



# EAGLE MOUNTAIN

## EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

October 13, 2020, 5:30 p.m.

Eagle Mountain City Council Chambers

1650 East Stagecoach Run, Eagle Mountain, Utah 84005

### 5:30 PM Work Session – Electronic Meeting via Lifesize

COMMISSION MEMBERS PRESENT: Matthew Everett, Christopher Pengra, Rich Wood, and Brett Wright. Commissioner Erin Wells was excused.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; Pete Kane, Long-Range Planning Manager; Jessa Porter, Planner; Fionnuala Kofoed, City Recorder; Elizabeth Fewkes, Recording Secretary; City Attorney, Jeremy Cook; Deputy Sheriff, Jim Bingham; and Jeanie West, Community Improvement Office.

Commissioner Wood called the work session to order at 5:35 p.m.

#### 1. Discussion Items

##### 1.A. DISCUSSION ITEM – Proposed Code Amendment for Accessory Apartments

Planner Jessa Porter presented the item. She explained the amendments are to clarify standards to facilitate proper code enforcement and to simplify the application process for accessory apartments.

Commissioner Everett inquired regarding the reasons for requiring a notarized letter.

City Recorder Fionnuala Kofoed explained the purpose of the notarizing requirement is for the applicant to acknowledge and agree to the terms of the document. If the document serves as a jurat, the applicant is swearing to the information within the document and agreeing to those terms to use the accessory dwelling as permitted. The Recorder's Office intends to record the documents against the property. She stated the Recorder's Office records the installation of secondary kitchens and accessory apartments have similar documentation.

Discussion ensued regarding amending the verbiage from "letter" to "form" or "document" to clarify the purpose and function of the documentation.

Commissioner Everett stated that as a former notary, he did not believe the form required either an acknowledgment or jurat notarial act. He asked if the notarization could be removed to simplify the process.

Ms. Kofoed stated that the Recorder's Office records a document against the property to certify the approval of an accessory apartment on the property. Should the owners sell the property, the approval remains with the property and future owners would be provided the accessory apartment documentation when a title report is pulled for the property. Requiring the notarization provides

recorded documentation certifying the proper approval process steps occurred. She recommended for EMMC 17.70.070 to be amended to allow the documentation to remain with the property rather than expiring with the transfer of the property.

Commissioner Pengra said the notarization provides a layer of protection for the City as it attests to the identity of the individual signing the documentation, but he expressed his willingness to waive the requirement if preferred by the other Commissioners. He expressed concern that should the property ownership transfer, the new owner would not have attested to the terms of the original agreement.

Ms. Kofoed stated notice of terms and approval would be provided to the new owners in hopes the new owner will adhere to the original terms. If the document expires and does not transfer, it becomes more difficult to track and manage.

Commissioner Wood stated that other Utah cities regulate accessory apartments through rental licenses that do not transfer with the property, although he is unsure how compliance is regulated. He noted the increased difficulties for the Recorder's Office to monitor properties should the documentation expire.

Ms. Kofoed stated she feels strongly that the Recorder's Office should record the accessory apartment, in addition to secondary kitchens, as the apartment has the potential for greater concerns and impacts.

Community Development Director/Assistant City Administrator Steve Mumford stated staff is examining processes and Municipal Code standards for landlord licensing for all property rentals. Staff desires to obtain landlord contact information to facilitate standard information and enforcement without creating onerous standards.

Commissioner Everett suggested allowing a Planning Department designee to approve accessory apartment applications in addition to the Planning Director or Planning Commission and inquired if a timeframe should be set to require a tiny home with a revoked license to be removed from the property.

Long-Range Planning Manager Pete Kane explained that the standards in EMMC 17.70.090 Noncompliance include a 14-day timeframe to resolve non-compliance concerns that would apply to the removal of a tiny home. He recommended adding the conditions of removal to that section to apply to all uses not specifically tiny homes.

Commissioner Wood advocated for separate removal standards for tiny homes because tiny homes are required to have wheels and accessory dwellings are generally permanent structures.

Mr. Kane clarified that removing the tiny home from the property would be a requirement to resolve noncompliance.

Commissioner Wright requested that the Planning Commission consider making tiny homes a special use in order to increase the City's ability and flexibility to govern and set specific, clear criteria for the use and to ensure tiny homes are held to the same standards as similar uses.

Commissioner Wood concurred with making tiny homes a special use as he was not in favor of permitting tiny homes and desired to discourage the use. He recommended prohibiting tiny homes in the Foothill Residential (FR) and RD2 zones and advocated for only permitting tiny homes on properties one acre or larger to be in line with the previous standards.

Commissioner Everett suggested allowing tiny homes on lots one acre or larger within the FR and RD2 zones.

Discussion ensued regarding the desired acreage minimum to allow tiny homes and associated concerns.

Mr. Mumford clarified that in previous standards, accessory apartments were permitted on properties greater than one acre. He stated the City Council expressed the desire to permit accessory apartments on lots 8,000 square feet or larger in order to permit apartments above detached garages; however, tiny homes were not a part of that discussion. He explained that generally, a detached single-family dwelling is a house and staff will amend the verbiage in the chapter to clarify the definition of an accessory apartment.

Commissioner Pengra expressed concern regarding adopting standards that increase the burden of staff and advocating determining if the City has adequate resources to devote to enforcement prior to implementing standard requirements. He supported permitting detached mobile units on half-acre or larger lots if the allowance is amenable to the City Council. He did not support requiring a homeowners' association (HOA) compliance letter. He prefers for the City to not be involved and allow the HOA to address issues directly with the homeowner. He advocated for tiny homes to have the same standards as other detached rental properties as they serve a similar purpose.

Commissioner Wood stated detached rental structures and placement have a greater impact on the residents and property than home additions.

Commissioner Pengra concurred that detached structures have increased impact and require a variance in standard criteria; however, he believes that all accessory apartments should have the same application and enforcement standards. He expressed concern that once an accessory apartment is approved, opportunities for issues arise that are difficult to resolve. He said although he recognized that permitting these options could prove problematic for the City, and that due to high housing costs in the State, there is an economic need for a large portion of the population for affordable housing options.

Commissioner Wood requested for the item to return to a future work session.

**1.B. DISCUSSION ITEM – Proposed Code Amendment to Remove "Tier" and "Base/Bonus Density" Language**

Mr. Kane presented the item and explained that the amendment includes the removal or amendment of all sections of Municipal Code with verbiage referencing "tier" and "bonus/base" density.

Commissioner Wood requested for an amendment to Section 17.10.030 Definitions to the verbiage "Any multifamily dwelling in which dwelling units are available for rental or lease for periods of less than one month shall be considered a hotel/motel," because it is outdated as it excludes short-term rental property practices and due to the transit room tax recently approved by the City Council.

Commissioner Wright suggested adding the verbiage "open space requirements should be met as required in Table 17.25.040" to EMMC 16.35.105 to provide the reference for the specific zones and the associated requirements for improved open space.

Discussion ensued regarding the verbiage addition recommendation and staff was directed to amend the section as recommended by Commissioner Wright.

Commissioner Everett requested clarification regarding EMMC 16.35.100(a) "sidewalks, curbs, and gutters may not be required in an agricultural, RA1, RA2, RD1, RD2, or FR zone developments," and recommended requiring sidewalks, curbs, and gutters in the FR zone developments.

Discussion ensued regarding desired sidewalk, curb, and gutter requirements for rural areas, associated safety concerns, and the option to only require sidewalks, curbs, and gutters along one side of the road or to require improved trails along roadways in rural areas in lieu of sidewalks to facilitate safe pedestrian and equestrian travel.

#### 1.C. DISCUSSION ITEM – Lot Size Transitioning (EMMC 17.60.150)

Mr. Kane explained the City Council discussed the proposed code amendments to EMMC 17.60 during the previous City Council meeting and approved the amendment excluding Section 17.60.150 and requested for the Planning Commission to reexamine the lot size transition table.

Commissioner Wood stated the original lot size transition table was created to implement the tier system to prevent small Tier I lots from being developed adjacent to Tier II lots. As tier language is being removed from Municipal Code, the standards are now outdated. He recommended removing the lot size transition table from the standards and using the compatible residential zoning district transitioning standards to regulate adjacent lot sizes.

Discussion ensued and the Planning Commission directed staff to remove the lot size transitioning table from Municipal Code standards.

Commissioner Wood adjourned the work session at 6:33 p.m.

#### **6:30 P.M. – Eagle Mountain City Planning Commission Policy Session**

Commissioner Wood called the policy session to order at 6:43 p.m.

2. Pledge of Allegiance

Ms. Kofoed led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

Commissioner Wright declared that he lives in close proximity to the La Petite Grooming location being discussed in item 6.A. and stated he will maintain objectivity in the discussion and decision for the item.

4. Approval of Meeting Minutes

4.A. September 22, 2020, Planning Commission Minutes

**MOTION:** *Commissioner Everett moved to approve the September 22, 2020 Planning Commission Minutes. Commissioner Pengra seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

5. Status Report

Mr. Kane stated during the October 06, 2020 meeting, the City Council discussed the open space and public facility zones during work session and will appear during policy session of their next meeting. Municipal Code amendments for Master Plan Developments and Agreements will return to the next work session meeting. The City Council expressed concerns regarding the Cascade Collision concept plan due to the parking area's proximity to Tickville Wash. The SilverLake Phase 28 was approved with an exemption for the new garage width standards with instruction to work with the Planning Director to provide additional guest parking and the requirement that future phases of the project will be required to have full-width garages. The Parks and Open Space Master Plan was approved. The amendment to add zoning transition was approved except for EMMC 17.60.150.

