

**Perry City Planning Commission Meeting Thursday, July 7, 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, Harlan Brewer, Jerry Nelson

Others Present: Codey Illum, Perry City Building Official; Lorin Gardner, Perry City Engineer; Duncan Murray, Perry City Administrator; April Arbon, Tom Peterson, Councilman; Mardi Obray, Lani Braithwaite, Boyd Young, Mike Jensen, Hansen & Associates; Brent Miller, Laura DeFriez

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 Pettingill moved to adopt the agenda as presented. Commissioner Brewer seconded the motion. 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

MOTION: Commissioner Pettingill moved to close the regular meeting and open the public hearings on the items listed on the agenda. Commissioner Brewer seconded the motion. All in favor.

- A.** Proposed Ordinance 11-G regarding Title 52 (Subdivisions) and other land use provisions, including concept site plans for certain types of applications, and dead end streets, cul-de-sacs, and "bulbs", as well as procedures necessary to be placed on an agenda for final Planning Commission approval.

There was no public comment.

- B.** Proposed Ordinance regarding amending Title 58 (provisions relating to historical signs) and Title 45 (provisions relating to the Land Use Chart for uses allowed in the C1 Commercial Zone).

There was no public comment.

- C. **Approx. 7:15 p.m.** An Application for an amended subdivision plat and amended site plan for Canyon Gate Subdivision No. 4, Lot 1, located at the southeast corner of Commerce Way and 1200 South Street (parcel number 03-154-0103).

Mardi Obray: She stated she is the owner of the Peak a business in Perry which is adjacent to this piece of property. She expressed her thanks to the Planning Commission and all their hard work in keeping Perry so beautiful and making sure all the ordinances are met. Ms. Obray expressed a couple of concerns 1) is on the site plan, the first phase Unit A she stated she was not sure what the set back was, she was required on her marquee 28 feet and felt the set back on this plan was not at the 28 feet. Her concern is this development will block her sign coming from the south; 2) regarding the temporary building that Shirlene is still in, she wanted to know what the status was on that. Chairman Curtis stated the Planning Commission is not an enforcement body; that would be up to the staff. Ms. Obray stated the rear of this building is going to be facing the gateway to Perry. It can either be an "eye soar" or something that Perry can be proud of. It has been used as a dumping ground for all the garbage and has been a "nightmare" for her business.

- D. An Application for a subdivision plat for Thomas Young Subdivision No. 1, to be located at 2295 South on Park Drive/900 West Street (parcel number 03-158-0016), said subdivision to include a 0.50 acre lot for an existing house and a remainder parcel of approx. 5.18 acres.

Boyd Young: He is the trustee for his parents DeEsta and Daryl Young who are both deceased. The ½ acre parcel needs to be deeded to his older brother. The rest will remain greater than 5 acre agriculture parcel there is no changes in land use. It is changing ownership to comply with the trust. It is noted on the plat the area between Richard Hudson and the adjacent lot there is a 50 foot right of way that will be a future street to a cul-de-sac. When this area was set up, the city allowed for it and was agreed to it at that time.

- E. **Approx. 7:30 p.m.** A Conditional Use Permit application by April Arbon for a home business license for "Life Coaching" 2363 South 385 West.

No public comment on this item.

- F. Public Comment

No public comments.

MOTION: Commissioner Walker moved to close public hearing and open regular meeting. Commissioner Bischoff seconded the motion. All in favor.

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. Application for a Conditional Use Permit by Aprill Arbon for a home business license for "Life Coaching" located at 2363 South 385 West

Ms. Arbon stated she will be seeing one person at a time, sometimes a family. The sessions last about an hour. They are scheduled so they don't see each other to give complete privacy. She does a Life Skills class once a month that may have 4- 6 people that attend. She has been doing this business for 15 years. The land owners within 300 feet were all notified. City Staff has not received any concerns from nearby landowners. Commissioner Walker asked about parking. Ms. Arbon stated the driveway is not the best but there is parking in the front. She stated she could accommodate 2 cars in the front of the house. She stated there will be 1 client at a time at her home. The hours will be scattered and there are no set hours. She does a lot of counseling on the phone and Skype.

MOTION: Commissioner Walker moved to approve final for the conditional use permit for "Life Skills Coaching" for Aprill Arbon. Commissioner Pettingill seconded the motion. Roll call vote.

