



## EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

November 9, 2021, 5:30 p.m.  
Eagle Mountain City Council Chambers  
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Jeremy Bergener, Christopher Pengra, and Brett Wright. Commissioner Erin Wells was excused.

COMMISSION MEMBERS PRESENT ELECTRONICALLY: Matthew Everett.

ELECTED OFFICIALS PRESENT: Councilmember Donna Burnham, Primary Liaison to the Planning Commission.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Robert Hobbs, Planning Manager; Tayler Jensen, Senior Planner; and Elizabeth Fewkes, Recording Secretary.

CITY STAFF PRESENT ELECTRONICALLY: Chris Trusty, City Engineer; and Jeremy Cook, City Attorney.

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

Commissioner Wright called the meeting to order at 5:31 p.m.

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

##### **1.A. RTI Overlay Zone – Discussion**

Assistant City Administrator/Community Development Director Steve Mumford presented the item. The Regional Technology and Industry (RTI) Overlay Zone is intended to promote large-scale development of technological, clean industrial, distribution, and high-tech manufacturing uses. The standards allow properties that have received the overlay zone to go through a streamlined approval process if they permanently employ over 100 people or include a minimum of 100,000 square feet of building floor area in the first phase of development. The RTI Overlay Zone has been utilized for Facebook, Tyson, and Google. The City received an “Award of Merit” from the Utah Chapter of the American Planning Association for the Overlay. The Overlay has been a very helpful economic development tool, and there is an interest in extending the sunset date of the ordinance. Per EMMC 17.48.020, “The appointed economic development board liaison will serve as DRC liaison to City Council.” However, there currently is no active economic development board. The development review committee (DRC) liaison could be the liaison to the Chamber of Commerce or the liaison to the Planning Commission. EMMC 17.48.120 Repeal Date stipulates this chapter shall be automatically repealed on May 31, 2022. The City may determine to renew the standards or remove the repeal date section should the retention of the RTI Overlay Zone be desired.

Mr. Mumford presented and reviewed RTI Overlay standards found in EMMC 17.48 for consideration of potential amendments.

Discussion ensued regarding resident concerns with negotiations for businesses in the RTI Zone that are outside of public view, possibly having the Planning Commission and/or City Council review the DRC materials for the initial approval in a public forum, water usage considerations, including the existing buildings approved in the City as examples of elevations EMMC Chapter 17.48, increasing opportunities for expedited public input, mechanisms to target desired RTI businesses, the desire to amend rather than appeal the standards, and concerns that changing the approval process will decrease the City's competitive advantage and defeat the benefits created with the Overlay.

Commissioner Wright said he would not be in favor of implementing the overlay as a permanent ordinance and supports the inclusion of an automatic repeal date to ensure the standards are reviewed frequently. He requested for the item to return on a future policy session as an agenda item.

Mr. Mumford stated that changing the approval process would render the overlay ineffective. Prior to the overlay, other businesses elected not to locate in Eagle Mountain City due to concerns with the approval process or decided not to move forward on a project due to concerns with the repeal date.

### 1.B. DISCUSSION ITEM – Lone Tree 3

Senior Planner Tayler Jensen presented the item. On May 7, 2019, the Eagle Mountain City Council approved the Lone Tree Plat F preliminary plat, during the review of the project the applicant volunteered to remove the 17 lots within the 300 series of lots from the preliminary plat, with the understanding that by doing so they would lose vesting and he would need to come back through the preliminary platting process if he desired to build the lots. Having built out the rest of Plat F, the applicant is bringing this concept plan back for Planning Commission review. There is an approved preliminary plat for Circle 5 Ranch on top of the rock hill. This plat includes a stubbed connection into Lone Tree; this access is important as it provides a second route in and out of the future Circle 5 Ranch development. The applicant's first proposal to staff included only ten lots, the use of a cul-de-sac, and did not tie into road stub in Circle 5 Ranch, this raised concerns that it could require the City to approve a plat, and lots that did not have an adequate second access. The applicant's current proposal shows 22 lots and a connection into the approved stub in Circle 5 Ranch.

The average lot size in the proposed plat is approximately 18,500 square feet. The smallest lot size in the proposed plat is 6,550 square feet. The largest lot size in the proposed plat is 29,467 square feet. Four lots are under 10,000 square feet in size making them significantly smaller than the rest of the plat. Removing the four outlier lots, the average lot size of the additional 18 units is nearly 21,000 square feet. The Future Land Use Designation for the area is Neighborhood Residential One. The four smallest lots are adjacent to the existing development with lots between 5,000 to 11,450 square feet.

Applicant representative Brian Haskell said due to the nature of the terrain, the area will require custom builds. The connection to Circle 5 Ranch will require great effort and expenditure; however, as they recognize the need for connectivity, they have brought forth a plan with the requested connection. He confirmed that they allowed their previous vesting to expire due to issues with the plan. They discussed several options with staff and received input from several engineers. The building pads will be located in areas of the development within the City's buildable slope requirements. He is unsure if blasting would be required and will apply for a permit if needed in accordance with City blasting regulations. The lots would likely be terraced into the hillsides and/or walkout basements to avoid blasting if possible. Lots 301, 302, 303, and 304 are similar in lot size and frontage to the adjacent lots to transition to the bordering development. The lots have sufficient width to transverse the slopes. The frontage on lot 302 is approximately 60 feet. Some rock is stockpiled on the site that will be used for rock walls or crushed for fill. They have coordinated the connection to align with the preliminary plat for Circle 5 Ranch.

The Planning Commission recommended reducing the number of lots in the project in order to meet the lot size and frontage requirements for the FR Zone, adjusting the road to increase the buildable width for lots 301, 302, 303, and 304, providing sufficient connectivity due to the increased fire hazards for hillside homes, and evaluating the buildability of the lots based upon slope requirements and adjusting the plan accordingly.