6. Action and Advisory Items

6.A. PUBLIC HEARING – La Petite Home Business (Home Business License)

Ms. Kofoed presented the item. She stated she previously was a client of La Petite Grooming Salon; however, she ended her patronage once compliance issues and complaints were reported to the City. Eagle Mountain City supports and encourages local businesses, including assisting home business through City programs. La Petite is a success story with many happy clients. The business has done well in the City, but there have been issues with them growing beyond the scope and capacity of the allowances of their home business license.

Ms. Kofoed presented the history of La Petite Grooming Salon's business license with the City.

The City issued a home business license to the Izatts for La Petite Grooming Salon in April 2015. The approval permitted a maximum of four dogs on the property at one time, no more than 12 clients per hour with a maximum of 24 per day, and two on-premise employees.

The City received the first anonymous complaint in August 2016 regarding the general condition of the property, the smell, and the number of animals on the property and in the salon. An inspection of the property found the business to be in compliance with the conditions of the home business approval and the case was closed.

Later, in December 2018, the City received the first initial complaint from a neighbor that lives adjacent to the Izatt's property. The complaint indicated that La Petite was illegally boarding dogs and that they had not obtained a building permit for the building they were using for grooming. The complaint also stated that there was continuous dog barking, that employees were not observing traffic rules, and that 80 to 100 cars were driving to and from the business on a daily basis. The City followed up on the complaint and observed that there were 13 dogs on the premises and that the grooming salon had been built without the required building permit. The City addressed the issues with the owners and advised them to bring the business into compliance and get the necessary building permit.

Later communication from the adjacent property owner indicated that things had improved, but there were still several concerns regarding the number of dogs on the property and the disposal of waste from the business. According to Mike Izatt, all of the waste generated by the business was removed regularly from the property.

In January 2019, the Izatts communicated that their business had grown, and they were interested in acquiring a conditional use permit to allow them to offer overnight boarding. They were also interested in getting approval for having more than four dogs on the property at one time. With the expansion of their business, they proposed adding a soundproof barrier around the rear and side exterior of the building and moving parking for family and staff to the rear of the building.

The application for a conditional use was placed on hold as the City was in the process of doing some Municipal Code amendments for pet sitting that would not require a conditional use permit. Once the revised standards were adopted, an application for a pet sitting permit was submitted, but it too was placed on hold as staff continued to work with the business owners to remedy the building permit issues. According to inspection reports obtained from the Building Department, the building has not passed final inspection as there were a few minor items that need to be completed; however, all major issues have been completed.

A site visit to the salon in October 2019 determined that wastewater from floor drains, dog washing stations, and sinks from the facility was being improperly discharged into the wash. The Utah County Health Department inspected the property and a notice of violation was issued by the Utah County Attorney's Office. The City received notification from the County that the Health Department signed off on the septic system improvements on July 30, 2020.

Since the City supports local business and is interested in promoting economic development, the initial consensus between staff and the administration was that the City works to find a resolution to keep La Petite operating, while maintaining and protecting the residential characteristics of the community.

Unfortunately, further interactions, complaints, and inspections of the facility showed that the business was continually operating outside of what was approved and is conducive to the residential neighborhood. Staff met with the Izatts on several occasions and expressed concerns regarding the capacity at which the business was operating. The main complaint was the noise, and the Izatts were informed that if that issue was not resolved, it would jeopardize the home business license. The sound barrier that Mr. Izatt proposed to build, to mitigate the noise, was never constructed to the specifications or standards he suggested.

Staff recommended that the business operate within the parameters of the Code or that given the success of the business and how much it had grown, the business should be moved to a commercial location. The owners stated that relocating the business to a commercial site was not an option as they couldn't absorb that cost.

The business license was due for renewal in April 2020, and the applicant failed to file a timely business license renewal application. The City sent notifications in April and August that the license had expired. As the City had not been contacted by the Izatts for business license renewal, the Sheriff's Office issued a cease and desist order on September 1, 2020. On September 8, 2020, La Petite applied for a business license for dog grooming, 12 to 24 dogs a day, not more than two at a time, and three total employees, including the owner. Due to the nuisance component, on September 17, 2020, the City notified La Petite that the license application had been referred to the Planning Commission and no valid business license exists.

Ms. Kofoed stated residents of Cedar Pass Ranch informed the City that La Petite has continued to operate the business after the cease and desist order had been issued. The City advised the Izatts that a continuation of business operation was in violation of the order.

The City does not have documentation of the number of vehicles frequenting the business; however, during visits to the site, Ms. Kofoed and Code Enforcement noted that La Petite was providing dog daycare and boarding, which are not permitted, in addition to grooming, and several site visits revealed that 30 to 50 dogs were on the premises. Determining the number of clients per hour is difficult to calculate due to the three- to four-hour timeframe to groom a dog, in addition to dogs on the premise awaiting pickup after grooming.

Regarding the number of employees, Ms. Kofoed explained that Municipal Code permits staff to approve additional employees, and City Administration determined to allow two employees, rather than force La Petite to terminate employees.

Ms. Kofoed stated that La Petite is well recognized and supported in the community and should be commended for the success of the business they have built and the service they provide to the residents. However, with the escalated complaints of noise and increased traffic to the neighborhood, it is apparent that the current operation is not secondary to the to the primary

residential use of the property, as required by Eagle Mountain Municipal Code, Section 17.65, and is adversely impacting surrounding residents.

*Commissioner Wood opened the public hearing at 7:12 p.m.*

Mark Lindsay with the Cedar Pass Ranch Homeowners Association Board explained the Board is involved as a representative of the Cedar Pass Ranch residents due to the number of complaints and concerns. He said they have a petition of complaints from seven individuals representing five families regarding La Petite. They provided a letter with documentation of the complaints and verifiable support materials to the City. He reviewed compliance issues including Utah County Sheriff's Office citations, the failed building inspections, violation warnings issued by the City's Code Enforcement, and the wastewater disposal violation issued by the Utah County Attorney. Dog barking preventing sleep is a real problem and the HOA is usually able to resolve issues but has been unable to in this case. Some residents began assisting the Izatts in constructing a sound barrier; however, the project was not completed.

Jamie Lynn Mascherino, resident of Ruby Valley, stated she has had a professional and personal relationship with the Izzats for four years. She has seen the Izzats make multiple changes to their business to limit noise. They bring in the dogs inside when they bark, and the dogs are kennelled at 6:30 p.m. inside a building with soundproofing. She has heard dogs barking from surrounding properties when visiting the Izatts. Additionally, she has been on the property when a Sheriff and external agencies arrived to address noise complaints and there was no barking on the property. She believes it is unfortunate that there has been a breakdown of relationships with adjacent property owners and that the noise complaints are not being made by the nearest neighbors. She requested the Planning Commission take into consideration the letters of support and the services the Izatts provide to the community.

*Commissioner Wood read a sampling of the email public comment the City received:*

To the Members of the Eagle Mountain Planning Commission:

We have received notice of a public hearing to consider an application for business license for La Petite Grooming Salon. This letter is in response to the request for public comment and we wish it entered into the record of the hearing.

We would like to share our experience of living next to the business in question as we live immediately adjacent to the Izatt's on the east side and have been their neighbors since they moved to the Cedar Pass Ranch neighborhood in Eagle Mountain several years ago.

In case you are unfamiliar with the location and setting, the Izatt's home sits in the center of their approximately 5.25 acre lot with their business located in an outbuilding that lies at the back of the lot towards the east side of the property (the side adjoining our property). The land immediately behind our properties (and all those located on our street) is owned by Eagle Mountain city and has been set aside as open space and, if we remember correctly, dedicated to wildlife preservation. Therefore, there are only five homes, each sitting on approximately 5.25 acres, within the immediate vicinity of the Izatt's home—with our home being the closest of any to the outbuilding they use for their business.

As their nearest neighbors, we have watched Mike and Emma with interest. Any new venture brings challenges, and Mike and Emma's venture has been no exception. Yet through it all, they have been ever considerate and cheerful as they have quickly addressed neighbors' complaints or concerns.

For example:

When they first moved here, the Izatt's brought in horses only to find that the existing horse corral fence was not sturdy enough nor tall enough to keep one of their horses from jumping the fence onto our property where it promptly ate a row of lilac bushes. We expressed our dismay to Emma and were pleasantly surprised to see a stronger, taller fence installed in short order.

When they first began boarding dogs, we could, at times, hear the dogs barking during the night. When a neighbor complained, the Izatt's went to a lot of work and expense to install sound barriers and to ensure that the dogs would not make noise that might disturb the neighbors.

We sleep on the west end of our house (the side facing the Izatt's property) and leave our bedroom window open at night from mid-May to late October. Michelle has insomnia and often lies awake between the hours of 1 a.m. and 4 a.m. at night. Because of this, we have often taken nighttime strolls around our property on our walking trail that straddles the fence line between our property and theirs. Knowing that the Izatt's often board dogs, we have intentionally listened for noise from the outbuilding and have heard none.

