



**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING
DECEMBER 8, 2020**

TITLE:	PUBLIC HEARING - Scenic Mountain Phase C (Master Site Plan, Conditional Use Permit)
ITEM TYPE:	Master Site Plan and Conditional Use Permit
APPLICANT:	Julie Smith (Fieldstone Homes)

ACTION ITEM:

Yes

PUBLIC HEARING:

Yes

PREPARED BY:

Pete Kane, Planning

BACKGROUND:

Scenic Mountain is a development project that includes just under 35 acres of land on the south side of SR-73 and northeast of The Ranches at the municipal boundary with Saratoga Springs. The project was granted an approved master development plan and agreement, with the latest amended and restated agreement dating back to March 2017. The master development agreement (MDA) breaks the project into three planning areas:

- Planning Area 1 (Phase A) - single-family home cluster development (under the previous Tier III single-family residential zoning designation) with a right to build up to 86 residential units with a gross density not more than 5.49 units/acre. This phase includes about 15.65 acres of land. This Planning Area has an approved preliminary plat for 80 cluster homes which are currently under construction.
- Planning Area 2 (Phase B) - a townhome development (under the previous Tier III multifamily residential zoning designation) with a right to build up to 83 townhome units with a gross density not more than 8.23 units/acre. This phase includes about 10.09 acres of land. This Planning Area was reduced in area by UDOT acquisition of a portion of the land. Planning Area 2 was approved for 40 townhomes units and is currently under construction.
- Planning Area 3 (Phase C - the subject of these applications) - preserved as a flexible use area development allowing either a commercial office/retail development; residential units under the previous Tier III-Tier IV subdivision requirements; or a combination of residential and commercial units. The MDA limits the residential development in this phase to 120 units. This phase includes about 5.39 acres of land. Due to the UDOT

acquisition of a portion of this Planning Area, the maximum unit allowance was reduced to 89 units.

The MDA also requires a slope transition area/natural open space along the eastern and southeastern portions of Phase C due to topography and to create a transition between the uses. Phase C does not include any required improved park areas; these were identified to be included in the first two phases. Phase C does however require 1,000 square feet of open space per each residential unit. The proposed plan calls for utilizing N Vernham Lane which creates a connection to SR-73 and Phase A as well as E Hurstbourne Drive running east-west to connect into Phase B.

The land use proposed is a townhome residential use (84 units) with alley-loaded garages. The townhome buildings will vary in unit count between two up to eight. Off-street (and street-adjacent) guest parking is included throughout the project. A pickleball court and playground are planned. There is also over two acres of open space which exceeds the required 1,000 sf of open space per unit and includes the area of slope transition.

Based on the size of the property (over 5 acres), the proposed use (multifamily), and that it will be developed in three separate phases, a master site plan approval is required. Additionally, the master development agreement sets the code compliance to the City Code at the time of signing. At that time, multifamily developments required the approval of a conditional use permit (CUP) by the Planning Commission. A CUP was also required and approved (Dec 2018) for the Phase B portion of the project which was also a townhome development. The applicant has submitted a request for conditional use permit.

ITEMS FOR CONSIDERATION:

CITY CODE COMPLIANCE

The MDA provides the development of the project in accordance with the provisions of the Code, ordinances, and regulations in effect as of the date of the MDA (being March 2017). It also includes a statement that "[n]otwithstanding anything to the contrary herein, any City ordinance, amendment to the City's laws, or other development standard enacted by the City after the date of this Agreement which has the effect of prohibiting and/or materially and unreasonably

restricting Developer's rights to develop the vested densities set forth in this Agreement and the Master Development Plan for the Property shall be inapplicable to the Property...and shall not affect or regulate the development and use of the Property, unless the City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by applying the provisions of this Agreement." Feedback provided in this report is based on references to the current code as it may be determined they would not "materially" or "unreasonably" restrict the Developer's rights.

