

EAGLE MOUNTAIN CITY
PLANNING COMMISSION MEETING MINUTES
TUESDAY, DECEMBER 10, 2013 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, Wendy Komoroski, Matthew Everett, and John Linton.

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

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

Pledge of Allegiance

Commissioner Linton led the Pledge of Allegiance.

1. Declaration of Conflicts of Interest

None

2. Approval of Meeting Minutes
A. November 12, 2013

MOTION: *Preston Dean moved to approve the November 12, 2013 meeting minutes. Matthew Everett seconded the motion. Those voting aye: Preston Dean, Matthew Everett, Wendy Komoroski, and John Linton. The motion passed with a unanimous vote.*

3. Approval of 2014 Meeting Schedule

Commissioner Everett was concerned about November 11, 2014 because it's Veteran Day.

Commissioners agreed to approve the 2014 Meeting Schedule.

4. Development Items

A. Monte Vista Ranch Master Development Plan Items – Public Hearing

1. Development Code Amendments – Chapters 17.26, 17.36, 17.52

The applicant is proposing that three new zoning chapters be added to Title 17 of the Municipal Code: (1) Chapter 17.26 Residential Mixed Use Development Zone; (2) Chapter 17.36 Commercial Mixed Use Development Zone; (3) Chapter 17.42 Industrial Mixed Use Development Zone.

2. Master Development Plan & Agreement Amendments

An applicant proposal to rezone the vacant properties within the master plan to the three newly proposed zones, divide the project into 5 different planning areas, and propose a maximum number of dwelling units in each area. A draft agreement is

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provided for review. The applicant's intent is for the existing agreement to be replaced with an amended agreement.

3. General Plan Amendments

The City's General Plan (Future Land Use and Transportation Corridors Map) is proposed to be amended, consistent with the master development plan changes.

Steve Mumford recommended that the Planning Commissioners review the general concepts of zoning, density, land use distribution, and the basics of the agreement. He requested that they have an open discussion with the applicant, hold a public hearing and receive feedback from the residents, provide as much feedback to the applicant as possible, and to continue the public hearing to a specific meeting date in the future. He stated that the applicant has also agreed that no action should be taken at this meeting.

Commissioner Linton asked if this item was time sensitive or is this for preparation for future development. Mr. Mumford believed that this item is in preparation for future developments.

Mr. Mumford explained that master development plans vest the land uses and densities; basically they are zone change requests. A General Plan amendment is required and processed as part of a master plan change; if the master plan does not comply with the City's Future Land Use and Transportation Corridor Map then the City will discuss that General Plan change at the same time. Approval of a master development plan does not allow development. The developer still has to obtain subdivision & development approval through the City unless given special rights in their development agreement. A development agreement identifies land uses, zoning, density per residential property, bonus density systems, phasing and much more. There are a lot of details that go into a development agreement, but the Monte Vista Ranch development agreement does not include all of those details and should be discussed.

The Code lays out the following review criteria on how the Planning Commission and the City Council review developments:

- Slope, natural hazards, storm water runoff, natural channels, flooding, and soil characteristics.
- Utilities - can the proposed uses and densities be adequately served by the City's planned municipal utilities?
- Streets – can the proposed uses and densities be adequately served by the City's planned network of major streets?
- Water rights
- Compatible densities – Will the proposed uses be reasonably compatible with existing or planned uses on adjoining lands? Internally compatible?
- Buffering incompatible uses
- Open space – is there adequate open space? Does the proposed pattern of uses and densities attempt to make effective use of open space?

Some of these items are not currently present in the Monte Vista Ranch agreement or plan.

