

EAGLE MOUNTAIN PLANNING COMMISSION MINUTES
Eagle Mountain City Offices 1650 E. Stagecoach Run, Eagle Mountain, UT 84043
Tuesday October 11, 2005

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

Roll Call:

Tom Maher, Chris Kemp, John Malone, Michael Hansen, Matt Weir

Others Present:

Charlotte Ducos, Kelvin Bailey, Brandon Reall, Ken Hixon, Doug Woodruff

City Staff:

City Planner: Peter Spencer
Mayor: David Lifferth
Executive Assistant: Angie Ferre

1. Pledge of Allegiance

Tom Maher led the Commission and Audience in the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Minutes

A. September 27, 2005

MOTION: *Michael Hansen moved that the Planning Commission approve the minutes of September 27, 2005.*

John Malone seconded the motion. Ayes: 5, Nays: 0. Motion Passed.

4. Development Items

A. Lone Tree E Rezone. Public Hearing – Action Item

Mr. Spencer explained that the proposed Lone Tree E project is located adjacent to the western end of The Ranches' Master Development Plan area, northeast of Lone Tree A, B, & C. Mr. Spencer explained that the Applicant is requesting that their 66 acres be rezoned to Residential in order to accommodate a future residential development.

Mr. Spencer explained that the Planning Department's recommendation would be to approve the rezoning request. Mr. Spencer explained that the area is currently zoned as agriculture and that the applicant is asking that it be rezoned to residential.

Mr. Kemp asked where the access to this project would be from.

Mr. Spencer explained that he thought that they would use the access through the Lone Tree subdivision.

Mr. Malone asked if this was the only area in the Ranches that was still zoned as agriculture and surrounded by all residential.

Mr. Spencer explained that the area shown on the map is actually not in the Ranches. Mr. Spencer explained that the entire square area shown on the map is out of the Ranches Master Development Plan.

Tom Maher opened the public hearing at 6:09 p.m.

Tom Maher closed the public hearing at 6:09 p.m.

MOTION: ***Chris Kemp moved that the Planning Commission recommend approval of an ordinance that will rezone the 66-acre "Lone Tree E" parcel from the Agriculture Zone to the Residential Zone at Base Density.***

Michael Hansen seconded the motion. Ayes: 5, Nays: 0. Motion Passed.

B. Sunrise at Kiowa Rezone, Public Hearing – Action Item

Mr. Spencer explained that this property is adjacent to the Ranches Master Development Plan, south of the Kiowa Valley subdivision, and is currently zoned Agriculture. Mr. Spencer explained that the applicant is requesting that their 20 acres be rezoned to Residential in order accommodate a future residential development.

Mr. Spencer explained that a large portion of the twenty acres is on a hillside.

Mr. Hansen asked if the motion could leave out the part about Bonus Density

Tom Maher opened the Public Hearing at 6:14 p.m.

Mayor Lifferth asked Mr. Spencer what the grade of the hillside was and how much of the hillside is actually buildable.

Mr. Spencer explained that the project has not yet been evaluated that far. Mr. Spencer stated that when the applicant submits their application for a preliminary plat, the applicant will be required to indicate the slope of the hillside.

Tom Maher closed the Public Hearing at 6:15 p.m.

MOTION: ***Michael Hansen moved that the Planning Commission recommend approval of an ordinance that will rezone the 20-acre "Sunrise at Kiowa" parcel from the Agriculture Zone to the Residential Zone at Base Density.***

Matt Weir seconded the motion. Ayes: 5, Nays: 0. Motion Passed.

C. Disposal of Public Property, North Ranch Subdivision Open Space – Action Item

Mr. Spencer explained that Mr. Brandon Reall, President of the North Ranch Homeowners Association, has submitted a formal letter of application requesting that the City dispose of the recorded open space park area in the North Ranch subdivision. Mr. Spencer explained that the HOA currently pays to maintain all of this land, but it is owned by the City.

Mr. Spencer explained that there is a two step process in the disposal of this property.

Mr. Spencer explained that the first determination that needs to be made is whether or not the land is significant or insignificant. Mr. Spencer stated that the Planning Department recommends that the land be classified as significant.

Mr. Spencer explained that the applicant would need to pay a fee for the processing of the application and that this fee would be determined by the City Council.