VESTED RIGHTS

The MDA allows for the development of Phase C as either commercial office/retail development, residential units under the previous Tier III-Tier IV subdivision requirements, or a combination of residential and commercial units. Phase C (made up of about 7.22 acres at MDA signing) allows for a maximum of 120 units in this portion. It includes a clause that any takings/purchase by UDOT of a portion of the land that makes up Phase C will reduce the allowed number of units by the percentage of land reduction for UDOT. UDOT did acquire a portion of Phase C, leaving the development area with about 5.39 acres of land. This reduces the allowed number of units to 89, where the applicant is proposing 84 units.

PHASING

The applicant proposes to develop Phase C in three phases. Phase 1 will include the 13 townhomes on the west side of Vernham Lane. Phase 2 will include the 39 townhomes south of Hurstbourne Drive. The final phase will be the remaining 32 townhomes to the north of Hurstbourne Drive.

ACCESS & ROADS

The development of Phase C will utilize the road network under construction in the development which will provide access to the north to SR-73, access to the south to Phase A, access to the east to Phase B, and a stub road to the west for future development of the vacant land.

Staff recommends that Elkhorn Drive be given a different name, as there's an Elkhorn Road in Valley View North in Eagle Mountain. "No Parking" signs and restrictions need to be applied to one side of any road that is under 32 feet in width. The no parking restriction should be applied to the same side of the street as fire hydrants with

signs placed at a maximum separation of 100 feet.

OFF-STREET PARKING

Multifamily developments require one guest off-street parking space for every three units. With 84 townhomes, Phase C is required to have 28 off-street parking spaces. The plan calls for 35 guest parking spaces; 21 of these are standard off-street spaces while 14 are parallel parking space along the north side of Hurstbourne Drive.

FIRE SAFETY

A fire hydrant is requested near unit #146. The fire hydrant detail (detail #5) in the master site plan packet should be updated to the city fire hydrant detail. All alleys need turn radius at the entry/exit points for fire apparatus.

RETAINING WALLS

Retaining walls are proposed adjacent to the open space area along the southeast portion of the property. Staff recommends that retaining walls have a maximum height of five feet (5'). Any retaining wall of more than five feet should be broken up and designed as a tiered retaining wall with each wall at a maximum height of five feet, with six horizontal feet between walls. A short fence is requested at the top of the retaining wall between the wall and trail to improve safety.

OPEN SPACE AND AMENITIES

The MDA requires a slope transition area/natural open space along the eastern and southeastern portions of Phase C due to topography and to create a transition between the uses. Phase C does not include any required improved park areas; these were identified to be included in the first two phases. Phase C does however require 1,000 square feet of open space per each residential unit. Based on the amenities calculations, this means that Phase C requires 193 points. The entire Scenic Mountain development requires at least 468 amenity points. Phase C includes amenities that achieve a point total of 155.8. When added to the point total for phases A and B, the total points is 537.5. A path/stair connection from the pickleball court to the trail to the southeast is recommended.

DEVELOPMENT STANDARDS

Under the City Code at the time of the MDA signing, the following development standards applied to multifamily projects in the Tier III and Tier IV categories:

- Garage dimensions - two-car garages must be a minimum of 20 feet by 20 feet. The applicant has requested using this size requirement. Current code EMMC 17.25.050(D) now requires garages to be at least 22 feet by 22 feet.
- Building height - maximum of 35 feet. The proposed buildings have a height of 31 feet.
- Minimum distance between multifamily structures - 20 feet is required. The plans show a minimum of at least 20 feet between all buildings including with the townhome buildings to the east.
- Setbacks - The previous code only established a minimum distance between multifamily structures, but did not set explicit front/rear/side setbacks. The current code EMMC 17.25.040, requires a 15-foot front setback, rear setback of 30 feet (between buildings), and side setback of 15 feet in the MF1 and 20 feet in the MF2 (between buildings). The plans demonstrate a minimum of 12 foot front setback and 10 foot setback (occurring along Hurstbourne Drive) and 30 foot rear setback (between buildings).

