

**Perry City Planning Commission Meeting Thursday, March 1, 2012  
7:00p.m. Perry City Office Building-City Council Room  
3005 South 1200 West Perry Utah**

**Planning Commission Members Present:** Vice Chairman Don Higley, Commissioner Esther Montgomery, Commissioner Dave Walker Commissioner David Curtis (arrived later in the meeting), Commissioner Steven Pettingill (arrived later in the meeting)

Others Present: Duncan Murray, Perry City Administrator/Attorney; Codey Illum, Perry City Building Official; Councilmember Karen Cronin; Susan K O Bray, Minutes Clerk; Zan Murray, Perry City Engineer; Lani Braithwaite, Dennis Watt, Kam Howard, Jon Beadles, Alana Reavis, Kevin Anderson, Aaron Nielsen, Amber Nielsen, Ashley Young, Kyle Harding, Cory Bowen, Lindsay Bowen, Shari Gunther, Blaine Phipps

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

**A. Pledge Allegiance to the U.S. Flag**

Vice Chairman Higley led the audience in the Pledge of Allegiance

**B. Declare Conflicts of Interest, IF any**

Request to declare conflict of interest by Vice Chairman Higley; there were none

**C. Review and Adopt the Agenda**

No changes to the agenda

**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 certain Land Use Applications (Items 3A through 3E)**

**B. Public Hearings Regarding Ordinances (Items 4A through 4C)**

**C. Public Comments**

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

**Public Hearings Regarding Applications**

**A. Conditional Use Permit application for a home business (a hair salon business named "Be Forever Young Salon") with visiting clientele, by Ashley Young, located at 585 W. 2600 S.**

No public comments

**B. Conditional Use Permit application for a home business (a framing/matting of photographs business named "Framing By Design"), with visiting clientele, by Cory and Lindsey Bowen, located at 2315**

South 900 West

No public comments

**C. Conditional Use Permit applic. for a home business (a small dog grooming business named "Diamond in the Ruff") w/ visiting clientele, by Shari Gunther, located at 1451 S. 175 E**

No public comments

- D. Conditional Use Permit application by Digis Wireless (Kyle Harding) for the placement of a Communications Tower on ADL Storage Property, located at 1430 West 2700 South  
**Kyle Harding:** Mr. Harding, representing Digis, addressed the commission. Mr. Harding stated they want to put a “mono pole” in the corner lot of ADL Storage Property, located at 1430 West 2700 South. He stated the pole will have some antennas on the top and some at midpoint (20 feet up).  
**Alana Reavis:** Mrs. Reavis expressed concern about where the pole was going to be placed on the property; she did not want it hanging over her home. A map was displayed and she was shown where the pole will be placed on the ADL Storage property [not close to her house, so she was no longer concerned].
- E. Final Approval of Cannery Street Subdivision, a one Lot Subdivision (with remainder parcels) at approximately 1380 West on the north side of 2950 South Street (the proposed lot consists of small portions of Parcel Numbers 02-034-0003 and 02-034-0092)  
 No public comments

**Public Hearing Regarding Ordinances**

- A. Ordinance to amend certain provisions of the “in-fill ordinance” (PMC Chapter 45.08) to provide minimum frontage requirements for multi-family housing along Highway 89 (in the NC2 and NC3 zones)  
 No public comments
- B. Sign Ordinance Amendment (Title 58)  
 No public comments
- C. Ordinance to Enact Title 64 Regarding Regulations for Large Scale Utility Lines, Telecommunications Towers, and Related Structures

**MOTION:** Commissioner Walker moved to close the public hearings and open the regular meeting. Commissioner Montgomery seconded the motion. All in favor.

**Public Comments**

No public comments

**3. Land Use Applications (Administrative Action)-The Planning Commission is the Final Land Use Authority for Items 3A through 3G (No Council approval required)**

**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. Conditional Use Permit application for a home business (a hair salon business named “Be Forever Young Salon”) with visiting clientele, by Ashley Young, located at 585 W. 2600 S. Duncan Murray, City Administrator, stated this is a conditional use permit. This business will be conducted out of her home. Staff did not see any concerns and did not receive any negative comments. Vice Chairman Higley asked how many customers she was going to have. Mrs. Young stated she would have one to two customers at a time and she would be open from 9:00 a.m. to 7:00 p.m.

