

**EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES**

TUESDAY, JANUARY 12, 2010 AT 6:00 P.M.

Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

Roll Call

Tom Maher, John Linton, Karleen Bechtel, Preston Dean, Bonnie ElHalta

Staff Present

Steve Mumford, Planning Director

Mike Hadley, Senior Planner

Lianne Pengra, Planning Coordinator

Others Present

Tim Lindsey, Highlands Resident

Monte Kingston, Ames Construction

Dustin Jones, Mt Airey Resident

Roger Sharon, 8966 Jefferson Court

Steve Richard, Mt Airey Resident

Commissioner Maher called the meeting to order at 6:00 p.m.

1. Pledge of Allegiance

2. Declaration of Conflicts of Interest

None

3. Planning Commission Chair and Vice Chair Appointments – Action Item

MOTION: *Commissioner Linton moved to appoint Commissioner Maher as Chair of the Planning Commission.*

Commissioner Dean seconded. Ayes: 5, Nays: 0. Motion passed.

MOTION: *Commissioner Maher moved to appoint Commissioner Linton as Vice Chair of the Planning Commission.*

Commissioner ElHalta seconded. Ayes: 5, Nays: 0. Motion passed

4. 2010 Planning Commission Meeting Schedule – Action Item

MOTION: *Commissioner Linton moved to approve the 2010 Planning Commission meeting schedule.*

Ayes: 5, Nays: 0. Motion passed.

5. Status Report from City Council

A. Pole Canyon Annexation, Master Development Plan, and Master Development Agreement

Mr. Mumford said that the Pole Canyon Annexation, Master Development Plan, and Master Development Agreement were the main topics in December for Planning. He said that the water system repairs and

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transfer to the City needs to be completed by July 2010. He said that the sewer system transition after decommissioning of the lagoon needs to be completed once either a trunk line is built to the city's treatment plan, or once the lagoon reaches 85% capacity; it is at 80% currently.

Commissioner Bechtel asked what could be done there in the current state. Mr. Mumford said that about five homes can be built, roads can be built, and water and sewer lines can be built as of right now. He said that the developer is working on getting an industrial business out there and once that happens, the developer will build the trunk line. He explained that Questar said that they would not give up their service area; they will continue to serve White Hills and would serve any new connections. He said that any new development would either require a gas line to be brought in from the City, or would require an agreement with Questar to tie into their lines.

Mr. Mumford said that the developer agreed to put in an interim equestrian park in City Center by May 1, 2010, in time for a Pony Express Days rodeo. He said this will be the warm up arena and movable bleachers; these will be moved to the permanent facility, which is to be built by 2015 or when the value of the total property is above \$250 million.

Mr. Mumford said that phase 1 of White Hills Park will be completed within a year. He said the fire station property will be surveyed and donated to the City. The station will be built with impact fees and other standard ways the City builds fire stations. He said the developer will not build that station.

Mr. Mumford said the City could not legally require the developer to put in Pole Canyon Blvd solely for a connection to City Center. He explained that since Eagle Mountain emergency services currently provide service to White Hills, the city could not require a road and fire station to service those homes. He explained the developer will need to complete Pole Canyon Blvd.

Mr. Mumford said a Capital Facilities Plan is being completed for Pole Canyon and that will tie into the City's Capital Facilities Plan which is currently being updated.

Mr. Mumford said the annexation has not been recorded yet, but it was approved. He said that the last remaining agreements should be signed in the next few weeks.

Commissioner Maher asked if the final recordation would be reported to the press to allow businesses to see that Eagle Mountain City now has that industrial park area. Mr. Mumford said the annexation approval has already gone out to the papers. He said the City is working with a marketing firm to promote the image of the City through billboards and television ads. He said they are also working on a corporate video to send out to companies and the City will promote this industrial area.

Mr. Mumford said the City is working on getting a redundant 138KV power line over the mountain from Saratoga Springs. He said that most of the larger Fortune 100 or 50 companies require redundant power.

Commissioner Bechtel asked what the penalty is to the developer if the requirements aren't met. Mr. Mumford said that they will not be able to build.

B. Development Code Amendments (Masonry Materials, Signage, and Group Homes)

Mr. Mumford said the applicant-proposed amendment regarding masonry materials was not approved. He said the City Council said the applicant can use that product, but not as a bonus density material. He said the Council requested staff look at a tiered system with building materials for bonus density.