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The original master development agreement was approved for the Monte Vista Ranch and Eagle Mountain Properties Master Development Plan in 1997. This master plan encompasses approximately 7,444 acres and is vested with a maximum of 22,930 residential units. The plan contains the following land uses (according to the 2006 Amendment, approved in June, 2007):

	LAND USE	ACRES
	RESIDENTIAL	3029
	MIXED USE RESIDENTIAL/COMMERCIAL	1518
	PARKS & OPEN SPACE	362
	AIRPARK	1412
	COMMERCIAL C-1	169
	COMMERCIAL C-2	561
	TOWN CENTER (COMMERCIAL C-3)	51
	INDUSTRIAL	274
	ROADS (EAGLE MNT. BLVD & SWEETWATER)	68
	TOTAL	7444

*** TOTAL APPROVED RESIDENTIAL UNITS = 22,930

The agreement contains a list of approved, permitted and conditional land uses allowed in each of the zoning districts, which is specific to this master development plan (i.e. not applicable to any other property owner in the city). The terms of this agreement end on October 7, 2017. Neither the City nor the property owner has been satisfied with some aspects of the agreement, which we assume is the reason for the applicant submitting an amended agreement.

The applicant is proposing to include three new zoning district chapters in the Municipal Code:

- 17.26 Residential Mixed Use Development Zone
 - Differences from the City's current Residential Zone:
 - Many more permitted land uses
 - No minimum lot frontages (width of the lot along a public street)
 - No building height limitations
 - Some landscape standards as can be found in other sections of the current Code
 - Reduced setbacks for densities above 5.3 dwelling units per acre
 - Different open space standards
 - No time limits for the expiration of preliminary or final subdivision plats
 - Exempt from the Residential Zone Bonus Density Entitlements (Chapter 17.30)
 - Exempt from site plan development standards, parking standards, fencing and other landscaping standards, home businesses, accessory apartments, commercial and multi-family design standards, animal regulations, sign regulations, and standards for special uses.
- 17.36 Commercial Mixed Use Development Zone
 - Differences from the City's current Commercial Zone:
 - Many more permitted land uses
 - No required setbacks, except as required by fire or building codes

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- No height requirements, except as required by state or federal regulations near airports
 - No time limits for the expiration of preliminary or final subdivision plats
 - Exempt from site plan development standards, parking standards, fencing and landscaping standards, home businesses, accessory apartments, commercial and multi-family design standards, animal regulations, sign regulations, and standards for special uses.
 - No architectural review of site plan or building elevations by the Planning Commission.
- 17.42 Industrial Mixed Use Development Zone
 - Differences from the City's current Industrial Zone:
 - Many more permitted land uses
 - No required setbacks, except as required by fire or building codes
 - No height requirements, except as required by state or federal regulations near airports
 - No time limits for the expiration of preliminary or final subdivision plats
 - Exempt from site plan development standards, parking standards, fencing and landscaping standards, home businesses, accessory apartments, commercial and multi-family design standards, animal regulations, sign regulations, and standards for special uses.
 - No architectural review of site plan or building elevations by the Planning Commission.

The applicant is proposing to rezone all of the vacant properties within the master plan to the three newly proposed mixed use development zones, with some properties being zoned to two of the zones. Please see the attached map exhibits (the 2006 Amendment map and the proposed master plan map). The amended map also divides the property up into planning areas.

Master Development Agreement Monte Vista Ranch, LC				
<u>Planning Area</u>	<u>Zone</u>	<u>Acres</u>	<u>Allowed Dwelling Units</u>	<u>Density (Units/Acre)</u>
Harmony	Mixed Use Residential	1210	7260	6.0
	Mixed Use Commercial/Industrial	225	525	2.3
East Bench	Mixed Use Residential	1630	4075	2.5
South End	Mixed Use Residential	970	1940	2.0
Economic Development	Mixed Use Commercial/Industrial	1780	1780	1.0
Town Center	Mixed Use Commercial	155	52	0.3
Regional Parks and Open Space	Regional Parks and Open Space	155	0	0.0
Totals		6125	15632	2.6

1.1

Remaining Dwelling Units Allowed Under 1997 MDA	20680
Number of Dwelling Units Reduced Under New MDA	5048

The applicant proposes to amend the City's General Plan Map so that the properties are designated with the Mixed Use Residential, Mixed Use Commercial, and Industrial future land

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use designations. This is processed along with a master development plan application, if necessary. In this case, it would be required.

The applicant is proposing a development agreement that replaces the 1997 agreement. The draft agreement that has been provided along with this report is the applicant's first complete draft, and is not supported by the City staff. Negotiation and discussion continues between the applicant and staff, and the agreement will no doubt be modified prior to a proposal for approval.