**MOTION:** Commissioner Walker moved to recommend approval conditioned upon the referenced time restrictions and a maximum of two customers at a time. Commissioner Montgomery seconded the motion. Roll call vote.

Commissioner Walker	yes	Commissioner Montgomery	yes
Vice Chairman Higley	yes		
<b>Motion approved:</b>	3 yes	0 no	

- B.** Conditional Use Permit application for a home business (a framing/matting of photographs business named “Framing By Design”), with visiting clientele, by Cory and Lindsey Bowen, located at 2315 South 900 West

Duncan Murray stated this is a conditional use permit. They will be framing and matting photographs. He stated the city received a letter from a non-resident landowner (Vonna Jeppesen). She indicated that she did not want to see approval because it is a quiet neighborhood, traffic and parking issues. Duncan Murray said staff recommends approval. Vice Chairman Higley asked if this would include DVD work. Mr. Bowen stated no. Commissioner Walker asked if this was full time work. Mr. Bowen stated he would do it on the weekends and at night (until 9:30 p.m.)

**MOTION:** Commissioner Montgomery moved to approve this business conditioned upon the referenced time restrictions. Commissioner Walker seconded the motion. Roll call vote.

Commissioner Walker	yes	Commissioner Montgomery	yes
Vice Chairman Higley	yes		
<b>Motion approved:</b>	3 yes	0 no	

- C.** Conditional Use Permit applic. for a home business (a small dog grooming business named “Diamond in the Ruff”) w/ visiting clientele, by Shari Gunther, located at 1451 S. 175 E

Duncan Murray stated this is a conditional use permit. There was no correspondence from residents. Staff recommends approval. Vice Chairman Higley asked how many dogs and how many kennels she would have. Shari Gunther stated she would have one dog at a time and there would not be any kennels. She would clip the dogs in her laundry room and she would do this while her daughter is at school during the day.

**MOTION:** Commissioner Walker moved to approve this business license. Commissioner Montgomery seconded the motion. Roll call vote.

Commissioner Walker	yes	Commissioner Montgomery	yes
Vice Chairman Higley	yes		
<b>Motion approved:</b>	3 yes	0 no	

- D.** Conditional Use Permit application by Digis Wireless (Kyle Harding) for the placement of a Communications Tower on ADL Storage Property, located at 1430 West 2700 South  
Codey Illum, Perry City Building Official, stated that this conditional use permit is for the placement of a communications tower on ADL Storage Property. Mr. Illum stated for the height and location, the tower was in a good part of the property. He stated we have not adopted an ordinance for this yet. Commissioner Walker stated the proposed ordinance states it needs to be 110 % from the

nearest building. He asked where that portion of the ordinance came from. Mr. Murray stated he was taken from other cities' ordinances in Weber County including Marriott-Slaterville. Mr. Walker felt that should be taken out of the ordinance.

**MOTION:** Commissioner Montgomery moved to approve this application conditioned upon compliance with the pending ordinance. Commissioner Walker seconded the motion. Roll call vote.

Commissioner Walker	yes	Commissioner Montgomery	yes
Vice Chairman Higley	yes		
<b>Motion approved:</b>	3 yes	0 no	

- E. Final Approval of Cannery Street Subdivision, a one Lot Subdivision (with remainder parcels) at approximately 1380 West on the north side of 2950 South Street (the proposed lot consists of small portions of Parcel Numbers 02-034-0003 and 02-034-0092)

