

PERRY CITY PLANNING COMMISSION MEETING THURSDAY, October 7, 2010
7:00 P.M. PERRY CITY OFFICE BUILDING—CITY COUNCIL ROOM
3005 S. 1200 W. PERRY, UTAH

PLANNING COMMISSIONERS PRESENT: Martin Hinckley (Chair), Steven Pettingill, David Walker, Mark Anderson, David Curtis, Jerry Nelson

OTHERS PRESENT: Tom Peterson (Councilmember), Susan K. Obray, Minute Clerk, Duncan Murray (City Administrator, City Attorney), Mike Edwards, Kevin Butters, Mayor Jerry Nelson, Jeannine Jensen, Richard Olsen, Lorin Gardner, Aaron Nielsen, Jay Peck, Verden Chambers, Lorin Gardner, Lani Braithwaite, Nate Keith

Call to Order and Opening Ceremonies

Chairman Martin Hinckley called the meeting to order at approximately 7:04 p.m.

A. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

Conducted by Chairman Hinckley.

B. DECLARE CONFLICT OF INTEREST, IF ANY

Questions initiated by Chairman Hinckley. None existed.

C. REVIEW AND ADOPTION OF THE AGENDA

Comm. Hinckley added one item of comment on the Perry City/Brigham City Joint Advisory Meeting and the removal of Item 5. Comm. Curtis moved to adopt the agenda as amended with adding comments on the Joint Advisory Board Meeting and the removal of Item 5. Comm. Anderson seconded the motion. All in favor.

D. APPROVE MINUTES FOR THE AUGUST 5, 2010

Comm. Walker moved to approve the September 2, 2010 minutes as written. Comm. Anderson seconded the motion. All in favor.

2. PUBLIC HEARING AND PUBLIC COMMENTS

A. Public Hearing—An Ordinance to adopt an updated PMC Title 31 (Moderate Income Plan), which is an element of the General Plan.

MOTION: Comm. Walker moved to close the regular meeting and open the meeting for public hearing. Comm. Pettingill seconded the motion. All in favor.

Mr. Murray summarized this has been in the Perry City General Plan for a while. This is required by State law. This is in draft form. There is a demographic makeup of the community some of the efforts over time to eliminate local barriers to moderate income housing. It is not on for action item just public comment. It needs to be updated to be in compliance with the state.

B. Public Hearing-An Amendment to the Flood Damage Prevention Ordinance regarding restrictions on development in designated flood areas (Including "Zone A")

Mr. Murray stated he broke out the one page section when they passed the flood control ordinance the one extra section was broke out separate. The three areas the pit area in Cherry Ridge, Geneva Rock pit, Perry flood control structure and the Bird Refuge area. There is no construction in these areas other than a flood control building or structure. There are 3 exceptions, (1) conditional use permit, (2) agriculture buildings; (3) construction of residential buildings if two criteria are met (1) already filed an application (2) current geographical and soil studies. Mr. Murray stated we can't take away existing rights that are there. We are focused on health and safety of not putting houses in areas that will be taken by a flood. There is an open application over in Cherry Ridge the city has been in negotiations to purchase property for a park so it has been put on hold.

Kevin Butters: I am the developer of Cherry Ridge phases 1, 2&3. The other parcel is designated to be phase 4 the City asked us to hold off because they wanted to purchase part of it for a park. There are some easements that have been granted through portions of it to the city with the compensations tied into the future development of the park. We are very concerned the new ordinance does not take away our property rights. The property the city has been looking at to purchase is the lower part of the project and the canal area that runs along the back of phase 3. Three Mile Creek is piped to the park the rest is above the flood plain.

C. Public Hearing-An Ordinance to amend the land use chart to add storage units as a permitted use (by design review) in the C Commercial zone.

Nate Keith: I am trying to start a business. There will 240 units all together. On the east side there will be open storage for boats, trailers. The west side will be climate control on the 20 units. The structure will be cinder and steel. There will be an office with a manager that will be there 365 days a year.

Mr. Murray stated it is not on for applicant review, just an ordinance change. Mr. Murray stated this is part of the C commercial zone, it is not a permitted use in this zone, but the proposed change is to make it permitted by design review. The recommendation would go to the City Council.

Kevin Butters: Suggested making it a conditional use. Also make it have additional landscaping as barriers.