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Mr. Mumford said the temporary right-of-way signage was approved, but the yard sale signage was not. He said that was sent back to staff to change and bring back to Council.

Mr. Mumford said the changes to the group homes section was approved without any City Council changes.

C. Rockwell Charter High School Temporary Seminary Building Extension of Time

Mr. Mumford said the conditional use permit for the Rockwell Charter High School Temporary was extended for another two years.

D. City Council Liaison

Mr. Mumford said the Councilwoman Burnham was appointed as the Planning Commission liaison for 2010.

E. Commissioner ElHalta sworn in to a 3-year term (January 2010 – December 2012)

Mr. Mumford said that Commissioner ElHalta was sworn in for a three-year term on the Planning Commission.

6. Approval of Minutes

A. November 10, 2009, Planning Commission Meeting Minutes

MOTION: *Commissioner Linton moved to approve the November 10, 2009, Planning Commission Meeting Minutes.*

Commissioner Dean seconded. Ayes: 5, Nays: 0. Motion passed.

7. Development Items

A. General Plan Amendment – Public Hearing, Action Item

B. Hole #12 Commercial Rezone – Public Hearing, Action Item

[Items A & B were discussed together.]

Mr. Mumford showed the location of the property and explained that its odd shape does not lend itself well to residential development. He said it includes a tee box for Hole #12 on the golf course, as well as a cart path. He said that when the golf course was donated to the City, this portion was retained by the owner with an agreement in place that the owner would relocate the cart path and tee box and would allow the city to use the tee box and cart path until those changes are made. He said the changes must be made by July 2011.

Mr. Mumford showed the existing Future Land Use Plan and explained that this property is designated Mixed Use Residential on that map. He said that across the street to the north is Commercial property, and to the west and south is Mixed Use Residential. He said that there is not a designation for Open Space on the Future Land Use Plan. He explained that the Ranches Master Plan shows this portion zoned as Golf Course Open Space.

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Mr. Mumford said that the canal that runs through the property would need to be piped and covered according to the City's standards to make the lot buildable.

He explained that the property is located along a major street, it abuts the golf course, and is not shaped appropriately for standard residential use; multifamily could possibly fit on this property.

Mr. Mumford explained that the rezone criteria in the City's code requires the parcel to fit with the Future Land Use Plan, which is why the applicant is proposing to change the parcel from Mixed Use Residential to Mixed Use Commercial. He said that it also requires the new zone to be compatible with surrounding uses. He explained that staff feels this is compatible with the commercial property to the north, Rockwell Charter High School, the golf course, and is appropriate for the location along a major street, Ranches Parkway. He explained that the property does back up to five residential lots, but that one of the lots is a water retention basin. He explained that good planning practices show it is good to have similar uses across the street from each other; switching uses along rear property lines is better.

Mr. Mumford said that the code also requires a twenty foot buffer with trees, ground cover, and a fence or wall between this property and the residential lots in the Stonebridge subdivision.

Commissioner Maher asked Mr. Mumford to clarify what uses are allowed in Mixed Use Commercial. Mr. Mumford said that Mixed Use Commercial is for retail or office establishments. He said they can do residential development with a Conditional Use Permit, and that would most likely be multifamily housing. He explained that the applicant's intent in discussions with staff is that this parcel will be used only for retail use.

Commissioner Dean asked if there are limitations due to the proximity to the school. Mr. Mumford said that there are limitations on liquor. He said there are distance limitations from front door to front door, as well as along sidewalks. He said the Maverik sells alcohol in closed containers and they did meet the distance requirements between the gas station and the school.

Commissioner Maher opened the public hearing at 6:23 p.m.

Tim Lindsey, Highlands Resident. Mr. Lindsey asked if the uses really do comply. Commissioner Maher said that the current topic is zoning; specific uses will be decided with a site plan. Mr. Lindsey said he is concerned about a check cashing or pawn shop business coming into the area. He asked how citizens deal with those issues. Commissioner Maher said there is a list of approved uses for this zone. He said there are exceptions that can be allowed through a Conditional Use Permit.

Monte Kingston, Ames Construction. Mr. Kingston said this was originally part of the golf course. He said when the City was putting together how the 2000-1 SID was going to be paid, there was a 140-acre shortfall. He said that Epic Engineering said that this was a developable piece of property, so he has been paying SID assessments on it. He said that in order to make this work for his company, they have decided to develop it. He said they will pipe the wash and could possibly put two fast food restaurants or a bank on the lot. He said the shape is not conducive to a strip mall, which is where things like check cashing businesses tend to build.

