

**Perry City Planning Commission Meeting Thursday, October 6, 2011
7:00 PM Perry City Office Building Council Room
3005 South 1200 West Perry, Utah**

Planning Commissioners Present: Chairman David Curtis, Commissioner Jerry Nelson, Commissioner Todd Bischoff, Commissioner Esther Montgomery, Commissioner Steven Pettingill, Commissioner Don Higley

Others Present: Duncan Murray, City Administrator/City Attorney; Councilman Tom Peterson; Councilwoman Karen Cronin; Susan K. Obray, Minute Clerk; Lani Braithwaite; Roger Cranney

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

- A.** Pledge Allegiance to the U.S. Flag
The Pledge of Allegiance was conducted by Chairman Curtis
- B.** Declare Conflicts of Interest, IF any
Declaration of Conflicts initiated by Chairman Curtis
- C.** Review and Adopt the Agenda

MOTION: Commissioner Pettingill moved to accept the agenda. Seconded by Commissioner Nelson all in favor.

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

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.

- A.** Public Hearings Regarding Agenda Items 4A, 4B, 4C and 4D

MOTION: Commissioner Bischoff moved to closed the regular meeting and open the public hearings. Commissioner Higley seconded the motion. All in favor.

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

No comments regarding any public hearings.

- B.** Public Comments
No public comments.

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. Report Regarding Extension of Upland Square Development Agreement (1100 S. Area, West of Wal-Mart)**

Duncan Murray explained to the commissioners that they have in their packet the current development agreement and the other document is the proposed extension of that document. The area is west of Wal-Mart: a portion of it is in Perry City and a portion of it is in Brigham City, and it is all south of 1100 South. There is a new planned intersection on 1100 South that has been in the works that will go between 1100 south and I-15 interchange and then the intersection on Commerce Way (or Medical Drive). It will be a 4 way intersection and will enable us to connect to 1200 West Street in Perry and 200 West in Willard and all the way to the north in Brigham City. With that new intersection in, it will allow the traffic to flow into the new commercial development. The existing development agreement was approved in January 2009 in City Council meeting. Brian Arnold is asking for an extension in time. There has been some progress as far as where the streets would go with UDOT.

It was a lot of work to get to this point; the developers and cities put forth a lot of effort. The development agreement does not require Planning Commission approval, City Council only. This is just information for the Planning Commission to be aware of for an upcoming meeting.

B. Preliminary Approval of Maddox Lane (1850 South Street) Dedication-Phase 1

The city is the original applicant for this street dedication. It is a 66 foot dedication. From Hwy 89 in between Maddox to the south and property owned by Deloy Ward on the north. It is a public road by way of use. The land owners are paying for the concrete work to improve the east portion of the road. All the plans meet Perry City standards and requirements. The improvements will be eventually dedicated to the city for us to maintain. The concrete improvements are nearly complete. On the south side it will be curb and gutter and no sidewalk, in the future there will be, and on the north side there is a rolled gutter. There are three sets of landowners on the east end closest to Hwy 89. There is one landowner on the west end closest to 1200 West. Finally, there is a middle piece with three landowners on the south side. We are doing the whole 66 feet on the east end which includes, Maddox, Alpine Gardens/ Deloy Ward and John Baxter.

Lorin Gardner, City Engineer stated the three southern land owners (in the middle section) are not included right now in the road dedication, but will be in the future. The road will be paved from Hwy 89 to the east side of the Maddox parking lot.

Duncan stated this is for preliminary approval.

Commissioner Pettingill asked if the storm drain is included in the road, and if the landowners were notified. Lorin Gardner stated that the storm drain is included in the road and the three landowners have been notified. Lorin Gardner stated the ditch is pipe and eventually all will be piped.

MOTION: Commissioner Pettingill moved to recommend preliminary approval for the Maddox Lane dedication Phase 1. Commissioner Higley seconded the motion. Roll call vote.

Commissioner Pettingill yes

Commissioner Bischoff yes

Commissioner Higley yes

Commissioner Montgomery yes

Commissioner Nelson yes

Chairman Curtis yes

Motion Approved: Yes 6 No 0

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

A. Ordinance Regarding Amendments to Title 58 (Signs), Including Sections 58.04.030 and 58.05.080

Duncan Murray stated the City Council requested the Planning Commission look at this ordinance and there was also a request from Roger Cranney. Mr. Cranney, owner of the Room Loft in Brigham City, passed out a photo of his mobile sign. The mobile sign is located on the Marvin Neff property (ABCO Construction). Mr. Cranney stated he paid Mr. Neff to put the sign on his property. Mr. Cranney felt his property rights were being taken away because he could not use his sign. The sign is located on the old ABCO property on Hwy 89 in Perry. He felt he and Mr. Neff were being denied the use of their property. Chairman Curtis asked if this sign were not a mobile sign or off premises sign would it fit within our sign ordinance based on the size, and the way it is placed and not obstructing the flow of traffic. Duncan stated there are a number of different things that do not meet our sign ordinance: it is a considered a bill board sign, it is on public property, and it is an off premises sign. The sign ordinance states it has to be 10 feet away from the street. Codey Illum, Perry City building official, asked Mr. Cranney to remove the sign from the property. Commissioner Pettingill stated the Planning Commission has reviewed this a number of times. Everyone who owns a business would like to put a sign like this in front of their business. It would be difficult to control the amount of signs being put up. The Planning Commission looked at this a long time ago, and it is our ordinance. This ordinance was looked at when the car dealerships would put their cars on the Vesco property down by 1100 south and they would put their signs right out to the edge of the side way. The signs obstructed the corner and made it hard for traffic to see. Commissioner Pettingill felt the property rights were not taken away; it gave safety to our community. Chairman Curtis stated we have rules to prevent chaos and we have chaos when we have uncontrolled use of land. Commissioner Pettingill stated it is an off premises sign and they are not allowed per our ordinance. Billboard signs are only allowed on I-15 and not on Hwy 89.

