

EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING AGENDA  
TUESDAY, SEPTEMBER 25, 2012 AT 6:00 P.M.  
Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

**6:00 P.M. - Eagle Mountain City Planning Commission Policy Session**

COMMISSION MEMBERS PRESENT: Preston Dean, John Linton, Daniela Camacho, and Wendy Komoroski

CITY STAFF PRESENT: Steve Mumford, Mike Hadley, and Kent Partridge

ELECTED OFFICIALS PRESENT: Ryan Ireland

1. Pledge of Allegiance

John Linton led the Pledge of Allegiance

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes – September 11, 2012

**MOTION:**                                *Preston Dean moved to approve the September 11, 2012, meeting minutes. Daniela Camacho seconded the motion. Those voting aye: Preston Dean, John Linton, Wendy Komoroski and Daniela Camacho. The motion passed with a unanimous vote.*

4. City Council Action Update

Steve Mumford updated Planning Commission on:

- City Council discussed the SilverLake subdivision project.
- City Council tabled Clearview Estates master plan to review the septic tank, the preservation of SR 73 right of ways, and how to use the community improvement funds.
- Heatherwood on the Green's HOA has come up with a way to fund their amenities.
- City Council approved the creation of an Economic Development Area.

5. Development Items

- A. Conditional Use Application – Northmoor 148 Flagpole; Action Item, Public Hearing.  
Edge Homes is requesting a 50-foot high flagpole on their model home lot in the Northmoor neighborhood, located at 4174 E. Inverness Way.

Mike Hadley explained that Edge Homes has applied for a Conditional Use Permit for a 50 ft. flagpole. The flagpole will be located on their model home at 4174 E. Inverness Way. The flagpole would remain temporarily until the model home is sold. Edge Homes would need to apply for a new Conditional Use Permit when the flagpole is moved to another lot. City Code

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allows a 35 ft. flagpole and Edge Homes is requesting a 50 ft. flagpole. The application actually shows the flagpole being proposed on property owned by the Home Owner's Association. Any approval of this application would require written approval or permission from the HOA for this flagpole. A review of flagpoles within the City on residential lots shows that there are no flagpoles over 25 ft. in height. Any flagpole that is more than 25 ft. in height in the City is located on City buildings or property and on Alpine School District property.

Commissioner Dean questioned a Conditional Use Permit over a variance.

Mr. Mumford explained that a Conditional Use Permit would give the Planning Commission more flexibility in the code.

*Commissioner Linton opened the public hearing at 6:12 p.m.*

Steve Maddox with Edge Homes explained that Edge Homes is a local Utah based builder. Edge Homes currently flies eight American flags throughout Utah. Edge Homes applied for the Conditional Use Permit, because that is what other cities have required. The flagpole would be 50 ft. for the size of the flag and help keep all their flags uniform, that would help maintenance of the flag. If they cannot get an agreement with the HOA, they will move the flagpole to their property.

*Commissioner Linton closed the public hearing at 6:15 p.m.*

Commissioner Linton explained from past Planning Commission meetings Richmond American had come in and proposed a 70 ft. flagpole and it was denied, and then Richmond American put in a 35 ft. flagpole that followed the City's code. Colonial Flags had come in and spoken extensively about flags, and one of the issues with a larger flag was it created more noise for the neighborhood.

Mr. Maddox explained that there would be two flags, one American flag and one home builder flag. Edge Homes has never had a complaint about the noise of a flag. The only complaint was when the flag was removed.

**MOTION:**

*Preston Dean moved that the Planning Commission deny the Northmoor 148 flagpole application for Conditional Use Permit of the 50 ft. flagpole. Daniela Camacho seconded the motion. Those voting aye: Preston Dean, John Linton, Daniela Camacho and Wendy Komoroski. The motion passed with a unanimous vote.*

**B. Conditional Use Application – Meadow Ranch Private Recreation Facility; Action Item, Public Hearing.**

This application is requesting conditional use for an exception to the permitted accessory uses and structures in a Residential Zone, located at 3375 East Autumn Lane in the Meadow Ranch neighborhood.

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Mr. Hadley explained that the applicant is applying for a Conditional Use Permit for a private recreational facility located in the Meadow Ranch subdivision at 3375 E Autumn Lane. The lot is 2.92 ac and the facility is approximately 11,172 sq. ft. in size. This application is unique because the building has already been built. The building was originally permitted through the City Building Department as a barn with limited electrical – 2 plugs and lighting. The applicant then proceeded to upgrade the building to its current status without obtaining the proper permits, paying the proper fees, or getting the required inspections. The City issued a stop work order on the building after an investigation by the Building Department. The building is now completely finished on the inside, consisting of a basketball court, stage, kitchen, numerous accessory rooms and restroom facilities. The building also contains a basement with a canning kitchen, which was not on the original permit. None of the electrical, sewer or plumbing has been inspected or permitted. All of these interior improvements are illegal, as they were completed without permits or inspections.

