

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES

TUESDAY, OCTOBER 27, 2015 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: Wendy Komoroski, Daniel Boles, John Linton, Miriam Allred, and Matthew Everett.

CITY STAFF PRESENT: Steve Mumford, Planning Director; Mike Hadley, Senior Planner; Tayler Jensen, Planner, and Johna Rose, Deputy Recorder.

ELECTED OFFICIAL PRESENT: Tom Westmoreland

1. Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

2. Declaration of Conflicts of Interest

None

3. Approval of Meeting Minutes

A. September 22, 2015

MOTION: *Wendy Komoroski moved to approve the September 22, 2015 meeting minutes. Matthew Everett seconded the motion. Those voting aye: Miriam Allred, Daniel Boles, Wendy Komoroski, John Linton and Matthew Everett. The motion passed with a unanimous vote.*

4. Action and Advisory Items (Recommendations to the City Council)

A. Cove at Rock Creek Amended Recorded Plat, Public Hearing, & Advisory Action

Mike Hadley explained that the proposed project is located just south of the existing Rock Creek development off of Rock Creek Rd and Clear Rock Rd. The proposed recorded plat amendment to the Cove at Rock Creek Plat 2 adds one additional unit taking the total unit, count from 23 units to 24 units. The original density of plat 2 was 13.1 units per acre. The density with the additional unit is 13.6 units per acre. By adding one more unit to the plat, the increased density does not affect the overall open space/park requirements for the project.

Commissioner Linton opened the public hearing at 6:04 p.m.

None

Commissioner Linton closed the public hearing at 6:04 p.m.

MOTION: *Daniel Boles moved to recommend approval of the Cove at Rock Creek Amended Recorded Plat to the City Council. Matthew Everett seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.*

B. AUB- Conditional Use Permit, Site Plan, Public Hearing, Approval Action & Advisory Action

Taylor Jensen went through the proposal for the AUB Conditional Use Permit and Site Plan. The property is located at 3387 East Harvest Lane, in the Meadow Ranch subdivision, lots 137, 138, and 139 and is approximately 3.741 ac in size. The church building is shown as having a 15,000 square foot footprint. The building will also be used as a school with classrooms on the main level. The project design complies with the City's commercial design standards. The proposed project will require a lot line adjustment, which will be required before final approval is given. Building elevations have been submitted for the AUB church. The staff has no concerns with these elevations.

Parking

Required parking is 1 stall per 20 square feet of the main assembly room. The main assembly room is 3,844 square feet, and therefore requires 193 parking stalls. The developer has provide 230 standard stalls and 7 ADA parking stalls.

Landscaping

A portion of the paved parking lot buffering is not ten feet (10') wide due to the existing slope issues on the site which would require retaining walls in order to allow for a ten foot (10') buffer. As the entire parking lot is enclosed by a six foot (6') privacy fence staff feels this is adequate to screen the site. Chapter 17.60 requires 50% of landscaped area to be turf; the landscaped area is 41,150 square feet, with 20,500 square feet of turf, the proposed landscaping plan falls just short of the 50% requirement.

Commissioner Allred asked what the project's current buffer is. Mr. Jensen explained that some of the current buffer is 10 feet, but most of the current buffer is about 5 to 6 feet.

Commissioner Linton opened the public hearing at 6:10 p.m.

None

Commissioner Linton closed the public hearing at 6:10 p.m.

Commissioners felt that the difference in turf coverage was insignificant.

MOTION: *Wendy Komoroski moved to approve the AUB Church/Private School Conditional Use Permit and recommend approval of the site plan to the City Council with the following conditions:*
a. A lot line adjustment be completed prior to receiving final approval.

Miriam Allred seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.