Item/Issue	1997 Agreement	2013 Proposed Amendment
Terms of Agreement	20 Years (Ends October 2017)	No Expiration
Applicable Development Code	Can be selected by EMP between current code and 1997 Interim Development Code	2013 Code, but with many exemptions
Lot Frontages	No minimum lot frontages (1997 code), if designed with a rear-loaded alley	No minimum lot frontages
Design & Architectural Standards	1997 Interim Code design standards	Design standards to be set by property owner at his discretion; exempt from City's design standards; Reduced industrial standards near the wastewater treatment facility
Parking Standards	1997 Interim Code standards	No parking standards
Landscaping Standards	1997 Interim Code standards	Minimal landscaping standards in residential zones, no standards in others
Setbacks	1997 Interim Code standards (Residential = 15' front, 20' rear, 4' sides)	Residential setbacks similar to 2013 code, reduced for densities greater than 5.3/acre, no setbacks for commercial or industrial uses
Height	1997 Interim Code standards	No height limits (except state or federal requirements near an airport)
Lighting	1997 Interim Code standards	No lighting standards
Additional approvals	Subdivision plat approvals, site plan approvals	Planning area master plan approval by City staff, subdivision plat approvals
Land Uses	Wide range of permitted and conditional land uses specific to the master planned property	Wide range of permitted and conditional land uses included in newly proposed mixed use zones; City not allowed to amend permitted or conditional uses in the future
Development Approval Process	Time limits for processing development applications that are faster than the City Code; if not complied with...application is deemed approved	Time limits for processing development applications that are faster than the City Code; if not complied with...application is deemed approved
Approval Expirations	1997 Code - 1 year; Other City codes did not require expirations	No expirations; Once approved they are valid forever
Utilities	1997 Code	The right to develop private rather than public utilities at the property owner's discretion
Home Construction Commitment	None	500 homes within first 7 years
Public Area Beautification Fund	None	\$750/building permit for open space improvements in existing neighborhoods that were within the master plan
Industrial Commitment	None	Providing free land or committing to build a 20,000-square-foot spec industrial building
Residential Units/Lots	Remaining # of Units/Lots = 20,680	Remaining # of Units/Lots = 15,632

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Possible Options

- 1) Wait until 2017 for the MDP & MDA to expire.
- 2) Negotiate to a middle ground, with some give and take on both sides. Offer specific feedback.
- 3) Recommend individual master plans for each area to be approved by Planning Commission and/or City Council rather than a 6,200 acre master plan.
- 4) Negotiate to an approval similar to other master plans in the City, with similar rights as other property owners/developers.

Matthew Godfrey, working for Monte Vista Ranch LC, said he was handed a development agreement about four months ago and felt that the developer has made significant improvements. The developer feels the agreement has been worked through and is trying to bring it in line with current agreements. Mr. Godfrey was there to gather input from the residents and Planning Commissioners. He explained that the property owner he works for is very much a property rights person, and that the property owner believes very strongly about his ability to own and develop property in response to the market. The property owner is looking to balance for existing property owners, future property owners and the city. He explained that there has to be a better balance than the 1997 agreement, something that would help preserve property rights and investments.

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

Christopher Pengra, 1134 Searle Lane, stated that he is concerned that the proposed development is three times the size of the current city, with about 15000 housing units. He is aware that the process of this development could take thirty years. He is also concerned that this agreement is side stepping all the development codes and the proper processing requirements, and that it's turning the full authority over to the developer. He is also concerned about changing the Development Code and how it could affect other developers. He believes in the rights of property owners and believes that they should be responsible in the way they develop the land. He stated that he looks forward to working with the developer and the property owner in the future.

Lee Gillenwater, 2020 Autumn St, asked if John Walden was threatening the City with another lawsuit. Mr. Mumford explained that the City does not agree with everything that is being proposed for the Monte Vista Ranch master development plan. He stated that there is no lawsuit related to this project and all the negotiations have been between Mr. Godfrey and City staff.

