

**EAGLE MOUNTAIN CITY  
PLANNING COMMISSION MEETING MINUTES**

TUESDAY, AUGUST 12, 2008 AT 6:00 P.M.

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

Commissioner Tom Maher called the meeting to order at 6:00pm.

**Roll Call**

Tom Maher, John Linton, Preston Dean, Craig Larrabee, Karleen Bechtel

**Others Present**

Charles Hedilious, Direct Communications

Diane Bradshaw, Direct Communications

David Adams, EM Communities

Carl Allred

Mike Wren

**Staff Present**

Planning Director: Steve Mumford

Senior Planner: Mike Hadley

Planning Coordinator: Lianne Pengra

**1. Pledge of Allegiance**

Commissioner Maher led the Pledge of Allegiance.

**2. Declaration of Conflicts of Interest**

None

**3. Status Report from City Council**

- SilverLake 8a & 8b Final Plats
- SilverLake Master Development Plan Amendment
- Saddle Junction Lot 104 Final Plat
- Cedar Corners 1 Final Plat
- Meadow Ranch Master Development Plan Amendment
- Mt. Airey Village Recorded Plat Amendment, Final Plats 1-12, and Site Plan
- The Villages at Simpson Springs Amendment to The Ranches Master Development Plan, Final Plats 1-5, and Site Plan

Mr. Mumford explained that Final Plats for SilverLake 8a and 8b, Saddle Junction Lot 104, and Cedar Corners 1 were approved in the consent agenda. He said that a Public Hearing was held for the SilverLake Master Development Plan Amendment and approved that item, and a public hearing was held for the Meadow Ranch item. He explained that City Council felt the Equine Overlay needed to be noticed properly. He explained that the Equine Overlay portion will go back to Planning Commission for the first meeting in September. Mr. Mumford explained that the reason this item is not to be heard until September is that the next Planning Commission Meeting will be cancelled as there is only one item on the agenda. The applicant, Monte Kingston, felt it wasn't necessary to bring the Planning Commissioners in for a single-item meeting. Mr. Mumford said that public hearings were already held on the Meadow Ranch rezone and that the Preliminary Plat has already been approved; only the Equine Overlay will be discussed at the Planning Commission.

Mr. Mumford said that Mt. Airey Village and the Villages at Simpson Springs were both approved at the City Council. The Village at Simpson Springs was approved as the Planning Commission recommended. He said that there was an issue with the parking at Mt. Airey Village. He said that at the Planning Commission, the applicant's parking table was incorrect and a recommended condition of approval was an updated parking table. When the applicant brought in the correct parking table, it was discovered that the applicant was 22 stalls under-parked because they were counting on-street and driveway parking. The applicant and City Council had a long discussion and decided to allow some of the driveways to count for visitor parking. Mr. Mumford said that the development code doesn't specifically state that parking has to be off street and it doesn't speak of driveways at all.

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4. Approval of Minutes

- A. July 8, 2008 Planning Commission Meeting Minutes

*MOTION: Commissioner Linton moved that the Planning Commission approve the July 8, 2008 Planning Commission minutes.*

*Commissioner Dean seconded the motion. Ayes: 5, Nays: 0. Motion Passed*

- B. July 22, 2008 Planning Commission Meeting Minutes

*MOTION: Commissioner Linton moved that the Planning Commission approve the July 22, 2008 Planning Commission minutes.*

*Commissioner Larrabee seconded the motion. Ayes: 5, Nays: 0. Motion Passed*

5. Development Items

- A. Direct Communications Temporary Modular Office Space
- Site Plan – Public Hearing, Action Item
  - Conditional Use Permit – Public Hearing, Action Item

Mr. Hadley explained that this item was tabled at the last meeting and the public hearing was continued. He said the applicant has gone back and adjusted the plans according to the Planning Commissioners' and staff's recommendations. He explained that the applicant has moved the trailer to the SW corner of the lot as staff requested. Commissioner Maher asked what kind of trailer would be there. Mr. Hadley said that the trailer will be a double-wide. He explained that the side view is now 24 feet long. The trailer dimensions are 24 feet by 60 feet. He said that the applicant has provided a timeline of the removal of the trailer and construction of the permanent building. He went over the timeline provided.