C. Heatherwood Recorded Plat Amendment, Preliminary Plat Amendment, Public Hearing & Advisory Action

Mr. Hadley explained that the recorded Heatherwood Amended Plat 1 consists of 96 total units. Currently there are 44 units that have been built or are in the process of being built. In Plat 1 on the east side of Desert Canyon Rd there are 10 units that are recorded but have not been built. The purpose of the recorded plat amendment is to vacate those 10 units. The 10 vacated units will be combined along with a portion of Heatherwood Phase 2 to create one single lot that will be purchased from the developer for a future church site.

The preliminary plat amendment will create two new phases (phases 2 & 3). The phases will consist of the vacated units from the recorded plat amendment (see above) and the originally approved Heatherwood Phase 2 development. Heatherwood phase 2 has never been recorded with Utah County. The new preliminary plat will feature a redesign of the unit's configuration. With Phase 1 the configuration of the units has created issues with drainage and snow plowing/stacking. The new configuration will take the end units and align them parallel with the other units which will open up the area at the end of the units.

The new design will allow for better drainage. It will also create more area for snow stacking and plowing. All of the units will also be unattached from one another and feature rear loading garages. Staff believes that the new design is a more efficient and better design. All of the utilities and infrastructure are already on site for this project so the proposed changes should have no effect.

Following the processing of the recorded plat amendment and the preliminary plat amendment there will be one lot created known as Phase 2 on the amended preliminary plat. The lot is 3.45 ac in size. This will be processed as a one lot subdivision for the purpose of constructing a church. In the past the City has recommended that when a church site is proposed that it is submitted as a one lot subdivision. The City has approved a few different one lot subdivisions that became church lots.

Commissioner Linton opened the public hearing at 6:14 p.m.

None

Commissioner Linton closed the public hearing at 6:14 p.m.

MOTION: ***Wendy Komoroski moved to recommend approval of the Heatherwood Recorded Plat Amendment and the Preliminary Plat Amendment to the City Council. Miriam Allred seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.***

D. Eagle Mountain Benches- Rezone, Public Hearing, Advisory Action

Mr. Hadley explained that this item was brought before the Planning Commission on August 25th, 2015. The rezone was tabled indefinitely until the City Council had time to review the future of Lake Mountain Road. The Council's conclusions were that the road would need to be paved by developers and that a gate would be installed on the south end of the road. The applicant is proposing rezoning approximately 98.39 acres of land currently zoned Agriculture to Residential. The proposal is for Residential zoning with a minimum of 1 acre lots. The Residential zoning complies with the City's Future Land Use General Plan. The General Plan land use designation for this area is Rural Residential.

Rezone Criteria for Approval

The rezoning of property does not require the Planning Commission or the City Council to take action based upon findings of facts. The decision made by the Planning Commission and the City Council is considered valid by the courts if it is reasonably debatable that the action could promote the general welfare. Rezone proposals are evaluated using the following criteria:

A. Compliance with Future Land Use Plan (General Plan). The rezone complies with the City's Future Land Use Plan which designates the area as Rural Residential.

B. Compatibility Determination. At this time the surrounding property is all zoned Agriculture. The proposed Residential zone would be compatible with the future proposed uses of the surrounding land and could be considered to be fairly compatible with the existing uses. The 5.5-acre Eagle Mountain Ranches property is located immediately adjacent to existing homes on 5-acre lots. The property is also located fairly close to a future major arterial road (to be located to the southwest). These conditions should all be considered in the decision.

C. Buffering of Incompatible Uses. Surrounding uses include the Friends in Need Animal Sanctuary, existing homes on 5 acre lots, and vacant agriculturally zoned property.

Commissioner Linton asked about the right-of-way through the property. Mr. Hadley explained that the developer would need to work with Interplan. The road would need to be paved, but there is no determination on the cross section of the road. Commissioner Linton was also concerned about the unbuildable land.

Commissioner Linton opened the public hearing at 6:19 p.m.

Kim O'Donnell, resident, read a letter for Jody Hooley (see attachments). He was concerned about what would be built on the property.