The Izatt's predecessors installed a yard light that used to shine in our bedroom window at night. The Izatt's have been very considerate about making sure that light is turned off at night.

In every instance, they have faced criticism cheerfully and have made every effort to be good neighbors.

In addition, Mike and Emma have been generous with their friendship and have become a source of community pride. They have opened their little farm to neighborhood children, who know that they are welcome at any time to visit and feed the animals. Emma is famous for her dog grooming ability, and she and her dogs have participated in city parades for years. The horses of the legendary Eagle Mountain "headless horseman" and "plague doctor" reside in the Izatt's horse pasture. And Mike has rushed to our aid more than once when we have had accidents or needed help at our house.

Perhaps someone might complain that there is an increase in traffic on our road because of Mike and Emma's business. That may be true, but we have not found the increase in traffic to be a problem but have noticed that visitors to their house are much more likely to obey the traffic laws than residents on our own street do. :)

In short, Mike and Emma have been exceptionally good neighbors and we support renewal/issuance of a business license for La Petite Grooming Salon. Mike and Emma have proved themselves considerate, responsible, friendly, business owners and contributing members of the Eagle Mountain community.

Thank you for your consideration of this matter,  
Shane and Michelle Jones

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Dear Eagle Mountain City Council,

I am taking the time to send this letter to help Emma and Mike Izatt renew their business license for their grooming salon, La Petite Grooming Salon. Has a previous owner of a grooming salon I know that starting and the upkeep of a salon is very costly and a lot of work. Having to move your business costs more than the original start up. Emma has put her heart and soul into this shop. They moved to this piece of property so she could have her own shop and still be able to raise and proved for her

children without sending them to daycare all day. Most of the people she employs are the sole breadwinners for their families.

My question how come suddenly after they have been approved for their license for many years, are now being questioned and perhaps denied a new license. Just because a neighbor doesn't have anything better to do than complain and attempt to put them out of business. Not renewing their business license will cause their family and the families of their employees an extreme financial trouble. If the complains from this neighbor cause you to denied their license, who is he going to bully next? We all have someone like this in our own neighborhoods.

Emma is a very compassionate person. She will help any person or animal, without question, anytime. She has taught many people a trade that they can use just about anywhere. She also provides the local location for groomers to advance in their training and achieve the skills to earn their National Grooming Certificates. She has also been known for grooming many animals at the local shelters for free so they can find new homes.

Is Eagle Mountain going to be another one of the more rural areas that allows the new residents and the building companies to run the open country style of living out of the city? Allow all the fields to become a town of many homes very close together an office buildings? Let the new residents run the current residents out?

Please consider renewing their business license. Emma has a wonderful reputation in the Grooming industry. It would be terrible if they have to close shop all because of a bully.

Thank you for reading this letter. Please consider renewing their business license.

Amy Gobble

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To whom it may concern.

I am writing you to express my support for the renewal of lapetite grooming salon's business license. We have been patronizing this business for the last three years. Everytime we visit this business we are impressed by the facility and how happy the animals are.

Our kids love petting the pig that sleeps out front. Our dogs love this business. They are happy to go to be groomed with says alot because of how skittish they are. The quality of the grooming is always great. When we pick up or dogs they are happy and playing with other dogs.

I understand that one neighbor seems to have an issue with the business for some reason but give the size of their property and the distance between neighbors I find it hard to believe that anything the grooming business is doing could possibly impact them in any real negative way. It is not easy to have a small business let alone successful one that provides some of the best animal service I have seen. It is hard enough to find quality groomers for our dogs, let alone quality groomers that are close. I would encourage you to renew lapetite grooming salon's business license and allow them to continue serving the people and animals of the area.

Caleb Buswell

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Hi, I personally take my dog to la petite every week for my little dog to be either bathed or groomed. I love that they are close and I love supporting local business. Not only are they super awesome with my dog but they are super friendly and nice. Please consider renewing their license.

Thanks for your time.  
Emily Blohm

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To whom it may concern,

I am a resident of Eagle Mountain and a business owner myself. I have 2 dogs, and use La Petite Grooming Services a lot, and we love them. They do great work, and have helped us out a lot. This business is essential to EM. I can not believe EM City allows a legitimate business to continually be harassed by someone who is clearly trying to destroy this business and this family's livelihood... They have had to fight this person in court several times and have won every time!! This should be a clear cut and dry case. There should be no reason to not renew their business license. EM City should step up and help this family business, and put a stop to this person harassing them. EM City should do everything they can to put provisions in place to protect this family and their business. If EM City doesn't renew their business license you are sending a clear message to all business owners, that you don't care about small local businesses. EM City will just stand by and allow business to be harassed and not protected. EM City will simply allow businesses to be forced out and or ultimately close their doors. EM City needs to do the right thing here, renew their business license and step up to protect this business and make it possible for them to stay where they are and not to relocate.

Thank you!

Garrin Mascarenas

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Please let La Petite Grooming stay open in Eagle Mountain! We love sending our pets here for boarding and grooming. Emma is so kind, and helpful. This is the one place we feel comfortable leaving our pets at when we go out of town.

Regards,

JaCee Greenwood

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To whom it may concern, I have been taking my pet to La Petite Grooming for over 7 years now.... yes I have tried other places in the area as well, but they are THE BEST, reasonably priced, friendly people around. I have never noticed or had any issues with too much traffic, noise, or rude unruly behavior. They are nothing but kind, respectful, and caring of their clients. They have followed rules and regulations required during the pandemic, which I very much appreciate. They are a hard working company who cares about their community, clients, and the quality of their work. I would be VERY disappointed if they were to be shut down and I know ALOT of my neighbors feel the same way. Please allow them to stay open and serve our community here in Eagle Mountain. I appreciate your time and consideration.

Sincerely,

Lacey Horne

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Dear Eagle Mountain,

Please have a heart and continue issuing La Petite their business license. We have used this salon for years to groom our dog. It's important when taking care of our fur babies that we take them to someone we can trust, who we know will love them like family and this would be Emma Izatt and her establishment. It's concerning that you would let a bitter neighbor hurt not only her and her employees but us as clients.

Please help her stay open.

Natasha Jewkes

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We have used LaPetite grooming for the last several years. They have always done an excellent job with grooming our dogs. They have also done an excellent job when they have boarded our dogs. We understand there are some challenges with one of their neighbors and you are considering not renewing their business license. Our family would ask you to renew their business license so that they can stay local. Please don't let problems with one neighbor cause them to move out of our wonderful city.

Thank you,  
Parry and Nancy Sloan

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To Whom It May Concern: I am writing based on a local business, La Petite. I have recently been made aware that they are being denied a business license because of a neighboring individual who is choosing to complain about the noise their animals generate. I beg of the city to please not let him win. The owner of this company and her family have done nothing but serve this community. How one individual holds so much gloat is beyond me but please do not force them out of this community over one persons opinion.

Rachelle Upwall

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La petite grooming has been such an amazing addition to our community. I really enjoy having a groomer so close by (they are just a few houses down). They always treat our pets well while they are there & the employees are amazing at what they do.

Mike & emma do more for the community than just grooming. They allow another neighbor to ride their horses & let her dress up in different costumes. Our community absolutely loves being able to see her riding around.

I would hate to see them have to move their business elsewhere because 1 person doesn't like them. He seems to have made it his personal mission to have them removed.

La petite grooming, Mike & emma, have been amazing. Keep amazing, small businesses in eagle mountain!

Tabitha Moyes

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To Whom it Concerns,

I am requesting this letter to be read in the public comments about my concern with La Petite Grooming and Izatt's residence.

I have lived in the Cedar Pass Ranch neighborhood for about 15 years now. I live on Cedar Drive, with one residence between the Izatt residence and our residence. As much as it hurts my heart to speak ill of one of my neighbors, I will do it today.

My concerns involve the high traffic on Cedar Drive, the noise level coming from the Izatt residence. The noise is coming from barking dogs, day and night. The number of times I've seen the sheriff's department and many police cars at their residence, the late-night screaming (while walking down the street in the middle of the night), and a very grievous action I witnessed personally. Lies read on social media. I will bullet my points below.