Mr. Hadley showed a landscape plan with existing trees, an island with landscaping, and the parking areas. He said that the applicant has proposed a planter box to shield the trailer, as well as planting poplars along the side of the trailer. He explained that the applicant will eventually have to pull out the poplars after they have served their purpose. He said that what the applicant is suggesting creates low visibility for those coming to and going from the city.

Mr. Hadley said that a regular trash receptacle will suffice as they have only 22 employees total and not all employees will be in the trailer.

Mr. Hadley went over the timeline with the Planning Commission. It was determined that the applicant will have the final site plan for the permanent structure submitted a year from the approval of the Temporary Modular Office site plan.

Commissioner Maher asked if Austrian Pines rather than poplars could be planted. Mr. Mumford said one reason for the poplars is that they grow quickly and pines are slow growing.

Ms. Diane Bradshaw with Direct Communications said that the trees will be pulled out later because the permanent structure will be built there.

Mr. Charles Hedilious showed the location of the final building and explained that one of the features they are planning is a drive-through area for customers to pay their bills. He said that the trees would be in the way of the drive-through. They confirmed the location and type of trees that are currently planted in the island.

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Mr. Hedilious said that the trailer is in a greater-than-60-degree angle from the highway, so it will be difficult to see it. Commissioner Bechtel asked what kind of trees will be in the planter and Mr. Hedilious said they have considered aspens as they are fast-growing.

Ms. Bradshaw said that the company providing the trailer can paint it any color so they will get it to match the buildings in the surrounding area.

Commissioner Bechtel asked about the location of the banner. Mr. Hedilious said that they don't have to have the banner on the trailer.

Commissioner Dean asked what criteria in the Development Code they are to use to recommend approval of the Site Plan. Mr. Hadley said that they are to use the Site Plan chapter. Commissioner Dean asked if the Planning Commissioners are giving leniency on the requirements since the trailer is temporary. Mr. Mumford said that they are more flexible when it comes to Temporary Site Plan requirements. They are using the Site Plan chapter.

Commissioner Dean asked about the condition regarding ADA details from the last Planning Commission meeting. Mr. Hadley said that the applicant has included the ramp details. Commissioner Dean said that the ramp doesn't seem like it would fit according to ADA requirements. Ms. Bradshaw said that when the trailer is set, the company makes sure the ramp is to ADA requirements.

Discussion ensued on the ramp, parking, and the ADA requirements. Mr. Mumford said that the Building Official, Plans Examiner, and Fire Chief will ensure the ramp is to code. He also stated that the parking stalls are existing and if need be, they can have the applicant block off the stalls.

Commissioner Dean said that none of the pictures supplied by the applicant matched what the site plan is showing as far as a trailer with a ramp and two entrances. Mr. Hadley explained that the applicant supplied the company's brochure and that they have only what is available from the company at the time of leasing. Commissioner Maher said that they will create a condition to ensure parking and ADA ramps are okay.

Commissioner Maher asked if the screening was an issue with the Planning Commissioners. Commissioner Dean asked if screening was available for the bottom of the trailer. It was explained to him that when the trailer is installed, the bottom is finished so that the wheels and utility hookups are not visible.

Commissioner Linton asked if the applicant has discussed the trailer with The Ranches HOA. He said the trailer is against their CC&Rs. Ms. Bradshaw said that six months ago it was spoken of with the HOA, but she was not involved so she can't state with certainty. Mr. Hadley said that in order to get a building permit, a letter from the HOA must be provided. Mr. Mumford said it is more of a courtesy to the HOAs that the city asks the applicant for the letter; the city cannot enforce HOA CC&Rs.

Commissioner Linton said that The Ranches HOA has been known to tow trailers in the confines of the HOA boundaries. Ms. Bradshaw said that it was important to note that several years ago, a trailer for Dr. Gardiner was in the location they initially proposed; she assumes that he went through the same process.

