



## EAGLE MOUNTAIN CITY PLANNING COMMISSION MEETING MINUTES

February 11, 2020, 5:30 p.m.  
Eagle Mountain City Council Chambers  
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

*The following minutes document the meeting in the order in which items were presented.*

### **5:30 P.M. — Eagle Mountain City Planning Commission Work Session A**

COMMISSION MEMBERS PRESENT: Christopher Pengra, Erin Wells, Rich Wood, and Brett Wright. Commissioner Matthew Everett was excused.

ELECTED OFFICIALS PRESENT: City Councilmembers Donna Burnham and Carolyn Love.

CITY STAFF PRESENT: Steve Mumford, Community Development Director; Michael Hadley, Planning Manager; Jessa Porter, Planner; and Elizabeth Fewkes, Recording Secretary.

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

#### **1. Discussion Items**

##### **1.A. Training**

This item was not presented or discussed.

##### **1.C. City Code**

Commissioner Wood presented his proposed amendments to Municipal Code Chapter 17.35 Commercial Zone and Chapter Business Park Zone 17.37.

##### **1.B. General Plan Review**

Commissioner Wood discussed how Municipal Code impacts the City's General Plan.

##### **1.C. City Code**

Commissioner Wood presented changes to Municipal Code to alter permitted, conditional, special, and prohibited uses in the Commercial and Business Park Zones. He requested feedback from the Planning Commission with the intent to prepare suggested changes to be sent to the City Council for review and implementation.

Commissioner Wells expressed concerns with the Planning Commission drafting Municipal Code. In her experience, staff has drafted changes. She said she did not want to discount the knowledge and abilities of staff or exclude them from the drafting process.

Commissioner Wood stated Community Development Director Steve Mumford has expressed similar concerns. Commissioner Wood said he does not intend to replace staff and desires to work

in harmony with them during the drafting and implementation of the changes and that Planning Commission recommendations are allowable under Utah Code Title 10, Chapter 9a, Part 5, Section 502.

Commissioner Wright expressed his desire to work with staff to ensure the Planning Commission's priorities are completed in a timely manner and that collaboration with the expertise of City staff will conjunctively create the best results.

Commissioner Pengra expressed concerns regarding the appearance or actuality of the Planning Commission unilaterally directing Municipal Code changes and stated he did not feel qualified to adequately assess the risk of unintended consequences. He suggested the City contract with a trained professional to guide the Commission and facilitate in collaboration with City staff and the City Council in amending the Municipal Code.

Mr. Mumford described staff efforts to amend the Municipal Code, including the compilation of a list of Municipal Codes they would like to amend or create. The Commercial Neighborhood Zone is nearing completion. He has discussed with the City Council the possibility of hiring a consultant to assist staff and accelerate the timetable for implementation. Mr. Mumford recommended the assistance of a professional in drafting updates to the more complex areas, such as the airpark and transit-oriented zones, and suggested the Planning Commission could start by addressing some of the simpler Municipal Code updates.

Discussion ensued regarding the airpark zone. Commissioner Pengra offered to consult experts he knows in the field, as suggested by Mr. Mumford.

#### **1.B. General Plan Review**

Commissioner Wood identified areas within the City in which the General Plan permits business parks.

#### **1.C. City Code**

Commissioner Wood presented his suggestions for allowable uses in the Business Park Zone.

Commissioner Pengra suggested focusing only on one or two areas of Code at a time.

Commissioner Wright expressed the desire to effectively move these ideas forward with input from everyone involved to obtain the best product possible as a cohesive body.

Commissioner Wood cited information that he complied from the General Plan and other sources and added as a suggested amendment to Chapter 17.35.020 Commercial Zones. He described his proposed additions which includes the purpose of the new zone, Commercial Neighborhood.

#### **1.B. General Plan Review**

Commissioner Wood suggested the formation of committees and stated the committees should start with how zones within the City should be divided. He indicted on the General Plan where some of his proposed zones would be located.

Commissioner Wood cited resources used to compile a new zone, Commercial Community, and an amendment to Code stating its purpose. He also described the proposed Commercial Civic Town Center Zone and its purpose.

Commissioner Wood identified the Town Center Mixed Use designation on the City's General Plan adjacent to Corey Wride Park as the most applicable for Commercial Civic Town Center zoning. Mr. Mumford suggested possible adjustments to Commissioner Wood's alterations to the General Plan. Discussion ensued regarding the best zoning for various areas. Mr. Mumford suggested focusing on the areas designated Community Commercial in the General Plan because a related application for rezoning will be brought before the Planning Commission in the near future.

