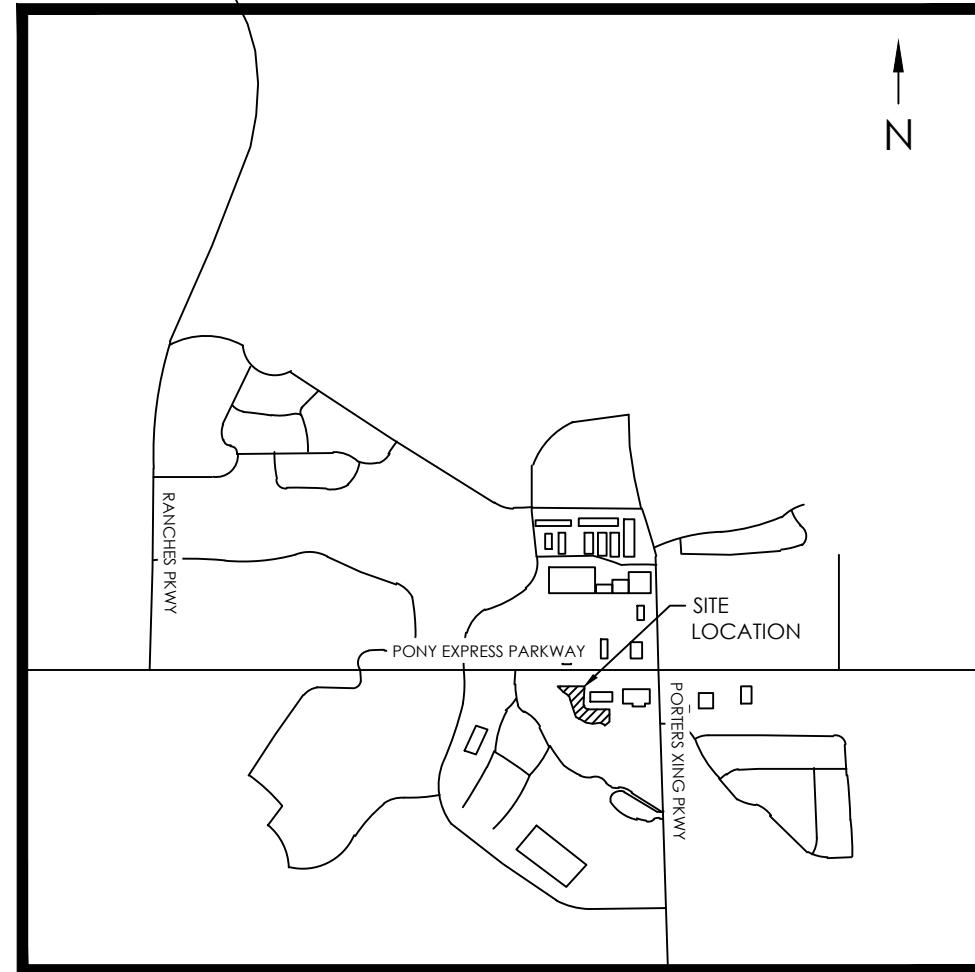


PONY EXPRESS RETAIL
EAGLE MOUNTAIN
TICKVILLE WASH EXHIBIT

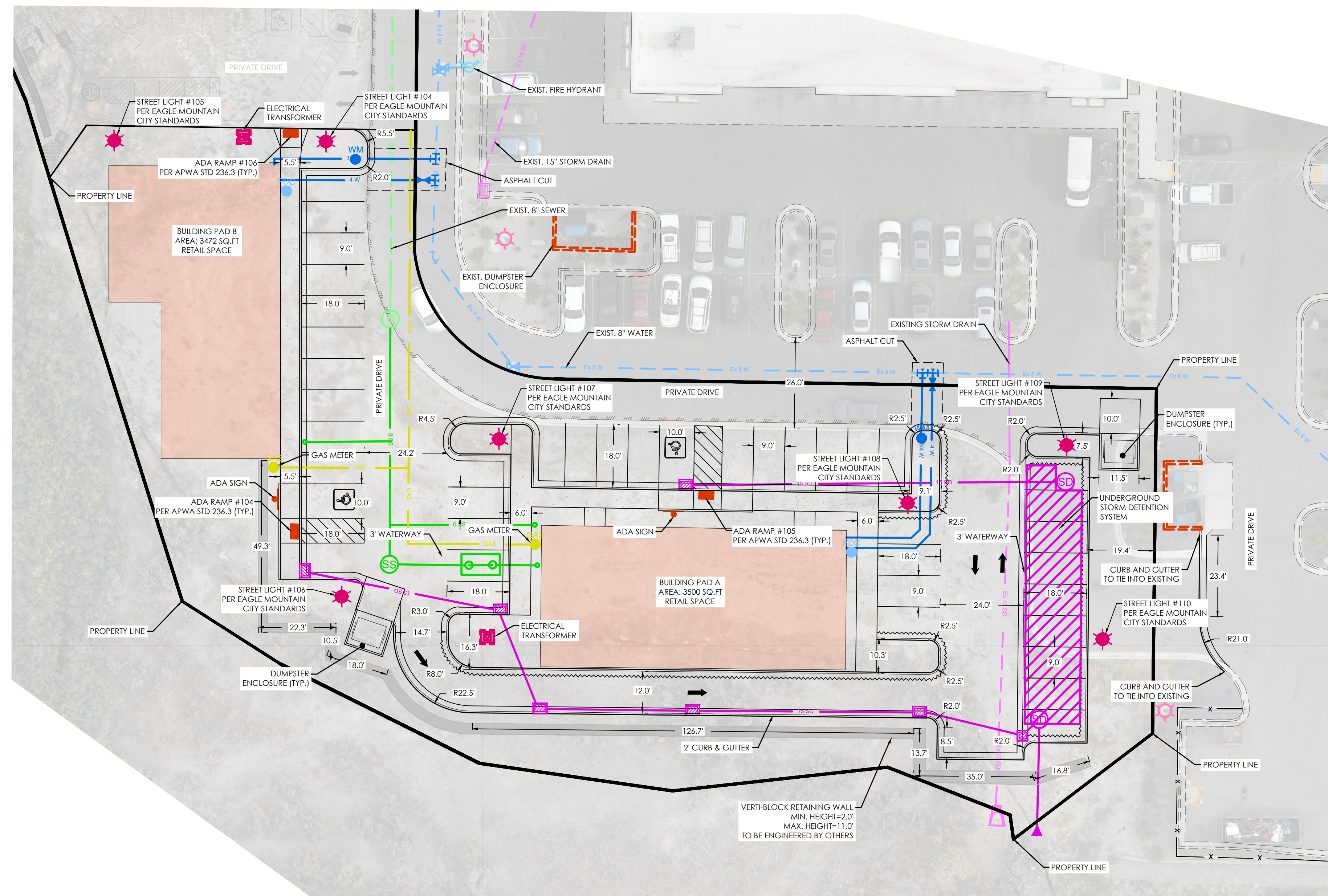
REVISION BLOCK	DATE	DESCRIPTION
1	***	***
2	***	***
3	***	***
4	***	***
5	***	***
6	***	***

TICKVILLE WASH EXHIBIT	
Scale: 1"=30'	Drawn: GB
Date: 3/27/26	Job #: 25-0015
Sheet: ---	

Z:\2025\25-0015 Pony Express Business Park Phase 3\design_25-0015.dwg (exhibit_25-0015 tickville_wash_setback_exhibit.dwg)



VICINITY MAP
N.T.S



LEGEND

—	BOUNDARY
—	ROW
—	CENTERLINE
—	LOT LINE
- - -	EASEMENT
XX SD	XX" STORM DRAIN
XX SS	XX" SANITARY SEWER
XX W	XX" CULINARY WATER
XX P	XX" PRESSURE IRRIGATION
XXXX	CONTOUR MAJOR
XXXX	CONTOUR MINOR
—	EXIST. STORM DRAIN
—	EXIST. SANITARY SEWER
—	EXIST. CULINARY WATER
—	EXIST. FENCE
—	EXIST. CONTOUR MAJOR
—	EXIST. CONTOUR MINOR
+	SIGN
+	STREET LIGHT
+	SD MH, INLET, AND COMBO
+	SEWER MANHOLE
+	SECONDARY METER, WATER METER
+	CULINARY VALVE, TEE & BEND
+	SECONDARY VALVE, TEE & BEND
+	WATER BLOW-OFF
+	FIRE HYDRANT
+	STREET MONUMENT (TO BE SET)
+	EXIST. STREET MONUMENT
+	EXIST. SD INLET & MH
+	EXIST. SEWER MH
+	EXIST. VALVE, TEE & BEND
+	EXIST. FIRE HYDRANT
+	SPOT ELEVATION