Mr. Mumford said staff can speak with the city attorney to see if the city can require the HOA letter. He said that staff always tells applicants to speak with the HOA whenever a project comes in that staff knows is within an HOA.

Discussion ensued on the parking and location of handicapped stalls.

*\*Commissioner Maher opened the Public Hearing at 6:30pm.\**

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Nikki Wickman, 2766 E Forthill Road. She said that when she is at that location on SR73, her only frame of focus is the traffic in front of her and the stoplight. She never looks to the side and has never been offended by anything at that intersection.

*\*Commissioner Maher closed the Public Hearing at 6:31pm.\**

**MOTION:** *Commissioner Linton moved that the Planning Commission recommend approval to City Council of the Direct Communications Temporary Business Trailer Site Plan and Conditional Use Permit subject to the following conditions:*

**Engineering:**

1. WATER & SEWER. Proper separation between water sewer laterals is provided.
2. WATER METER. A water meter will be required for a water connection.
3. ASPHALT CUTS. Asphalt cuts will require an excavation permit.

**Planning:**

1. TRAILER. Materials are consistent and match surround buildings and color elevations of the proposed trailer are submitted.
2. WATER RIGHTS. The amount of water required is calculated and verified by the City.
3. LANDSCAPING. All landscaping is installed with irrigation prior to C of O.
4. BOND. A bond must be submitted to cover the cost of removal of the trailer if the city is required to do the removal.
5. PROJECT REVIEW. The applicant will be required to have a review a year from the approval by the Planning Commission. The review for the temporary permit will be based on the submitted timeline.
6. TRAILER COLOR. The trailer be painted to match the adjacent building.
7. ADA COMPLIANCE. Ramp for the trailer and parking is ADA compliant.
8. HOA. HOA approval letter be presented prior to the issuance of a building permit.

*Commissioner Dean seconded the motion. Ayes: 5, Nays: 0. Motion Passed*

**B. Antelope Meadows Lot 1 Final Plat – Action Item**

Mr. Hadley said that this is a 4.75 acre piece; its purpose is an LDS church site. This area was formally known as Autumn Ridge 3. He said that one issue to note is that there will be two accesses onto Eagle Mountain Blvd. He said that those accesses meet the standard of 300 feet between each.

Mr. Hadley also said that the developer has an agreement with the LDS church to install the landscaping. The landscaping will be approved at the time of the Site Plan.

Mr. Hadley said that the city has requested the developer install a 16" water line for future development. At that time, the city will sign a reimbursement letter for the developer to be reimbursed for the cost of the water line.

Commissioner Maher asked if the landscape will be water-wise. Mr. Hadley said there is already a landscape plan for Eagle Mountain Blvd that the LDS church will have to follow. Commissioner Maher said that the actual landscape for the church will need to be checked into to ensure it is visually appealing.

Discussion ensued about the landscaping at the Circle 5 Ranch in Lone Tree and Pioneer Addition churches. Commissioners Maher and Linton did not like the landscaping around those churches.

Commissioner Maher asked how the church fit in this site. Mr. Adams said that this is a Legacy church and a lot depends on the city's parking requirements in regards to the building fitting on the lot.

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*MOTION: Commissioner Linton moved that the Planning Commission recommend approval to City Council the Antelope Meadows Lot 1 Final Plat, subject to the following conditions:*

**Engineering:**

1. WATER LINE. 16" water line to be continued along Eagle Mountain Blvd to the north.

**Parks:**

1. GRADING. Park needs to be graded to protect adjacent homes from runoff/drainage.
2. LANDSCAPING. Consideration be given to a specific landscaping to ensure it is consistent with what will be required in surrounding areas.

**Planning:**

1. TRAIL. The 8' asphalt trail needs to be located at the top of the berm closer to the lot, trees to be placed between the street and the path
2. LANDSCAPING. The landscaping along Eagle Mountain Blvd will be installed with the site plan.