Elise Erler, SITLA, stated that SITLA is always trying to preserve the open space trail system. She would like the City to look at the area where the Pony Express trail crosses into the Harmony area of the plan, she questioned if the area should be residential or commercial/industrial. She also liked the idea of the public area beautification fund for the City Center. She noticed that the Code changes proposed text did not match the titles.

Fred Peeples, 7572 Kidwelly Court, felt the City should not allow unlimited time, that a development should be reviewed periodically and updated to the current City standards.

Tom Westmoreland, 3308 Golden Eagle Rd, asked if Mr. Godfrey would explain the property owners' goals and perspective for the development to help the public understand.

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Commissioner Dean asked Mr. Godfrey if he could explain the aspect of the current City Code that would require the code changes. Mr. Godfrey explained that the property owners are very much for his property rights and how he can protect those property rights. He explained that his clients are at the point in their lives where they are deciding what to do with this project. He explained that the owner want not to worry or work on this project as much because they are getting to the age where they are ready to slow down. They are trying to decide if they want to invest millions of dollars into the project. The clients are also worried about lawsuits or putting infrastructure in and being denied by an elected official in the future. He stated that the clients have swung to one extreme side and want complete control of the project. He believes that there should be a balance between the City and the property owner that would protect the property owners, the current homeowners, and the City.

Commissioner Komoroski asked why the property owner is requesting all the exemptions that are required City standards for every developer. Mr. Godfrey explained that the client does not want to be a part of the political pond; for example, he does not want to put lighting in the development and then be told later that it is not approved lighting. He stated that the clients stated that they are willing to design the project with higher CC&Rs and standards. He hopes that the City and the owner can come to a middle ground.

Commissioner Everett asked why the owner has written in the agreement that they have the right to develop private utilities rather than public utilities. Mr. Godfrey believed that the utility item is just a precaution and would not be a sticking point in the agreement.

Commissioner Dean explained that every time there is a need to amend the City Code, the Commissioners and City make sure it works with the existing framework, that there is a need to update the code, and that there are no redundancies or conflicts within the Code. He reviewed the purpose of the Zoning Code.

17.05.030 Purpose

The purposes of this title are:

- A. To protect property rights and resources and to coordinate development;
- B. To promote and expand economic development of the city in order to create jobs in the city, to make success and products available in the city, and to expand and diversify the city's revenue sources and tax base;
- C. To foster the industries and other nonresidential land uses that will be conducive to the creation of a balanced mixture of land uses and an appropriate level of urban and nonurban development;
- D. To promote the development of a safe and serviceable city resulting from an orderly development pattern and effective use of resources;
- E. To encourage and facilitate orderly growth and development of the city that will result in efficient urban development, reduced public infrastructure and conservation of manmade and natural resources;
- F. To provide adequate open space to prevent overburdening of the land, and to lessen congestion in the streets;
- G. To regulate future growth and development within the city in accordance with the general plan and to provide for the efficient and orderly growth of the city;

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H. To provide for adequate safety from fire, flood or other dangers, and to prevent overburdening of the land and undue congestion of population;

I. To provide for coordinated development of the city and to assure sites suitable for building purposes and human habitation.

He stated that with considering or amending the Development Code, he could not in good conscience accept what is being proposed. To give up the opportunity and responsibility as Commissioners or as a City in administering the Code was not acceptable.

Commissioner Everett asked if the three Code changes take place, would they be open to all developers? Mr. Mumford responded that once the Code is codified, other developers could rezone their properties. Commissioner Komoroski stated that once they codify the Code all developers could be exempt from the standards if they rezone their property.

Commissioner Komoroski was concerned about the unlimited time frame. She explained that as a real-estate agent she has seen developments change over the years and she felt that developments should be reviewed periodically.

Commissioner Dean explained that Mixed Use Residential is a localized district that has more requirements than the surrounding zones, Mixed Use is a zone that has to accommodate different land uses in the same space, which requires stricter standards. Mr. Mumford explained that form based codes could be developed for Mixed Use zoning, which means more flexibility in land use requirements but more standard in the way of parking, building structure, floor sizes, lighting, and more. He stated that if the City is to give more flexibility with land use, then the City should be receiving more standards or insurance. Commissioner Linton stated that Mixed Use is a unique development, and he felt that this agreement was turning Mixed Use into a general development.

