

EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES
Eagle Mountain City Offices 1650 E. Stagecoach Run, Eagle Mountain, UT 84043
Tuesday, August 8, 2006

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

Roll Call

Tom Maher, Chris Kemp, John Malone, Matt Weir

Others Present

John Linton, David Adams

City Staff

Planning Director: Peter Spencer
City Planner: Mike Hadley
Planning Coordinator: Jenalee Cheever

1. Pledge of Allegiance

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

2. Declaration of Conflicts of Interest

None

3. Status Report from City Council

Mr. Spencer explained that Sunrise at Kiowa A and B were approved by the City Council at the last City Council meeting. Mr. Spencer explained that the Walden Park Final Plat and Site Plan were also approved by the City Council at the last meeting.

4. Approval of Minutes

None

5. Development Items

A. Waiver petition to NOT use alleys for access for lots 20, 21, 22, and 23 in Colonial Park Phase 1. –Action Item

Mr. Spencer explained that there are four lots on the Colonial Park plat that show as having access off of an alley. Mr. Spencer explained that the applicant is petitioning the Planning Commission to approve a waiver to allow access to driveways and garages from the public street in front of the houses that abut the alley ways in the Colonial Park Phase 1 subdivision.

Mr. Spencer explained that a Home Owner's Association would need to be created that will strictly enforce that there be no parking or storage of vehicles in the alleyway.

Mr. Spencer explained that the Home Owner's Association will be responsible for the maintenance and upkeep of the alley.

Mr. Spencer explained that the applicant would need to install 'No Parking' signs at both ends of the alley.

Mr. Adams explained that the future phases would continue to use the alleyways but that these particular lots would be better used to have access off the road instead of the alleyway.

Mr. Adams explained that there is an HOA in existence for this subdivision and that changes would be made CC&R's to incorporate the conditions instead of creating a completely new HOA and CC&R's.

MOTION: *John Malone moved that the Planning Commission approve the waiver request for Colonial Park Phase 1 to allow the access to garages from the public street in front of the homes as opposed to using the rear alley for access subject to the following conditions:*

- 1. That the existing Home Owner's Association be modified to strictly enforce that there be no parking or storage of vehicles in the alleyway.*
- 2. That the created Home Owner's Association be responsible for the maintenance and upkeep of the alley.*
- 3. That the applicant install 'No Parking' signs at both ends of the alley.*

Chris Kemp seconded the motion. Ayes: 4 , Nays: 0. Motion Passed.

B. Waiver petition to NOT use alleys for access for multiple lots in Overland Trails Phase 3A—Action Item

Mr. Spencer explained that the applicant is petitioning the Planning Commission to approve a waiver to allow access to driveways and garages from the public street in front of the houses that abut the alley ways in the Overland Trails Phase 3A subdivision.

Mr. Spencer explained that the City's concern was that the alley ways stay maintained and that they do not turn into an eye sore behind the citizens homes. Mr. Spencer explained that the home owners will not own this land, that the City will maintain ownership of the alley way. Mr. Spencer explained that the City has electric and gas utilities running underneath the alley ways, therefore explaining that the City would need to maintain ownership so in the future if the City needs to get back there for any purpose they will have access.

Mr. Spencer explained that the CC&R's will need to require that fencing along the rear of the lots will be limited to 4 feet in height and that the fencing will be limited to open slatted fencing allowing for open visibility for people to see what is going on back in the alley way. Mr. Spencer explained that this will be a requirement for the entire subdivision.

Mr. Spencer explained that the applicant will need to install removable bollards at both ends of the alley way, Mr. Spencer stated that the size and type of bollards to be installed will need to be approved by the City's Public Works Dept. Mr. Spencer explained that this would ensure that the alley ways behind the home will not turn into parking lots or storage pads for RV's, boats, trailers, etc. Mr. Spencer explained that the bollards will be in place at all times except for on the rare occasions that the City needs to get back in there to work on the utilities or for other reasons that may arise.

Mr. Malone suggested that they choose bollards that would be the most aesthetically pleasing.

Mr. Spencer explained that the bollards would be chained to the ground and that the city would have a key to those so that they can remove them if they need to get back into the alley way.

Mr. Spencer explained that the HOA would enforce the CC&R's and provide maintenance of the alley way. Mr. Spencer explained that with this approval the City will no longer have the responsibility to maintain the asphalt, curb & gutter, that the HOA would take that responsibility on themselves. Mr. Spencer stated that the HOA would be responsible for all upkeep of the alleyway.

Mr. Spencer explained that the CC&R's will prohibit the storage of anything in the rear alley way, enforce the fencing requirements, and provide for the collection of HOA dues to enable the HOA to keep the alley way clean and free from all debris.