*Commissioner Larrabee seconded the motion. Ayes: 5, Nays: 0. Motion Passed*

**C. Majors Subdivision Final Plat – Action Item**

Mr. Mumford said this was reviewed as a Preliminary Plat at the end of 2007 and is now being brought in as a Final Plat. He explained the location of the subdivision and said that there are 17 single-family homes lots in 11.8 acres with the average lot size just over ½ acre with a density of 1.5 units per acre. He showed the location of the existing park and where this subdivision is in relation to Overland Trails and The Woods subdivisions.

Mr. Mumford said that the plan with future phases is to continue Wood Road. He said the applicant laid the lots out to match the back line of current lots.

Mr. Mumford said that Eagle Mountain Properties follows the 1997 Development Code according to their Master Development Agreement with the city. He explained that the open space requirements according to this code are 2.5 acres of improved park per 400 dwelling units which is 0.11 acres for this development. He further explained that at \$1,000 per acre, a requirement is just over \$20,000 for this development. The applicant has proposed \$47,000 in improvements to the existing park. He explained that the applicant would put in decorative rock and weed barrier in the horseshoe pit, replace dead trees, and add decorative rock around the existing pathways. He said that originally, the applicant's plan showed sod around the pathway; the city's Assistant Public Works Director stated there is a problem with existing sprinklers, so the sod would not be watered sufficiently. To upgrade the sprinkler system would take up the applicant's budget for improved parks.

Mr. Mumford also said that last time this was on the agenda, the existing trails in Overland Trails were discussed. He said that these trails are mainly just dirt space. The intent was for the residents to have access to ride their horses from their properties throughout the subdivision. The original proposal for Majors had no trail, so staff recommended connecting the existing trail. He said that the problem with the trails is maintenance as the trails are deeded to the city; the trails are infrequently used and costly to maintain as the city has to go and cut down the weeds. He said at the previous Planning Commission Meeting for this project, a couple of residents spoke about trails and asked the developer to include equestrian trails. He explained that based on the DRC comments, staff is still recommending the trails not be included behind the lots.

Commissioner Maher asked if there are not enough people riding horses in Overland Trails to keep the weeds down on the equestrian trails. Mr. Mumford said that is the problem; the Public Works Department has to go in and cut down the weeds on those trails.

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Commissioner Linton asked if the developer is requesting an Equine Overlay since the lots are over ½ acres. Mr. Mumford said that the Preliminary Plat went through before the Equine Overlay was approved as a city ordinance.

Mr. Mike Wren said that now the Equestrian Overlay is in place, they would like to add it. Commissioner Linton asked why the Planning Commissioners should recommend taking the trails off the plan if they are going to apply for the Equine Overlay. Mr. Wren said that he does understand Mr. Weber's desire, but he has already promised to his neighbors that he would include the trails. He acknowledged that they did not originally propose the trails and there is an expense in regards to the acreage involved, they do not want the trails pulled. Commissioner Linton asked if the applicant has had any conversations with Mr. Weber in regards to this matter. Mr. Wren said the only discussion was in the DRC. He said that at that time, he brought up the residents' desires to include the trail. Mr. Wren also stated that the residents spoke up at the Public Hearing for the Preliminary Plat to request the trails and since the Final Plat is not a Public Hearing item, they are not there to speak now.

Commissioner Linton mentioned that he didn't feel the staff report was even-handed as it only portrayed the staff's research and opinions. Mr. Mumford explained that is why the developers are invited to the Planning Commission meeting; they can explain their side at that time.

Mr. Wren said he understands the city's position in that the trails can turn into a waste area, but he would feel bad if the people who were promised trails did not get the trails.

Commissioner Maher asked if they could add a condition to include the Equine Overlay. Mr. Mumford explained that the ordinance is set up as an overlay zone. Even if it's added as a recommendation by the Planning Commission on a Final Plat, a zoning Public Hearing needs to take place.

Commissioner Dean asked if the Equine Overlay could be added at any time. Mr. Hadley confirmed that it could.