Commissioner Dean stated that the City should make sure that the Development Code is applied equally to the developers and land owners.

Commissioner Linton felt that this agreement is far reaching, it affects a number of peoples' lives, the agreement is incomplete and for that reason they should give each party sufficient time to negotiate and put in writing a complete document. He asked if February 25th would be sufficient timing with getting everything ready. Mr. Godfrey asked if they could continue the Public Hearing to the January meeting for at least feedback. Mr. Mumford explained that by the end of January the Commissioners could get a good update but the project agreement would likely not be complete.

MOTION: *Preston Dean moved to continue the public hearing of the Monte Vista Ranch Master Development Plan Items to the January 28, 2014 meeting. Wendy Komoroski seconded the motion. Those voting aye: Preston Dean, Matthew Everett, Wendy Komoroski, and John Linton. The motion passed with a unanimous vote.*

B. SilverLake 11-13 Preliminary Plat – Public Hearing, Action Item

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An applicant proposal for the next three phases of SilverLake, located south of SilverLake Plat 8 and east of Woodhaven Boulevard. The proposal is for 137 residential lots on 25.4 acres at a density of 5.4 units/acre. This density was approved in the master development plan, and the specifics of the lot and road layout, open space locations and improvements, etc. will be reviewed.

Mr. Mumford explained that the SilverLake Master Development Plan was updated recently, and the master development agreement was approved on January 15, 2013. Final plats for SilverLake 8, 9, and 10 were all approved this year. This preliminary plat sits southeast of those plats. The SilverLake Master Development Plan was approved for 400 units in the area that includes plats 11-13 and the eastern portion of plat 8 (east of Woodhaven Boulevard), including a potential mix of single-family lots, cluster homes, and townhomes. This portion of Plat 8 contains 43 lots, and the proposed Plats 11-13 contain 137 lots, for a total of 180. The reduction in density is a welcome change.

A fee of \$475 per lot will be required with each building permit for street trees on neighborhood roads. Upon completion of 80% of the homes in an area, including irrigation systems to the park strips, the City will bid out the project for tree installation. The City has no responsibility for installing irrigation systems or grass in any of the park strips.

He reviewed some noteworthy items:

Cluster Homes

Chapter 17.10 in the Municipal Code defines cluster homes as follows:

"Cluster home" means a detached home that is generally located on a small lot or clustered near other detached homes with common open space between the homes. A cluster homes development will generally include a park, courtyard, or additional improved open space within the development. These are sometimes referred to as patio homes.

Paragraph 4 of the SilverLake Master Development Agreement states the following:

Patio/Garden Court/Cluster Home Development. *In addition to the requirements set forth in paragraph 2, the Developer shall have the option to develop and construct patio/garden court/cluster homes within the SilverLake Development in locations identified on Exhibit A1 and fundamentally consistent with the renderings in Exhibit C-1. These homes are generally located on a small lot or clustered near other detached homes, and generally include a park, courtyard, or additional improved open space within the immediate neighborhood. These are not just small single-family lots; they are to be designed with parks, courtyards, or open space as an integral part of the neighborhood.*

The City Code requires a minimum lot frontage (lot width along a public street) of 55 feet. Many of the lots in this plat have less than the required 55 feet. The applicant desires that these lots be classified as "cluster homes."

Lot Distribution

Paragraph 4 section "a" of the SilverLake Master Development Agreement states the following:

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PGC (patio, garden court, cluster) homes must be distributed in areas identified on the master plan map, Exhibit A1. PGC (lots under 5,500 square feet or with a lot frontage of less than 55 feet) shall not be clustered together in groups of more than 65 lots.

Although the density is reduced in this area, there are more than 65 cluster homes in one area. Commissioners will have to decide if the intent of the master development agreement language is met with this proposal, or if the configuration should be modified.

Setbacks

The setbacks for the cluster homes were approved with the master development agreement, and are as shown in these figures:

Each cluster home “block” is required to have a site plan approved, which contains more detail of the homes in relation to the lots, open space, and roads, including drainage swales and other necessary improvements. These site plans are reviewed for approval by the Planning Director, Building Official, and City Engineer.