Jennifer Morrison, resident, was concerned about presevering the way of life for Lake Mountain residents. She explained and demonstrated with a beach ball that changing the intent of the property changes their way of life.

Doug Sutton, resident, felt that the one acre lots were a nice buffer between the five acre and the smaller lot subdivisions.

Matt Morrison, resident, asked the Planning Commission to table the item, because he felt there was contradicting information.

Carl Wetzel, landowner, was for the rezone of the property. He explained that he has five acre in the development but has no way to access the property.

Jeff Scott, developer and resident, said that his lots would be one to five acres in the development. The unbuildable land would be bigger acres, where horses could graze.

Jan Preece, resident and former buyer into the project, explained that the Scotts tried to make her sign a letter of intent after she decided not to purchase the property in the development. She felt that they were being dishonest.

Bridger Hardy, land owner, explained that there are 7 residents that live on Lake Mountain Road and 14 land owners that would love to build on Lake Mountain Road. The City requires paving and finishing the road before those 14 land owners can build on their properties. He felt that this development would help those 14 land owners.

Karen Scott, developer and resident, explained that the City Future Plan has her property zoned as half acre lots. She does not feel that the developers have twisted anyone's arm to sign papers.

Mike Kieffer, resident, explained that those 14 people knew that they would need to create an access road to get to those properties. He was also concerned about the large amount of septic tanks and propane tanks in the proposed development. He suggested a buffer zone be added between the five acres and the one acre lots. He felt that there would be code enforcement issues without a buffer zone. He requested that the Planning Commission table this item until the updated Transportation Plan is adopted by the City Council.

Greg Jeppsen, resident, opposed the rezone. He did not feel that a residential rezone is a good fit for his area. He also had the same concerns as Mike Kieffer.

Melinda Martin, resident, felt that the City should be prepared for gas, sewer and lighting issues, before approving a rezone. She said that the development would bring in a large amount of children. She was concerned with the lack of sidewalks and the children needing the sidewalks for walking to school. She opposed the rezone.

Colby Curtis, resident, said he was pro property rights, but he felt that some accommodations should be made to help with the buffering. He hoped that there could be some kind of compromise that could benefit each party.

Commissioner Linton closed the public hearing at 6:52 p.m.

Commissioner Linton and Mr. Mumford went through current land and its buffering in the City.

MOTION: ***Wendy Komoroski moved to recommend approval of the Eagle Mountain Benches rezone to the City Council with the following condition:***
 1. The lot size minimum for the proposed rezone is 1 acre or larger.

Miriam Allred seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.

E. River Jordan Mink Ranch, Variance, Public Hearing, Approval Action

Mr. Jensen explained that the proposal is for a variance to allow for the installation of overhead electric service to a mink ranching facility located at 2252 North O Street, which is approximately 125.35 acres located to the West of the Scity waste water treatment plant. The applicant is requesting a variance that would allow for an overhead power distribution line to be run through the interior of his property. Staff reviewed past Planning Commission meetings to determine if any variances had been granted for overhead power distribution lines, and none have been found.

The City Code states the purpose of a variance as:

17.105.020. "to provide a legal method for persons who are seeking relief through the granting of a variance from the specific provisions of the land use regulations that may apply to real property".

The City Code also states:

17.105.030. "Variances provide potential relief for landowners whose property may have some special condition or unique physical characteristic whereby a strict enforcement of the title will result in unnecessary hardship and deprive that landowner of privileges, rights or benefits that are possessed by other properties within the same district. The variance process does not change the zoning of a property but may waive or modify standards contained in this title as applied to the property".

There are specific criteria that the application must meet in order for the Planning Commission to approve a variance. The approval criteria are located in Chapter 17.105.060 and are as follows:

Approval Criteria. The Planning Commission shall not approve, even with modifications, a variance application unless it finds the following:

1. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.
5. The spirit of this title is observed and substantial justice is done.