Jerry Nelson: I am speaking as a landowner through the block. We as a city have looked at cleaning up the city and taking care of things that are parked in front of people's houses and garages. The more ¼ acre lots we get the less places people have to put things. I would like to see more storage units in town especially if they are under design review. I think this sounds like a good place to be, if not it would be nice to see a plan as to where they could go in the city. They are currently in the Industrial/Manufacturing you can't do any industry or manufacturing in them and so I would like to see them put in commercial with a strict design review. I would be in favor of it.

Jeannine Jensen: My concern is the street. Whatever uses the property is that the issues with the streets be dealt with. On our particular street with having blueprints and plans out and then not following the plans, changing the elevation there are drainage issues that need to be addressed.

Comm. Walker asked which street she was talking about.

3600 South and 1200 West. She stated on 1200 West as you come into 3600 South it gains in elevation. 3600 south has been increased in elevation as it goes west towards the corner so the corner is high there. When Sumida's water it goes all the way down to the corner. It does not have a place to go. All the underground culverts are plugged. The width of the road is 50 foot road.

Richard Olsen: I live on 3600 south. 35 years ago I built a beautiful home there. I sure would hate to see a whole bunch of tin buildings in front of my place. It would ruin the whole thing. I hope that is taken into consideration. I have been in this community for a very long time. I have a fair amount of land myself. I don't have a tin shed except where my car goes. Maybe they could put a big ball around it so we wouldn't have to look at it.

E. Public Comments

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

3. Land Use Applications (Administrative Action)

A. Canyon Gate Subdivision No. 5, Preliminary Plat Review (Northeast corner of Commerce Way and 1500 South Street., Part of Parcel No. 03-154-0108)

Jay Peck is representing the applicant, Shirlene Peck. Mr. Murray stated Canyon Gate #5 received preliminary approval from the Planning Commission in the last year or two. It was put on hold so some issues could be resolved. It ties in with the 1200 South street dedication project, it has been recorded. 1200 South is the boundary road between Perry City and Brigham City it will run south of Byron Hansen's dealership and east of Wal-Mart and connect up with Commerce Way. What is described as lot 1 on the preliminary plat is where the existing temporary building is. The other street proposed to be dedicated 1500 South and a portion additional extension of Commerce Way is a new dedicated street. It ties into the 1200 South project; the businesses going in on 1200 south will need it as a back access. The road is proposed as a 4-way intersection. Comm. Walker asked if Canyon Gate #5 and CDPLDS are the same. Canyon Gate #4 is already an approved subdivision with lot 1 and lot 2, CDPLDS owns lot 4. Mr. Peck stated the church has approved the change to the road it works out well with their plans. Mr. Murray stated there is a development agreement the council just approved that allows how 1200 south will be constructed. So far Perry City, Shirlene Peck and Brigham City have signed it. Byron Hansen is out of town and will sign it at the end of next week. Mr. Peck stated they are willing to put their portion of the road all the way through. He stated they need some concession on 1500 South the church has said it works for them. He stated they can have the funds to do the road all the way to 450 west. It was his understanding that oral approval has been given with Brigham City and the land owner,