Motion Approved: 7 yes 0 no

Commissioner Pettingill yes

Commissioner Brewer yes

Commissioner Bischoff yes

Commissioner Higley yes

Chairman Curtis yes

Commissioner Nelson yes

Commissioner Walker yes

- B. Application for an amended subdivision plat and amended site plan for Canyon Gate Subdivision No. 4, Lot 1, located at the southeast corner of Commerce Way and 1200 South Street (parcel number 03-154-0103).

Duncan Murray stated it is an amended subdivision plat and an amended site plan at the same time. This is a 3 unit building and has their own legal descriptions. Shirlene Peck asked the Planning Commission to look at option A and option B plans. She stated the tenants in one of the buildings want it deeper than it showed on the original plan that was in the packet. The storm runoff has been addressed. The square footage is the same the configuration is different. Lorin Gardner, Perry City Engineer, asked if she had a revised plat that shows the new plans. He asked if she wanted the Planning Commission to approve both options and record only one. She stated yes. The units would change in size. Duncan stated Shirlene is trying to set up a plan where tenants can choose individual units. The concern is Lorin Gardner, City Engineer, has not seen the plan. Commissioner Walker asked if the building is made bigger it goes into the parking area. Shirlene stated there is plenty of room to make the building bigger. Shirlene Peck stated if it is made to be a shorter building, it will not affect the Peak's sign. Commissioner Pettingill stated the problem is the Planning Commission is supposed to do a design review and she will not tell them what is coming to Perry and they as a Planning Commission are supposed to approve of it. Shirlene stated that it will be a strip mall center. Shirlene will have to conform to Perry City's land use chart

as to what will go into the center. Chairman Curtis stated the City Council asked the Planning Commission to consider approving only businesses that are tax-generating businesses in the C1 zone. One of the three businesses will be Shirlene's office. Mike Jensen from Hansen and Associates stated the building will get 8 feet wider, 4 feet from the front and 4 feet from the back. There is a 5 foot drive isle; he proposed the drive isle get moved over keep the same 5 foot distance from parking lot and the building. There is plenty of room to take it out of the front and make the building shorter. Mike Jensen stated they could move the building over 2 feet to accommodate the Peak sign. Mr. Jensen stated the building is 7 feet higher than the Peak sign.

MOTION: Commissioner Walker moved to approve the final design review plan for Canyon Gate Sub. 4. and forward it to the City Council. Commissioner Nelson seconded the motion.

Commissioner Pettingill stated the Planning Commission needs to have a discussion on the placement of the building verses where the sign is, so it does not block the view of the sign. Shirlene stated the building will be moved 2 feet and be at least 28 feet back. Codey stated the motion could be made to include the staff measuring the building and its effect on viewing the existing sign. He stated it would be hard to make a decision until a tape is pulled and see just how far the sign is.

REVISED MOTION: Commissioner Walker moved to amend the motion to approve the final design review plan and forward to City Council and have Codey Illum go measure the Peak sign to make sure it complies with City ordinances and standards, and that it will not block the Peak sign. The second stands by Commissioner Nelson. Roll call vote.

Motion Approved: 7 yes 0 no

Commissioner Pettingill yes

Commissioner Brewer yes

Commissioner Bischoff yes

Commissioner Higley ye

Chairman Curtis yes

Commissioner Nelson yes

Commissioner Walker yes

- C. Application for a subdivision plat for Thomas Young Subdivision No. 1, to be located at 2295 South on Park Drive/900 West Street (parcel number 03-158-0016), said subdivision to Ms. include a 0.50 acre lot for an existing house and a remainder parcel of approx. 5.18 acres.

Duncan Murray stated lot 1 is already an existing house and they want to subdivide a ½ acre off the rest of the property. There will be a future development on the remaining property. There will be a rural road agreement signed for future development. Lorin Gardner, City Engineer, stated the city has an ordinance when there is a one lot subdivision that it can be approved by metes and bounds with the county recorder.

MOTION: Commissioner Walker moved to approve for final and forward to City Council the Thomas Young Subdivision No. 1. Commissioner Nelson seconded the motion. Roll call vote.

Motion Approved: 7 yes 0 no

Commissioner Pettingill yes

Commissioner Brewer yes

Commissioner Bischoff yes

Commissioner Higley ye

Chairman Curtis yes

Commissioner Nelson yes

Commissioner Walker yes

D. Additional changes to the amended site plan for the Beehive Home Assisted Living Facility located at 1550 South Hwy 89

Bob Thurgood stated the amended plat was changed to face west. Everything else is the same. Mr. Thurgood stated there will be some engineer block brought in to put along the parking lot that will come off over the side hill. There will be an engineered wall all along the back. The access is much easier off of 1550 South. The parking lot is the same size.