- My husband and I walk on Cedar Drive almost every morning. We see no less than 5 cars coming and going to the Izatt residence with dogs in their car. We have not counted the number of cars per day; however, with as many as we see coming and going on our morning walk, we can imagine how many cars come and go throughout the day. This is a concern because we do not have sidewalks in our neighborhood, and our children walk and ride their bikes on Cedar Drive. Those cars do not follow the speed limit, and this is a safety issue.
- The noise level has been a concern for a while. I wish I would have complained earlier, and each time I had an issue. Frankly, I didn't know how to bring up the concern or with whom. The extreme barking, day and night, has been ongoing for years. The noise level is not coming from one dog. The barking is coming from several dogs at once, at all hours of the day. We can't open our window because the level of noise is such a nuisance. Thankfully, the dog barking has subsided.
- I have seen police cars at the Izatt residence several times. I know there are issues at that home. My concern is that those issues (whatever they may be) will be detrimental to our neighborhood.
- One afternoon this summer, we worked in our yard and watched as Mike drove his lawnmower or tractor around and around and created a huge dust storm that resulted in the neighbor between our two homes (Izatt's home and our home) ending a family party. It was a shower of some sort—the other neighbor holding the shower called the sheriff's department. We were witnesses to this grievous act, and I cannot believe that someone would be that unneighborly.
- One summer night, we woke up by screaming from Izatt's walking down the street yelling at someone (not sure who) about not sure what. It was so loud that after I woke up, I looked outside my window to see Emma screening "We loved your son like he was our own" and other things I didn't understand. Mike was with her yelling other things
- The day after the yelling, we had the sheriff at our house asking to look around for a dog that the Izatt's claimed our other neighbor had taken and hidden. We had the dog owners in our yard as well, looking for this "stolen" dog. I emailed Emma about the issue and that I was very disappointed at being involved in this drama. I told her that I didn't believe our neighbor or 15 years would "steal" someone's dog, and I didn't appreciate the sheriff's department coming to my house looking for a hidden dog.
- I read comments on the City's Facebook Page, where Emma was pleading with the public to save her business. As much as I understand not wanting your business to be affected by her actions, I don't think she should tell lies about the business and the neighborhood. She is claiming that the complaints are unfounded and basically that she is being picked on. BELIEVE ME, the complaints are founded and are VALID.
- I DO NOT think that anyone comments that do not live in the neighborhood should be considered. The issue is not about if Izatt's groom dogs well, treat dogs, etc. The issue is that the business is a nuisance to the neighborhood and the number of cars coming in and out of our neighborhood is dangerous. That is why I believe that if there are comments from outside of the neighborhood, they should not be considered valid points.

This is not an easy email to send. I do not wish ill of the Izatts. I wish them well IF they will follow the rules put in place for their business. IF they are not a nuisance by very loud barking dogs, day and night, AND IF traffic will not be as much as it has been.

HOWEVER, I don't think they are capable of following the rules. They have broken many rules over the course of the years they've lived here. I DO NOT believe they will follow any now.

Heather Ray Swanger, Director

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To: Eagle Mountain City Planning Commission

Re: La Petite Grooming Business License

The La Petite Grooming Salon and its owners have been anything but good neighbors to the Cedar Pass community. Their business currently is operating illegally under the city's cease and desist order. This alone should be grounds to not reinstate their license.

This business brings in much more than 12 clients per hour and 24 per day. Many neighbors have complained about the increased traffic on Cedar Drive all hours of the day as a result of their high volume of clientele. We have had fences broken from their clients running into them, clients running the stop sign and clients that refuse to obey the posted speed limits. Our Neighborhood is filled with children, seniors and equestrians who enjoy walking on these streets. This poses a significant danger to all.

The noise from this business does not comply with Eagle Mountain Municipal Code 8.15. I do understand that one of her neighbors to the east Mr. and Mrs. Bridges do not hear the noise from the dogs and this may very well be, however every neighbor to the west has complained about the noise. This neighbor is the only home that is lucky enough to be positioned in a direct blockage from the noise because of the location of their home in proximity to the business. By the numerous citations issued by the Utah County Sheriff's Office you can see that the noise is an issue.

Section B of Municipal Code 17.65.060 states: "EMPLOYEES, Home businesses shall have no more than one on-premises employee who is not a member of the resident family or household." On Friday October 2nd Emma Izatt posted on one of her social media accounts that her business supports 2 other families other than her own. That would mean there is more than one employee.

I'm sure that yourselves, the City Council and the City Recorder have been inundated with calls, emails and letters in support for this business. However, I would ask you this question, how many of those in support live with-in 300 yards or even on the same street as the Izatts. Our lives and our way of life have been negatively impacted due to this business. Supporters living in City Center, Lone Tree or even the north end of Cedar Pass have no idea what living around a full-time dog grooming and boarding company is like.

On September 1st, 2020 the City Council passed ordinance 17.75.061 this has made it illegal to overnight board animals with-in Eagle Mountain City limits. La Petite has continued this practice. They have absolutely no respect for any city codes, county laws or HOA regulations. They walk around with an "above the law" mentality.

The week of November 13th, 2019 Mike Izatt dug a wastewater line from their dog business to the West Canyon Wash. The dumping of the wastewater was reported to the county health department and they came out and obtained soil samples and then requested they remove this line. Not only was this done without a building permit, but dumping that wastewater was against the Federal Clean Water Act. This business has no regard for the environment and are only interested in their own profit.

City Code 6.05.130 Public nuisance line #6: Barks, whines, or howls, or makes other disturbing noises in excessive, continuous, or untimely fashion. The La Petite Grooming Salon has been and currently are in violation of this code every day. Whether it be Christmas day, the Fourth of July or any random Wednesday. It is imperative that this nuisance operation be brought to a stop.

The Cedar Pass Ranch HOA has done its part by sending them notification of their noncompliance, which they have refused to address. Consequently, the HOA has now begun the fine process. The City Recorder has done their part by not renewing this conditional business license. I would ask that this Planning Commission now do their part and permanently revoke their license to do business with-in the city of Eagle Mountain and enforce it.

Respectfully  
Jason D Heidel

Eagle Mountain City Planning Commission,

I request that the Eagle Mountain City Planning Commission not allow La Petite Grooming to renew their business license. I'm sure you will receive many emails and letters on their behalf, however, please note that these will come from residents that are not their neighbors and are not negatively impacted by this operation.

I request this business be closed for the following reasons:

I, Larry Christensen and family are the next-door neighbors to this nuisance business that has been allowed to operate over the last two years without being in compliance with many Eagle Mountain City codes, Utah County Codes and HOA rules. We have sent many complaints to Eagle Mountain City code enforcement and many others within Eagle Mountain City government from the Mayor on down. I feel that my complaints have been for the most part completely ignored and discarded. The Utah County Sheriff Office and the Utah County Health Department have issued many citations to this business and I've provided documents proving that. The Izzats and La Petite have been found guilty of many of these charges and I've provided court documents to show this.

Eagle Mountain City issued a cease and desist order for La Petite and the Izzats sometime around the month of September 2020. The Izzats and La Petite continue to operate the business as they always have, every day including weekends completely ignoring the City's cease and desist order. In my opinion this in and of itself proves they have no respect for our Eagle Mountain City officials, local law enforcement, our Community HOA or Federal laws. I've attached security camera footage from Sunday 9/27/20 showing them conducting business despite the city's cease and desist order, the dog barking in these clips may not be that bad now but give them another week and it will be tremendously bad dog barking again. I've listed a few of the codes, laws and ordinances I believe that they are currently violating.

#### **City Code Violations**

- 1 - Operating in a building built with no building permit. (Addition)
- 2- Operating in a pole barn that was built to shelter farm animals (not for employee's, citizens and their K-9 companions)
- 3- Operating with too many employees for a home-based Business.
- 4- More than the allowed number of dogs on the property the code is 8 dogs including the owner's personal dogs (50 plus dogs are on the property every day) This is not right in any Residential neighborhood anywhere. This size of business belongs in a Commercially zoned property.
- 5- Too many vehicles fifty plus dogs a day times two dropping off then picking up. over 100 cars a day on our street.
- 6- Overnight boarding. Weekend and Holidays are the worst.
- 7- With over fifty dogs a day the fecal matter was being dumped a poured around the building. This was in an email sent by me to all City officials that was ignored for more than a year. The Izzats then installed a pipe and started dumping wastewater into the west canyon wash, UCHD was notified and citation was issued by the UCHD.
- 8- Dogs loose and at large. On 7/4/2020 I was awoken by Deputy Jim Bingham at 1:30 am on 7/5/2020 asking if I had stolen a small dog from the Izzats. The next day the owner of the dog and her brother came to our house wanting the dog back. The Izzats told the owners of the dog we stole it, my wife and I are great-grand parents, great-grand parents do not spend a lot of time stealing dogs. We actually let the owner search our home and property. The dog was loose because of the neglect, abuse and torture by the Izzats. The small dog owners said it weighs 4 pounds, the dog was terrified by all the fireworks that were being set off. For hours the poor dog was crying, barking and whining this was very sad and hard for me to hear as I let the owner listen to what was recorded on my security cameras. This obviously made her cry, the dog was in the wash on my property for three to four hours, the Izzats could hear it and refused to rescue it. I

heard it all on my security cameras the next day. The poor dog was missing for two days before it was found. There is an email attached below sent to me from the owner of the dog.  
9- Please see word document attach for other violations.

I have contacted ASPCA asking for help on this matter, not only with La Petite dog grooming but for help with Eagle Mountain City allowing this business to operate out of City code compliance. The ASPCA will not get involved saying it's a local matter that the City should take care of. They have given me other recommendations if for some reason the petition for closure fails to fix this problem.

Larry R. Christensen

*Record of all public comments regarding this item is attached.*

Commissioner Wood stated that the Planning Commission received and read all the public comments received for the item.

Ms. Kofoed stated that an email comment from Jeff Ruth expressed concern regarding lot size transitioning. Kent and Debra Bridges that live across the street indicated that they do not hear dog barking associated with the property. She said that comments received via phone will also be included in the record.

*Commissioner Wood closed the public hearing at 7:52 p.m.*

Applicant Michael Izzat stated he and Emma Izzat have owned La Petite for ten years, operating mostly in Eagle Mountain, and the business was previously located at a different address within the City. They moved to Eagle Mountain because the City is pro-small business. He stated that they considered properties in Cedar Pass Ranch for three years before purchasing a 5.25-acre property that met their specific needs. Before the purchase, they discussed the potential issues resulting from the business with the Cedar Pass Ranch HOA Board and management company and received approval. The structure and operation of the business has not changed since the initial contact with the HOA. They only received one of three pages of the complaints from the HOA in July 2020, and he made eight unsuccessful attempts to contact the HOA representative indicated to resolve issues.