Mr. Jensen verified that the Circle 5 Ranches has a preliminary plat that was approved prior to plat expirations. The Fire Marshal had not expressed concerns with the proposed connection during the development review committee evaluation.

Commissioner Wright adjourned the work session at 6:25 p.m.

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

Commissioner Wright called the meeting to order at 6:36 p.m.

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

Commissioner Pengra led the Pledge of Allegiance.

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

None.

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

##### **4.A. October 26, 2021 Planning Commission Minutes**

**MOTION:** *Commissioner Bergener moved to approve the October 26, 2021 minutes. Commissioner Wright seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.*

## 5. Status Report

Mr. Jensen stated that the City Council had not met since the previous Planning Commission meeting due to the election. Staff is working on the zoning map and Wildlife Corridor Overlay Zone.

## 6. Action and Advisory Items

### 6.A. PUBLIC HEARING – Ranches Crossing

Mr. Jensen presented the item. This application is for a master site plan for five commercial pad sites located at the northeast intersection of Ranches Crossing and Pony Express Parkway. It should be noted that master site plans are by definition considered rezones.

The applicant has provided some general architectural guidelines, which roughly match the City's Commercial Design Standards. The applicant has completed a traffic study that study shows the intersection of Rock Creek Road and Ranches Parkway currently operates with a LOS F in the p.m. peak hours. The applicant's proposal creates two new roads. Access Y which accesses Ranches Parkway to the west and Access Z which completes Clear Rock Road providing it as a full access onto Pony Express Parkway. Both of these accesses are included as recommended mitigations which include Access Y along Ranches Parkway should be built with a southbound left-turn deceleration with a minimum of 50 feet of storage. This is a new access point and will need to modify the center landscaped median if it is to be installed. Access Z will be built to align with the existing access to the south and include an eastbound left-turn deceleration lane with a minimum of 50 feet of storage. There is currently already a left turn pocket on Pony Express to accommodate this eastbound left-turn movement. The eastbound left queue at Pony Express Parkway/Ranches Parkway is already operating near capacity and based on the volumes should be considered for dual left turns. This is an existing issue that worsens as traffic and development in the area increases. There is an opportunity to extend the eastbound left-turn storage length by utilizing the existing landscaped median to the west. The traffic modeling software also does not take into account the visual blockages caused by the median and the additional delays that may be caused by the berms and landscaping of the medians. The applicant is showing access and circulation with access coming off Rock Creek Road, Clear Rock Road, and a new access onto Ranches Parkway.

Staff and the applicant are seeking feedback from the Planning Commission on if headlight screening needs to be provided where the road accesses onto Clear Rock Road as there are townhome units on the opposite side of the road. The applicant is showing a significant amount of parking between the proposed development pads and both Ranches Parkway and Pony Express Parkway. Per EMMC 17.72.030(B), all parking should be located to the side or rear of the buildings and should not be located between the buildings and the street. It is the opinion of staff that this master plan should be updated to show development pads next to the right-of-way with parking behind.

A recommendation of approval may be made to the City Council for the reasons set forth in the staff report and the meeting along with the following conditions:

1. The applicant shall provide a plan for the phasing and timing of improvements;
2. The applicant shall provide all mitigations recommended by the traffic study;
3. Approval of the master site plan is conditional on the approval of a master development agreement; and
4. The applicant shall update the master site plan to show development pads adjacent to the public right-of-way with parking located behind the buildings as required in EMMC 17.72.030(B).

Mr. Jensen requested direction from the Commission regarding possible screening requirements adjacent to Access Z.

Applicant representative Brian Haskell explained that their plans exclude a connection to Ruby Lane because the road is a private drive for the adjacent units. They have not secured tenants or users identified for the site but are in the process of attracting higher-end and sit-down restaurant uses that could be contracted with once the preliminary plat is approved. The plan and parking configuration will be adapted to accommodate the individual tenants. The associated utilities will be installed for the access on Ranches Parkway and Pony Express Parkway. They have requested a full egress and ingress access to both parkways with locations based upon the review by the traffic study performed by their traffic engineer. The eastbound turn-off Ranches Parkway onto Pony Express Parkway is currently operating at near capacity; however, their site should not increase the burden of the eastbound turn.

*Commissioner Wright opened the public hearing at 6:55 p.m.*

Patrick Quinney, Danielle Gish, Analia Funke, Cathy Quinney, Tanner Nelson, and Asenath Rallison submitted email comments against the proposal due to concerns with increased traffic and traffic flow issues, privacy screening, child and pedestrian safety, property devaluation, and litter, trash, or vandalism caused by commercial business patrons.

Marilene Hunzeker stated she was speaking on behalf of several of her neighbors who were unable to attend the meeting. She expressed concern with sexual predator access and the visibility of their children at the Rock Creek Road pool, increased traffic on Rock Creek Road, and noise nuisance and quality of life impacts especially to residents that work graveyard shifts. She advocated against the proposed Access Z and the resulting business traffic passing their homes and yards as well as the public exposure. She expressed frustration that the individual that sold her the home had lied and said the area would be developed for residential rather than commercial uses. She would prefer office buildings to restaurants.

Cathy Quinney requested considerations for their neighborhood including preventing access on Ruby Lane from Clear Rock Road to prevent through traffic from the businesses, a buffer, such as a wall, and headlight screening along their properties, and light and noise pollution mitigation.

Scott Sweeney advocated against connecting Clear Rock Road and Ruby Lane and for the City to address the traffic issues at the intersection of Ranches Parkway and Pony Express Parkway. He



expressed concern with the impact of four or five fast-food restaurants in the area and supported the proposal for other restaurant uses.