Tony Trane represented the applicant. He asked if the Commissioners had any concerns. Commissioner Linton was concerned about the parking for the park areas. Mr. Trane explained that the park that he was concerned about is made up of walking trails and is designed for the local residents that live in the area.

Troy Gabler, builder, explained that he has built the same development in Bluffdale and Herriman City and those developments have worked very well. This development is an updated model of those developments with larger driveways, lots and setback for parking. He stated that collectively it will provide a different product and a different layout which will meet the needs of a townhome buyer that does not want to or cannot afford to move up to a traditional lot. He explained that a cluster home to Fieldstone is no different than a traditional home, the only difference is the lot size and setbacks.

Commissioner Komoroski stated that there is a market for empty nesters in a cluster home environment with rambler homes. Mr. Gabler stated that there are no rambler homes in this development, because of garage space they require. Grant Gifford stated that in phases 9 and 10 there are lot sizes that could accommodate rambler homes. Commissioner Komoroski stated that they should research empty nester home floor plans. She explained that empty nesters want smaller yards, but open space they could get to easily (for example when their grandkids visit).

Mr. Trane explained and reviewed why some lots that face certain area were considered.
Reasons:

- they can run the water system through the back of areas that would help loop their water system.
- Saratoga Spring plan for the area is a high density development that borders the this development.
- Patio homes could back up to park space.

He also stated that they prefer the park not to have parking, but if the City requires parking they could install a quiver by the trail that could give access back to the park. Commissioner Dean

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asked if the open space was planned for all grass. Mr. Train explained that along the wash the park would be a native seed mix and everything else would be Kentucky blue grass. He explained that Lehi City has done a study, and that study showed that the number one request for parks are walking trails. The developer has connected trails throughout the development. Some of the trails lead to the community park, connect to other parks and to the wash for biking.

Mr. Mumford reviewed what the developer is providing for pocket and neighborhood parks in the development: basically they are providing trails, extra open space, and a bench with shade trees. He read the City Pocket & Neighborhood Park Requirements code:

16.35.105 Pocket park requirements.

B. The design of the pocket parks shall be largely at the discretion of the builder/developer. At least seven points per 0.1 acre or 70 points per acre are required in the design of a pocket park, according to Table 16.35.130(c), Pocket and Neighborhood Park Elements. The following minimum programming is required for each pocket park:

1. Grass area large enough for children's play.
2. Shady seating area with benches or tables provided by a shade structure or grove of trees.
3. Parking on adjacent street.
4. Additional uses, such as tot lots or other play structures, depending on the needs of the surrounding neighborhood and proximity to other play structures.
5. Must be connected to the neighborhood by sidewalks or trails.
6. A variety of landscaping, including trees, shrubs, ornamental grasses, etc.
7. An appropriate number of garbage receptacles and barbeques with park elements, including pavilions, picnic tables, playground equipment, splash pad, benches, etc.

He stated those are the minimum requirements for pocket parks and then the rest would be up to the developer. He stated that he pointed out to Tony Trane the locations of the park areas and the safety concerns. The one park is tucked back behind and not along a public street. He is concerned with the lack of visibility and would prefer it to be open for safety. The middle park is wide and then narrows out, which makes it unusable for a park. It would just be an open space area. The SilverLake Master Development Plan Parks and Open Space exhibit shows a cluster or neighborhood park in this area. This plat also contains open space that is within the power line corridor, which can count towards the required pocket and neighborhood park open space calculations for the overall master plan. The park, however, must meet all of the standards in the City Code, including the appropriate amenities according to the point values.

Commissioner Dean asked if there was a fence along the trails open space. Mr. Mumford explained that the fence would be a six foot privacy fence that would be placed on the property line and would be installed by the developer. Mr. Gabriel explained that the development would be under the SilverLake Master Development.