CONCEPT TABULATIONS:

TOTAL ACREAGE: 0.86 ACRES
 LANDSCAPE: 0.25 ACRES (29.5%)
 CURRENT ZONE: COMMERCIAL COMMUNITY (CC)

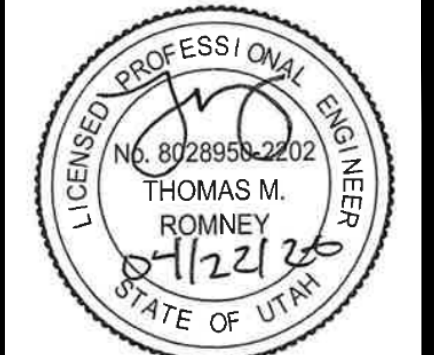
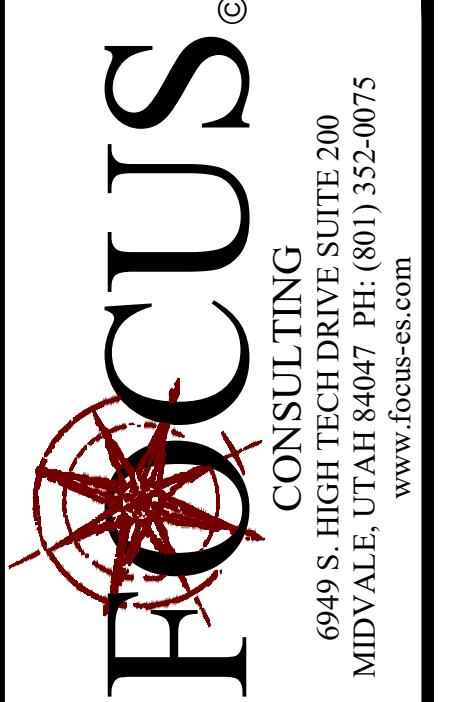
BUILDING PAD B
 BUILDING USE: RETAIL
 BUILDING PAD AREA: 3,472 SQ. FT.

PARKING
 REQUIRED: 12 STALLS
 PROVIDED: 13 STALLS
 (2 ADA STALLS)

BUILDING PAD A
 BUILDING USE: FAST FOOD/DRIVE-THRU
 BUILDING PAD AREA: 3,500 SQFT

PARKING
 REQUIRED: 28 STALLS
 PROVIDED: 28 STALLS
 (2 ADA STALLS)

NOTE:
 ALL APPLICABLE ELEMENTS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES WILL BE ADHERED TO.



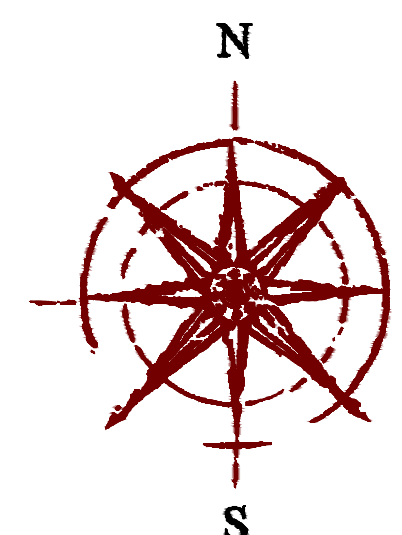
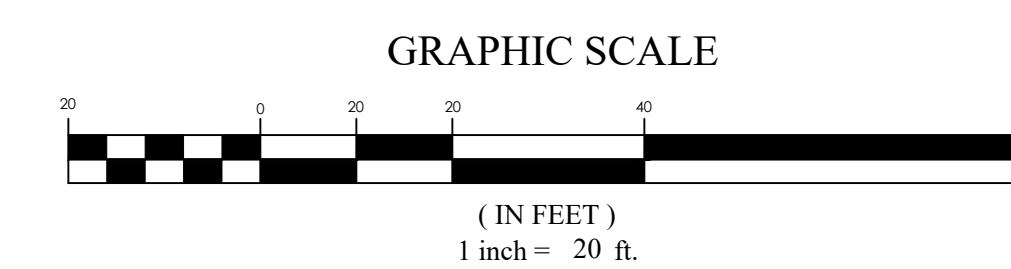
PONY EXPRESS BUSINESS PARK
 EAGLE MOUNTAIN, UTAH
 SITE PLAN