Jeff Ruth said although he appreciates concerns expressed by impacted residents, especially if they had been lied to about the plans for the property; however, he knew the area would be developed as commercial ten years ago due to the zoning of the area. The City has limited commercial space and adjacent homeowners do not get to pick and choose how the landowner develops their commercial properties.

*Commissioner Wright closed the public hearing at 7:08 p.m.*

Commissioner Everett concurred with the need for headlight screening and buffering to prevent commercial traffic from entering Ruby Lane from Access Z. He is in favor of Access Y but expressed concern with Access X burdening a residential road with commercial traffic, especially where the City has set precedence by preventing commercial traffic accessing a residential road in Oak Hollow for another development. He would be in favor of moving the project forward with conditions removing Access X and addressing mitigation for Access Z.

Commissioner Bergener said his main concerns are adequate screening for buffering and headlights. He is unsure if removing Access X would negatively impact traffic and place more burden on the Ranches Parkway and Pony Express Parkway intersection. He is unsure regarding the City's ability to cut off access on Ruby Lane.

Commissioner Pengra stated connecting Clear Rock Road to Ruby Lane has always been planned and he would not be in favor of blocking the access due to emergency access concerns. This area has always been contemplated for Commercial Community uses. Five lots on three acres are likely unfeasible. A sit-down restaurant is unlikely as it would require a full acre of land and sit-down restaurant tenants desire to be located in trade areas with other retailers. Fast food or gas stations are more likely uses. He expressed concern with locating parking along the primary drive aisle and pedestrians crossing the drive aisle to access the businesses and felt tenants will likely object to the proposed configuration. He concurs with enforcing the screening requirements. He is not in favor of the proposal as presented.

Commissioner Wright stated that he supports commercial development of the area but is concerned with the proposal for five lots on the available acreage.

Mr. Haskell expressed frustration that the Commission did not express these concerns during the concept phase of the project. They are open to changes to the project; nevertheless, they desire for the project to be allowed to move forward to allow them to make the necessary adjustments during the individual site plan applications as they can secure tenants. He would not oppose blocking residential street access for Access X as long as there was still access for the commercial development and if the reduced connectivity is permitted by City connectivity requirements. A wall is planned between the site and the pool and clubhouse area and they are willing to adhere to all screening and buffering requirements.

Discussion ensued regarding the desire to allow the project to move forward without vesting the proposed site plan as presented.

Mr. Jensen explained that individual site plans would be required for each of the commercial lots as they come forward and other commercial plans have been adjusted to accommodate specific uses during the site plan application approval.

Mr. Mumford said the most important aspects of a commercial master site plan consideration are access points, buffering with neighboring uses, and streetlight and sign locations. The original plan submitted was less specific. The applicant added possible configurations and details to meet applications requirements. Ruby Road was intended to connect to Clear Rock Road and omitting the connection would need to be cleared by the Fire Marshal.

**MOTION:**        *Commissioner Pengra moved to recommend approval to the City Council of the master site plan for Ranches Crossing with the following conditions:*

- 1. The proposed lot plan shall be excluded from the approval;*
- 2. Clear Rock Road shall connect to Ruby Lane;*
- 3. Access X on Rock Creek Road shall be provided; and*
- 4. The applicant-proposed design standards are excluded from the approval and the site plans shall adhere to current Municipal Code design standards at the time of approval.*

*Commissioner Wright seconded the motion. Those voting aye: Jeremy Bergener, Christopher Pengra, and Brett Wright. Those voting nay: Matthew Everett. The motion carried with a vote of 3:1.*

#### **6.B. PUBLIC HEARING – Tagg N Go Carwash**

Mr. Jensen presented the item. The proposed site plan is located directly south of Maverick, and directly north of the recently approved Stonebridge Montessori School. The approval for the Stonebridge Montessori School required a connection to the north. This is addressed by this site plan as it provides a full drive access, 26 feet from curb to curb, to Stonebridge Lane and moves the entire drive access off the school's site. The parcel is shown as Community Commercial on the City's Future Land Use Plan, and the applicant is proposing a rezone to the Commercial Community (CC) zone, which is appropriate within the Community Commercial land use designation.

The significant adjacent buildings include Maverick and Stonebridge Montessori School. The elevations are similar in style to the Stonebridge School while the chosen colors are of a darker pallet. Traffic modeling software anticipates all vehicles exiting onto Stonebridge Lane during the evening peak hours reducing the total traffic on Campus Drive and increasing the need for a future traffic light at Stonebridge Lane and Ranches Parkway. There were also questions about the number of vehicles/trips being shown on the traffic study for the car wash. The applicant has indicated that those numbers are accurate for weekday trips. Most visits to the carwash happen on the weekends and are not typically modeled in a traffic report as the peak traffic numbers occur during the week.

The General Plan designates the area as Community Commercial, and surrounding land uses are commercial in nature, therefore, the proposal complies with this provision. The proposed rezone and site plan fit with the commercial uses in the area, and a car wash has long been anticipated for the area. The proposed rezone and anticipated land use are not anticipated to overburden City services. Traffic is a concern in the area and has been addressed in a traffic study. The study reveals that traffic concerns exist in the area and indicates mitigation to improve the overall traffic situation from its current levels. The proposed rezone to Commercial Community is not expected to have a significant negative impact on surrounding property values. The proposal includes seven normal parking stalls and 19 vacuum stalls. Municipal Code defines quiet hours as 9:00 p.m. to 7:00 a.m. Monday through Friday and 9:00 p.m. to 9:00 a.m. on Saturday and Sunday.