The Utah Property Rights Ombudsman declares that: "All five criteria must be found in favor of the variance in order for it to be valid. The unreasonable hardship may not be self-imposed or purely economic, and must arise from conditions unique to the property."

Staff Findings

1. Literal enforcement of this title would not cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title.

- According to Office of the Property Rights Ombudsman for Utah an “unreasonable hardship” is defined as: difficulty in complying with a zoning ordinance because of circumstances unique to the property. The hardship must relate to the property and not to conditions general to the area. A hardship may not be self-imposed or solely economic. A variance is not necessary if compliance is possible, even if the property owner has to alter desired plans.

- Compliance with City Code is possible by burying the power service underground, the argument for overhead power service is economic.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.

- Staff finds no special circumstances attached to this property that do not generally apply to other properties in the same district

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

- As no overhead power service/distribution line has been granted to any other property in the city, and as the applicant is able to bury the distribution line and achieve compliance with the City Code, staff does not find the granting of this variance essential to the enjoyment of a substantial property right possessed by other property in the same district.

4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.

- Staff finds that the variance will not substantially affect the General Plan, and it is not contrary to the public interest

5. The spirit of this title is observed and substantial justice is done.

- Staff finds that this application does not meet the spirit of the title as the Code calls for all utility lines to be located underground as stated in -17.100.050 Site Plan Development Standards: The following are standards required for all site plans in any zoning district.

Utilities: All utility lines shall be underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electrical or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purposes during construction. Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method. Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be the responsibility of the developer.

Paragraph 8.6 of Eagle Mountain City's franchise agreement with Rocky Mountain Power states: Rocky Mountain Power acknowledges that City ordinance require that all distribution lines be placed underground, and Rocky Mountain Power shall, upon payment of all charges provided in its tariffs or their equivalent by applicants or customers, place newly constructed electric distribution lines underground as required by City ordinance or applicable state law and regulations.

Commissioner Linton opened the public hearing at 7:03 p.m.

Gary Curle, representing the mink ranch, said that he got the impression from City staff and Jeremy Cook that it was appropriate to file for a variance. He explained that they are an Agriculture area to the south of the City and that there has only been overhead construction in that area. He understood that the Rocky Mountain power agreement was between the City and Rocky Mountain Power, not with his company. He explained that he is not a developer but an agricultural area, so the development code does not apply to them. He also explained that it would be a long term temporary structure.

Commissioner Linton closed the public hearing at 7:06 p.m.

Commissioner Komoroski felt that the Rocky Mountain power agreement was pretty clear. She asked if there was a difference between agricultural and development in the Rocky Mountain Power agreement. Mr. Jensen felt that the agreement was pretty clear and that is why he recommended denial of the variance.

Commissioner Boles explained that variances come down from the State approval criteria and how hard it is to meet all the State's criteria. The applicant would have to meet all five State-approved criteria.

MOTION: *Wendy Komoroski moved to deny the overhead distribution line variance application. Miriam Allred seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.*

F. Tania Rueda Hobby Breeder, Conditional Use Permit, Public Hearing, Approval Action

Mr. Jensen explained that the applicant is applying for a hobby breeder license. The residence is located in the Kiowa Valley subdivision at 6959 North Mohawk Street. The hobby breeder is a conditional use permit in a residential zone.

City Code states:

"Hobby breeder kennel" means a dog or cat breeder that has been given conditional use approval to keep a limited number of animals, as approved in a conditional use permit, in a residential area, subject to all provisions of Chapter 6.05 of the City code.

The applicant's residential lot is 0.30 acres and has houses located to the North, South, and West of it. There are also homes to the east across Mohawk Street.

The applicant is proposing to have eight (8) Yorkshire Terriers (City Code allows up to eight (8) dogs) to serve as pets and for occasional breeding. The dogs range in size with the largest being 10 lbs and the smallest (a teacup variety) weighing in at 2 lbs. The dogs

live indoors with two fenced runs located outside. The rear yard is fenced with a six foot (6') wooden privacy fence.