Zan Murray is Perry City's new City Engineer. Zan reviewed the subdivision and made a few comments. He said that the subdivision line is extremely close (1 ½ feet) to the structure on the lot to the east which is nonconforming. This situation could be remedied at this time if the adjacent property owner desires to do so. Perry City Ordinance is 8 feet for a side setback. Commissioner Walker asked what was going to be built on this lot. Zan Murray stated it is a new home. He stated the subdivision is split upon two zoning classifications R1 and Agricultural Limited. He said that the land use of R1 is recommended to be extended to the lot based upon Municipal Code 45.05.010. The lot address must be shown on the plat. The fire marshal will need to sign the plat (no new fire hydrant is required). Mr. Z. Murray reviewed the streetlight regulations and it is not needed. He stated there are no significant improvements required for this subdivision (no escrow needed). Sewer is located on the north of the street; water is located on the south. A public utility easement should be shown along the south lot line of the parcel (the easement will be done at a later time). Commissioner Walker expressed concern that by approving this new lot, a home is being built next to a non-conforming lot. Mr. Illum stated that the existing house is a foot off of the property line. They are not changing anything with regards to the existing lot and house. Duncan Murray stated our ordinance states that if you have a non-conforming lot it can remain there as long as it does not change; if it changes, then it has to conform to current ordinances and requirements. Duncan Murray stated a rural road agreement be required and the issue of the split zones (treated as R1 zone), should be included in the motion.

**MOTION:** Commissioner Walker moved to approve the Cannery Street Subdivision, with a rural road agreement, and treat it as an R1 zoned lot. Commissioner Montgomery seconded the motion. Roll call vote.

Commissioner Walker	yes	Commissioner Montgomery	yes
Vice Chairman Higley	yes		
<b>Motion approved:</b>	3 yes	0 no	

- F. Limited Review Permit for a Sign(s) for Domino's Pizza (Mary and Blaine Phipps) at Canyon Gate IV, Lot 1 on the Southeast Corner of Commerce Way and 1200 South St.

Codey Illum stated Domino’s Pizza will have two signs: one in the back and one on the front. He stated they are allowed 98 square feet. They have 40 square feet of signage. Domino’s will be on the east side of the road and the west building. Vice Chairman Higley asked if this was the Domino’s that is in Brigham City. Mr. Illum stated that is was.

**MOTION:** Commissioner Montgomery moved to approve the Domino’s sign. Commissioner Walker seconded the motion. Roll call vote.

Commissioner Walker	yes	Commissioner Montgomery	yes
Vice Chairman Higley	yes		
<b>Motion approved:</b>	3 yes	0 no	

Commissioner David Curtis arrived at 7:40 p.m.

**G.** Limited Review Permit for a Sign(s) for Seagull Book at Canyon Gate IV Lot 1 at the Corner of Commerce Way and 1200 South St.

Codey Illum stated the Seagull Book will have two signs one in the back and one in the front. The signs will be 163.75 feet they are allowed 180 feet. Codey Illum stated Perry City’s sign ordinance allows 3 square feet of sign per frontage.

**MOTION:** Commissioner Walker moved to approve the Seagull Book sign. Commissioner Montgomery seconded the motion. Roll call vote.

Commissioner Walker	yes	Commissioner Montgomery	yes
Vice Chairman Higley	yes	Commissioner Curtis	yes
<b>Motion approved:</b>	4 yes	0 no	

Commissioner Steven Pettingill arrived at 7:45 p.m.

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

**A.** Ordinance to amend certain provisions of the “in-fill ordinance” (PMC Chapter 45.08) to provide minimum frontage requirements for multi-family housing along Highway 89 (in the NC2 and NC3 zones)

Duncan Murray stated at the last meeting the Planning Commission reviewed the options A thru D. The City Council is waiting for the Planning Commission to send them a recommendation. Commissioner Walker likes the idea of not having frontage requirements at all. Councilmember Cronin stated the council would like to have a survey done of how many lots would be affected by the infill ordinance in the NC2 and NC3 zones. Codey Illum stated the infill ordinance is very restrictive and so there will be very few potential lots possibly only (3 to 4 lots). Commissioner Montgomery stated the commission needs to start small and then take a bigger look at a later meeting. Duncan Murray said the proposed ordinance does not state no frontage at all but rather, it states that there are no additional frontage requirements beyond those that are already in the ordinance. Commissioner Curtis stated we could create a flag lot if we require no frontage at all, which is not allowed by ordinance. Commissioner Pettingill stated regarding the no frontage option we should serve the parcel with an access, so we don’t occupy more frontage with residential and preserve the

frontage for high density residential. He stated height goes in the back and expose the commercial area to the front. Codey Illum suggested having a committee to look at long range ideas.