Staff recommends that the Planning Commission motion to recommend approval of the Tagg N Go Rezone, rezoning parcel 66:403:0102 to the Commercial Community (CC) Zone for the reasons listed in this staff report and the meeting with any conditions the Planning Commission finds appropriate.

Staff recommends that the Planning Commission motion to recommend approval of the Tagg N Go Site Plan to the City Council with the following condition, and any other conditions the Planning Commission feels are appropriate:

1. The project shall comply with quiet hours defined in EMMC 8.15.070 9:00 p.m. to 7:00 a.m. Monday through Friday and 9:00 p.m. to 9:00 a.m. on Saturday and Sunday.

Applicant representative Conner Atkin stated they are usually open at 7:00 a.m. on Saturdays during the summer and 7:30 a.m. during the winter. The traffic engineer said that modeling indicated 150 cars per hour on Saturday; however, they would be unable to service that many cars per hour. Their modeling is based on capturing existing traffic rather than generating additional traffic to the business. For this location, they anticipate servicing 2% of traffic or 500 cars a day. Four to five staff members will be onsite including two managers. They provided seven employee parking stalls because the space allowed for providing additional parking.

Discussion ensued regarding the daily trip calculations in the traffic study.

Mr. Jensen explained that EMMC 8.15.070 specifically references construction noises and a measurement of 65 decibels or greater is considered to be a noise disturbance.

*Commissioner Wright opened the public hearing at 7:48 p.m.*

Dale Erling requested for the following email to be read into the record, "I am again writing about the proposed car wash. The plan to have traffic exit onto Stonebridge lane is not a solution. A residential road is not nor should serve as an access point for a business. The future traffic light mentioned in your staff report, is just a possibility. If traffic is already requiring consideration of a light how is adding to the burden a solution? The traffic on Ranches Parkway is getting heavier and will continue to do so as you approve higher density housing in the Porters Crossing area. The accumulative effective is greater than the Campus Drive and Carwash studies suggest. Add to that a poorly designed median with sub standard site lines and a difficult turn angle and you a compounding an issue your own staff recommends needing mediation. In your own agenda



documents your staff states that re-zoning is a legislative issue. You can listen to the voice of the people in the area and deny the re-zone. It is within code and your realm of influence. The city is beyond the point we need to accept every applicant or every development. If the car wash is interested in eagle mountain, there are other locations within the city that need that service that is not within two miles of two other car washes - Quick Quack and the Chevron. Planning should consider the highest best use of the land and the character of the existing neighborhood over a developer's interest. Other uses for that land will come along that are in better harmony with the area and do not require contrived fixes into a residential neighborhood. Nor the hope of some future remedy like a stop light. Planning commissions in the East regularly deny developer plans that are not in the current zoning or require improvements like storm water detention basins, accelerate/de-accelerate lanes, etc. it is time for city leadership to take the lead in thoughtful development of our city. Acceding to whatever is requested is not city planning but permitting. I will not be able to attend the meeting due to other civic commitments, but would like my comments read in the public comment section if the meeting."

Michelle Blackburn stated her concern is the north-to-south road connection with Stonebridge Lane diverting traffic through the residential neighborhood. She had interpreted the traffic study as indicating 61 trips per day and expressed concern with the anticipated 500 trips per day without the installation of a traffic light at Stonebridge Lane and Ranches Parkway and the impact of the increased traffic on making a left-hand turn off Stonebridge Lane onto Ranches Parkway. She recommended mitigation to divert traffic back onto Ranches Parkway to prevent vehicles diverting onto Stonebridge Lane and Appaloosa Way to connect with Ranches Parkway farther to the south.

Jay Shippen, Christine Kiesel, Alexis Hicks, Dale Erling, Carrie Koka, Brian Koka, Michelle Blackburn, Travis Anderson, Amber Feller, and Dennis Kiesel submitted emails against the proposal due to concerns with an access to the car wash from Stonebridge Lane due to traffic congestion, the need for a traffic light and other traffic mitigation measures, the carwash queue impeding traffic flow, questions regarding the traffic study for the area, pedestrian and vehicular safety, and negative impact to the quality of life for the adjacent neighborhood.

*Commissioner Wright closed the public hearing at 7:57 p.m.*

City Engineer Chris Trusty stated that a traffic light for the intersection of Stonebridge Lane and Ranches Parkway could be added to the Impact Fee Facility Plan (IFFP) to collect impact fees to fund the light that is anticipated to be warranted by 2025. An IFFP update is scheduled to be approved within the next couple of months. The connection to the north to Maverick is crucial to preventing the intersection from failing. He said that the peak hour is usually used to evaluate the traffic study as it has the most critical impact and the number of vehicles serviced will be limited by the capacity of the carwash. The north-to-south connection from the Maverick and Stonebridge Lane is crucial to preventing the intersection at Campus Drive and Ranches Parkway from failing.

Commissioner Wright stated he felt that the screening provided by the compact burning bush and the design continuity between the adjacent buildings were significant and adequate.

Commissioner Everett stated that the purpose of the headlight screening is to protect headlights impacting motorists on Ranches Parkway and is most critical during the winter months with shorter

days and is concerned the screening quality would reduce when the compact burning bush loses its leaves. As such, he would prefer the addition of evergreen plants to achieve the purpose of the screening requirement. He recognized the residents' concerns with the access onto Stonebridge Lane and noted the future traffic light will alleviate some of those concerns. He is concerned with the inconsistency and variance in the anticipated trip calculations.

Commissioner Pengra recognized the concerns with the confusion with the traffic study evaluation; however, his main concern is the indication of a LOS D during the morning and evening peak hours. Traffic improvements generally lag behind the need and are a cost of development. Attracting the services to the City desired by residents frequently requires a short-term degrade in service for long-term benefits. Fortunately, staff has shown proficiency in prioritizing traffic improvement projects. He is not concerned with headlight screening due to the layout of the carwash.