Mr. Izzat explained when they moved in, the original building did not fit their needs. He reviewed Municipal Code and as was unable to locate standards regarding improvements to an outbuilding, he assumed improvements were allowed without a building permit. After he added a 30-foot by 40-foot addition, they received notification that the building required a permit. In September 2019, a final inspection resulted in two minor cosmetic issues and a problem due to the slope and drainage of the land. They addressed the issues. Mr. Izatt recalled that Building Inspector Dustin Blackburn said two trim pieces were missing from the building and the building did not require an additional inspection to verify the installation of the missing trim. They believed the building had been approved and the City would reinspect the building if desired. The required repairs were completed in September 2019.

Mr. Izzat said they met with their neighbors to attempt to resolve noise and traffic concerns. He said according to State Code, noise nuisance is sound in excess of 50 decibels to the property line.

He has taken readings and the barking registered at a 30 to 40-decibel average. He stated he has soundproofed the salon building to dampen the noise and the dogs are brought inside the building at 6:30 p.m. The majority of dog barking in the area is from dogs on other properties unassociated with their business.

Mr. Izzat said they have boarded the dogs of one of the complainants prior to and after the neighbor moved to Cedar Pass Ranch, and the neighbor was aware of the business when purchasing their home. He said noise reduction is a major concern for them, especially as they are also impacted by sound levels on their property. He said other home businesses in Cedar Pass Ranch generate more traffic than La Petite. It is unfair to hold them accountable for their clientele's traffic violations.

Mr. Izatt said that the nine visits from the UCSO have resulted in zero court appearance losses. Most of the cases have been dismissed due to insubstantial evidence, and they have not had to pay a fine related to any of the citations.

He explained that they regiment the timing of drop off and pick up by their customers. The overlap in the number of the dogs on the property is caused by dogs being groomed and awaiting pickup, as well as dogs dropped off prior to appointments. Drop off times are staggered to reduce traffic impact. The dogs not being groomed are housed in individual suites in a soundproofed room. Six months ago, they discontinued their dog daycare service which had been in operation since they opened this has drastically reduced the number of dogs on the property and resulted in financial losses for the business. The majority of the dogs on the property each day were at the business for daycare or grooming services, not overnight boarding.

He stated they have done just about everything requested by the City. He had been working with Planner Tayler Jensen and was told the application for pet sitting would be put on hold until the Municipal Code standards were updated. He then was told by former City Administrator Ifo Pili that the application was on hold until the building permit issue was resolved. He believed that they had complied with the building standard requirements in September 2019, and the boarding application had moved forward as a result. Two weeks ago, they began discussing relocating the salon in the spring and are in negotiation for properties outside of the City. He intends to move his family and business out of the City but needs to be able to operate until they can relocate.

Ms. Kofoed stated her recollection is that the conditional use permit application for dog boarding was submitted prior to the adoption of updated Municipal Code amendments for pet sitting, but the application was put on hold due to the lack of a building permit and the wastewater violations. As all issues have not been remedied and the business license expired in April of this year, the City is unable to approve the pet sitting license.

Commissioner Wood stated Municipal Code defines noise nuisance regarding animals as "barks, whines, or howls, or makes other disturbing noises in an excessive, continuous, or untimely fashion" not due to decibel level.

Mr. Izzat said their residence generates almost no noise after 6:00 p.m., as only their own three dogs are allowed outside of the salon building, other than clients' dogs using the bathroom area.

His employees are instructed to remove the dogs immediately if they bark while in the bathroom area. He reiterated that they believe they are blamed for barking dogs on other properties.

Commissioner Wood explained that the renewal is coming before the Planning Commission due to the nuisance complaints, and the building and wastewater concerns appear to have been resolved. He said that the grooming business license permits four dogs. An increase in the number of dogs due to client overlap is not permitted in residential locations with home-based businesses. He clarified that the standards being discussed are specific to businesses located in residential areas and differ from businesses located on properties with commercial zoning. The noise nuisance complaints are the biggest issue and even if the barking dogs are moved inside the building, the noise is still a problem for some neighbors.

Commissioner Everett asked the applicants if they have been in operation since the cease and desist order was issued, and if they were aware of the separate applications for grooming and boarding.

Mr. Izzat stated the grooming business continued operations after receipt of the cease and desist order, as the salon is their only income source. The boarding service is currently only offered on an emergency basis. They have suffered a \$40,000 loss in income due to the pandemic and require the additional income from boarding services to maintain their business.

Commissioner Pengra stated that the situation is unpleasant for everyone involved. The City should learn from the experience to better address similar issues in the future and issue cease and desist orders in a timelier manner. He congratulated the Izzats on the success of their business and stated that they have achieved commercial business success, which is not an appropriate level for a home-based business. He stated City staff and officials invest significant time to determine Municipal Code nuisance standards for neighboring properties. He said that regardless of infractions occurring on other properties, conflicts have resulted due to their business operations. He said that as the regulations governing a home-based business have been clear to the applicants and they have been knowingly operating outside of the scope of Municipal Code parameters, he is not in favor of approving their business license.

Commissioner Everett concurred that this is not an enjoyable situation for any of the parties involved. He stated he had read all comments received by Monday evening and although additional comments were submitted during business hours while he was at his place of employment, he committed to reading every comment that has been submitted. He stated that society is governed by rules and laws and that Municipal Code standards exist for a reason. Of the emails he read, the vast majority were in support of La Petite and spoke to the quality of the business and the owners. The City desires quality businesses and he commended the Izzats for creating a fantastic business. However, he concurred with Commissioner Pengra that the business has exceeded the size of a home business. He expressed concern that the business license expired in April 2020 and no evident efforts were made by the business to renew the license and the business continues to operate even though a cease and desist order has been issued. Neither home-based nor commercial businesses are permitted to operate in the City without a valid license. He empathized with the Izzats' need to run the business to provide for their family until they can relocate the business. He suggested the possibility of issuing a temporary license to allow for the business to legally operate until La Petite can move to a new location. He expressed his hope that the business would be able

to remain in the City and operate within Municipal Code parameters, but based upon the applicants' comments, he recognized that may not be feasible.

Commissioner Wright concurred with the statements by the other Commissioners and expressed his desire to find a compromise. He encouraged the Izzats to find a commercial site within the City for their successful, commercial-scaled business. He said he disliked that the Planning Commission needed to evaluate denying a license to a business that is desired within the City and the community. The concerns are due to the location and scale, not the business, the success of the business, the quality of the business, nor the patrons.

Mr. Cook recommended for the Planning Commission to issue a license with specific conditions and for the license to be revoked if the conditions are not met.

Commissioner Wood stated he is known to favor strict Municipal Code adherence and enforcement; however, the business has been a benefit to the community. Although the business has outgrown their current location, he desired to provide leniency to assist them in transitioning from a home-based business to a commercial business, while still providing for their family. He said that as the business has been operating since April without a business license, he felt the business should be relocated as soon as possible rather than in the spring as indicated by the applicant. He is in favor of issuing a business license with strict criteria to move the business from the residential site to a commercial location in a short timeframe, with a relationship of cooperation and partnership between the applicants and the City. He asked if the applicant would be willing to comply with a 60- to 90-day relocation timeframe.

Mr. Izzat said he has previously discussed the possibility of relocating the business; however, neither Eagle Mountain nor Saratoga Springs have available commercial property that meets their needs. Constructing a salon will require more than 90 days. He expressed his willingness to work with the City and said he could build a salon within 90 days of purchasing property.

Commissioner Wright stated he is not in favor of renewing the business license.

Commissioner Pengra stated he is willing to entertain approving a business license with strict parameters.

Commissioner Everett said he is unsure of an appropriate timeframe condition for the business license. He requested that staff resolve the building permit issue as soon as possible. The business license should include strict requirements. He implored the Izzats to strictly comply with Municipal Code standards and the conditions of approval and asked for the members of the Cedar Pass Ranch HOA, residents, and the Izzats to work together to resolve their issues. His inclination is to renew the license through April with strict guidelines to permit the Izzats sufficient time to relocate.

**MOTION:** *Commissioner Pengra moved to approve a sixty-day home business license for the La Petite Grooming Salon with the following conditions:*

- 1. No more than eight dogs are allowed on the premise at a time;*
- 2. Boarding and daycare services are prohibited;*
- 3. The building permit shall be resolved within ten business days; and*

4. *Any violation of these requirements will result in the immediate revocation of the business license.*

Commissioner Wood requested that Commissioner Pengra amend his motion from a sixty to a ninety-day business license to allow the Izatts until after the holidays to relocate their business.

**AMENDED MOTION:** *Commissioner Pengra moved to approve a ninety-day home business license for the La Petite Grooming Salon with the following conditions:*

1. *No more than eight dogs are allowed on the premise at a time;*
2. *Boarding and daycare services are prohibited;*
3. *The building permit shall be resolved within ten business days; and*
4. *Any violation of these requirements will result in the immediate revocation of the business license.*

*Commissioner Wood seconded the motion.*

Commissioner Pengra stated he finds the things that have happened to be distasteful but said he was empathetic to the Izatts position. He explained he increased the number of dogs from four to eight because the Izatts have been running a commercial-scale business and an eight-dog limit is likely a reduction in the number of animals generally present on the property. He hopes this will help address some of the concerns of the residents while allowing the Izatts sufficient patronage to maintain their livelihood. He requested for the residents of Cedar Pass Ranch to endure the issues for an additional ninety days in order to allow time for the business to relocate, even though he realizes the request is unfair to the impacted neighbors.