Commissioner Linton asked if they will be moving the tee box. Mr. Kingston said they will just remove it, as it is rarely used.

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Mr. Kingston said that it will be about \$220,000 to reroute the cart path and pipe the wash, so residential development would not be logical.

Commissioner Dean asked if it was only one parcel. Mr. Kingston said it is only one. He said it is 2.41 acres, but the corner section is what will likely be developed.

Dustin Jones, Mt Airey Resident. Mr. Jones said he purchased his lot based on the current zoning. He said that he is not sure what kind of commercial property would even fit at that location. He said he is also concerned that they can put multifamily in this after it is rezoned. He asked if it was in the City's best interest to put this in the City's highest profile neighborhood. He said that the view is beautiful now and he doesn't want a commercial building ruining it.

Mr. Mumford clarified that if the parcel is zoned to commercial property, the following are permitted uses: retail, office, shopping center, grocery store, general retail services, multi-unit buildings, restaurants, banks, office buildings, medical buildings, fitness, childcare, and department stores. He said no industrial uses are permitted. He said that the following are conditional uses: anything to do with autos, anything with a drive through, laundry facility, hotel/motel, convenience stores. He explained that when a commercial establishment is going to be built, the applicant must go through a site plan review to ensure the proper buffering, landscape, parking and detailed commercial design standard requirements are met.

Mr. Mumford said that the conditional uses must be approved through a Conditional Use Permit process. He explained that if a negative impact on the surrounding properties is possible, the Planning Commission can put conditions on the proposed use to minimize any negative impacts. He explained that if the Planning Commission feels the proposed use would not work and would have too great of a negative impact on the surrounding area, they can deny the application.

Mr. Mumford said that the only way residential properties will be included in the parcel is if they are a second story unit, above commercial property. He explained that the current zone is Golf Course Open Space, which does not allow anything but open space.

[Unintelligible comments from residents in the audience.]

Commissioner Maher said that the entire street along this parcel will eventually be commercial development.

[Additional unintelligible comments from residents.]

Mr. Jones said that putting commercial in this parcel would only lower the values of the highest profile homes in Eagle Mountain City.

Mr. Kingston said there is only one lot that has any backing up to commercial use. He said they only intend to have something like a bank or office building, due to the shape of the parcel. He said that it will be a single user and due to the price they need to get out of the lot, it will most likely be a bank or an office building. He explained that there are office buildings surrounding this property already, so the impact will be very minimal.

Commissioner Linton asked how wide the thin area of the parcel is. Mr. Kingston said that the widest section is about 65 feet wide. He said they cannot fit any residential units along that portion of the parcel. Mr. Kingston said directly across from this parcel, a strip mall is being planned.

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Commissioner Bechtel asked what the frontage of the lot is. Mr. Kingston said the pad area will be the large section of the parcel; they won't be able to build the other section of the parcel. He said they have had the opportunity to put in low-income housing on 4,000 square foot lots with vinyl siding with 1,000 square feet homes, but they have high standards. He said they will not allow a use to go in that will hurt the surrounding neighbors.

Commissioner Dean asked if access would be allowed onto Ranches Parkway. Mr. Mumford said there would not be; it would not fit the standards.

Mr. Mumford said that the Stonebridge subdivision has only sold one lot and the subdivision was recently foreclosed on and is now bank-owned. He said no lots next to the parcel under discussion have been sold; no property owner has purchased land next to that with the intention of being next to open space.

Roger Sharon, 8966 Jefferson Court. Mr. Sharon said his property is within thirty feet of the proposed change. He said he is concerned about the relocation of the cart path. He said that he also likes that this is beautiful open space and wants other commercial areas to be developed before this one is changed to commercial.

Mr. Kingston showed the new location of the cart path. He showed where the golf course is and said that a large portion of the wash is an eyesore. He said that it is about four feet full of tumbleweeds.

Steve Richard, Mt Airey Resident. Mr. Richard said he moved from Salt Lake City to Eagle Mountain and the golf course and the view were large parts of his decision. He said he does play from the tee box that will be removed. He said that a twenty foot buffer is not enough. He said that the commercial land should be where the commercial land currently is.

Commissioner Maher asked if this land had ever been a part of the golf course. Mr. Kingston said that only the tee box and the golf cart path had been part of the golf course. Commissioner Maher clarified that they are not changing a part of the golf course to commercial zoning.