Commissioner Bergener said as the applicant explained that the majority of the business traffic is existing traffic already in the area, the use should not greatly increase traffic. He has no concerns with the screening proposal or the plan's adherence to the design standards.

Commissioner Wright stated that Commissioner Everett and he measured the decibel reading from approximately ten feet away from the exit of an existing carwash. The reading registered 78 to 82 decibels with the fans running. The carwash facing west and away from the road and the school provides the opportunity for future development to be aware of the conditions and potential noise issues before developing the adjacent site.

Mr. Mumford verified that the Quick Quack carwash in the City operates from 7:00 a.m. to 7:00 p.m. The noise ordinance is simple and directed towards construction noise. Car washes at gas stations have been required to have limited hours of operation.

**MOTION:** *Commissioner Pengra moved to recommend approval to the City Council of the rezone of parcel 66:403:0102 to the Commercial Community Zone. Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.*

**MOTION:** *Commissioner Pengra moved to recommend approval to the City Council of a site plan for the Tagg N Go with the condition that the applicant shall comply with the traffic mitigation strategies recommended in the traffic impact study. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.*

#### 6.C. PUBLIC HEARING – Marketplace at Eagle Mountain Town Center Lot 8 Retail Site A

Mr. Jensen presented the item. This application is for a commercial site plan approval for a building on lot 8 located in the development known as Marketplace at Eagle Mountain Town Center located

on the northwest corner of the intersection of Eagle Mountain Boulevard and Pony Express Parkway. The lot is approximately 28,350 square feet in size. The master site plan and preliminary plat for the Marketplace at Eagle Mountain Town Center were approved on August 18, 2020, with the development agreement being approved on December 1, 2020. The property is zoned Commercial Community (CC). Commercial site plan. The main entrance to the building is located on the south elevation which opens onto a pedestrian plaza. The applicant is providing 24 parking stalls. A mix of uses is anticipated, there is only room for one drive-through, and the location has access to the excess parking provided with the Macey's project. As such, it is anticipated that the project exceeds the minimum parking standards. The proposal has a drive-through that must meet the standards of EMMC 17.75.069 including up to 120 feet of stacking space. Although there are more than 120 feet of queue length for the drive-through, a significant portion of the length is after the ordering window and thus may not be in compliance with this provision.

Staff recommends that the Planning Commission motion to recommend approval of the application to the City Council, for the reasons set forth in the staff report and the meeting, with the following conditions any conditions the Planning Commission finds appropriate:

1. The drive through shall provide at least 120 feet of stacking before the ordering window;
2. The applicant shall extend the median between drive-throughs;
3. Signage and painted arrows shall be included to clearly indicate the correct direction of travel for the drive-throughs; and
4. The applicant shall add bike racks to the pedestrian area in accordance with EMMC 17.35.050(K).

Applicant representative Bill Gaskill said the ordering board will be on the island on the left side of the rendering with stripping to direct traffic flow. They added a separate island to divide the drive-through lane from the traffic coming in the opposite direction to increase safety. The wall with fewer design elements is located between the grocery store and an adjacent building and will not be visible. The color is the same as the grocery store but looks slightly different in the packet materials due to ink variance. They agreed with Macey's to set this building back to increase visibility for the grocery store. The resulting space will be developed as a courtyard, patio dining area for patrons. Agreements between the tenants allow for overflow parking utilization between businesses if required by the locations with fewer parking stalls.

*Commissioner Wright opened the public hearing at 8:30 p.m. As there were no comments, Commissioner Wright closed the hearing.*

**MOTION:** *Commissioner Pengra moved to recommend approval to the City Council of the site plan for lot 8 retail site at the Marketplace at Eagle Mountain Town Center with the following conditions:*

- 1. The drive through shall provide at least 120 feet of stacking before the ordering window;*
- 2. The applicant shall extend the median between drive-throughs;*
- 3. Signage and painted arrows shall be included to clearly indicate the correct direction of travel for the drive-throughs; and*
- 4. The applicant shall add bike racks to the pedestrian area in accordance with EMMC 17.35.050(K).*

***Commissioner Wright seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.***

#### 6.D. PUBLIC HEARING – Sign Code

Mr. Jensen presented the item. The applicant is proposing changes to EMMC 17.80 which regulates the size of signs in Eagle Mountain. The applicant's proposed changes are driven by their desire to allow for a preferred sign design to be placed at their Marketplace at Eagle Mountain Town Center project. Proposed changes to EMMC 17.80.070(B) include allowing a combined monument sign at each drive access onto a street (currently one is allowed/required per frontage), increasing the maximum height for combined monument signs to 20 feet from 10 feet, and removing the requirement for brick, rock, or stone along the vertical edge of combined monument signs. EMMC 17.80.070(C) suggested amendments include allowing a maximum height for individual monument signs to increase to six feet from five feet and allowing design elements on individual monument signs to be up to eight feet rather than the currently permitted 6.5 feet. Neither change would allow for additional sign copy area, rather it will allow for the vertical display of information rather than requiring a horizontal sign. The applicant has provided renderings of their preferred signs which would meet the standards of the proposed ordinance.

Applicant Bill Gaskill explained that they desire to allow more pad signs for larger projects and an increase in sign height. They have two entrances and some tenants will not have signage on one of the entrances. The amendment would allow sufficient signage for users towards the back of the project. A 15-foot wide and 10-foot-tall sign creates a wall at the entrance that obscures business and vehicular visibility. Setbacks, parking, topography, slope, curb and gutter constraints, and decreasing the impact to landscaping and visibility are the reasons they desire to amend the standards to permit taller, narrower signs.