*Those voting aye: Matthew Everett, Rich Wood, and Christopher Pengra. Those voting nay: Brett Wright. The motion carried with a vote of 3:1.*

Commissioner Wright clarified that his dissention was due to the increase in the number of dogs permitted on the property at one time from four to eight.

Commissioner Wood directed the applicants to bring their business into compliance with Municipal Code requirements for a home-based business or to relocate to a commercially zoned area and that at the end of the ninety days, penalties more strenuous than a cease and dissent will be enforced.

Mr. Izatt inquired what action he should take if they are still in the process of relocating the business at the end of the ninety-day timeframe. Commissioner Wood stated Mr. Izatt would need to speak with staff regarding enforcement, as it is outside of the purview of the Planning Commission and the terms of the motion are subject to the designated deadline.

#### 6.B. Overland Village 2 (Village Concept Plan)

Mr. Mumford presented the item. The Planning Commission reviewed the concept plan on April 14, 2020, and April 28, 2020, and made recommendations with conditions. The previous version did not go before the City Council. The latest proposal includes the Village 2 master plan and the trails and open space plan. The Overland Master Development Plan designates Village 2 with the

minimum unit count of 540 units/lots and a maximum unit count of 743. Village 2 concept plan contains 692 lots/units consisting of 32 percent townhomes, 5.5 percent active adult units, 21 percent small lots, 29 medium lots, 13 percent large lots, and a ten-acre elementary school site already purchased by Alpine School District.

The plan contains a three-acre park and smaller park areas scattered through the development and a 1.51-acre undefined “private amenity” area. The trails plan should be modified to make sure the red line indicating trails includes a 12-foot concrete trail along roadways. The north-south road in the middle of the development has been widened from the original proposal and should include at least 35 feet of asphalt, and/or parking restrictions. Direct driveway access should be limited as much as possible. Potential traffic issues may arise at the intersection of Pony Express Parkway and the school road. Several private road accesses and/or public intersections appear to be too close to each other or not to be aligned. Road spacing and alignment should be resolved with the preliminary plat.

The Village 2 concept plan, or the plan along with recommendations/changes, should be given a recommendation of approval if it complies with the Overland master development plan (MDP) and master development agreement (MDA). Staff recommends the following conditions:

1. The north-south road in the middle of the development shall include a minimum of 35 feet of asphalt or on-street parking shall be restricted along the roadway. Direct driveway access on the road should be limited as much as possible;
2. Applicant shall improve access to the Alpine School District’s future elementary school site off Pony Express Parkway by adding a deceleration/turn lane;
3. Applicant shall work with the City Engineer to identify and agree upon an acceptable interval by which traffic study updates will be provided by the applicant to ensure appropriate development of Airport Road; and
4. Accesses/intersections shall be adjusted to be aligned or separated sufficiently according to the City’s standards.

Commissioner Wood expressed concern regarding townhome alleys that acted as connections between two roads and suggested having one end of the townhome alleyways to be a dead-end or designated as one-way roads to prevent the alleyways from being used as through street connections from the collector road to the neighborhood roads north and south of the City Park. He expressed concern about placing townhomes next to the high traffic area due to drop off and pick up of students at the elementary school and stated a road configuration similar to Silver Lake Elementary is preferable.

Mr. Mumford clarified that the MDA requires a concept plan review and a recommendation of approval by the Planning Commission to the City Council. He said a connectivity score for the project will be calculated in conjunction with the preliminary plat; however, he expressed concern regarding the suggestion to dead-end the roads along the townhomes due to reduced connectivity.

Discussion ensued regarding traffic concerns and options for connectivity within the development.

Applicant Representative Bryon Prince with Ivory Homes explained this concept plan incorporates feedback received from the Planning Commission during the previous meetings. The plan

envisioned their intended design which provides a mixture and diversity of product type; utilization of this community planning principle has proven to produce a better community, provide higher home values over time, and permit residents to relocate within the neighborhood as their housing needs change. The HOA will own and maintain all the improved and natural open space. The City park will be dedicated to and maintained by the City. The trail system design provides connectivity from the trails along Pony Express Parkway to the City park, Wride Memorial Park, and throughout the development creating an open space corridor with homes with rear-loading garages fronting on the trail system. Smaller, private trails connect to the 12-foot asphalt trails and to other open space areas and the elementary school. He explained the masonry wall along the southwest and east side of the village does not extend to the northeast corner of the project to maintain an open, rural feel for the large lots in that portion of the project and to prevent an unappealing street-perspective visual from Pony Express Parkway that would be created with a masonry wall against the trail system and close to the Overland monument sign. The townhomes have rear-loading garages and front along open spaces. He stated the connectivity and engineering concerns will be addressed during the preliminary plat phase of the project in order to comply with City standards, and they will work with Alpine School District to address traffic concerns related to the elementary school. He is working with staff to determine desired, unique amenities for the parks throughout the Overland project. The private amenity for the active adult community will be owned and maintained by the HOA and determined by resident input from current active adult community projects.

Commissioner Wood recommended extending the masonry wall along the northeast corner of the development for continuity due to the likelihood of residents installing a different fencing type and recommended for a raised crosswalk speed reduction device to be installed across the north-south collector road connecting the City park and the townhome open space. He said that this concept plan offers a greatly improved product and represents what the City is looking for regarding layout and product mixture. He suggested traffic configurations to prevent funneling traffic from the townhomes in the southwest of the project and the elementary school onto a single roadway.

Mr. Prince explained they decided to prepare a concept plan that accurately represents the development they envision rather than a maximum-density concept plan as requested by a Councilmember, as they felt the maximum-density concept plan was disingenuous. He said they care about their relationship with the City. He noted the impacts of the pandemic on the development and expressed pride in the almost completed Overland pool and clubhouse. Village 1 contains the same products offered in Village 2, except for the rear-loading cottages and townhomes.

Commissioner Everett stated his dissenting vote against the previously-presented concept plan was due to the applicant's admission that the plan did not represent the envisioned plan for the development; however, he did not feel that the applicant nor Ivory Homes was being disingenuous as he understood the reasoning for offering a maximum density concept plan. He thanked the applicant for offering a rear-loading product that adheres to Municipal Code standards that provides a community feel in a higher density area and for dispersing the product types and providing trail connectivity throughout the development. He concurred with Commissioner Wood's request for the applicant to work with the Alpine School District to mitigate the negative

traffic impact on residents. He expressed his appreciation for the applicant's efforts for the quality product offered in Overland Village 1.

Mr. Prince noted they are providing multiple, safe pedestrian routes to the elementary school site.

Commissioner Wright concurred with the other Commissioners and stated his approval of the location of the open space and the connectivity it creates, the dispersal and arrangement of the product types, and the park location.

Commissioner Pengra echoed the thoughts of the other Commissioners and expressed his appreciation of the product offered in the Overland development and concurred with the safety concerns regarding the trail connection across the north-south collector road.

**MOTION:** *Commissioner Wood moved to recommend approval to the City Council of the Overland Village 2 concept plan with the following conditions:*

- 1. The north-south road in the middle of the development shall include a minimum of 35 feet of asphalt or on-street parking shall be restricted along the roadway. Direct driveway access on the road should be limited as much as possible;*
- 2. The applicant shall improve access to the Alpine School District's future elementary school site off Pony Express Parkway by adding a deceleration/turn lane;*
- 3. The applicant shall work with the City Engineer to identify and agree upon an acceptable interval by which traffic study updates will be provided by the applicant to ensure appropriate development of Airport Road;*
- 4. Accesses/intersections shall be adjusted to be aligned or separated sufficiently according to the City's standards.*
- 5. The applicant shall include a raised crosswalk where the trail crosses the north-south collector road in the middle of the project.*
- 6. The applicant shall work with Alpine School District to utilize all of the streets surrounding the proposed elementary school for student drop off and pick up routes to mitigate traffic congestion and unsafe conditions; and*
- 7. The applicant shall continue the collector road fencing along the two lots on the northeast corner of the project close to the Overland monument sign.*

*Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

#### 6.C. PUBLIC HEARING – C Jay Properties Building (Site Plan & Rezone)

Mr. Kane presented the item. The applicant is seeking to build an 8,000-square foot professional office building on 0.81 acres of undeveloped land on the south side of Campus Drive. The property backs up to a golf course and the plans include screening along the back property line. The

property is a part of The Ranches and is identified for commercial use through the MDP and MDA. The agreement has since expired and vested rights no longer carry. The application includes a rezone request to Commercial Community. The property is identified in the Future Land Use Map with a Community Commercial land use designation; staff has recommended a rezoning of this property to Commercial Community.