**MOTION:** *Commissioner Linton moved that the Planning Commission recommend approval to City Council the Majors Subdivision Final Plat according to the following conditions.*

**Planning:**

1. PARK. The park improvements shall be installed at fifty (50) percent occupancy of the development or one (1) year after recordation of the plat, whichever occurs first (Title 1 Ch. 7.11.2).
2. PARK IMPROVEMENTS. An updated park improvement worksheet and landscape plan is required.
3. EQUINE OVERLAY. An Equestrian Overlay be processed for a Public Hearing at the applicant's earliest convenience.

**Fire:**

1. TURNAROUND. Hard-surfaced turnaround to be provided.
2. FIRE FLOW. 1500 gpm minimum fire flow required.

**Public Works:**

1. Provide ¾" meter on all lots
2. Provide blow-offs on all dead-end streets (Ira Hodges)
3. Standard cover from design grade within swales. Show in cross-section or note.
4. The swale shown in the cross-section extends into the public utility and drainage easement, and will be within the dry utility zone. The dry utilities will need to be buried deeper than finished grade of road to ensure that proper depth is maintained.
5. Replace sod around path with xeriscaping: rock and weed barrier.
6. Include street signage throughout subdivision and additional stop sign on Major Street at Waddell.

*Commissioner Dean seconded the motion. Ayes: 5, Nays: 0. Motion Passed*

**D. Ladder Sign Lease Agreement – Discussion Item**

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

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Mr. Mumford said that there are four or five owners of these specific types of signs. He said that a few months ago, Carl Allred had submitted an application to renew his lease with the city as the signs are located in the city's rights-of-way. He said it was brought to Planning Commission and was continued as there are more than one sign owner in the city and staff felt all the owners should be involved. Staff wanted time to inform and meet with the sign owners. Mr. Mumford explained that staff met with Mr. Allred and Mr. Adams last week and the owners requested this item be brought before the Planning Commission.

Mr. Mumford explained the current schematic of the current signs. He also showed the existing signs and maps of approved sign locations. He explained that generally they are 1000 feet apart except as they get closer to major intersections.

Mr. Mumford explained that the only issue in regards to the current requirements is capacity. He explained that other issues not related to current requirements were brought up by either staff or sign owners.

One issue the owners brought up is the lease amount, which is a three-year term for \$300 per year per sign. It was stated in the lease agreement that the owners can sublease the slats for no more than \$50/month to home builders. He stated that the city would like to raise this lease amount.

He also went over the fact that each sign is to only have one slat per builder. He said that he is aware that one of the issues is empty slats and sees that is why there are multiple signs per builder currently.

Mr. Mumford said that an issue the sign owners brought up was advertising; the code only allows for a directional arrow and the name of the homebuilder. The applicants would like to have the option to advertise open slats on the bottom slat of the signs.

Mr. Mumford said that City Hall directional signage was also brought up. The City has expressed interest in adding directional signs to City Hall. He said that another issue brought up by the sign owners is different sized signs or smaller signs; the sign owners feel this would decrease the amount of empty slots. Staff's issue with this is that there is less consistency among the signs.

Mr. Mumford said another item brought up by the sign owners is the removal of signs. He explained that the code states if signs are not up to code, to include empty signs, they are removed. The issue here is if there is only one or two builders in a development still; where do those displaced builders put signs to direct people to their model homes?

Mr. Adams, a sign owner, said that they appreciate the Planning Department meeting with them. His first issue is with the empty slats. He wants leniency on removal of signs with empty slats. He said this is a difficult time; they don't want to pull the signs down while it's slow and put them back up later in six months when the market is back up again. Commissioner Maher said that he agrees; removing signs with empty slats isn't a business approach they want to take.

Mr. Adams said they would like to have the option for two slats per builder with pricing listed, as long as the signs are different. He said that additionally, they are happy with adding civic notices such as Amphitheater and City Hall directional signs in their empty slats. Mr. Adams said that they would like to advertise slats available on the bottom slats.

Mr. Adams said that he likes the idea of variable signs. He explained that with different height signs, if there are only two builders, a shorter ladder sign would lessen the visual impact of a large empty space and would also avoid empty slats. He explained that the sign owners are okay with keeping their signs up to code and they are okay with looking at different lease prices. He just feels that the city has to justify their fees based on cost of providing the service.