*Commissioner Wright opened the public hearing at 8:40 p.m.*

Jesse Clark submitted the following email, “I do not see a valid reason to EM Citizens for the city to change our city code regarding signs for the benefit of a builder. I oppose this code change, specifically regarding the increased height to 20 feet and the removal of required materials signs. Please vote NO to amend this city code.”

*Commissioner Wright closed the public hearing at 8:41 p.m.*

Commissioner Wright supported the desire to have signage at both entrances; however, he is concerned with allowing a 20-foot-high sign especially due to resident concerns. He is willing to allow the increase from five to six feet on individual monument signs to improve the visibility of the tenant signage and to permit the design element to increase to eight feet.

Discussion ensued regarding concerns with the visual impact and magnitude of a 20-foot-high sign resulting in disharmony with the existing signage and the landscape of the City.

Commissioner Everett concurred with Commissioner Wright and requested for references to the Airpark Zone to be removed from the Municipal Code sign standards as a part of the motion.

Commissioner Pengra noted that the Eagle Mountain Boulevard side of the project has three entrances and objected to allowing a combined monument sign at each entrance. He suggested allowing two combined monument signs per development rather than one per access.

Discussion ensued regarding the appropriate number of combined monument signs to permit in relation to the number of access.

Mr. Mumford said he feels that some of the signage in the City are ineffective with directing you to an unfamiliar business; however, they might be less vital due to virtual maps and directions.

Discussion ensued regarding aesthetical requirements to ensure sign quality and continuity in the City.

Commissioner Pengra stated he would be willing to consider allowing a combined monument sign increase to 15 feet but not 20 feet. He did not object to allowing individual monument signs to increase to six feet but is against amending the sign material design standards.

Commissioner Wright and Everett stated they were against permitting a combined monument sign increase to 15-feet.

**MOTION:** *Commissioner Wright moved to recommend approval to the City Council of a development code amendment to Eagle Mountain Municipal Code 17.80 Sign Regulations and Sign Permits:*

- 1. EMMC 17.80.070(B) shall be amended to allow a combined monument sign at each drive access onto a street;*
- 2. In EMMC 17.80.070(C), the maximum height for an individual monument sign shall be increased to six feet;*
- 3. EMMC 17.80.070(C) shall be amended to allow design elements on individual monument signs up to eight feet; and*
- 4. References to the Airpark Zone shall be removed from EMMC 17.80.*

*Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.*

#### **6.E. PUBLIC HEARING – Big O Tires**

Mr. Jensen presented the item. On December 1, 2020, the Eagle Mountain City Council approved the master site plan for Silver Fox Cascade, which included a site plan approval for a Cascade Collision Auto Repair on lot 1. The applicant has since made a slight amendment to the lot lines in the master site plan shifted lot lines to better accommodate users by including the entire access and internal access easement on one lot so that it can be built at once but did not create any new building areas or lots. The proposed Big O Tires is located on lot 2 of the Pony Express Business Park subdivision, which was previously known as Silver Fox Cascade.

The property in question is zoned CC. Automobile service and minor repair are permitted uses in the CC Zone. The applicant proposed 30-foot setback exceeds the 25-foot setback maximum. The proposed elevations are largely without horizontal articulation, it is up to the Planning Commission to determine if the contrast of the CMU and roll-up doors on the north and south elevations comply with this standard or if additional design elements should be added. All sides of a building shall include the chosen details. The applicant's proposal includes awnings on two facades, columns on two facades, decorative masonry, and architectural lighting on three facades. Additional features should be added to all facades to bring the project into compliance with this provision. The nature of repair shops, like Big O, requires large service bays and roll-up doors, it shall be up to the Planning Commission to determine if additional architectural features should be required. The proposal includes about 1,400 square feet of the gross finished floor and 12 service bays; thus 27 parking stalls are required and 32 parking stalls are provided.

Staff recommends that the Planning Commission motion to recommend approval of the Big O site plan to the City Council for the reasons set forth in the staff report and the meeting with the following conditions:

1. The applicant shall provide safe pedestrian access from Pony Express Parkway to the customer lobby;
2. The applicant shall ensure that all lighting complies with dark sky standards including full cutoff lights, no overspill, no more than 100,000 lumens per acre, and all parking lot lights shall be under 17 feet in height;
3. The applicant shall move the building forward at least 5 feet to comply with the maximum front setback of 25 feet; and
4. The applicant shall provide additional architectural features so that all facades contain at least six of the architectural features as defined and required by EMMC 17.72.040(E)(1).

Applicant representative Trevor Sharp said he will discuss the setback requirements with the engineer to adjust the plans. The proposed location is to provide clearance for vehicles pulling out of the bays. Additional design elements and signage can be added to the north elevations fronting on Pony Express Parkway. Reorienting the building 90 degrees for the bays not to face Pony Express Parkway would result in compromising the stabilization of the building due to the slope and grade of the site.

*Commissioner Wright opened the public hearing at 9:11 p.m. As there were no comments, Commissioner Wright closed the hearing.*

Commissioner Wright said although he does not have concerns with the proposed business, he has serious reservations regarding the proposed north elevation facing Pony Express Parkway due to the lack of articulation and design features.

Commissioner Everett concurred and said he would prefer the building be rotated 180 degrees for the proposed south elevation to be along Pony Express Parkway due to the requirement for the front of businesses to face the road. He is confused by the lack of signage on the north elevation which would make it difficult for motorists to identify the business from the parkway. Due to



public concern regarding automotive businesses in this area of the City, he clarified that there have never been any formal discussions regarding amending the CC Zone to remove automotive uses.

Discussion ensued regarding requiring additional design features for the north façade.

Commissioner Pengra stated he believes that the north and south elevations were mislabeled as the internal floor plan aligns with the opposite elevations.