The General Plan's Future Land Use Map gives the property the Community Commercial land use designation and this use and zoning request of Commercial Community is appropriate for the designation. The proposed lighting for the building exterior and parking lot are shielded. The photometric plan demonstrates that the light does not extend beyond the property. The plans for the parking lot light fixture and pole are similar in style to the connected parking lot to the east which is a decorative/historic style. The site plan includes access to the property from Campus Drive along with parking lot access from the property to the east. Mechanical equipment must be screened or located in a way so that it is not visible from a roadway. The trash enclosure includes a six-foot, solid wall with stone veneer that matches the building and is located at the rear of the property. The plans call for netting along the property line adjacent to the golf course similar in size and style to the netting used on the adjacent commercial property to the east. The outdoor patio space at the rear of the building also included decorative stretched fabric overhead for additional protection.

The proposed building is sited at the rear of the property with the parking lot at the front. The layout does not meet the building location requirement in EMMC 17.72.030(A). The property directly to the west has its building sited at the rear of the lot with the parking lot at the front. The applicant would prefer the siting as demonstrated in the submitted plans as the location will help to improve safety of pedestrians and vehicles on the property from stray golf balls from the adjacent golf course. The building façade includes dark grey cement fiber board and light grey stone veneer at the base and entries. The primary roof is proposed with a dark asphalt shingle while the roof at the entries is proposed as a grey metal standing seam roof. The gutters, fascia, and soffit will be dark grey tone. EMMC 17.72.040 recommends that commercial buildings should be similar in style to adjacent buildings. The plans call for similar materials, but a different color palette from adjacent properties which are primarily red/brown/tan.

Mr. Kane reviewed the renderings that illustrated the applicant's concerns regarding potential building orientations including access and increased golf ball hazards to explain their request to locate the building to the south of the property.

Staff recommends that the Planning Commission make a motion to recommend approval of the applications to the City Council, for the reasons set forth in the staff report and in the meeting, with the following conditions:

1. The building elevations shall be modified to better relate the building with adjacent commercial buildings in color; and
2. Mechanical equipment shall be located or screened in a way that is not viewable from a street.

*Commissioner Wood opened the public hearing at 10:08 p.m.*

Dr. Bart Gardiner stated he owns the building to the west and the parking lot was left open to allow connectivity to the subject property to increase access and flow between the properties. He inquired if the proposed parking lot could be changed to connect to his existing parking lot. He preferred the building located as requested by the applicant and noted his building has been struck by golf balls resulting in broken windows and the reduced width would reduce the likelihood of window damage to the building. Only one vehicle window has been broken in the parking lot.

*Commissioner Wood closed the public hearing at 10:12 p.m.*

Applicant representative Darren Gillespie stated he would consider Mr. Gardiner's suggestion; however, he expressed concern that connecting the parking areas could lead to parking conflicts due to overflow parking from reception events. He expressed a willingness to make adjustments to better blend with the surrounding properties and explained that as Eagle Mountain Counseling is the main tenant, their main goal is to offer an inviting and homey aesthetic.

Commissioner Wright expressed concern that the roof design did not adhere to architectural detailing standards similar to the adjacent buildings. He stated approval of the windows and trellis archway.

Applicant representative Kurt DeHart stated they could increase the roofline articulation and detailing. He expressed concern that the red roofs and brown tones are not in harmony with current design trends but expressed his willingness to incorporate some of the existing colors for the building to be more in harmony with the surrounding buildings. He said he built Dr. Gardiner's building and recalled leaving the connection open to provide the option to connect the parking areas; however, connecting the parking areas would result in a reduction of parking stalls which may not be in the best interests of this project's parking needs. He stated he is willing to further discuss parking options.

Commissioner Wood clarified that the desire is for the buildings to have harmonious, not identical appearances with consideration to current design trends.

**MOTION:** *Commissioner Wright moved to recommend approval to the City Council of the C Jay Properties building rezone to Commercial Community. Commissioner Pengra seconded the motion. Those voting aye: Matthew Everett, Brett Wright, and Rich Wood, Christopher Pengra. The motion passed with a unanimous vote.*

**MOTION:** *Commissioner Wright moved to recommend approval to the City Council of the C Jay Properties building site plan with the following conditions:*

- 1. The building elevations shall be modified to better relate the building with adjacent commercial buildings in color;*
- 2. Mechanical equipment shall be located or screened in a way that is not viewable from a street;*
- 3. That the applicant shall work with staff to address the compliance with roof design, increased building articulation, and more architectural elements incorporated into the design; and*

*4. The building shall be permitted to be located at the applicant's preferred location at the rear of the property.*  
*Commissioner Pengra seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

**6.D. PUBLIC HEARING – Development Code Amendment for Fencing Standards (EMMC 16.35 & 17.60)**

Mr. Kane presented the item. The City's development code includes standards for fencing based on the property's type of use as well as requirements for fencing along certain roadway types. Questions have been raised as to the specifics of the standards and how to better improve the standards to ensure fencing utilized in development projects are appropriate and can stand the test of time. He suggested revising the proposed amendments in EMMC 16.35.090 to “Durable quality” shall mean fencing of stone, masonry, decorative concrete, or composite material with metal internal reinforcement. Vinyl (with or without internal reinforcement) and wood fencing shall not be allowed along rear or side lot lines abutting arterial or collector roads.” Commissioner Wells recommended amending EMMC 17.60.103 to increase the chain link fence maximum height from four to six feet and to only permit chain link fencing in rear and side yards.

Commissioner Wood stated that he is not in favor of allowing composite material that may degrade over time and expressed his favor for masonry fencing for increased durability and traffic protection.

*Commissioner Wood opened the public hearing at 10:32 p.m. No comments were submitted to the City Recorder's Office and no public was in attendance to make comment. As there were no comments, Commissioner Wood closed the hearing.*

Commissioner Wright advocated increasing the fencing height maximum from six to eight feet in commercial areas.

The Planning Commission concurred with Commissioner Wright's recommendation.

Commissioner Everett concurred with the recommendations to permit six-foot chain link fences and to prohibit composite materials as a durable fencing option. He suggested including verbiage to require that chain link fencing shall not be visible from the street.

Commissioner Pengra stated the proposed standards would be problematic and onerous for industrial uses such as the Facebook development. The standards would also result in the City assuming ownership and maintenance responsibility for masonry fencing and advocated for allowing composite materials that could be maintained by the homeowners.

Discussion ensued regarding desired, durable fencing material and associated concerns.

Commissioner Pengra stated due to the potential impact on large-scale industrial projects, the existence of the standards, regardless of a provision for a City Council exemption, could eliminate

the City from being considered for the projects. He stated he would vote against the amendment as written but would be open to tabling the item for further discussion regarding industrial applications.

Commissioner Wright concurred he did not want to create an undesirable or problematic code.

Commissioner Everett supported tabling the item and reviewing the amendments in a future meeting.

**MOTION:** *Commissioner Pengra moved to table a development code amendment for Fencing Standards EMMC 16.35 and 17.60 to the next meeting directing staff to work on an accommodation for industrial fencing. Commissioner Wright seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

7. Discussion Items

8. Next scheduled meeting

9. Adjournment

**MOTION:** *Commissioner Wright moved to adjourn the meeting at 10:47 p.m. Commissioner Pengra seconded the motion. Those voting aye: Matthew Everett, Brett Wright, Rich Wood, and Christopher Pengra. The motion passed with a unanimous vote.*

The meeting was adjourned at 10:47 p.m.

Approved by the Planning Commission on November 10, 2020.

  
\_\_\_\_\_  
Steve Mumford, AICP  
Assistant City Administrator/Community Development Director

Number	Name	For/Against	Location
1	Bettina Cameron, representing the Cedar Pass Ranch Homeowners Association Board	Against	Eagle Mountain - Cedar Pass Ranch
2	Heather Swanger	Against	Eagle Mountain - Cedar Pass Ranch
3	Jason Heidel	Against	Eagle Mountain - Cedar Pass Ranch
4	Larry Christensen	Against	Eagle Mountain - Cedar Pass Ranch
5	Ryley Daniel	Against	Eagle Mountain - Cedar Pass Ranch
6	Shane Swanger	Against	Eagle Mountain - Cedar Pass Ranch
7	Christina Bicknell	Against	Eagle Mountain - Eagle Park
8	Lisa and Arlon Miller	Against	Eagle Mountain City - Cedar Pass Ranch
9	Brittany Goode	Against	
10	Diane Fraughton	Against	
1	Jessica Vosika	For	American Fork, Utah
2	Ashley Adams	For	Eagle Mountain
3	Debra Kwiatkowski	For	Eagle Mountain
4	James Bailey	For	Eagle Mountain
5	Jeff Wyler	For	Eagle Mountain
6	Jill Wayman	For	Eagle Mountain
7	Jodi Pearson	For	Eagle Mountain
8	Julie Muhlestein	For	Eagle Mountain
9	Karla Reese	For	Eagle Mountain
10	Mary Valantine	For	Eagle Mountain
11	McCandless Family	For	Eagle Mountain
12	Sandra Williams	For	Eagle Mountain
13	Shawn Goodwin	For	Eagle Mountain
14	Taylor Stamper	For	Eagle Mountain
15	James and Peggy Henrie	For	Eagle Mountain - Castle Rock
16	Monica Rogers	For	Eagle Mountain - Castle Rock
17	Shauntee Ferguson	For	Eagle Mountain - Castle Rock
18	Nicole Soelberg	For	Eagle Mountain - Cedar Pass Ranch
19	Shane and Michelle Jones	For	Eagle Mountain - Cedar Pass Ranch
20	Ana Goes	For	Eagle Mountain - City Center
21	Ashley Gibson	For	Eagle Mountain - Cold Springs
22	Kimberly and Brian Gissendanner	For	Eagle Mountain - Crittenden Corner
23	Vanessa and Chris Peterson	For	Eagle Mountain - Crittenden Corner
24	Candyce Franklin	For	Eagle Mountain - Diamond Springs
25	Melissa Brockett	For	Eagle Mountain - Eagle Park
26	Tiffany Ulmer	For	Eagle Mountain - Eagle Park
27	Carey Ventura	For	Eagle Mountain - Eagle Point
28	Laura Van Zomeren	For	Eagle Mountain - Eagle Point
29	Tyler and Tania Evans	For	Eagle Mountain - Eagle Point
30	Wendy Thueson	For	Eagle Mountain - Eagle Point