All of the applicant's dogs are licensed, and have had their shots. Seven of the dogs are registered with the national AKC registry. The unregistered dog cannot be registered without being spayed or neutered as its parents were unregistered, and the applicant believes that getting the dog fixed would defeat the purpose as she wishes to breed the dog.

Commissioner Linton opened the public hearing at 7:14 p.m.

Benjamin Maughan, resident, pointed out that the lot size is only 0.161 acre and not 0.30 acres. He wanted on record that he oppose this license. He said that the dogs have already created a public noise nuisance.

Peter Danzig, resident, explained that there has been a noise nuisance from the dogs. The breeder has left her dogs outside 24/7. He requested that a condition be added to the license, that if complaints continue that she would have to get rid of the dogs.

Tania Rueda, applicant, explained that the type of dog (Yorkshire) is not known for barking. She stated that she does not leave her dogs outside 24/7. She explained that she does have one dog that has a brain injury that barks. She has purchased a bark collar and is working with that dog. She said that she is working with the neighbors and would do anything to resolve any issues.

Commissioner Linton closed the public hearing at 7:24 p.m.

Commissioner Everett felt that the lot was too small to hold eight dogs.

Commissioner Linton suggested that the City limit the number of dogs and the time the dog are outside.

Commissioner Komoroski was concerned about eight dogs plus the puppies at one time.

MOTION: *Daniel Boles moved to approve the Hobby Breeder Conditional Use Permit with the following conditions:*

- 1 Applicant obtains a home business license with the City.*
- 2 A yearly inspection would be completed to renew the permit.*
- 3 All dogs be registered with the American Kennel Club (AKC)*
- 4 Limit the number of dogs to 6.*
- 5 The dogs are only allowed outside for extended hour between 10 a.m. and 5 p.m. With the exception of infrequent breaks.*
- 6 The Conditional Use Permit will be brought back to Planning Commission for reconsideration if there are 3 complaints.*

Miriam Allred seconded the motion. Those voting aye: John Linton, Daniel Boles and Miriam Allred. Those voting nay: Matthew Everett and Wendy Komoroski. The motion passed with 3 ayes and 2 nays.

G. Spring Run Church- Conditional Use Permit, Site Plan, Public Hearing, Approval Action & Advisory Action

Mr. Jensen explained that this application is for a Conditional Use Permit and a Site Plan for a property located at approximately 3347 East Ranches Parkway, in the Spring Run subdivision, lot 101, and is approximately 3.59 ac in size. The proposed project is for a church, which is a conditional use.

Building elevations have been submitted for the Spring Run church. Color renderings have not been presented to staff, but the applicant has included a board of sample materials. It is up to the Planning Commission as to whether to require color renderings. Required parking is 1 stall per 20 square feet of the main assembly room. The main assembly room is 2,984 square feet, and therefore requires 150 parking stalls. 236 standard stalls and 7 ADA parking stalls are provided; this is consistent with City Code. The landscaping proposed by the applicant meets the City standards. The lighting plan complies with the City's dark sky ordinance requirements.

Fire Review

The Fire Marshal has reviewed the application and the following are required for approval: The addition of another fire hydrant (which the fire marshal has redlined on the plans) and providing an 8" fire line loop / 6" hydrant stub.

Commissioner Linton opened the public hearing at 7:47 p.m.

None

Commissioner Linton closed the public hearing at 7:47 p.m.

MOTION: *Wendy Komoroski moved to approve the Spring Run Church Conditional Use Permit and recommend approval of the site plan to the City Council with the following conditions:*

- 1. A fire hydrant and 8" fire loop line / 6" hydrant stub be provided as per the Fire Marshal's review.*

Matthew Everett seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.

- H. Porter's Crossing Town Center Amended Master Development Plan, Public Hearing, Advisory Action An applicant proposed amendment to the Porter's Crossing Town Center Master Development Plan, maintaining the same number of units but modifying unit types and locations, moving parks, and modifying local roads.