still waiting for a signature from Byron Hansen. We need to get approval for 1500 South. Comm. Curtis asked why the road can't be left as it was across the back. Mr. Murray stated we did the whole dedication of 1200 South from Commerce way to 450 West the initial plan was there was enough money that Shirlene Peck and Lancer had to build half the way to 450 West along the church property. There was additional portion of money that Lancer had to construct 1600 South there were two pools of money. What happened in order to meet the interest of what Perry, Brigham and Mr. Hansen wanted to do she reallocated the money for 1600 South and put it in the completion of 1200 South to 450 West she can't spend the same money twice. Lorin Gardner, City Engineer asked what the proposal was for the east end of 1500 South. Mr. Peck stated the church has a large piece of property, they have their own plans as to the buildings they want to put there. It is his understanding they are going to build them as such so 1500 South will go all the way through. Comm. Curtis stated lot 2 goes from 1200 South to 1600 South. Comm. Walker asked if there is access to lot 2 from 1200 South. Mr. Peck stated there was. Comm. Hinckley stated he has two concerns any road over 200 feet requires a fire turnaround. It is a violation for us to put in a road without a fire turnaround if you can get the church to build a fire turnaround in their space that is fine. It would be important to have the fire review on these before they come to the Planning Commission. The other concern is the triangle piece. Mr. Peck stated the triangle piece represents a utility easement. It would be a part of public utilities. Comm. Hinckley stated when you have a street it is better to center the continuation of that street along the center line of the previous street rather than to shift it to the side you are creating a permanent transition in the traffic. It is a lot better to bring the traffic square down so that it lines up with the continuation street. Is there a reason why that can't be done? Lorin Gardner stated there is 100 foot right of way on Commerce Way came down that intersection and then it tapers down to 66 feet. Comm. Hinckley stated its better not to transition the traffic. The better solution is to line the center line up with this road with the center line of the other road. With some roads you have to narrow them down at some point. Could there be consideration in aligning the two roads. Lorin Gardner stated with the 66 ft right of way you have 1 travel lane and a shoulder on each side, where the other one has the capacity to have 2 lanes in each direction. Comm. Hinckley asked what the width of the road was. Mr. Gardner stated you go from 50 ft half width road to a 33 half width. Comm. Curtis stated if the church is using this road and there are semi's going in and out does that not create a traffic problem. Mr. Gardner said yes if they are using 1500 South. He stated if you widen it on the east side it is not going to change the turn but could put in a larger radius. Mr. Peck stated he didn't know if that was the direction the trucks were going to come in. Comm. Walker asked what utilities are in on Commerce Way. Mr. Gardner stated there is electrical and a sewer line that goes to 1500 south and then goes west. Comm. Pettingill asked Mr. Gardner if he approved of the configuration of the intersection. Mr. Gardner stated he felt the city should not give up the piece of property to accommodate this development. Comm. Pettingill stated the configuration of the roads if they were at the right angles with each other you want the road not to blend in at the intersection. Comm. Pettingill asked if he approved of the narrow piece of road that narrows down into the intersection. Comm. Hinckley stated for example, if you have a right turn lane from Commerce Way onto 1500 South you just drop the lane. Generally changing an intersection is not a problem for the transition of traffic. Mr. Peck stated he would like to see preliminary approval with the conditions that have been discussed. Mr. Gardner asked if Codey Illum, Perry City Building Official had any comments. Mr. Murray stated the only concern he had was the building on lot 1 is non-

conforming structure. His concern was in approving the subdivision you are not approving of the non-conforming structure, you would want to put this as part of the motion. Comm. Pettingill asked about the improvements (curb and gutter) being put in on lot 1. Mr. Gardner stated those improvements (curb and gutter) will be put in along the entire frontage. Comm. Pettingill asked if this meets the requirements for preliminary plat it does not indicate the road. Mr. Gardner stated the plat was submitted with improvement drawings. The improvement drawings were placed in front of the Planning Commission. Comm. Hinckley stated the improvement drawings meet the criteria for Preliminary Approval. Mr. Peck stated in Shirlene's letter to the Planning Commission she states prior to recording Canyon Gate #5 we would either turn in a building permit for a new office or show in writing a lease of relocating our company.

MOTION: Comm. Curtis moved to give Preliminary approval for the Canyon Gate #5 Subdivision with the follow conditions (1) a fire turn around provided that is acceptable to the Fire Marshall (2) Commerce Way be full width to 1500 South and that improvements (public type) be provided along all frontages of lot 1 (3) prior to recording the subdivision there will be a building permit for a new office or shown in writing a lease for a new location for the company. Comm. Anderson seconded the motion.

Comm. Pettingill stated you have a non-conforming use and when should the improvements for lot 1 happen. Mr. Gardner stated there will be an escrow for those improvements the developer has two years to get the improvements in. Mr. Gardner stated this is just a preliminary plat the final drawings will have all the details.

Comm. Anderson	yes	Comm. Pettingill	yes
Comm. Curtis	yes	Comm. Nelson	yes
Comm. Hinckley	yes	Comm. Walker	yes

Motion Approved: 6 yes 0 no

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

A. In-Fill Ordinance Revisions

This will be on the November agenda. Mr. Murray asked to have a committee of 3 members to get together and go over the in-fill ordinance and the storage pods and containers. Comm. Nelson, Com. Walker and Comm. Pettingill.

B. Ordinance for Storage Pods and Containers

This will be on the November agenda.

C. Ordinance to Amend the Land Use Chart to add Storage Units as a Permitted Use (by Design Review) in the C Commercial Zone.