REVISION BLOCK	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

SITE PLAN

Scale: 1"=20'
 Date: 04/22/26
 Drawn: GB
 Job #: 25-0015
 Sheet:

C3.0



Pony Express Business Park

Variance



General Plan Category

LEGEND

Residential Categories:

- Foothill Residential
- Agricultural/Rural Density One
- Agricultural/Rural Density Two
- Neighborhood Residential One
- Neighborhood Residential Two
- Neighborhood Residential Three

Mixed Use/Commercial Categories:

- Community Commercial
- Town Center Mixed Use
- Regional Commercial
- Employment Center/Campus
- Business Park/Light Industry

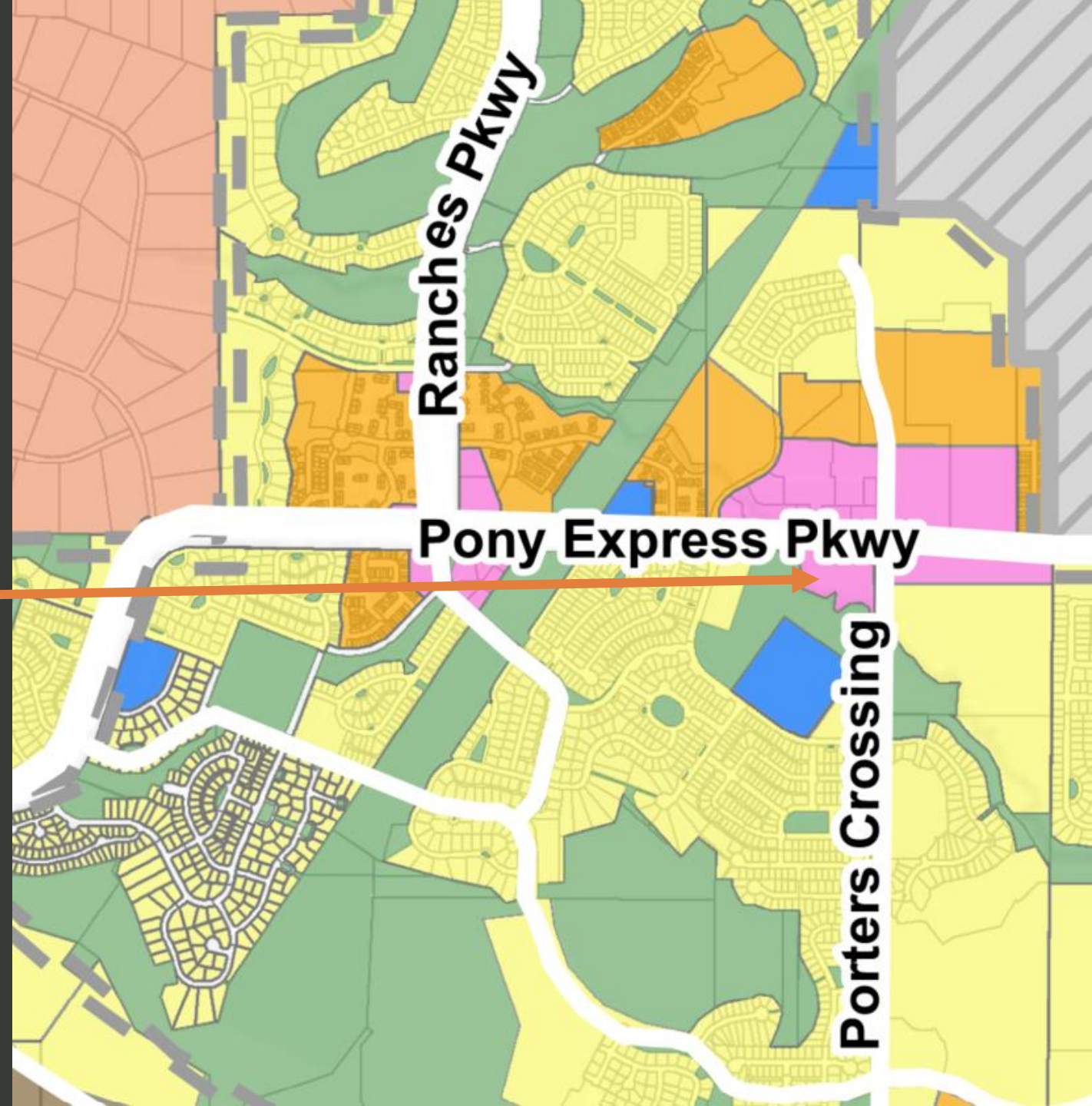
Public/Civic Categories:

- Civic Uses/Schools
- Parks and Open Space

NEIGHBORHOOD CHARACTER AREA

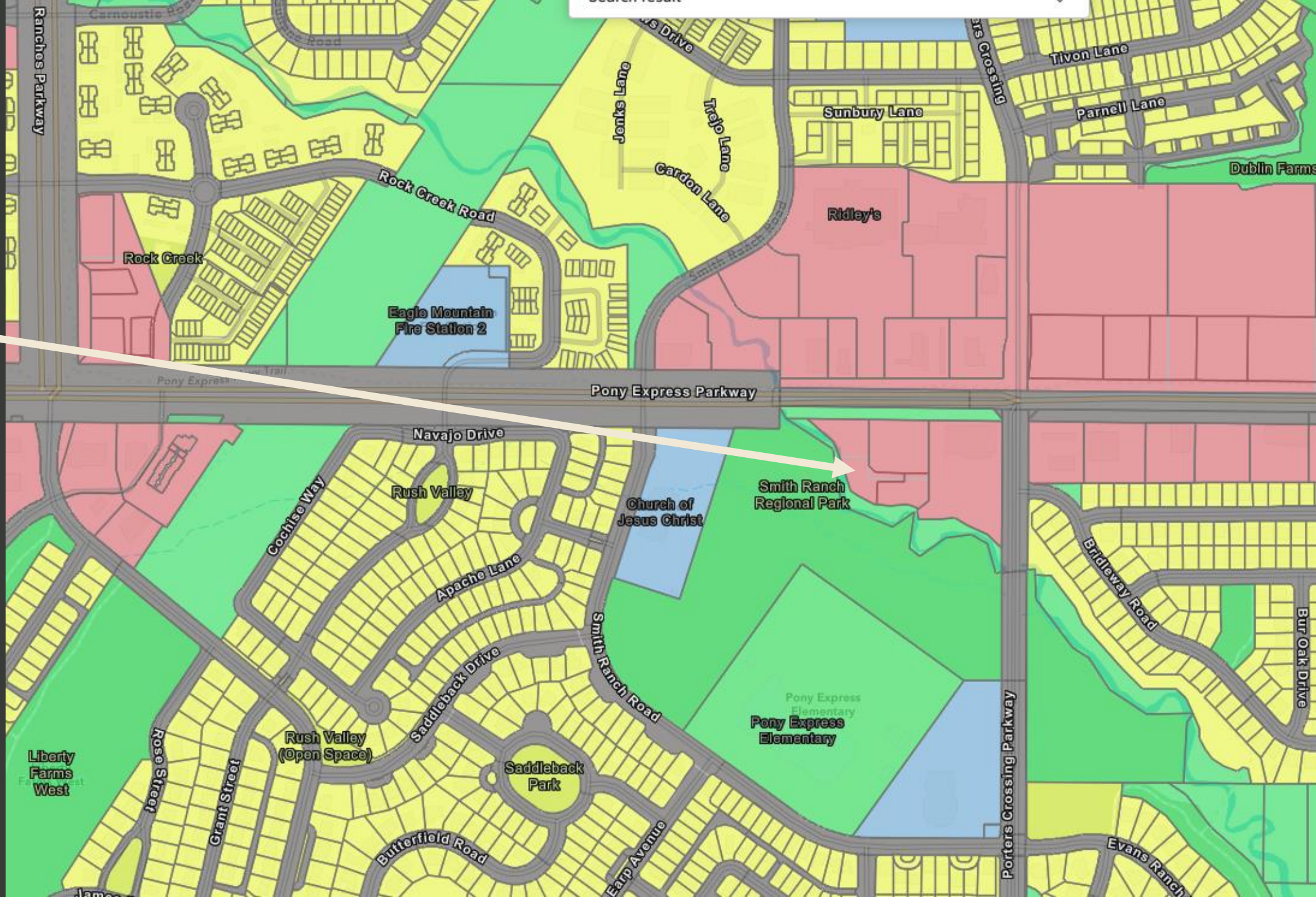