Commissioner Wood suggested recessing the Work Session and reconvening after the Policy Session. Commission Pengra asked if meeting rules and procedure guidelines permitted the splitting of a work session. Commission Wood said it is allowed.

Commissioner Wood adjourned the Work Session at 6:29 p.m.

### **6:30 P.M. — Eagle Mountain City Planning Commission Policy Session**

Commissioner Wood called the meeting to order at 6:35 p.m.

#### **2. Pledge of Allegiance**

Commissioner Wood led the Pledge of Allegiance.

#### **3. Declaration of Conflicts of Interest**

None.

#### **4. Approval of Meeting Minutes**

##### **4.A. January 28, 2020 Meeting Minutes**

Commissioner Pengra requested an amendment to the minutes for item three, The Marketplace at Eagle Mountain Town Center master site plan and preliminary plat to remove condition number three.

**MOTION:** *Commissioner Pengra moved to approve the January 28, 2020 meeting minutes as amended. Commissioner Wright seconded the motion. Those voting aye: Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.*

#### **5. Status Report**

*The Planning Commission discussed this item after item 7.A.*

## 6. Action and Advisory Items

### 6.A. Pink Poodle Animal Management Plan

Commissioner Wood stated this item had been removed from the agenda.

### 6.B. Development Code Amendment — Chapter 16.15.050 Concept Plans

The Planning Commission did not discuss this item.

**MOTION:** *Commissioner Wright moved to recommend approval of the amendment to Eagle Mountain Municipal Code Chapter 16.15.050 Concept Plans to the City Council. Commissioner Wells seconded the motion. Those voting aye: Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.*

## 7. Discussion Items

### 7.A. Spring Run — Concept Plan

Planner Jessa Porter presented the Spring Run concept plan and staff recommendations. The concept plan is for a commercial and residential development located on 55 acres north of Wride Memorial Highway, along Spring Run Parkway. The development consists of four phases including 10.45 acres of single-family lots, 6.76 acres of townhomes, 7.47 acres of commercial property, and 13.79 acres of apartment units. The applicant will need to change the name of the project as there is already a Spring Run development in the City.

The area is currently zoned Commercial. Mixed-use residential development is listed as a conditional use under 17.35.040 in Municipal Code. It is the staff's opinion that this development does not qualify as a mixed-use development. The residential areas of this development would require a rezone.

The Utah Department of Transportation (UDOT) has purchased the Wride Memorial Highway expansion area. The majority of the proposed accesses line up with existing approved highway accesses.

The project does not comply with lot size transitioning requirements; the type of transitioning needed may not be the best use of commercially zoned land this close to the highway. Alternative transitioning should be considered.

Ms. Porter stated Spring Run Phase A, a project to the northwest, was approved with a 100-foot buffer space between the 1/4-acre lots and the existing one-acre lots. If the planned uses adjacent to the one-acre lots were commercial, Municipal Code only requires a 20-foot landscape buffer and a six-foot privacy wall. The concept plan does not contain any large retail lots or commercial anchors. With the future freeway development, this site will be the main intersection in The Ranches area of the City, and the potential for more commercial, retail, and office uses could be high.

Mr. Mumford explained that mixed-use is generally defined as residential space over or immediately adjacent to commercial space. Commissioner Pengra clarified that staff concluded the concept plan did not qualify for mixed-use zoning due to the distance between the commercial and residential spaces, even though Municipal Code does not specify a required proximity.

Applicant Lou Swain presented the history of proposed projects, difficulties encountered, and the current concept plan.

The Planning Commission recognized the difficulties Mr. Swain has faced with this development and expressed appreciation for his willingness to work with the City.

Commissioner Wood expressed concerns related to approving partial rezoning due to lot transitioning requirements, the projects proximity to neighboring cities, and future major thoroughfare installation along the property. He said the City has approved ample residential zoning and the City and the citizens want more commercial options, especially in such an ideal location.

Commissioner Wells stated she disagreed with Mr. Swain's assessment that the concept plan fits the Municipal Code's Community Commercial General Plan designation, which allows for ancillary residential use, because the plan's commercial acreage consists of less than 20% of the total developed space. She expressed the opinion that some high-density residential development may be appropriate in that location but not to the extent presented. Due to UDOT's plans for the area, it could be redesignated to Regional Commercial. She would not advise single-family homes in the area due to the zone transitioning requirements.

Commissioner Pengra stated that although Saratoga Springs currently has a greater commercial draw, future growth will attract more businesses to Eagle Mountain. He expressed that high-density housing would be appropriate for this area, as its proximity to a future major thoroughfare would prevent additional traffic flow through single-home neighborhoods.