Commissioner Everett was concerned about the future of the roads in the development and worried that future assessments would be put into effect. He was also concerned about the smaller clustering and high density. He stated that SilverLakes current build out is on 127 acres with about 556 units. The development being proposed is 400 units on 46 acres. Mr. Gabriel stated that it's more like three hundred and something. He explained that the cluster home is the whole idea of this type of development. The development would have a variety of homes

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including single family and townhomes. He also explained that what Mr. Mumford explained about the park safety, the developer has removed a lot and opened the park up a little more, but the whole idea behind the park is for a walking destination park. Mr. Gifford explained that the Master Development allows for 1800 lots where the developer is planning for about 1500 lots. He also stated that Fieldstone Homes is experienced in this type of cluster home development.

Commissioner Linton opened the public hearing at 8:07p.m.

Fred Peebles, 7572 Kidwelly Court, explained that for Thanksgiving this year he had five extra cars show up to his home. He asked where visitors would park in this development. Mr. Train explained that a single family home has four stalls with one on the street. The proposed development homes has the same spaces available because there is an extra space between the units parking spaces. He also explained that the development has double the City requirements for parking. Commissioner Komoroski explained that there are more parking spaces in this development than a townhome. She also explained that there is a need for this type of development, and stated that this is a step up from townhomes.

Commissioner Linton closed the public hearing at 8:12 p.m.

Commissioner Dean stated that with a cluster home development residents give up a yard for a common open space near the home which makes the resident feel they have ownership of that open space. Looking at this development, some homes are not very close or nearby common or open spaces. Mr. Train explained that they did not want what happened in the SilverLake Village to happen in this development. The developer wants the residents of this development to feel that they have ownership of their own lot with property lines but remove the common space between the lots. The development gives the feel that one can walk to the open spaces with the trails. Commissioner Dean was concerned that more developers would come in requesting cluster homes with less frontage.

Commissioner Linton asked the developer about the trail in the power line corridor. He stated that the plans don't show a trail but the agreement states there is a trail in the corridor. He also asked what type of material would be used for the trail. Mr. Gabriel explained that the City would be installing that trail but the original agreement stated that it would be a naturally trail. Mr. Mumford explained that the developer and Planning Depart talked to Chris Trusty and Dave Norman about access into the corridor area.

Commissioner Dean felt that the cluster home project homes are similar to the surrounding development which makes him feel comfortable with approving the project. Commissioner Linton was concerned about what happened in SilverLake Village and that is why the Planning Commission has been concerned with this project. But as a whole he has no problem with the project and thinks it should be approved.

MOTION: *Preston Dean moved to approve the SilverLake 11-13 Preliminary Plat. Matthew Everett seconded the motion. Those voting aye: Preston Dean, Matthew Everett, Wendy Komoroski, and John Linton. The motion passed with a unanimous vote.*

EAGLE MOUNTAIN CITY
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Eagle Mountain City Council Chambers; 1650 E. Stagecoach Run, Eagle Mountain, UT 84005

C. Gateway Phase A Plat 1 Final Plat – Action Item

Mr. Mumford explained that this is the applicant-proposal for the first phase of the Gateway project, which received preliminary plat approval in August. The project is located southeast of the Lone Tree development, across Pony Express Parkway. The proposal is for 19 lots on 7.21 acres, for a density of 2.63 units/acre. The preliminary plat represents a 69% reduction in density from the approved densities for these properties.

Providing access to four lots is a road or alley that would be maintained by the HOA. The Gateway development will be a part of the Ranches Master HOA. Commissioner Linton explained that in the Ranches there are current issues with privately owned roads. He felt that all roads should meet City standards and be dedicated to the City. Mr. Mumford stated that could be a condition of approval, that all roads should meet City and Fire Marshal standards and be dedicated to the City. He stated that the road would have to be a minimum of 20 ft. to meet City standards.