TRANSPORTATION

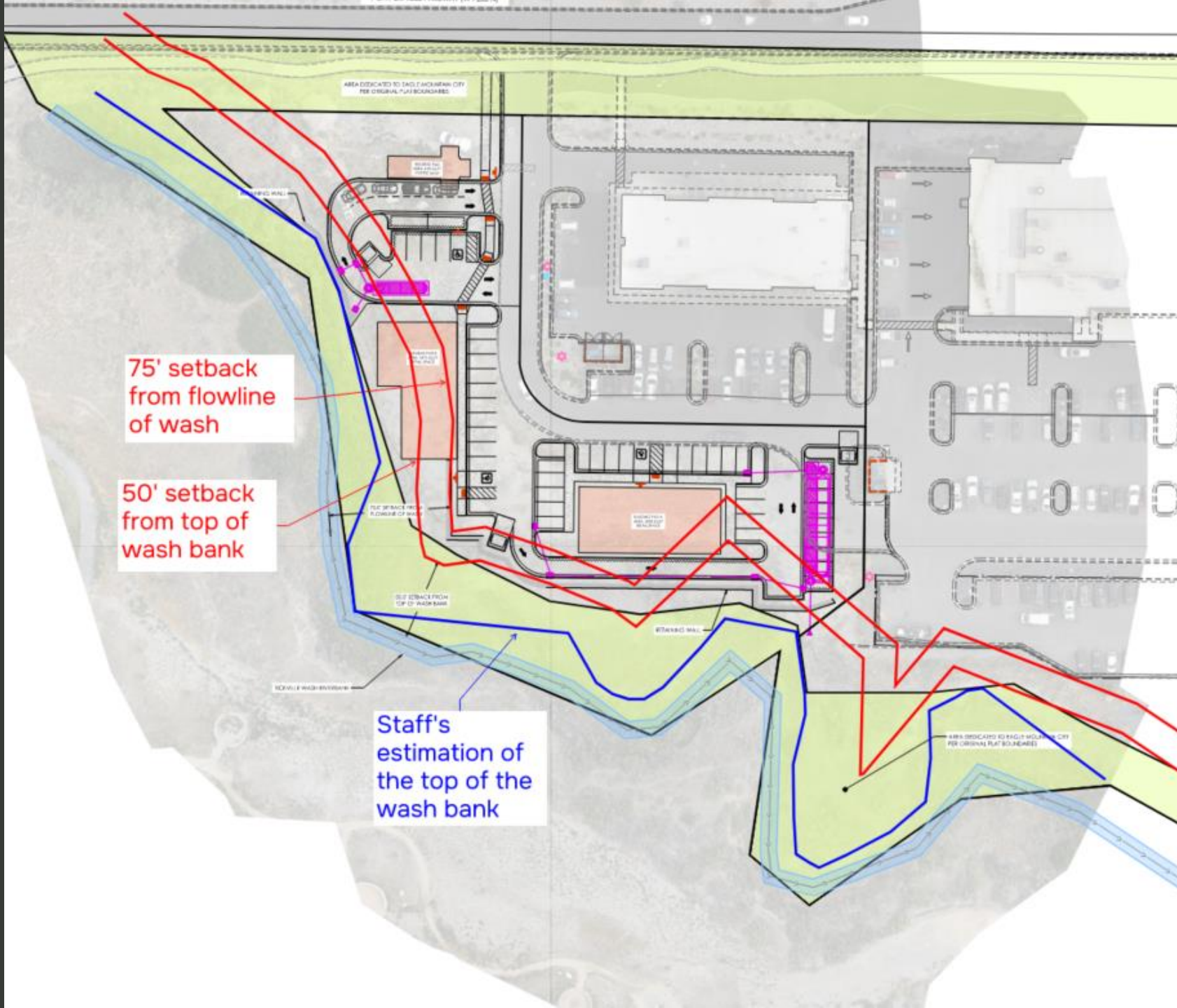
- UDOT Highway/Freeway
- City Road Network - Collector & up