Commissioner Wright agreed that some high-density housing may be appropriate for this area, but the majority of the land should be preserved as a prime, commercial gateway into the City.

Mr. Swain thanked the Commission for their feedback and said he would make an appointment with Mr. Mumford to work on a compromise.

## 5. Status Report

Mr. Mumford presented an assessment of Eagle Mountain City growth and projections, building permits and statistics, lot divisions by type and density percentages, planned land use, and comparisons with cities within Utah and nationwide to assist the City staff, the Planning Commission, and City Council in jointly creating a fiscally-sound vision and expansion strategy.

Discussed ensued on the merits of Eagle Mountain City, reasons for growth, and how to maintain the features that attract residents while financing the necessary infrastructure.

8. Next scheduled meeting

9. Adjournment

**MOTION:** *Commissioner Wells moved to adjourn the policy session and reconvene the work session at 8:08 p.m. Commissioner Pengra seconded the motion. Those voting aye: Brett Wright, Rich Wood, Christopher Pengra, and Erin Wells. The motion passed with a unanimous vote.*

**MOTION:** *Commissioner Wright moved to end the meeting at 8:30 pm. Commissioner Wood seconded the motion. Those voting aye: Brett Wright, Rich Wood, and Erin Wells. No nay vote was called for. The motion passed with a vote of 3:1.*

Commissioner Pengra voiced concern over the Planning Commission making an official motion for an item not on the agenda in an unofficially convened sub-meeting.

#### **5:30 P.M. — Eagle Mountain City Planning Commission Work Session A**

1. Discussion Items

1.C. City Code

Commissioner Wood requested the Commission's feedback regarding the realignment of the commercial zones development standards and uses in order for him to present to the City Council and then City staff. He also requested opinions regarding conditional use permits.

Commissioner Wells agreed with Commissioner Wood's concerns regarding conditional uses and their potential for legal ramifications.

Commissioner Pengra expressed concerns regarding implications to the decisions the Planning Commission is considering. He stated there might be appropriate instances for conditional uses, but he has not had sufficient opportunity to review and understand the intricacies of Municipal Code before being asked to make amendments to it.

Discussion ensued regarding conditional use permits.

Mr. Mumford stated that the Residential Zone includes special uses that are permitted with special conditions and/or requirements, and suggested that instead of amending the conditional uses, an addition of special requirements could be used to address the Commissions' concerns.

Commissioner Wood directed the Commissioners to meet with City Councilmembers in the next week to establish communication and relationships to facilitate drafting suggestions for amendments to Municipal Code. During the next Planning Commission work session, the amendments will be drafted, without losing time to ancillary tangents, to send to the City Council and City Attorney for review. During the original work session, Commissioners Pengra, and Wells had expressed, via ancillary tangents, concerns of the appearance and/or actuality of the Planning

Commission unilaterally drafting Municipal Code amendments without direct involvement of staff, the City Council, or municipal planning experts.

Commissioner Wood suggested focusing on making temporary adjustments to the airpark code to restrict the uses the Commission is not comfortable with until they can formulate a permanent solution. Mr. Mumford explained the zone had originally been created specifically for the Jake Garn Airport and reflected the intended uses of that area. During work session one, Mr. Mumford had suggested consulting an expert before making changes to the airpark zone, and Commissioner Pengra had volunteered to consult with an airpark expert he knows.

Commissioner Pengra said he viewed the airpark as low priority. Commissioner Wood said a request has been made to clarify airpark zoning. Commissioner Wright said his understanding was they were waiting for direction from the City Attorney regarding vested rights. Mr. Mumford said the applicant has a vested right to use the airstrip for the approved uses but desires to have it rezoned to have his vested right clarified and protected. Changes to the zoning of that area will impact the surrounding transportation plan. Mr. Mumford said he could consult with the City Attorney to see if the area can or should be rezoned. Commissioner Wright said he thought the applicant was open to rezoning as residential; it is currently zoned Agricultural.

Commissioner Pengra expressed concern over the unlikelihood of needing to specifically create a Commercial Storage zone. Commissioners Wood and Wright said the zone had been created previous to their time on the Commission.

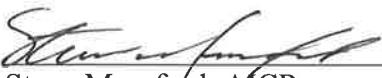
Commissioner Wood said he did not think a motion was needed and adjourned the meeting at 8:30 p.m.

Commissioner Pengra requested to officially adjourn the meeting with a motion.

**MOTION:** *Commissioner Pengra moved to adjourn. Commissioner Wells seconded the motion. A vote was not called or recorded.*

Commissioner Wood recognized the motion and the second.

Approved by the Planning Commission on February 25, 2020.

  
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Steve Mumford, AICP  
Community Development Director