Mr. Mumford explained that this Master Development Plan was last amended by the City Council in August, 2014. Several areas within the master development plan have been at least partially developed, including the Ridley's commercial area (area 16), the Parkside subdivision (area 11), and the LDS church (area 12). Porter's Crossing Road and Smith Ranch Road have also been improved in the project.

The applicant is proposing some changes to the densities, housing types, road layout, and open space system, and has been working with the City on the creation of a master development agreement.

- **Road Configuration.** The proposed plan removes a future road connection to the northwest and instead proposes a connection to St. Andrews Drive in the Eagle's Gate neighborhood to the west. Back in June the Planning Commission recommended that St. Andrews Drive connect directly to Porter's Crossing, allowing Eagle's Gate residents to drive to the commercial center, the church, the parks, and to Pony Express Parkway at a future signalized intersection (Porter's Crossing and Pony Express Pkwy). The plan includes the relocation of the existing park that would be removed with the road connection.
- **Parks & Open Space.** The proposal contains a couple of decent sized neighborhood parks, located to the north of the commercial and apartment areas, and in the very northern area of the project, near the substation. The utility corridors still remain as open space, as well as the natural washes and detention areas. The previous approval included the following condition of approval: A detailed parks/landscaping plan be required to return to the Planning Commission for a recommendation prior to approval of the master development agreement by the City Council. This plan must include the proposed amenities, trails, trees, and equipment required to meet the point values found in Table 16.35.130(c) Pocket and Neighborhood Park Elements. The applicant submitted an updated parks and recreation plan on Thursday evening.
- **Housing Types & Densities.** The maximum number of housing units is the same (726), and the housing types and densities have been shifted around in an effort to comply with the City Council's condition of approval from the previous approval: The master development agreement must include language requiring that Area 3 provides a variety of housing products.
- **Northern Residential Zones.** Some changes are proposed for the densities and configuration of the single-family and single-family cottage lot areas in the northern section of the project.

Commissioner Linton opened the public hearing at 7:57 p.m.

Jerry Tully, the applicants Land Planner, explained that the developer needs a development agreement for this development. He went through the variety of houses and lot sizes that would work for the land and development. He felt that the developer would build fewer homes than the approved number of houses (724). He reviewed the recreation plan for the Porter's Crossing Town Center development. He felt that the developer would be able to comply with the City's park standards.

Commissioner Linton expressed his concerns for Tickville Wash. Mr. Tully explained that the developer is looking into solutions for the Tickville Wash.

Commissioner Linton closed the public hearing at 8:29 p.m.

Commissioner Linton felt that the park and recreation plan be left open to be prepared at the time of plat approval and be a mutual agreement between developer, builder and City at that time.

MOTION:

Wendy Komoroski moved to recommend approval of the Porter's Crossing Town Center Amended Master Development Plan to the City Council with the following conditions:

- 1. The bonus density requirements must be detailed in the master development agreement.***
- 2. The traffic study requirements must be met and detailed in the master development agreement.***
- 3. The wash must either be piped or a 100-foot buffer from the top of the bank must be shown on the plans. A slope stability report must be completed with each preliminary plat located along a natural wash or a slope greater than 25%.***

Matthew Everett seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.

I. Industrial Overlay Zone, Public Hearing, Advisory Action

Mr. Jensen explained that the proposed amendment is to the City's development code (Title 17 of the Municipal Code) concerning the adoption of an industrial overlay zone. Master site plan was recently proposed and adopted with an exhibit which provided for fewer design standards in the area surrounding the wastewater treatment plant due to the stigma associated with the treatment plant. The purpose of the exhibit was to reduce the cost of development in the area directly adjacent to the treatment plant in order to attract new development. The proposed exhibit received a recommendation for approval from the Planning Commission, but it was denied by the City Council who recommended an overlay zone be created for land near the wastewater treatment plant.