MOTION: Commissioner Pettingill moved to deny the application for Mr. Canney. Commissioner Bischoff seconded the motion. Roll call vote.

Commissioner Pettingill yes
Commissioner Bischoff yes
Commissioner Higley yes

Commissioner Montgomery yes
Commissioner Nelson yes
Chairman Curtis yes

Motion Approved: Yes 6 No 0

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

Duncan Murray stated the amendment to this ordinance is because of the applications to have trees removed on in front of their businesses (Moore's and Perry Dental). There was a committee that discussed this ordinance. Commissioner Nelson and Commissioner Montgomery were members of the committee. Commissioner Montgomery stated they met and come up with a few suggestions. She stated the things they wanted in a tree ordinance are already in the ordinance. She stated they would like to have a purpose statement that gives a broader vision of Perry. Commissioner Walker stated we have 79 existing trees and we could fit another 83 trees in town. The committee liked the idea of the money that comes from removal of trees as outlined in the permit or penalties, the money be handed back to the city Forester for the replacement of those trees. Chairman Curtis asked if we should have a dollar amount for staff time. Duncan Murray stated that has been added under 54.02.0.30. which it states "and related expenses".

MOTION: Commissioner Nelson moved to incorporate the changes the sub committee recommended into the tree ordinance and to place the amended ordinance on the next agenda. Commissioner Bischoff seconded the motion. Roll call vote.

Commissioner Pettingill yes
Commissioner Bischoff yes
Commissioner Higley yes

Commissioner Montgomery yes
Commissioner Nelson yes
Chairman Curtis yes

Motion Approved: Yes 6 No 0

C. Ordinance Regarding Amendments to Chapter 45.20 (Land Use Chart), Including Uses Allowed in the C1 Commercial Zone.

Councilwoman Cronin reported to the commissioners. A sub- committee was formed which consisted of Commissioner Pettingill, Commissioner Montgomery, Scott Lyon of the Economic Development office, Duncan Murray, Codey Illum, Councilwoman Cronin, Businessman Matt Hansen. The main focus was the C1 area of the land use chart 400 West going out to the freeway on the south side of 1100 West and a little on the north side, the area around Wal-Mart and the Peak. The focus was, what would be the best use for that land for the Perry City residents. This is the biggest area of retail type businesses. Retail type businesses lower the property taxes for residents. There were a few things the committee felt that did not comply with the C1 zone. The committee took them out and there were also some mixed uses. If a developer wanted to come in and have some of his development non-retail that would be ok, but the main focus was retail. Councilman Cronin stated on page 5 of the land use chart professional office space, this would be like dental offices, real estate offices, there is a place there but the committee did not want that are to be crowded with those kinds of businesses. These types of uses are limited to a maximum of 20% of the floor space of the main ground floor of any development, with other uses to occupy the development before these types of uses may occupy the development. The retail portion would have to come first. This is to try to generate our sales tax base. Duncan Murray stated a "squiggly" means the use has been removed. Councilwoman Cronin stated on page 2 under Public Building or utility we would not want a transfer station in that area. Perry City only really has two big pieces of land around the Wal-Mart

area if we let a day care center in that area we blown our chances of getting a Lowes or Home Depot. She stated there are better areas for day care centers. Commissioner Pettingill stated whatever development you let come first sets the bar of what comes next. Councilwoman Cronin stated we need to plan well for the citizens of Perry.

MOTION: Commissioner Nelson moved to accept the land use chart amendments as presented. Commissioner Montgomery seconded the motion. Roll call vote.

Commissioner Pettingill yes
Commissioner Bischoff yes
Commissioner Higley yes

Commissioner Montgomery yes
Commissioner Nelson yes
Chairman Curtis yes

Motion Approved: Yes 6 No 0

- D. Ordinance 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 to be placed on an agenda for final Planning Commission approval.**

MOTION: Commissioner Pettingill moved to table this item. Commissioner Higley seconded the motion. Roll call vote.

Commissioner Pettingill yes
Commissioner Bischoff yes
Commissioner Higley yes

Commissioner Montgomery yes
Commissioner Nelson yes
Chairman Curtis yes

Motion Approved: Yes 6 No 0

5. Training, Handouts, and Reports

A. City Council Report - Tom Peterson

Councilman Peterson was excused from the last City Council Meeting. Duncan Murray reported on the Charter School. The school was going to do the conduit financing with the city, but now the Charter School is going to use conventional financing instead. A site plan for the Charter School will be on the next Planning Commission agenda.

B. Approve Minutes of September 1, 2011

MOTION: Commissioner Bischoff moved to approve the September 1, 2011 minutes. Commissioner Higley seconded the motion. All in favor.

C. Training Regarding the Open Meetings Act

Duncan Murray, City Administrator/Attorney presented some training regarding the Open Meetings Act.

6. **Review Next Agenda and Adjourn**

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

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