

**SPECIAL USES AND APPEALS BOARD MEETING**  
**MONDAY, AUGUST 24, 2009 6:00 P.M.**  
**PERRY CITY OFFICE BUILDING—CITY COUNCIL ROOM**  
**3005 S. 1200 W. PERRY, UTAH**

**APPEALS BOARD MEMBERS PRESENT:** James Felix, Suresh Kulkarni, Jon Rackham, Mark Stratford (Chair)

**OTHERS PRESENT:** Duncan Murray (City Attorney), Angela Erwin (Minutes Clerk), Taylor North, Heather Gibby

I. CALL TO ORDER AND OPENING CEREMONIES:

Mark Stratford called the meeting to order at approximately 6:09 p.m.

A. PLEDGE ALLEGIANCE TO THE U.S. FLAG

Led by James Felix.

B. DECLARE CONFLICTS OF INTEREST, IF ANY

Questions initiated by Mr. Stratford. None existed.

C. REVIEW AND ADOPT AGENDA

No official motion.

D. APPROVAL OF JUNE 9, 2009 MINUTES

**Motion:** Suresh Kulkarni moved to approve the minutes of June 9, 2009, as written.

The motion was seconded by Mr. Felix. No discussion. All in favor.

II. PUBLIC HEARING

None

III. APPEALS FROM DECISIONS OF LAND USE AUTHORITIES OR BUSINESS LICENSE AUTHORITIES (QUASI-JUDICIAL ACTION)

None

IV. SPECIAL USES AND SPECIAL BUSINESS LICENSE–CONDITIONAL USES, SPECIAL EXCEPTIONS, AND NON-CONFORMING USES, ETC. (QUASI-JUDICIAL APPLICATION)

B. C.U.P. (AND SPECIAL BUSINESS LICENSES) FOR A PROPOSED HOME BUSINESS EINSTEIN PRESCHOOL LOCATED AT 3293 S. 1450 W.

Duncan Murray explained that Codey Illum, Building Inspector, has inspected the home and everything complies with the building code and other codes and requirements. Mr. Felix asked if Mr. Illum checked for fire code violations. Heather Gibby, applicant, said Mr. Illum checked for fire extinguishers and smoke detectors. Mr. Stratford asked Ms. Gibby how many students she was planning on having at one time. Ms. Gibby said she would have all twelve students at the same time.

**Motion:** Mr. Felix moved to approve the special business license and conditional use permit for proposed home business, Einstein Preschool, located at 3293 S. 1450 W. The motion was seconded by Mr. Kulkarni. No discussion.

**Roll call vote:** Mr. Felix–aye, Mr. Stratford–aye, Mr. Kulkarni–aye, Mr. Rackham–aye. All in favor (4 to 0).

V. PUBLIC WORKS STANDARDS AND SPECIAL ORDINANCE (QUASI-LEGISLATIVE ACTION)

A. 1100 SOUTH AREA DESIGN GUIDELINES (FINAL APPROVAL)

Mr. Murray explained the purpose of the design guidelines as creating uniformity in the 1100 South commercial area. He said Brigham City has formally adopted the design guidelines. As individual restaurants and businesses come in, the design guidelines can be adapted. Mr. Murray added that the planning commission noticed that some of the types of trees may not conform to the soil or area and may have to be changed.

Mr. Felix commented that the document should read, “Perry City” not “Brigham City” on page two. Page 13 should state, “such as compactors [and] loading docks.” Also, page 22, does not specify what 2.5 inches is referring to (diameter, circumference, etc.). Mr. Felix added that the forest service standard would be “2.5 inches in diameter at breast high.”

Mr. Stratford said on page 26, under signage, it should state, “in accordance with [Perry City] ordinance.” He pointed out that ordinance numbers, in addition to the city references need to be updated.

Mr. Kulkarni commented that the original document was written in September, 2007. He asked if the comments from the “beautification committee” were incorporated and if this was the latest draft. Mr. Murray said the comments were included and this was the latest document. Mr. Kulkarni put an index together, page by page, and found that the sections and subsections were misnumbered. He also said that “shall” and “should” are not consistent with “intent, standard, guidelines,” such as on page 14.

On page 34, “Dollar Stores” are prohibited and Mr. Kulkarni felt this should be taken out. Also, on page eight, it reads “the four districts are” and then lists only two districts.

Mr. Murray said city staff will provide the appeals board members with an updated copy of the design guidelines at the next meeting. Mr. Kulkarni asked for a copy of the minutes from the planning commissioner’s discussion on the design guidelines. He was interested to see if there were any “nay” votes.

\*Non-agenda comment: Mr. Stratford asked what happened with “modifying a limited non-conforming use for access to lot two (located at 991 W. 3450 S.),” which was tabled at the last appeals board meeting. Mr. Murray said the applicant withdrew his application, so there is nothing to review. Also, the applicant must file a new application for this to be discussed further.

#### VI. TRAINING, HANDOUTS, AND UPDATES

- A. TRAINING: SEPTEMBER 17, 2009 AT 6:00 P.M. (COMBINED WITH PLANNING COMMISSION)

#### VII. REVIEW NEXT AGENDA AND ADJOURN

- A. ADD AGENDA ITEMS REQUESTED BY APPEALS BOARD MEMBERS  
None

- B. MOTION TO ADJOURN

**Motion:** Mr. Felix moved to adjourn the special uses and appeals board meeting. No official second motion. All in favor.

Meeting adjourned at approximately 8:42 p.m.