Zoning

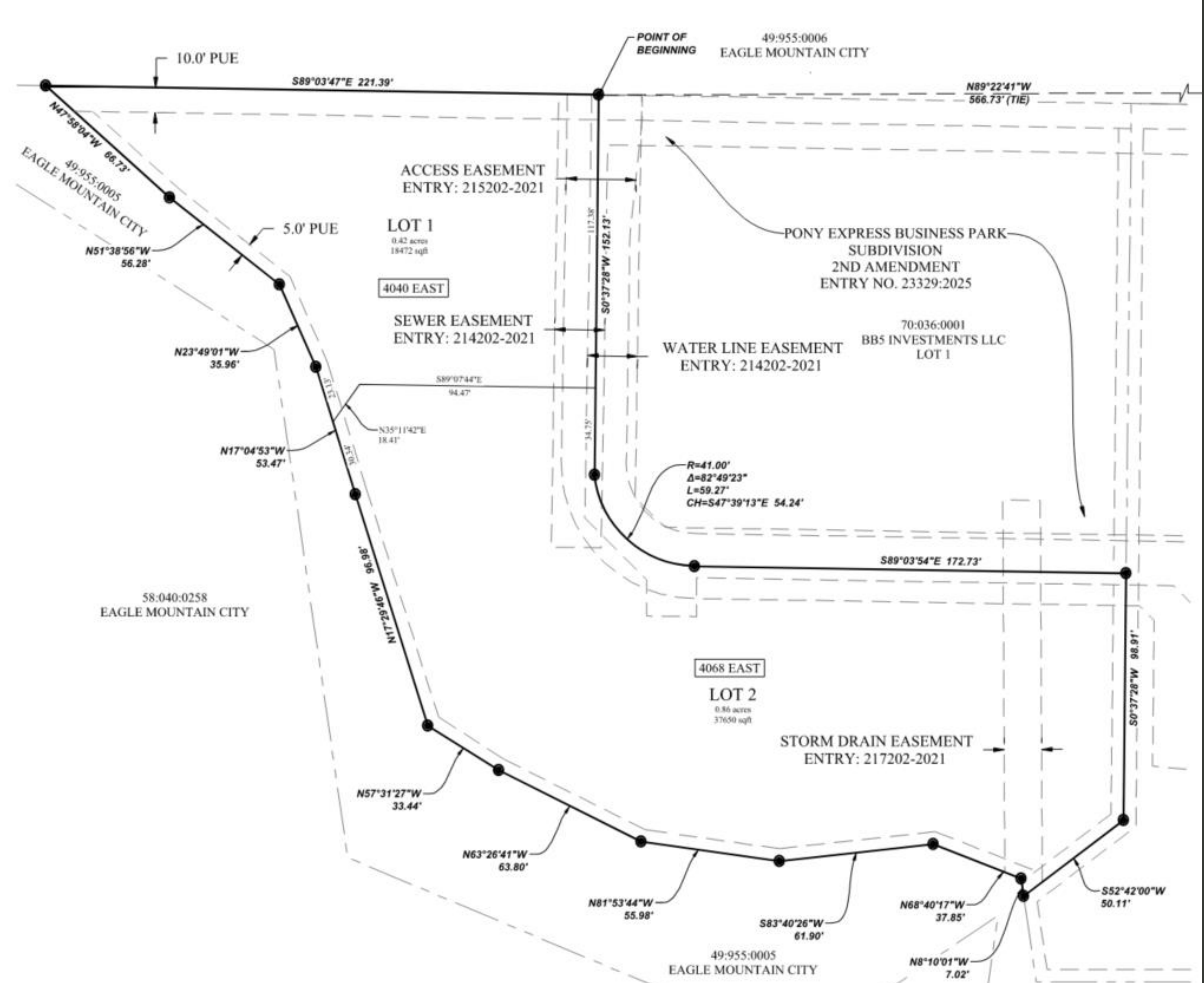
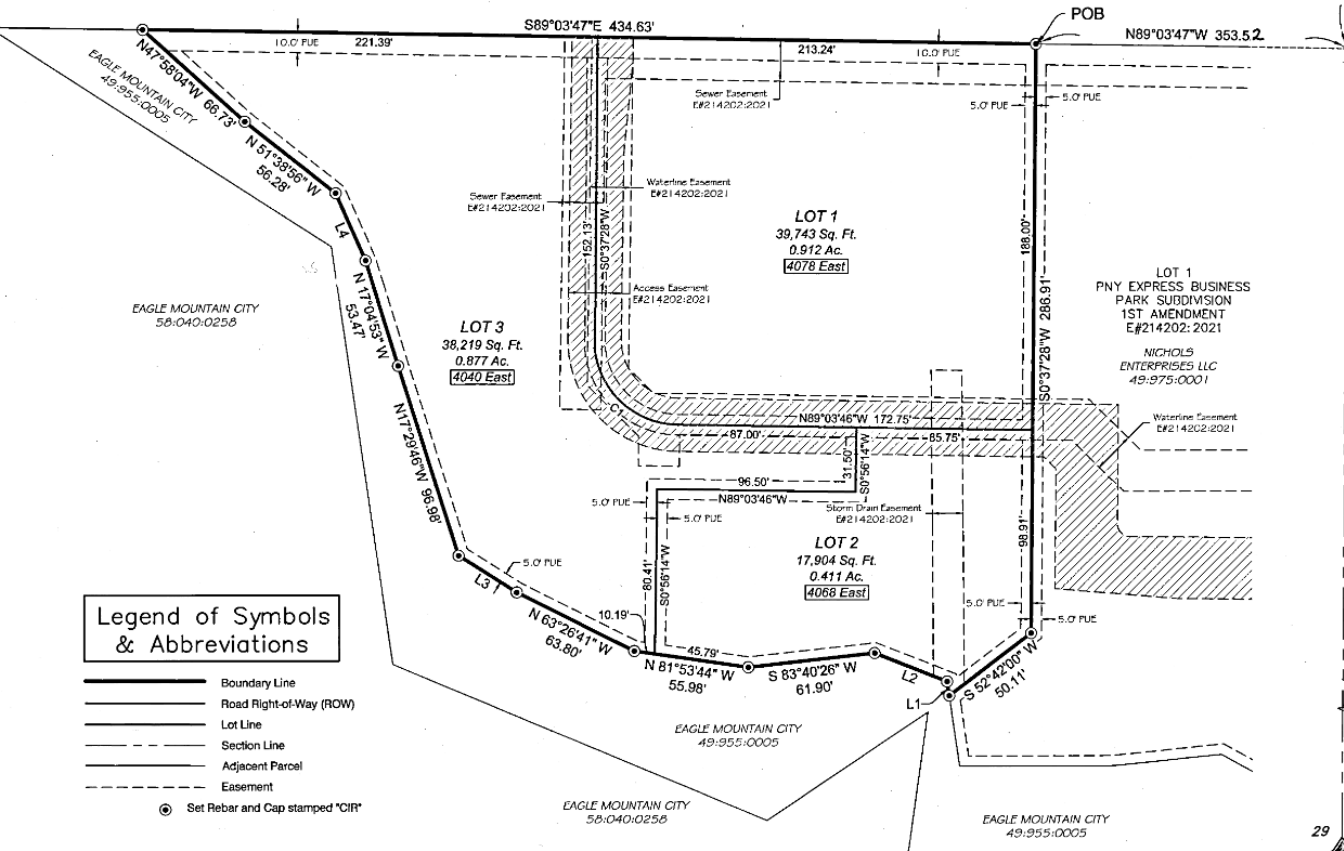
Commercial
Community





Expected Plat Amendment

Current Plat



1



2



3



4





Recommendation

Staff recommends that the Planning Commission deny the Variance request based on the following findings:

1. There is enough buildable area to construct a building on the property, though two buildings are very unlikely. It is not an unreasonable hardship if there is still buildable area available for use. If only one building is proposed, the property may be able to follow the retaining wall and drive-thru escape lane requirements;
2. The property will still enjoy the same rights possessed by neighboring properties (the ability to develop a viable and usable site);
3. It may be in the public interest to have tiered retaining walls that blend better with the natural landscaping and slope of the wash banks.

Staff notes that they are not against this project as proposed, and further recommends that the Applicant consider seeking Development Agreement approval from the City to obtain the development code exception(s) that they desire.