Comm. Curtis addressed Mr. Gardner on the 3600 West Street as being proposed as a 50 foot right of way and 1200 West is proposed as a 66 foot right of way. Comm. Hinckley stated storage units are permitted by design review in industrial/manufacturing. Comm. Pettingill explained the commercial

zone and how it was created. Comm. Pettingill explained the red showing on the zone map is commercial. This zone change took place about 3 years ago. The Planning Commission decided the commercial zone needed to be addressed because there were 2 commercial zones at the time. The uses in the commercial zones were not the vision of what the city wanted it to be. We looked at the commercial zones, except for the IC zone which is a specific zone all by itself. What goes in the IC zone we look by development agreement? The other red zones are remnants of the commercial zones that were in the city, the NC 2 zone and NC 3 zone were created. There were some commercial storage units in the NC 2 and NC 3 zones. We moved the use of this type of units away from the commercial zones, where Wal-Mart was because we wanted it to flourish with big box business stores. They were eliminated from the NC2 and NC3 zones because of the type of business we wished to have in the NC2 and NC 3 zones. It left a couple of pockets one where Maddox is and the other one is where the KOA Campground was. As you look at this is this going to affect those red zones and how it will affect it. Councilman Peterson stated the Council did not want storage units on the Highway. The red zones are leftover from old commercial property. Comm. Pettingill stated there are only three other possibilities with the commercial zone and suggested the Planning Commission re-address the commercial zones that are at the top of the zoning map. Comm. Walker asked why they couldn't be allowed in the commercial zone under conditional use. Mr. Murray stated you have two different procedures that are similar one is design review and the other is conditional use. The conditional use you look at more of the conditions in your ordinance like lighting, parking, noise levels etc. The design review process is more of the layout of the buildings. The design review process works a lot better when looking at storage units. Comm. Walker stated if we permit this as a design review and we say we don't want it in those commercials and just in these commercials areas by design review? Mr. Murray stated no, if it is permitted as design review or without design review or conditional use if they meet the terms of the ordinance you have to grant it. If it is a design review process then you get to weigh in on the layout of the building, landscaping, fencing etc. Councilman Peterson suggested the chairman state which zones the storage units are allowed. Storage Units are only allowed in the industrial/Manufacturing zone. Comm. Hinckley asked if the Planning Commission has a position on putting a "P*" in the commercial zone. Doing this would require another public hearing if we change the zone. "P" is permitted and "P*" is by design review. Comm. Pettingill stated he is in favor of "P*" because it is by design review. He stated he does not see a tremendous amount of distance between the commercial zone and the M/I zone and the accessibility to residential homes. Comm. Walker stated we as a Planning Commission can require the developer to put barriers around the storage units.

MOTION: Comm. Walker moved to allow storage units in the commercial zones under design review with the pending ordinance that it will be built under. Comm. Curtis seconded the motion. All in favor.

Comm. Pettingill	yes	Comm. Curtis	yes
Comm. Anderson	yes	Comm. Nelson	yes
Comm. Hinckley	yes	Comm. Walker	yes

Motion Approved: 6 yes 0 no

5. Approx.-8:00 p.m. – Public Hearing and Action on Zoning Map Amendment

A. Public Hearing-for an Application for a zoning map amendment to change from RE ½ (half acre minimum zoning, with animal rights) to R1 (1/4 acre minimum zoning, no animal rights) for a 10.775 acre parcel at approx. 2700 South 1200 West (not including existing house on corner), near the southeast corner of the intersection Parcel number 02-028-0121)

This has been removed from the agenda.

B. Consideration of and Action on the Zoning Map Amendment

This has been removed from the agenda.

6. Training, Handouts, and Reports

Councilman Peterson stated there use to be a Commissioner that would attend the City Council Meeting. Com. Walker stated he would attend.

Comm. Hinckley stated he attended the Joint Advisory meeting in Brigham City. They addressed the change in the intersection for the extension for 1200 West. A couple of issues the original agreement with the highway department 450 west has an approved connection, but the new connection was based on future plans. Brigham City approved a preliminary plan and the Highway department asked for a final plan.

7. Review Next Agenda and Adjourn

A. Add Agenda Items requested by Planning Commissioners.

B. Motion to Adjourn.

MOTION: Comm. Pettingill moved to adjourn. Comm. Anderson seconded the motion. All in favor.