There are bench drains or cut-off ditches that are required along the backs of the hillside lots, on the eastern portion of the project, to protect the homes from storm water runoff from the hillside. The Public Works Department will work with the developer to ensure that the drains are installed correctly. There is also a large electrical switchgear and a natural gas regulator shed that the developer wants to change the look of, but at this time the developer is not ready to change the shed. The City's only concern is having access into or out of the shed. There was also a requirement in the preliminary plat that no parking be allowed along one side of the road near the trailhead pocket park. Also the Commissioner and developer need to work out how the developer is going to use the community improvement project fund and how the petroglyph rock art will be preserved. He explained that the developer and the City have no idea what to do with the petroglyph rock art at this time. A single rock containing significant rock art is located within this general area of the Lower Hidden Valley master plan. The preliminary plat approval included a condition that the applicant proposes a plan for petroglyph preservation prior to, or along with, the approval of the first final plat. The Planning Department has met with representatives of URARA (Utah Rock Art Research Association), as well as with the developer and some interested city residents, and have been documenting the rock art in this general area. There are varying opinions on the preservation issue, but the fact remains that as long as the rock art remains in private ownership, the City may not be able to obtain funds for preservation, nor establish fines for vandalism. The applicant would thus like to deed to the City the petroglyph rock, its immediate surrounding area, and a trail connection to Pony Express Parkway.

Commissioner Linton felt that the project of making the shed look more desirable could be approved at a City staff level.

Scott Kirkland, Sage Communities, explained that there is one petroglyph rock art in this area. He had mentioned to the URARA (Utah Rock Art Research Association) about moving the petroglyph rock to an area that could help preserve the art. The URARA was not found of the idea, because it would be removed from its original place. The URARA suggested that the City and the developer put a fence around the rock and have a caretaker or volunteer that takes care of it around the clock. He stated that he could not see that happening. He would rather have the art in a place where it

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could be preserved and not vandalized and where people could enjoy the petroglyph rock art. He stated that he could dedicate it to the City because the whole area is open space. He does not know if the City wants that responsibility right now. Commissioner Linton asked what type of problem the City would have with relocating that rock art. Mr. Mumford explained that one down side is the rock art is a very large flat rock that could be damaged in the move. Mr. Kirkland requested that the City refer this to another phase until the landowner or the City could figure out what to do with the petroglyph rock art. He stated that he would love to do something wonderful with the petroglyph rock art area, like put it in a park. But the URARA is saying that we should not draw too much attention to the rock art without being able to protect the art from vandalism.

Mr. Kirkland said that his group has done a water pressure study and has determined that they could only build 32 lots within two phase, with the water pressure. Then a water line would be required that would go back into Hidden Valley that would be very expensive to install. He stated that he would like to use the \$14,420 (\$2,000 x 7.21 acres) community improvement dollars to be used for future improvement of the hillside trails and for the lookout tower on the hill, or equate this to the value of the petroglyph property that will be deeded to the City.

MOTION: *Preston Dean moved to recommend the approval of the Gateway Phase A Plat 1 Final Plat to City Council with the following recommended conditions.*

- 1) Community improvement dollars be escrowed as per the applicant desires to use this money in the future for improvement of the hillside trails and for the lookout tower on the hill, or equate this to the value of the petroglyph property that will be deeded to the City.*
- 2) Propose a plan for petroglyph preservation prior to, or along with, the approval of the phase 2 plat.*
- 3) No parking on one side of the road near the trailhead pocket park.*
- 4) Change street names to not reflect existing subdivisions in the city.*
- 5) Changes to natural gas regulator shed/building must be presented for approval by the Planning Department staff prior to making changes to the shed building and that they maintain access to the building.*
- 6) All streets are to be designed to meet all City standards for roads or alleys, to be approved by the Fire Marshal, and to be dedicated to the City.*

Wendy Komoroski seconded the motion. Those voting aye: Preston Dean, Matthew Everett, Wendy Komoroski, and John Linton. The motion passed with a unanimous vote.

5. Work Session
 - A. Discussion of Potential Development Code Amendments
 - B. Next Scheduled Meeting: January 14

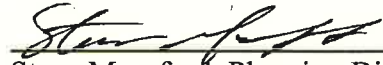
6. Adjournment

EAGLE MOUNTAIN CITY OFFICES – 1650 EAST STAGECOACH RUN, EAGLE MOUNTAIN, UTAH 84005

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The meeting was adjourned at 9:26 p.m.

APPROVED BY THE PLANNING COMMISSION ON JANUARY 28, 2014.



Steve Mumford, Planning Director