Mr. Sharp stated that he believes that Commissioner Pengra is correct and he can verify with the architect if the elevations were mislabeled. Regardless, they are willing to alter the plans to include the architectural features included on the south elevation on the north side of the building. They likewise desire signage and the most attractive elevation to face the parkway for the benefit of the business.

It was later confirmed that the labels for the north and south elevations had been inadvertently switched.

**MOTION:** *Commissioner Pengra moved to recommend approval of the site plan for Big O Tires to the City Council with the following conditions:*

- 1. The applicant shall provide safe pedestrian access from Pony Express Parkway to the customer lobby;*
- 2. The applicant shall ensure that all lighting complies with dark sky standards including full cutoff lights, no overspill, no more than 100,000 lumens per acre, and all parking lot lights shall be under 17 feet in height;*
- 3. The applicant shall move the building forward at least five feet to comply with the maximum front setback of 25 feet;*
- 4. The applicant shall provide additional architectural features so that all facades contain at least six of the architectural features as defined and required by EMMC 17.72.040(E)(1); and*
- 5. The applicant shall review and provide updated elevations with clear illustration of the orientation of the building, correcting any labels as appropriate.*

*Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, and Christopher Pengra. Those voting nay: Brett Wright. The motion carried with a vote of 3:1.*

Commissioner Wright clarified that his dissention was due to his preference for the building to be turned 90 degrees so that the bay doors do not face Pony Express Parkway.

## **6.F. PUBLIC HEARING – Shooting Ranges**

Mr. Jensen presented the item. The RTI Overlay Zone currently allows “Indoor Shooting Ranges” but there is no definition or standards for either indoor or outdoor shooting ranges in Municipal Code. This item proposes the addition of Municipal Code standards to allow for and regulate said uses in the City.

*Commissioner Wright opened the public hearing at 9:24 p.m.*

Wasatch Wing and Clay General Manager Weston Berry requested for the Commission to remove the proposed requirement in EMMC 17.75.073(C)(7) for a range operator in addition to the credentialed qualified range master because range operator is a nonspecific term and operators generally do not supervise the range and the requirement of a second supervisor would impede and increase the cost of offering private lessons.

*Commissioner Wright closed the public hearing at 9:26 p.m.*

Commissioner Wright noted that the indoor shooting range standards have the same requirement for secondary supervision by a range operator. He recommended allowing the reclamation of copper and brass casing materials in addition to lead.

Mr. Jensen explained that the five-acre requirement was due to shooting ranges being allowed in the Agricultural Zone which has a five-acre lot size minimum. Wasatch Wing and Clay representatives requested to allow outdoor shooting ranges in the Natural Open Space Zone. They are currently located outside of the City boundaries but the area is included in the City's annexation plan. The land would be annexed as open space; most of their development rights have been sold to Camp Williams. Wasatch Wing and Clay representatives also requested reduced design standards to exempt structures used to shelter shooters. Outdoor shooting ranges are proposed as special rather than permitted uses in the OS-N Zone which require City approval to prevent conflicts and noncongruent adjacent uses.

Commissioner Wright recommended modifying the proposed verbiage in EMMC 17.75.073(C)(9) to incendiary targets, such as Tannerite.

**MOTION:** *Commissioner Wright moved to recommend approval to the City Council of the development code amendment to Eagle Mountain Municipal Code 17.10, 17.20, 17.23, 17.35, 17.37, 17.40, and 17.75 with the following changes:*

- 1. EMMC 17.75(A)(7) On-site supervision and monitoring shall be provided by the range operator/owner;*
- 2. EMMC 17.75.073(C)(7) On-site supervision and monitoring shall be provided by the range operator/owner;*
- 3. EMMC 17.75.073(C)(9) Use of exploding, incendiary targets, such as Tannerite, shall be prohibited; and*
- 4. EMMC 17.75.073(D)(8) Outdoor shooting ranges shall be permitted to reclaim lead, copper, brass, steel, or other materials generated in the process of normal operations.*

*Commissioner Pengra seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.*

#### **6.G. ACTION ITEM – Eagle Crest Business Park**

Mr. Jensen presented the item. Eagle Crest is located within the Commercial Portion of the Sage Park development. Sage Park was originally an entirely residential project, but on November 19, 2019, the City Council rezoned approximately 20 acres to Business Park, and granted Light Manufacturing as a conditional use, the Council also allowed for up to nine acres of self-storage in the northern portion of the project along Eagle Mountain Boulevard. This proposal is for a preliminary plat and master site plan for the commercial area rezoned at that meeting. In addition to approving the rezone, the Council added a condition that the approval should mirror concept 2 presented during that meeting.

It is the opinion of staff that the application complies with the terms of the Sage Park Development and Use Agreement including the provisions regarding general configuration, road access, and zoning and land use, and the Council requirement to mirror concept 2. The applicant proposes 14 parking stalls at the office for the storage unit facility; it is up to the Planning Commission to determine if this is sufficient parking. Parking islands are required for every 12 parking stalls; however, the applicant is showing more than 12 parking stalls in a row without parking islands. The applicant's proposal places the expanse of parking between the buildings and the road with all parking in front of buildings this fails to comply with Municipal Code. However, the proposed site plan matches the approved concept plan and the flex use development in the north portion of the City has parking approved for the front of the building to move pedestrian conflict points behind the buildings.

Staff recommends that the Planning Commission motion to recommend approval of the application to the City Council for the reasons set forth in the staff report and the meeting with the following conditions:

1. Any feedback on the proposed elevations;
2. The amount of parking required for the storage facility as determined per EMMC 17.55.120(C);
3. Parking islands shall be required for every 12 parking stalls in accordance with EMMC 17.55.080(C);
4. Headlight screening shall be required between parking areas and the public rights-of-way; and
5. Buildings shall be moved up with parking provided to the rear or side of buildings in accordance with EMMC 17.72.030(B).