DESIGN STANDARDS

The design standards under the previous and current versions of the City Code are the same and outlined below.

- Building orientation - EMMC 17.72.030(A)(2) require that multifamily buildings "shall front those streets and provide a primary entrance toward the street. If the side of a building faces a street, an entrance should be provided on that facade. Blank walls and/or rear facades should not be placed adjacent to streets." The building orientation and elevations demonstrate compliance with this requirement.
- Garage location - EMMC 17.72.030(C) require that garage be placed to the rear and accessed by a service drive. The plans demonstrate compliance with this requirement.
- Roofs - EMMC 17.72.040(C), both previous and current versions, require that multifamily buildings "contain sloping roofs, overhanging eaves, and multiple roof planes and heights." The plans demonstrate compliance with this other than multiple roof heights.
- Building articulation - EMMC 17.72.040(D) require vertical and horizontal articulations including facade modulation, changes in textures/materials, window patterns, offsets, recesses, and projections. The front and rear facades include

facade offsets and projections as well as material changes (vertically). The side facades include projections and material changes (vertically). The plans demonstrate compliance with this requirement.

- Architectural detailing - EMMC 17.72.040(E)(2) requires "a majority of the following architectural detailing: decorative shutters, bay windows, popouts, trellis or arbor structures, porches, decorative gables, dormer windows, exposed timbers, balconies, columns, turrets, decorative trim and moldings, detailed grilles and railings, architectural lighting, decorative masonry pattern, window grids, and decorative doors and windows. All sides of a building shall include the chosen details, where applicable." The plans demonstrate compliance with this requirement.
- Building materials - EMMC 17.72.040(F)(1) requires a minimum of at least two exterior materials on all faces with each material used at least on 30% of each side. The plans call for fiber cement lap siding as the primary material and fiber cement board and batten siding as the secondary. The plans demonstrate compliance with this requirement, with both materials exceeding the 30% requirement on each face.
- Building colors - EMMC 17.72.040(G) states that building colors are not restricted to desert landscape colors and recommends a wide color palette. The applicant has put together four color palettes with a mix of blues, greys, whites, and tans. The applicant does not intend to repeat a color palette on adjacent buildings.
- Garage doors - EMMC 17.72.050(H) requires that garage doors not be "the most prominent or visible feature on a building" and be accessed from the side or rear of the building. The plans demonstrate compliance with this requirement.
- Lighting - EMMC 17.72.040(I) requires that lighting be shielded and directed downwards. The plans call for recessed can lights at the front entries and rear garages. The plans demonstrate compliance with this requirement.
- Mailbox structure - EMMC 17.72.040(J) states that cluster mailboxes should be used for multifamily developments based on USPS requirements. It recommends that the structures should "emulate the buildings in materials and color." The example cluster mailbox submitted does not appear to emulate the building materials or colors. The applicant should develop specific details plans for the cluster mailbox to reflect the

design of the buildings. Additionally, the mailbox structure is proposed on the west side of Vernham Lane at the intersection with Hurstbourne Drive. This could create a traffic issue with residents stopping and idling their vehicles at the mailbox, given that Vernham Lane is a primary access into and out of Scenic Mountain onto SR-73. Staff recommends that the cluster mailbox be located on the south side of Hurstbourne Drive adjacent to the retention area. This will allow residents to utilize the guest parking spaces adjacent to the retention area in order to pick up mail and keeps this traffic off the main roadway.

- Mechanical equipment - EMMC 17.72.040(K) states that mechanical equipment shall be screened. The plans do not note the location of each townhome's mechanical equipment (i.e. HVAC compressors). This equipment is recommended to be screened, likely with vegetation, while not impeding the function of the equipment.
- Storage, loading areas, and trash enclosures - EMMC 17.72.040(L) requires screening for any outdoor storage, loading area, or collective trash enclosure. The project does not call for any of these features.