MOTION: Commissioner Pettingill moved to approve for final and recommend to the City Council the Amended Site plan for Beehive Homes Assisted Living Facility. Commissioner Brewer seconded the motion. Roll call vote.

Motion Approved: 7 yes 0 no

Commissioner Pettingill yes

Commissioner Brewer yes

Commissioner Bischoff yes

Commissioner Higley yes

Chairman Curtis yes

Commissioner Nelson yes

Commissioner Walker yes

E. Application to Amend Site Plan expand the Fueling Center at the Flying J Travel Center located at 1674 West 1100 South Pointe Perry

Tim Perrien representing Pilot Flying J Travel Center. The application is for an additional 2 bay fueling center. There will be additional drive. The dump station has been relocated. Mr. Perrien stated he has a copy of the engineer comments and they will be addressed. Concerning a related issue, Codey Illum stated the trucks are using the parking lot and the lot behind it, which has not been approved. Mr. Illum stated the Bird Refuge calls him regularly and makes complaints about the trash and debris that is disposed there. This has not been approved through the city. The facility is too small for the amount of trucks that come in there. Perry City has an agreement with the Bird Refuge to not use this land, the owners need to go through the proper channels to get it approved to use as parking.

MOTION: Commissioner Pettingill moved to approve the preliminary site plan. Commissioner Walker seconded the motion. Roll call vote.

Motion Approved: 7 yes 0 no

Commissioner Pettingill yes

Commissioner Brewer yes

Commissioner Bischoff yes

Commissioner Higley yes

Chairman Curtis yes

Commissioner Nelson yes

Commissioner Walker yes

4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc.

(Planning and Quasi-Legislative Action)

- A. Ordinance 11-G regarding Title 52 (Subdivisions) and other land use provisions, including concept site plans for certain types of applications, and dead end streets, cul-de-sacs, and "bulbs", as well as procedures necessary to be placed on an agenda for final Planning Commission approval.

Duncan-Murray stated this ordinance is not in final form. Mr. Murray asked for guidance from the Planning Commission. He asked the Commissioners as far as being put on the agenda for final approval everyone in the staff needs to review it and comments addressed before coming to the commission. Chairman Curtis stated the commission also did not want dead end streets, cul-de-sacs and bulbs in any commercial or residential development.

- B. Ordinance regarding amending Title 58 (provisions relating to historical signs) and Title 45 (provisions relating to the Land Use Chart for uses allowed in the C1 Commercial Zone).

Duncan Murray stated this is two parts the first part deals with historical signs. The council they did not like the term "historic signs". Historical signs are continuous existing signs that have been there for 40 years. If the sign has been there for 40 years the sign does not have to be removed unless the Planning Commission finds the sign is in disrepair. Commissioner Walker asked if the Planning Commission has the authority to let the owner bring it up to standard. Duncan Murray stated the Planning Commission can make that decision. Mr. Murray stated he classified this as a special exception so the Planning Commission can make the decision to keep the sign or not. Commissioner Pettingill stated at what point do we decide when the sign is remove; there needs to be some language in the ordinance that states this. Mr. Murray stated he will implement the changes and present it at the next meeting.

Mr. Murray stated Title 45 is the land use chart for uses allowed in the C1 Commercial Zone. The land use chart lists each type of use. The C1 Commercial Zone and the Pointe Perry IC Commercial zone are two prime commercial areas and are focused on sales tax generation. Mr. Murray went through every page of the land use chart. Chairman Curtis stated right now we don't have exclusive sales tax generation uses in the C1 zone; the council wants the Planning Commission to give a recommendation. Mr. Murray stated he has circled the 6 or 7 items that are in the C1 zone that could be a sales tax generating

businesses. Chairman Curtis recognized Shirlene Peck (to speak to the issue), since her Canyon Gate property is in the C1 Commercial Zone.

Shirlene Peck: Shirlene stated she is the only property owner in that area. By restricting the land use she felt they are trampling on her property owner rights. She stated the city is restricting the land use and makes her worried about what she can sell in the area. She felt the city is restricting her right to sell her ground. She stated she would like to sell it all as commercial. She felt it has to be a good working relationship with the city. Commissioner Walker stated he felt it is bad to tell a property owner what they have to do with their land; we are taking rights away from people.