Following the City Council's suggestion, staff has written an overlay zone ordinance that provides for relaxed design standards in the area surrounding the City wastewater treatment facility.

Commissioner Linton opened the public hearing at 8:36 p.m.

None

Commissioner Linton closed the public hearing at 8:36 p.m.

MOTION:

Matthew Everett moved to recommend approval of the Industrial Overlay Zone to the City Council. Wendy Komoroski seconded the motion. Those voting aye: Wendy Komoroski, John Linton, Matthew Everett, Daniel Boles, and Miriam Allred. The motion passed with a unanimous vote.


The Commissioner and Planners reviewed a neighborhood sign for the Autumn Ridge subdivision. Commissioner Linton felt that this type of sign would be a good sign choice for SilverLake subdivision. Commissioner Everett expressed his concern about shorting or abbreviating the name Eagle Mountain City on subdivision signs.

5. Next scheduled meeting: November 10th 2015

6. Adjournment

The meeting was adjourned at 8:46 p.m.

APPROVED BY THE PLANNING COMMISSION ON NOVEMBER 10, 2015



Steve Mumford, Planning Director

Steve Mumford

From: Kamme Edsberg <kamme@edsberg.us>
Sent: Tuesday, October 27, 2015 5:50 PM
To: Steve Mumford
Subject: Public Comment for the 10/27 Planning Commission Meeting

Please read the following, on the record, during the public comments of the 10/27 Planning Commission meeting as I am unable to attend this evening.

My name is Kamme Edsberg and I own a home in Lone Tree.

I strongly encourage the planning commission to table the rezone until the updated transportation plan has been presented or adopted by the city council.

In addition, it's not reasonable to suggest that the rezone of Eagle Mountain Benches and Eagle Mountain Ranches promotes the general welfare or the greater good when there are so many more important impacts to consider before setting this precedent. The surrounding property owners, who'd be adversely effected, should be given the utmost consideration.

Please recommend denial to the city council until the updated transportation plan has been presented or adopted by the city council.

Thank you.

I believe these properties should stay agricultural and be split to 5 acre lots as to be the most compatible with existing residents and the use of land. I realize it is possible, however, that you will vote for the rezone to residential.

It has been said that this is a sharing proposition, make no mistake this land will not be given away, which is the definition of sharing. Buying land for development is a speculation and there is no guarantee a developer can put in to affect their perfect plan, making the most amount of money in the least amount of space. That is not the city's job, but rather to promote responsible planning and development.

With the Glenmar rezone approved to the north with min. 1 acre lots it would only seem appropriate to make lots continuing to the south to gradually become bigger the closer they come to those of us with 5+ acre lots. If the applicant is allowed to put in 1 acre where he previously outlined then the transitioning concept is out the window and sets a negative precedent for any other development in the city. Since there are power line and gas corridors in much of the property. This also restricts how large the lots can be.

While I know the applicant is asking for this rezone with 1 acre lot min. I feel it is imperative that it be much more specific. There is a real compatibility issue putting 1 acre lots next to 5 acres or more, jumping from 5 to 1 is not good transitioning. Imagine lots 1/5 the size of your own lot being put next to you. Five acres involves more animals, more privacy, more agricultural smells and noises and while I know that people that historically buy 1 acre lots say that they have no problem with all that larger lots bring, I have seen and I'm sure you have seen or heard of, those exact and similar circumstances resulting in complaints and hostile feelings and behaviors between neighbors. Some resulting in forcing original residents to end their way of life or move. This tramples on those residents' rights.

As there are several 5+ acre lots with homes and farming, raising livestock, and a much needed animal sanctuary, next to or across the street to these properties, I think it is most relevant to see these conditions attached to this application to protect everyone involved now and possible purchasers of these new lots.

- 1- The residential rezone must be a min. lot size of 1 acre.
- 2- Any lot adjacent to or across the street from 5 or more acres must be a min. of 3 acres.

Thank you,

Jody Hooley