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Mr. Carl Allred, sign owner. He explained that he had to replace his signs after purchasing them from The Ranches. He went over his finances regarding the signs and the income in the last year and explained that 2007 was the first year he made a profit out of the last three years, which was \$6,000

Mr. Allred said the he heard rumors that the Planning Commission was going to raise the lease prices. Commissioner Linton said that the Planning Commission has not had a discussion on raising lease prices. Mr. Allred said that Mr. Celaya is of the mind to no longer own the signs if the lease amount is raised.

Mr. Allred also explained that when a builder's lease is up, he leaves the model home sign up anyway to avoid empty slats, even though he is not receiving payment from the builder. He confirmed that the Planning Commission did not want to have different sized signs. He said this was brought up because homeowners in the vicinity of his signs have asked to make the signs smaller.

Mr. Allred said that since they have a limit of \$50.00 per slat and the top slat is the premium slat, they cannot charge much for the lower slats.

Mr. Mumford explained that this is a discretionary item and that leasing city property is purely discretionary. He said that the original intent of a three-year lease was to come back and look at the process after it had been established.

Commissioner Linton said that these are difficult times, specifically for builders. He said that he doesn't think this is the correct time to raise the fees. He said that he would like to have the sign owner charge what the market will allow and allow free market enterprise. He explained that he feels builders should be allowed to have multiple signs as long as the copy is different on each. He does not want to pull down signs due to empty slats; he wants to give sign owners more options to fill the slats, such as public announcements.

Commissioner Bechtel said the owners should not be limited in what they can charge for each slat.

Commissioner Dean said that he doesn't want to give the sign owners so much latitude that the city is full of billboards. He said that he realizes that is not an issue to be dealt with now, but it could come up in the future. Commissioner Maher said that if the signs are limited to builders, it will be self-policed. After an area is built up, the sign will come down. Commissioner Maher said that the additional empty slats would be offered for civic messages, not for just anyone. Commissioner Linton asked how Village Pizza's sign fit in. Mr. Mumford said that their sign falls under the code as a business advertising directional sign. Those signs don't follow the same requirements as the builder directional signs.

Commissioner Larrabee said that he agrees with the comments from the Planning Commissioners and has nothing additional to add.

Commissioner Maher said that it needs to be stated that there are no empty slats on the signs and there needs to be a consequence for signs with empty slats. He said that for a fall back, civic information can be put in empty slats. He said that multiple signs from a single builder can be allowed, subject to DRC approval; the copy does need to vary, however. In regards to the lease length, Commissioner Maher said the lease should be changed to one year to be able to adjust for current conditions. He also said that the leases all need to expire at the same time. He also said that there is not to be a limit to the amount builders can charge for each slat and that the signs need to stay consistent – no differing sizes.

The question was asked if the Planning Commissioners would approve advertising on the ladder signs.

Commissioner Bechtel said that she would rather see two differing signs from a builder.

Commissioner Maher agreed with Commissioner Bechtel that he would not like to see advertising.

Commissioner Linton said it isn't advertizing, it's assisting the builder [yes].



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Commissioner Dean said that the sign owners know who the builders are in Eagle Mountain and that the owners could contact the builders to fill a slot. There are only so many businesses that could fill the slot.

Commissioner Larrabee said that he is okay with a single advertisement on the bottom slat.

Mr. Mumford asked if smaller directional signs to the City Hall, Amphitheater, etc. would be allowed in the median. Commissioners Linton and Maher said that they don't want median signs. Commissioner Linton said that the sign owners can volunteer slats to the city for directional use, but he is uncomfortable with the city taking slats from the owners.

**6. Other Business**

**A. Mountainland Association of Governments Open House**

Mr. Mumford said that there is an open house on August 18<sup>th</sup> at 6:00pm in the Eagle Mountain City Council Chambers. He explained that this is regarding the West Lake Land Use and Transportation Visioning study.

**7. Adjournment**

Commissioner Maher adjourned the meeting at 7:37pm.