FENCING

The applicant has proposed privacy fencing along the property line to the north which is UDOT land for the highway and around the retention area. EMMC 16.35.090 requires privacy fencing along this property line. The applicant has proposed a wood-alternative composite fence of six feet (6') in height in a grey color. The City Code at the time of the MDA signing allowed for privacy fencing of stone, masonry, decorative concrete, or wood-alternative composite material. To note, the applicant has stated they want to use the same fence for Phase B, however, staff has not yet determined if the fencing was submitted/approved with the preliminary plat for Phase B.

Sport fencing (chainlink) of eight feet (8') with gates is proposed around the pickleball court. EMMC 17.60.120(I) allows chain link fencing for sport courts and exempts this fencing from the height limitations for EMMC 17.60. The USA Pickleball Association recommends a ten foot (10') fence around a pickleball court.

REPORTS

Storm drain and geotechnical study reports have been submitted. Summaries of each are attached to this staff report. The full report(s) are available upon request.

CONDITIONAL USE PERMIT

EMMC 17.95.070 establishes the standards and considerations for conditional use permits (CUP). Items to consider include:

- Site of the structure/use (such as adequacy of site, screening, adjoining uses, and displays and signage). Of note, the potential use of the property to the west is commercial. The use to the south is cluster homes that roughly fall between the current zone designations of RC and MF1. The use to the east is townhomes that would fall under the current zone designation of MF1. The proposed use for Phase C would fall between the current zoning designations of MF1 and MF2 (due to the mix of number of units per building).
- Traffic circulation and parking (such as street layout, access, and truck traffic). An exhibit is attached to identify the type and ownership of the roads within Phase C and the overall Scenic Mountain development.
- Impact on surrounding uses (such as impact of patrons, hours of operation, off-site effects, special hazards, and public convenience). This element is typically applied to commercial developments, however, this project does include public congregation and activity features. There's a proposed pickleball court to the south of the southern-most building on Elkhorn Drive and playground to the southwest of the end of Crowley Way.

For reference, the CUP for Phase B was granted without conditions.

REQUIRED FINDINGS:

Master site plan and conditional use permit approvals are based upon compliance with City Code requirements and requirements of any applicable development agreements. The approval criteria for a master site plan and conditional use permit can be found in EMMC 17.100 and 17.95.060, respectively. The Scenic Mountain master development agreement should also be considered when reviewing these applications.

RECOMMENDATION:

We recommend the Planning Commission make a motion to recommend approval of the master site plan to the City Council, for the reasons set forth in the staff report and in the meeting, with the following conditions:

1. Approval of the master site plan to serve as approval of the preliminary plat;
2. Adjacent buildings cannot have the same color palette;
3. Rename Elkhorn Drive;
4. "No parking" restriction for one side of any road under 32 feet in width;
5. Replace fire hydrant detail with city's fire hydrant detail;
6. All alleys need turn radius at the entry/exit points;
7. Approved fencing for Phase C shall be used in Phase B as well;
8. Retaining walls at a maximum of five feet, or tiered, with a fence between retaining wall and trails;
9. Addition of a path/stairway from the pickleball court to the trail to the southeast;
10. Pickleball court fencing to be ten feet (10') in height;
11. The cluster mailbox shall be relocated to Hurstbourne Drive by the retention area;
12. The cluster mailbox shall be designed to emulate the design of the townhomes in materials and colors; and
13. Each townhome's exterior mechanical equipment to be screened from view.

We recommend the Planning Commission make a motion to approve the conditional use permit, for the reasons set forth in the staff report and in the meeting.

ATTACHMENTS:

[Master Site Plan](#)

[Building Plans, Lighting Plan, and Renderings](#)

[Landscape Plan and Amenities Calculations](#)

[Proposed Fencing and Cluster Mailbox](#)

[Private vs Public Roads](#)

[Storm Drain Report \(summary\)](#)

[Geotech Study \(executive summary\)](#)

[Scenic Mountain Master Development Agreement - Amended and Restated 2017](#)