Mr. Spencer explained that all easements required by the City Engineer would need to be provided.

Mr. Spencer explained that the cost of land fee would need to be paid.

Mr. Maher asked what the fee for the land would be.

Mr. Spencer explained that the cost would have to be determined by the City Council.

Mr. Maher asked how that fee would be calculated.

Mayor Lifferth explained that he was unsure of the value of the lot and that he did not know how much the lot would need to be sold for.

Mayor Lifferth asked Mr. Bailey if he knew how that fee would be calculated.

Mr. Bailey explained that the City could possibly check the county records and look for other open space similar to this one and look to see what they assess it at.

Mr. Maher explained that he would like to sell the land back at a minimal cost.

Mr. Spencer explained that a water meter would need to be installed so that the City could charge the HOA for the water that they use.

Mr. Reall explained that that the HOA is currently paying a monthly bill for the water that they use to water the park area.

Mr. Reall explained that currently the park and parking lot have all currently been put in by HOA funds. Mr. Reall stated that the HOA has recently gathered some money to put in a pavilion.

Mr. Reall explained that the HOA feels that since they already pay for all the maintenance, water and etc. for the park that they would just like to go ahead and own it so that they can build a pavilion on it.

Mr. Bailey explained that if all the HOA wants to do is build a pavilion and not really own the property then there are ways to get around the City to do it. Mr. Bailey explained that this could be worked out at a Staff level.

Mr. Spencer explained that Staff has discussed this issue and that since it is City owned property the HOA is not allowed to build a pavilion on it.

Mr. Bailey explained that there are ways to get around that depending on how it is presented to the City.

Mr. Spencer explained to Mr. Reall that all of the meetings that he had attended the City Staff has explained that if it is City owned then there cannot be a privately owned pavilion built on it. Mr. Spencer explained that this is the reason that the disposal of the property has come about.

Mr. Spencer explained that building a structure on City property is possible but that the City would have to be the one to put out the bids, choose a contractor and have it built with the City funds.

Mr. Hansen asked if the disposal would include an easement so that in the future the property will always remain as a park.

Mr. Maher explained that the property is currently designated as a park.

Mr. Malone asked if the entire HOA board was agreed in owning the property and if the residents

have been support of the issue.

Mr. Reall explained HOA was in favor and that most residents were in favor as well.

Mr. Reall explained that the CC&R's would require that there be a vote on owning the property. Mr. Reall explained that in most cases the residents were in favor of owning the property to install a pavilion.

Mr. Malone asked if the HOA does come to own the park, would that designate it as a private park rather than a public park.

Mr. Reall explained that it would become a private park.

Mrs. Ducos explained that she would like to see this item tabled tonight. Mr. Ducos explained that a ballot had been sent through the neighborhood but it was not about the specific issue regarding the disposal of the park to the HOA. Mrs. Ducos explained that she was personally against the disposal of this property. Mr. Ducos explained that there were a lot of issues involving this disposal that had not been brought before the residents and she would like to see them resolved before any action is taken.

Mr. Malone explained that he would be uncomfortable making a motion on this tonight. Mr. Malone asked why the HOA is currently paying for the utilities, water and electric.

Mr. Spencer explained that it was an agreement made with the HOA and the City when North Ranch came to be. Mr. Spencer explained that the reason that the HOA did not have ownership of the property was because they wanted to avoid having to pay property taxes.

Mr. Bailey explained that his concern is that the residents have not been well informed about the HOA having ownership over the land.

MOTION: *Mike Hansen moved that the Planning Commission table the Disposal of Public Property in the North Ranch Subdivision item.*

Chris Kemp seconded the motion. Ayes: 5, Nays: 0. Motion Passed.

D. Amendment to the Silver Lake Master Development Plan, Public Hearing – Action Item

Mr. Spencer explained that the applicant had requested to have the item tabled.

Various comments were heard from the public that were not related to the Amendment to the Silver Lake Master Development Plan.

MOTION: *John Malone moved to table the Amendment to the Silver Lake Master Development Plan item.*

Chris Kemp seconded the motion. Ayes: 5, Nays: 0. Motion Passed.

5. Other Business

None

6. Adjournment

The meeting adjourned at 6:52 p.m.