Commissioner Maher closed public hearing at 6:54 p.m.

Commissioner Bechtel had no comment.

Commissioner Linton said that this is due to a mistake by Epic Engineering. He said he can't see not recommending approval.

Commissioner Dean said that he appreciates the concern of the visibility issue. He would rather see a nice commercial building to City standards, than the current weeds and tumbleweeds that are currently there. He said that he agrees with staff's recommendations and that it is generally good planning practice to have different uses backing up to each other, rather than facing each other across a street.

Commissioner ElHalta said that she also appreciates the concerns of residents. She said that there since there is so much commercial land to choose from right now. She said that as someone in retails, she can't imagine choosing this location versus across the street where she could have a drive through. She only sees an office building going in here. She said in her mind, she is only adding on two acres to the same use across the street.

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Commissioner Maher reiterated that this is not going from a golf course to commercial. He explained that this site would be multi-unit housing if it is not changed.

Commissioner Dean also wanted it made known that this will also have to meet landscape requirements, which is better than the current state.

MOTION: *Commissioner Linton moved that the Planning Commission recommend approval to the City Council of the amendment to the General Plan Map, designating the property as Mixed Use Commercial.*

Commissioner Dean seconded. Ayes: 5, Nays: 0. Motion passed.

MOTION: *Commissioner Linton moved that the Planning Commission recommend approval to the City Council of the rezone of the property to Commercial with the following findings:*

- 1. It complies with the Future Land Use Plan;*
- 2. It is compatible with surrounding uses;*
- 3. Appropriate buffering will be addressed with the Site Plan process.*

Commissioner ElHalta seconded. Ayes: 5. Nays: 0. Motion passed.

C. General Plan Amendments – Discussion Item

Mr. Mumford said the Capital Facilities Plan is being updated with the Public Works Department and Horrocks Engineers.

Mr. Mumford said the Capital Facilities Plan is created to plan for and budget for future projects. He said having transportation corridors on this plan allows the City to get regional roadways on the MAG plan, as well as on the state transportation improvement program.

Mr. Mumford explained that the roads that will be included on this plan have been put there after extensive modeling and research by Horrocks Engineers, as well as from discussions with MAG, SITLA, and UDOT. He said that additional routes in and out of the City were needed, so they were included in the new plan.

Mr. Mumford showed the current Future Land Use and Transportation Corridors Plan and the proposed updated plan. He showed the Mountain View Corridor extension alignment as well as other major and minor arterials to be built in the future. He explained the location of the future Cedar Valley Freeway and the general alignment with the City's streets. He also showed the location of a proposed Hidden Valley Freeway. He explained that the city and other various property owners have voiced their concern over the location MAG has designated for this freeway. The City is designating this roadway as a highway or major arterial rather than a freeway.

Discussion ensued on future roadways.

Mr. Mumford explained that many of these roads will not be built for many years.

Commissioner Dean asked when the City starts to get easements. Mr. Mumford said that they start with the development, like with the Pole Canyon annexation. He said when that annexation was approved, the Pole Canyon developers dedicated right of way to the City.

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Mr. Mumford showed future transportation plans for the next 1-20 years and estimated costs.

8. Other Items

A. 2010 Outlook – Upcoming Projects

Mr. Mumford said a boundary agreement with Saratoga Springs is currently being worked on. He said that a Camp Williams buffering plan is also being worked on. He said that Eagle Mountain City is heading up the group of cities to put together a reasonable plan for the cities surrounding Camp Williams.

Mr. Mumford said that the General Plan is supposed to be rewritten every five to seven years; it was last updated in 2005, but since the City has grown so much, it is necessary to update it this year. He said there will be many open houses and public hearings to get resident input on any changes to be made.

Mr. Mumford said the City Center Open Space Completion Plan is almost complete.

Mr. Mumford said the City is also looking at changing the right of way classifications with the updated Future Land Use and Transportation Corridors map.

He said they are also looking into an option for residents to temporarily use open space adjacent to their properties.

Mr. Mumford said that there are also projects currently being worked on such as the Spring Run Master Development Plan and the Harmony subdivision that will be coming to the Planning Commission.

9. Adjournment

Commissioner Maher adjourned the meeting at 7:37 p.m.

APPROVED BY THE PLANNING COMMISSION ON FEBRUARY 9, 2010.

STEVE MUMFORD, PLANNING DIRECTOR