

**Perry City Planning Commission Meeting Thursday, August 4, 2011
7:00PM Perry City Office Building-City Council Room
3005 South 1200 West, Perry Utah**

Planning Commissioners Present: David Curtis, Dave Walker, Don Higley, Todd Bischoff, Steven Pettingill (came at 7:45pm), Jerry Nelson, Esther Montgomery

Others Present: Codey Illum, Perry City Building Official; Susan K. Obray, Minutes Clerk; Shirlene Peck, Mary Phipps, Blaine Phipps, Robert Ditta

Chairman Curtis welcomed Esther Montgomery as a new member of the Planning Commission. He also asked her to tell a little about herself.

1. Approx. 7:00 p.m.-Call to Order and Opening Ceremonies

A. Pledge of Allegiance

The Pledge of Allegiance was conducted by Chairman Curtis

B. Declare Conflict if any

Declare conflicts initiated by Chairman Curtis

There were no conflicts of Interest

C. Review and Adopt Agenda

MOTION: Commissioner Walker moved to adopt the agenda and removed item 4B from the agenda. Seconded by Commissioner Higley. All in favor

2. Approx. 7:05 p.m.-Public Hearings and Public Comments

Rules: **(1)** Please speak only once (maximum of 3 minutes) per agenda item. **(2)** Please speak in a courteous and professional manner. **(3)** Do not speak to specific member(s) of the Planning Commission, staff, or public (please speak to the Chair or to the Commission as a group). **(4)** Please present possible solutions for all problems identified. **(5)** Action may not be taken during this meeting if the item is not specifically on the agenda. In the City Council Chambers, on

A. Public Comments (No Public Hearings)

Shirlene Peck: Stated she hoped when the commission looked at any type of zone they would consider what brings businesses together. Professional businesses help bring commercial businesses and vice versa they help grow each other. She stated if someone is going to the dentist they might want to shop at Wal-Mart also. It keeps the tax base in Perry. She stated if she had to live with the limited zone change she would not be able to do her strip mall. She stated she would scared to death that she would not be able to make her payment due to the fact she didn't have all the commercial available to her, available to her 5 years from now. She asked for them to please consider the property rights and the best good for the city. Commercial realtors are hired by national business to bring their business in to cities. She asked them to consider all the facets.

Mary Phipps: She lives in Brigham City. She stated she loves seeing buildings that have businesses in them instead of being empty. She stated if we would have had the City Council

meeting that we had last week she would have considered doing a business venture, she stated she is doing it because her brothers are doing it. She hopes to lease for a long time and have a successful business. She stated she hopes it is a win win situation for everyone. She stated they started in February and is surprised it is not further along.

3. Land Use Applications (Administrative Action)

Rules: (1) Documentation must be submitted to the planning staff two weeks in advance. (2) The applicant or a representative must be present for action to be taken.

A. Final Recommendation to the City Council-Application to Amend Site Plan to expand the Fueling Center at the Flying J Travel Center located at 1674 West 1100 South Pointe Perry Robert Ditta with Core State Group representing Flying J approached the commission and asked if there were any questions. Chairman Curtis asked if the plan had changed. Codey Illum stated the plan is still the same and all engineer comments have been addressed. Codey has received the building permit, the fire Marshall has given approval. Mr. Illum asked the commission to waive the two week waiting period so they can be put on the City Council agenda.

MOTION: Commissioner Walker moved for final approval for the Flying J Travel Center and to waive the two week waiting period. Commissioner Nelson seconded the motion. Roll call vote.

Commissioner Montgomery	yes	Commissioner Bischoff	yes
Commissioner Nelson	yes	Commissioner Walker	yes
Commissioner Higley	yes	Chairman Curtis	yes

Motion Approved: yes 6 no 0

**4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc.
(Planning and Quasi-Legislative Action)**

A. Ordinance Amending Title 58 (provisions relating to historical signs)

Codey Illum stated that Commissioner Pettingill asked that there by something added to the ordinance that gives the city a way out if the sign is in disarray and needs to be removed. Commissioner Walker asked if the sign is not conforming for 30 days if the sign has to be removed. Chairman Curtis stated the ordinance states if the sign has been abandoned for 30 days. Mr. Illum stated that yes, if the sign has been abandoned for 30 days it should be removed. Commissioner Walker stated the sign across the street from Moore's Restaurant has been abandoned for more than 30 days and asked how this fits. Chairman Curtis stated it should have been taken down years ago. Commissioner Walker stated he felt the ordinance is not there yet and needs more work. Commissioner Walker stated that sign has been in Perry for a long time and would hate to see it go. Chairman Curtis stated there is a distinction there; it needs to be done on a case by case basis. Commissioner Nelson stated we could remove the section that states "Continuous Use". Councilman Peterson stated the sign ordinance was created because of

one sign. This sign is on UDOT property and not private property. The city is waiting for a letter from UDOT stating it is ok for the sign to be there. Councilman Peterson stated he would table this item and do it as a case by case application. He stated once you create an ordinance that is the law and it needs to be followed.