Applicant representative Isaac Patterson explained the landscaping on the previous plan had not been updated and resulted in confusion regarding the points of access to the project. The landscaping has been updated in the submission materials to resolve the conflict. The right-in, right-out access is the only access directly onto Eagle Mountain Boulevard. The eastern access on the south is intentionally misaligned with the adjacent road within the Sage Park residential development because the access is not intended as a through street and the alignment as presented allows for a better layout with increased square footage. He requested for the parking island requirement to be excluded from the conditions of approval to facilitate snow removal and to increase parking and as islands have not been used in their other storage facility sites.

Mr. Jensen suggested removing the fifth staff-recommend condition regarding relocating the building and parking due to the reasons discussed in the staff report.

**MOTION:** *Commissioner Bergener moved to recommend approval to the City Council of the master site plan and preliminary plat for Eagle Crest Business Park with the following conditions:*

- 1. The amount of parking required for the storage facility as determined per EMMC 17.55.120(C) shall be provided; and*
- 2. Headlight screening shall be required between parking areas and the public rights-of-way.*

*Commissioner Pengra seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.*

#### 6.H. ACTION ITEM – Ault Farms Master Development Agreement

Mr. Mumford presented the item. The Ault Farms Master Development Plan, General Plan Amendment, and Rezone were approved by the City Council on July 20, 2021. Those approvals are contingent upon the approval of an MDA, as described in EMMC 16.10. The master development agreement was drafted by the City Attorney and the developer's attorney and negotiated between the parties. As required by EMMC 16.10.060, the Planning Commission must review the MDA in a public meeting and provide a recommendation to the City Council.

City Attorney Jeremy Cook clarified that the intention of the language in Section 1.22(f) of the agreement is to stipulate that the developer will only receive reimbursable costs for upsized improvements and not the portion of the standard improvements for the project. He explained that “vested laws” are defined as the laws in effect at the time of the submission or approval of the MDA depending upon the terms of the agreement. Certain aspects are excluded from the vested rights such as changes to safety laws, taxes, development fees, and impact fees.

Discussion ensued regarding the purview and responsibilities of Planning Commissions outlined in Utah Code in relation to the review of and recommendations regarding master development agreements.

**MOTION:** *Commissioner Pengra moved to recommend approval to the City Council of the master development agreement for Ault Farms. Commissioner Wright seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.*

#### 6.I. ACTION ITEM – The Pinnacles Master Development Agreement

Mr. Mumford presented the item. The Pinnacles Master Development Plan, General Plan amendment, and rezone were approved by the City Council on April 6, 2021. Those approvals are contingent upon the approval of an MDA, as described in EMMC 16.10. The MDA for the project was drafted by the City Attorney and the developer's attorney and negotiated between the parties. As required by EMMC 16.10.060, the Planning Commission must review the MDA in a public meeting and provide a recommendation to the City Council.

Commissioner Wright expressed concern with the sentence in paragraph two on page five that states, “the parties acknowledge that Developer may propose single-family detached units (cluster units) in the MF-1 zone, as an alternative to townhomes or other attached products,” because Municipal Code does not include standards or permit single-family cluster units in the MF1 Zone. He advocated removing the maximum number of units table on page five as the standards will dictate the maximum number of units feasible within each area that adhere to each zone’s lot size, frontage, and other requirements due to concerns that the maximum number of units could be considered an approval of a vested number of units regardless of those units meeting City standards.

Mr. Cook explained previous MDAs including maximum unit counts to ensure the number of units was limited especially in consideration of density transfers. The inclusion of a maximum unit count may not be necessary for this agreement. The maximum unit count does not vest the developer with that number of units and a lower unit count might be necessary to meet zoning standards.

Applicant representative Andy Flamm recognized the concerns regarding the cluster lots and desires for the language to acknowledge that they will be requesting the product in hopes of bringing forth an application that resolves Commission and Council concerns such as parking.

Discussion ensued regarding concerns with including language regarding cluster lots in the agreement and the purview of the Planning Commission as a land use authority in relation to the legislative process and master development agreements.

**MOTION:** *Commissioner Pengra moved to recommend approval to the City Council of the master development agreement for The Pinnacles noting this is a legislative approval and not an approval properly vested with the Planning Commission. Commissioner Bergener seconded the motion. Those voting aye: Jeremy Bergener and Christopher Pengra. Those voting nay: Matthew Everett and Brett Wright. The motion failed with a vote of 2:2.*

**MOTION:** *Commissioner Wright moved to recommend approval to the City Council of the master development agreement for The Pinnacles recommending the removal of the language identifying the maximum number of units and for the Council to consider removing the single-family detached product, cluster units, from the MF1 areas as contained in paragraph two on page five. Commissioner Everett seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Christopher Pengra, and Brett Wright. The motion passed with a unanimous vote.*

## 7. Discussion Items

## 8. Next scheduled meeting

The next Planning Commission meeting is scheduled for December 14, 2021.

9. Adjournment

**MOTION:** *Commissioner Bergener moved to adjourn the meeting at 10:33 p.m. Commissioner Pengra seconded the motion. Those voting aye: Jeremy Bergener, Matthew Everett, Brett Wright, and Christopher Pengra. The motion passed with a unanimous vote.*

The meeting was adjourned at 10:33 p.m.

Approved by the Planning Commission on December 14, 2021.

  
Steve Mumford (DRAFT) 12/14/2021 10:39 MST

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Steve Mumford, AICP  
Assistant City Administrator/Community Development Director



# 3181\_001

Final Audit Report

2021-12-16

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