Commissioner Nelson: Felt it was not a big deal to restrict 6-7 types of businesses. The resources we have in Perry we have to make sure are available for the future. We need to look at the long term; we need revenue to support the residential. Residential does not pay the bills.

Commissioner Brewer: He agrees with Commissioner Walker's comments.

Mr. Murray stated this is one of the most serious issues you have to deal with when you deal with people's property.

Commissioner Bischoff: He stated he felt the 6-7 businesses was not that many.

Commissioner Higley: He stated he felt Shirlene has Perry City in mind.

Commissioner Pettingill: He stated the land use chart is a document which you decide where you want things in your city. Four years ago, Randy Wilde, Karen Cronin and I sat down and went over the land use chart. The commercial zone around 1100 south was the hardest area to decide. Shirlene knew it was commercial when she bought the property. He stated 1100 south is where the Planning Commission wanted the high end retail.

Commissioner Walker: He stated they say that is the prime commercial property for Perry. He stated if a developer comes in and says they want to put their business in a certain location and we tell them "No, you can't put it there" they will go to another city, and who loses? We do. We need to be able to move.

Chairman Curtis: He stated there are a lot of compatible uses that we have discussed. The worst thing we could do is take all those things out. We need to have a balance.

MOTION: Commissioner Brewer moved to send the Planning Commission's ideas and thoughts to the City Council to review and consider (and not recommend any ordinance at this time). Commissioner Nelson Seconded the motion. Roll call vote.

Motion Approved: 7 yes 0 no

Commissioner Pettingill yes

Commissioner Brewer yes

Commissioner Bischoff yes

Commissioner Higley yes

Chairman Curtis yes

Commissioner Nelson yes

Commissioner Walker yes

Commissioner Pettingill was excused at this point in the meeting.

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

Mr. Murray stated this is also a referral from the City Council. There are two applications for permits to remove trees before the City Council. They are asking the Planning Commission to review and recommend change to the ordinance to remove the city owned trees. Under the ordinance, the City Forester, Greg Braegger is the decision-maker, or the alternative decision-maker, the city council. They would like to change the ordinance to have the City Council be the final decision-making body after a recommendation from the City Forester. The city maintains the mow strips (water, mow etc.) Commissioner Nelson stated he personally does not like trees on the highway. It makes it hard to see oncoming cars. Commissioner Walker stated he suggests that we do have trees, that we trim them, and not remove them. Councilman Peterson stated they should be looked at on an individual basis. Commissioner Nelson stated he felt the decision should be made by the City Council.

MOTION: Commissioner Walker moved to have City Attorney draft changes to the ordinance to include that any removal of the trees need to be approved by a majority of the council in an open meeting after a recommendation from the City Forester. Seconded by Commissioner Nelson. Roll Call Vote.

Motion Approved: 6 yes 0 no

Commissioner Brewer yes

Commissioner Bischoff yes

Chairman Curtis yes

Commissioner Walker yes

Commissioner Higley yes

Commissioner Nelson yes

MOTION: Commissioner Walker moved to say there was a lot of hard work in putting the trees in on Highway 89 and moved to keep the trees. Commissioner Nelson seconded the motion. Roll call vote.

Motion Approved: 6 yes 0 no

Commissioner Brewer yes

Commissioner Bischoff yes

Chairman Curtis yes

Commissioner Walker yes

Commissioner Higley yes

Commissioner Nelson yes

5. Training, Handouts, and Reports

A. City Council Report-Tom Peterson

Developers are here to primarily make money only.

B. Approve Minutes of June 2, 2011

MOTION: Commissioner Walker moved to approve the June 2, 2011. Seconded by Commissioner Bischoff. Roll call vote.

Motion Approved: 6 yes 0 no

Commissioner Brewer yes

Commissioner Bischoff yes

Chairman Curtis yes

Commissioner Walker yes

Commissioner Higley yes

Commissioner Nelson yes

- C. Training Regarding Subdivision Ordinances, Amending a Subdivision Plat, and "Metes and Bounds" Subdivisions

MOTION: Commissioner Brewer moved to table this item until the next meeting.
Commissioner Walker seconded the motion. All in favor.

Training will be at the August meeting.

6. **Review Next Agenda and Adjourn**

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

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