Mr. Spencer explained that the signs that are currently installed such as, stop signs and do not enter signs, need to be removed and returned to the City.

Mr. Adams explained that the intent for forming the HOA was to keep the alley way neat, clean, tidy, free of debris, ability to tow any car or vehicle that becomes stored back on the alley way. Mr. Adams explained that it was not his intention to offer to maintain the asphalt, curb and gutter. Mr. Adams explained that being a City street he saw that as the responsibility of the City.

Mr. Maher asked Mr. Adams how much of an issue it would be to maintain the asphalt, curb and gutter if no vehicles ever drive back there.

Mr. Adams explained that the issue comes that when they close a house and look at setting aside an HOA fee, or set a price to charge for HOA dues, any mortgage lender will require them to escrow sufficient funds to replace all the asphalt and so they will be forced to charge a fee that covers all of that. Mr. Adams explained that it would be a \$25.00 to \$35.00 dollar a month issue.

Mr. Spencer explained that from his understanding if asphalt is not used as a roadway it is easy for weeds & plants to grow from underneath. Mr. Spencer explained that if nothing is driven on the road he would estimate that in a year or two the asphalt could be breaking because of the weeds growing through it breaking it apart.

Mr. Adams explained that the road would probably need a seal coat every couple of years to keep it from breaking apart.

Mr. Spencer explained that at some point maybe five years down the road there will need to be some maintenance done on the road.

Mr. Adams suggested that the HOA be responsible for seal coating the alley to keep out weeds and that it would be seal coated as needed. Mr. Adams stated that the intent of the HOA would be to keep the road clean, neat, tidy, free of weeds and to seal coat it when necessary.

MOTION:

John Malone moved that the Planning Commission approve the waiver request for Overland Trails Phase 3 to allow the access to garages from the public street in front of the homes as opposed to using the rear alley for access subject to the following conditions:

- 1. That the CC&R's require that fencing along the rear of the lots will be limited to 4' in height and that the fencing will be limited to open slatted fencing.***
- 2. That the applicant installs removable bollards at both ends of each alley. The number, size and type of bollards to be installed shall be approved by the City's Public works Dept.***
- 3. The CC&R's will prohibit the storage of anything in the rear alley way, enforce the fencing requirements, and provide for the collection of HOA dues to enable the HOA to keep the alley way clean and free from all debris, weeds, and that the HOA will provide seal coating at the request of the City.***
- 4. All signs (stop signs, do not enter signs) currently installed shall be removed and returned to the City.***

Matt Weir seconded the motion. Ayes: 4, Nays: 0. Motion Passed.

6. Other Business

Mr. Spencer explained that in previous discussions the Planning Commission has suggested that an amendment to the development code be made to allow for monument signage out in the town center that would be consistent with the rest of the city's monument signage. Mr. Spencer explained that he took this suggestion to the cabinet meeting and brought it up to the Mayor. Mr. Spencer explained that the Mayor

is trying to make the City Council meetings as efficient and quick and painless as possible, therefore eliminating the discussion items and the presentations to the work session instead of the actual City Council meeting. Mr. Spencer stated that the Mayor had asked that the City Staff work with the Planning Commission in changing the development code, therefore having the City Staff & Planning Commission write the language for the proposed change to the development code. Mr. Spencer explained that the Commission would need to propose the change to the Staff and that Staff would then get the item on to a City Council agenda.

Mr. Maher asked that Mr. Spencer email him the language that The Ranches has currently written for their monument signs and that from there they could decide what would need to be changed.

Mr. Spencer explained that essentially the City is asking that the leg work come from the Commission rather than the City Staff.

Mr. Maher stated that they would make their modifications to the already written language for the Ranches monument signs and get them turned in to City Staff.

Mr. Maher explained that he and the Mayor have recommended that John Linton be the new Planning Commissioner.

Mr. Linton introduced himself to the Commission and Staff.

Discussion took place concerning construction hours. Mr. Spencer explained that the Council had changed the hours so that construction begins later and ends earlier.

Mr. Maher asked about a home being built in Cedar Pass ranch, Mr. Maher stated that the home looked like it was being built too close to Tickville Wash. Mr. Maher asked how far away the homes had to be from the wash.

Mr. Spencer explained that two washes have been identified in the City. Mr. Spencer explained that one wash requires a certain distance and the other one does not.

Mr. Maher asked that the home looks like it is less than 100 feet away from the edge. Mr. Maher asked that a member of the Staff go out and take a look at the wash.

Mr. Spencer said that he would make sure someone went out there to take a look at it.

7. Adjournment

Tom Maher adjourned the meeting at 6:45 p.m.