**MOTION:** Commissioner Walker moved to approve Option D (80 ft. frontage). Commissioner Montgomery seconded the motion. Roll call vote.

Commissioner Walker	yes	Commissioner Montgomery	yes
Commissioner Curtis	yes	Commissioner Pettingill	abstained
Vice Chairman Higley	yes		

**Motion approved:** 4 yes      1 abstained    0 no

Committee Members for the In-fill Ordinance:

Commissioner Montgomery  
Commissioner Pettingill  
Commissioner Higley  
Duncan Murray  
Codey Illum

Commissioner Curtis asked that the City Council appoint a member from the council to be on the committee.

B. Sign Ordinance Amendment (Title 58)

Next meeting agenda

C. Ordinance to Enact Title 64 Regarding Regulations for Large Scale Utility Lines, Telecommunications Towers, and Related Structures

Duncan Murray stated it sounded like the biggest issue was the 110% rule. Commissioner Walker stated he would like to eliminate section 64.03.080. Duncan Murray suggested eliminating the whole section and just putting “as approved by the Planning Commission in the conditional use permit process.”

**Amber Nielsen:** She stated that there are huge power poles close to building areas in other cities (as close to 10 feet away). She felt the ordinance should be not be based on the fall zone area but the base area. Codey Illum said 64.03.040 (16) addresses security fencing. Towers should be enclosed by security fencing not less than six (6) feet in height and no more than eight (8) feet in height, which shall be constructed of cement block or masonry, and shall be equipped with an appropriate anti-climbing device. Commissioner Walker stated should the city be involved in making them put up a fence, he felt the landowner should take responsibility. Commissioner Curtis would like to see the city engineer’s comments on this issue. Zan Murray felt the city needs to take responsibility in keeping towers secure and putting some restrictions on them. Zan Murray stated that any type of structure this height would have to have a structural engineer stamp. Dennis Watt (Digis representative) stated the tower will be 120 volts. Commissioner Pettingill stated in a past Planning Commission meeting that he thought it was supposed to be added to the land use chart under the Industrial/Manufacturing zone. He would like to make a recommendation to have a public hearing to add telecommunications towers to the land use chart. Duncan Murray stated we will have a public hearing for this one on the next agenda.

5. **Training, Minutes, and Reports**

- A. City Council Report (Council Member Karen Cronin)  
Staff will forward one ordinance to the City Council a month to make recommendations.
- B. Approve Minutes of February 2, 2012

**MOTION:** Commissioner Montgomery moved to approve the February 2, 2012 minutes. Commissioner Pettingill seconded the motion. All in favor

- C. Make Assignments for a Representative to City Council Meeting  
Commissioner Pettingill will attend the next City Council Meeting (March 22nd). The Chairman will make a rotation list for the commissioners to attend the City Council meeting.
- D. Review Agenda for Joint Advisory Board Meeting Scheduled for March 13th  
Chairman Jerry Nelson, Commissioner Dave Walker, and Commissioner Don Higley will be attending the Joint Advisory Board Meeting

**MOTION:** Commissioner Montgomery moved to start having opening ceremonies on the next Planning Commission agenda. Commissioner Walker seconded the motion. All in favor.

6. **Review Next Agenda and Adjourn**

- A. Add Agenda Items requested by Planning Commission
  - 1- Subdivisions, bulbs
  - 2- Sign Ordinance
- B. Motion to Adjourn

**MOTION:** Commissioner Walker moved to adjourn. Commissioner Curtis seconded the motion. All in favor.