Conditions of approval:

- The applicant must obtain a building permit for the structure as a private recreation facility. The permit should be obtained and the proper fees paid within 30 days of approval of CUP or the building must be restored to the original building permit status (barn).
- The building must comply with current IBC code requirements.
- All applicable building, impact, infrastructure and utility system upgrade fees must be paid.
- The parking lot on the site plan must be removed, including ADA parking stalls.
- The owner must sign a document, to be recorded at the County, restricting the use of the building to private recreational use only.
- The use of the building should not result in parking on public streets.
- A notice of interest on the property must be filed with the County Recorder's office by the City.
- The building cannot be used for large assembly use.

Kent Partridge explained that a building permit was pulled November 1, 2004 for the barn located at 3375 E. Autumn Lane. The barn was complete within a year of pulling the permit. After the barn was complete, the residents of the barn started adding to the barn without a building permit. They had added a basketball court, stage, kitchen, numerous accessory rooms, and restrooms. The Building Department issued a stop work order in 2010, when the City received a call that the barn was being used improperly as a church. He stated that to his knowledge since the stop work order the residents have not used it for a church.

Commissioner Dean asked if there was a definition for private recreation facilities.

Mr. Partridge stated that it would still be classified as A-3 occupancy use which is a commercial facility. It is going to be a difficult task for the resident and the Building Department to bring this building up to code. He stated that the electrical, plumbing and mechanical were not part of the initial inspections. The structure of the building was inspected to code.

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Commissioner Linton was concerned that the building was not engineered correctly to withstand the extra weight of the finishing.

Mr. Partridge said that it could be a requirement that the engineer review the structure. But he felt that it was adequate, because the drywall would add some shear stability and it would help the structure.

*Commissioner Linton opened the public hearing at 6:34 p.m.*

Glenn Allred representing Hyrum Thompson, the property owner, stated that the owner understands the City's request, and is willing to work with the Building department. He stated that the owner's intentions for the building are to use it as a private recreational area.

*Commissioner Linton closed the public hearing at 6:36 p.m.*

Commissioner Camacho asked if it was the City's goal to work together and make the best of this situation.

Mr. Hadley explained that the City has worked on this project for the last two years. He stated that the City is willing to work with the applicant, but he believed that the City should put time restrictions on the fees, application, and the completion of this project.

Mr. Mumford explained that the building would be brought up to building and City codes. The City could not restrict residents on building a private recreational building on their property. The issue at first was that the home owner wanted to turn this building into a congregation use building. Parking space and building codes made that request impossible.

Commissioner Linton asked if the parking lot area was asphalt. He asked why the plan shows the parking lot being striped.

Mr. Hadley explained that the parking lot is a type of gravel.

Mr. Allred explained that when the building plans were submitted to the architect and the engineer, they were told the building would need a bigger parking lot, due to the square footage of the building.

Commissioner Linton asked how many parking spaces would be needed for a public meeting house of this type.

Mr. Hadley explained about 200 to 250, typical for a structure this size. Mr. Mumford explained that code requires one parking stall for each 20 sq. ft. of the main assembly room.

Commissioner Dean asked if the only difference from a public building and private a building would be a City agreement.

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Mr. Partridge stated that the building code does not care how the building is used. The building code only cares if the building complies with the safety requirements.

Mr. Hadley explained that the City would have the homeowner sign a City agreement and a notice of interest will be recorded with the County for that property. The City would then be notified of new ownership or conflicting interest or issues on the property.

Commissioner Linton asked if there were numerous complaints about the property or was it just the one call?

Mr. Hadley stated that the Planning Department had not received any complaints about the property.

Mr. Partridge stated that the Building Department had not received any complaints that he was aware of. He stated that he had gone out to the property on numerous Sundays, and there were cars parked everywhere. That is why the City was concerned about the assembly use and why the City needs it to be a private use. He explained that building uses change all the time, for example a B-occupancy (business) could change to A-occupancy (assembly). He explained that the owner is responsible to notify the Building Department and Fire Department of occupancy change.

**MOTION:** *Preston Dean moved that the Planning Commission approve the Conditional Use Permit application for the Meadow Ranch private recreation facility, subject to the conditions stated in the staff report. Daniela Camacho seconded the motion. Those voting aye: Preston Dean, John Linton, Daniela Camacho and Wendy Komoroski. The motion passed with a unanimous vote.*

6. Other Business

7. Meeting Information:

A. Next Regularly Scheduled Meeting – October 9; upcoming agenda items

8. Adjournment

The meeting was adjourned at 6:58 p.m.

APPROVED BY THE PLANNING COMMISSION ON OCTOBER 9, 2012.

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Steve Mumford, Planning Director