MOTION: Commissioner Walker moved to table this ordinance for Historic signs. Commissioner Nelson seconded the motion. Roll call vote.

Commissioner Montgomery	yes	Commissioner Bischoff	yes
Commissioner Nelson	yes	Commissioner Walker	yes
Commissioner Higley	yes	Chairman Curtis	yes

Motion Approved: yes 6 no 0

- B.** Ordinance Amending Title 45 (provisions relating to the Land Use Chart for uses allowed in the C1 Commercial Zone)

This item has been removed from the agenda.

- C.** Ordinance Regarding Amendments to Title 54, Permits to Remove Trees on City-Owned Property, and the Placement of Trees on Highway 89 Frontage

Chairman Curtis stated the commission needs to discuss what we want on the Highway and The process is for the removal of trees. The commission felt they had not had enough time to look at the ordinance and would like to have it on the next month agenda. Chairman Curtis would like to study the ordinance further.

MOTION: Commissioner Nelson moved to table the ordinance until next month. Commissioner Bischoff seconded the motion.

Commissioner Walker wanted to discuss it further. Commissioner Walker said it would be a waste of time to do an impact study.

Commissioner Montgomery	no	Commissioner Bischoff	yes
Commissioner Nelson	yes	Commissioner Walker	no
Commissioner Higley	yes	Chairman Curtis	yes

Motion Approved: yes 4 no 2

Councilman Peterson stated we need to decide if we want trees on the highway and that is a planning issue. The council would like a recommendation from the commission.

Chairman Curtis stated he would like the commission to be able to discuss this in a future meeting.

Commissioner Walker: Mr. Walker stated he felt we need to have trees along the highway. He stated the trees are not going to get that big. He suggested they be pruned up so businesses can be seen.

Commissioner Higley: He stated when the trees were removed from Moore's he could see the business. He felt it needed to be done on a case by case basis.

Mr. Illum stated trees may be good in one place to block high density and may not be good in front of a business. He stated that is why it is good to do it on a case by case business. Mr. Illum stated there needs to be a plan in place.

Commissioner Montgomery: She stated she does not see main street Perry yet. She stated there is a whole hodge podge of things going in on the highway, and would like to see it as a case by case situation.

Codey Illum stated this is the commissions chance to plan Perry's main street.

Chairman Curtis: He stated he felt Brigham City's main street trees are a safety hazard. He appreciates the fact Perry's trees are not the same size.

Chairman Curtis stated there will be a special meeting to be held next Thursday, August 11th from 6:00pm to 6:15pm for Star Struck for their sign permit and asked who would be able to be there. There would be a full quorum.

5. Training, Handouts, and Reports

A. City Council Report-Tom Peterson

There was a recommendation to the City Council to the Planning Commission to look at the C1 zone piece over by Wal-Mart in regards to the non tax generating businesses. Shirlene is building a build with three seperate entities.

It was a recommendation to the Planning Commission to do it on a percentage basis. That could be an option to this situation.

Shirlene Peck came and made an appeal to the City Council to waive the property tax on those buildings as an incentive for business to come in there. She said it would be good for the city because of sales tax. She wants to put her business in there which will not create sales tax. Commissioner Pettingill gave some history on Shirlene and her development. Councilman Peterson stated when people park in front of Moore's it is dangerous because the road curves and it makes it hard to see.

B. Approve Minutes of July 7, 2011

MOTION: Commissioner Walker move to approve the minute for July 7, 2011 Planning Commission meeting. Commissioner Bischoff seconded the motion. All approved.

- C. Training Regarding Subdivision Ordinances, Amending a Subdivision Plat, and “Metes and Bounds” Subdivisions
(Training at Next Meeting Regarding the Open Meetings Act)

Training regarding Subdivision Ordinances was tabled until next month.
Commissioner Montgomery would like to sit in on the meeting to discuss business development with Councilman Cronin.

6. Review Next Agenda and Adjourn

- A. Add Agenda Items requested by Planning Commission
- B. Motion to Adjourn

MOTION: Commissioner Pettingill moved to adjourn. Commissioner Bischoff seconded the motion. All in favor.