31	Lacey Horne	For	Eagle Mountain - Eagles Gate
32	Cat and Anthony Martinez	For	Eagle Mountain - Evans Ranch
33	Greg Parr	For	Eagle Mountain - Evans Ranch
34	Miranda Stumph	For	Eagle Mountain - Evans Ranch
35	Mike Wood	For	Eagle Mountain - Freemont Springs
36	Parry and Nancy Sloan	For	Eagle Mountain - Freemont Springs
37	Peggy Taylor	For	Eagle Mountain - Heatherwood
38	Laura Barlow	For	Eagle Mountain - Hidden Hollow
39	Jamie Moore	For	Eagle Mountain - Highlands on the Green
40	Becca Jackman	For	Eagle Mountain - Kiowa Valley
41	Brian Castagna	For	Eagle Mountain - Kiowa Valley
42	Heather Boren	For	Eagle Mountain - Kiowa Valley
43	Michael and Laura O'Connor	For	Eagle Mountain - Kiowa Valley
44	Garrin Mascarenas	For	Eagle Mountain - Lake View Estates
45	Emily Blohm	For	Eagle Mountain - Lone Tree
46	JaCee Greenwood	For	Eagle Mountain - Lone Tree
47	Terye Rowland	For	Eagle Mountain - Lone Tree
48	Crystal Whittington	For	Eagle Mountain - Mountain View
49	Kendra Johnstun	For	Eagle Mountain - Mountain View
50	Stephanie Whitney	For	Eagle Mountain - Mountain View
51	Melissa Bradley	For	Eagle Mountain - Mt Airey
52	Carrie Butterfield	For	Eagle Mountain - North Ranch
53	Candice Rich	For	Eagle Mountain - Overland
54	Dawn Gagnard	For	Eagle Mountain - Overland
55	Dean Durantos	For	Eagle Mountain - Overland Trails
56	Mark and Shelly Anderson	For	Eagle Mountain - Overland Trails
57	Ashley Dietrich	For	Eagle Mountain - Pioneer Addition
58	David Griffeth	For	Eagle Mountain - Pioneer Addition
59	Kimberly Kraft	For	Eagle Mountain - Pioneer Addition
60	Alene Litteral	For	Eagle Mountain - Porters Crossing
61	Carol Cahoon	For	Eagle Mountain - Rockwell Village
62	Jamie Mascherino	For	Eagle Mountain - Ruby Valley
63	Natashia McLean	For	Eagle Mountain - Ruby Valley
64	Aimee Ballif	For	Eagle Mountain - Scenic Mountain
65	Ron and Karen Spence	For	Eagle Mountain - Showdown
66	Haley May	For	Eagle Mountain - SilverLake
67	Sarah Griffiths	For	Eagle Mountain - SilverLake
68	Tiercy Hadlock	For	Eagle Mountain - SilverLake
69	Rachelle Upwall	For	Eagle Mountain - Skyline Ridge
70	Shawn Baxter	For	Eagle Mountain - Southmoor
71	Brandon Wright	For	Eagle Mountain - Spring Valley
72	Lauren Andrews	For	Eagle Mountain - Sundance
73	Marshall Andrews	For	Eagle Mountain - Sundance

74	Chris and Brandy King	For	Eagle Mountain - The Landing
75	Mike Hess	For	Eagle Mountain - The Landing
76	Cheryl Homen	For	Eagle Mountain - Valley View
77	Jack Homen	For	Eagle Mountain - Valley View
78	Stacey Mudgett	For	Eagle Mountain - Valley View
79	Kim Johnson	For	Eagle Mountain - White Hills
80	Joan Jones	For	Eagle Mountain City - Cedar Pass Ranch
81	Debbie Jarrett	For	Lehi, Utah
82	Jessica Wilkey	For	Lehi, Utah
83	Kathy Kinghorn	For	Lehi, Utah
84	Millie Killpack	For	Lehi, Utah
85	Tiffanie Feher Hansen	For	Lehi, Utah
86	Kathi Slade	For	Lindon, Utah
87	Mike Mathews	For	Morgan, Utah
88	Layne Izatt	For	Orem, Utah
89	Heather Morris	For	Out of Utah
90	Kayla Stephens	For	Outside of Eagle Mountain
91	Brittany Neil	For	Payson, Utah
92	Linda White	For	Riverton, Utah
93	Amber Golding	For	Saratoga Springs, Utah
94	Anna Smith	For	Saratoga Springs, Utah
95	Aubrey Lawrence	For	Saratoga Springs, Utah
96	Caleb Buswell	For	Saratoga Springs, Utah
97	Chad McDonald	For	Saratoga Springs, Utah
98	Courtney Snarr	For	Saratoga Springs, Utah
99	DeAnna Gravius	For	Saratoga Springs, Utah
100	Diane Hendrickson	For	Saratoga Springs, Utah
101	Heidi Festin	For	Saratoga Springs, Utah
102	Mathew Smith	For	Saratoga Springs, Utah
103	Megan Bresson	For	Saratoga Springs, Utah
104	Melanie Jex	For	Saratoga Springs, Utah
105	Melissa Edwards	For	Saratoga Springs, Utah
106	Melissa Whittaker	For	Saratoga Springs, Utah
107	Sandra Smith	For	Saratoga Springs, Utah
108	Susan Muse	For	Saratoga Springs, Utah
109	Camie Williams	For	Saratoga Springs, Utah
110	Patricia Smith	For	Saratoga Springs. Utah
111	Taunie Wiggins	For	South Jordan, Utah
112	Alissa Allen	For	
113	Aly Allred	For	
114	Alysha and Rob Milligan	For	
115	Amy Gobble	For	
116	Andrea Capener	For	

117	Angelica Childs	For	
118	Ashlee Gill	For	
119	Bob Dean	For	
120	Bonnie Bosh	For	
121	Braxton Barney	For	
122	Carissa Gossard	For	
123	Carrie Baum	For	
124	Cassie Bingham	For	
125	Cassie Lynn Parker	For	
126	Charmaine Smoot	For	
127	Chelsea Gillespie	For	
128	Cody Lazenby	For	
129	Connie Stephenson	For	
130	Corinne Garcia	For	
131	Corrine Simonsen	For	
132	Cynthia Sumner	For	
133	Geneve Fallon	For	
134	Gouch Smith	For	
135	Hannah Skousen	For	
136	Jamie Spalding	For	
137	Janalee Hess	For	
138	JD Clark	For	
139	Jenni Spear	For	
140	Jennifer Grow	For	
141	Jessica Moon	For	
142	Jessica Orton	For	
143	Jill Walker	For	
144	Jolene Cureton	For	
145	Joni Luke	For	
146	Joy Pizzuto	For	
147	Justina Sullivan	For	
148	Katelyn Hutchings	For	
149	Katherine Ballard	For	
150	Kathleen Craig	For	
151	Kathleen Higham	For	
152	Katrina Smith	For	
153	Kevin Hamlet	For	
154	Kimbery Ekins	For	
155	Kimm Harman	For	
156	Kristi Hutchings	For	
157	Kristin Walters	For	
158	Kyla Barber	For	
159	Kylee Carter	For	

160	Kylee Parry	For	
161	Leann Miller	For	
162	Lexi Allred	For	
163	Lindsay Montague & David Frye	For	
164	Lindsey Jorgensen	For	
165	Lisa Hope Glogowsky	For	
166	Lizy Wright	For	
167	Lynsey Adams	For	
168	Maddie Jones	For	
169	Mark Dyer	For	
170	Melanie Ridgeway	For	
171	Melissa Browne	For	
172	Melissa Smith	For	
173	Michelle Thomas	For	
174	Mindy Brown	For	
175	Natasha Jewkes	For	
176	Norma Chaffin	For	
177	Patrick Morris	For	
178	Peterson Family	For	
179	Rebecca MacArthur	For	
180	Samantha Wallis	For	
181	Sandy Sofoifa	For	
182	Shelly Roberts	For	
183	Sophia Couzins	For	
184	Stacey Jepson	For	
185	Stacy Graham	For	
186	Susan and Ben Byerly	For	
187	Sylvia Price	For	
188	Tabitha Moyes	For	
189	Tatiana Lazenby	For	
190	Tawnee Willes	For	
191	Tiffani Wandell	For	
192	April Tooman	For	
193	Jennifer Grow	For	
194	Jeanne Floyd	For	
195	Tricia Castagno	For	
196	Donna Harris	For	
197	Nicole Ramos	For	
198	Sherilyn Laddimore	For	
199	Jennifer Webb	For	
200	Ashlie Schonbeck	For	