

**Perry City Planning Commission  
Perry City Offices 3005 South 1200 West  
June 7, 2012**

**Members Present:** Chairman Jerry Nelson, Vice Chairman Don Higley, Commissioner Esther Montgomery, Commissioner Todd Bischoff, Commissioner Steven Pettingill (arrived at 7:40 p.m.), and Commissioner Dave Walker

**Others Present:** Duncan Murray, City Administrator/Attorney; Susan K Obray, Minutes Clerk; Boyd Montgomery, Deanna Egbert, Lani Braithwaite

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

**A. Invocation**

Invocation was given by Commissioner Bischoff.

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

Pledge of Allegiance was led by Chairman Nelson.

**C. Declare Conflicts of Interest, If any**

Request to declare conflicts of interest by Chairman Nelson; there were none.

**D. Review and Adopt the Agenda**

Commissioner Montgomery moved to add the discussion of balloon signs. Commissioner Walker seconded the motion. 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 Comments**

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

**Boyd Montgomery:** Mr. Montgomery stated he owns property in Perry. Mr. Montgomery handed out a map of Perry. He stated the property he owns is on 1200 West. He said near 2450 South and 1200 West, most of the land is agriculture. He said his property is 9/10 of an acre. He has been working with the Corps of Engineers to fill in his piece of property. He reported that he has a letter from the Corps stating he can partially fill it in. He would like to build a building to put storage in. He said the building will be 36X72 feet. He stated the building will be mostly for personal storage and mentioned that he has several people that would like to put tractors under it. He asked the commission what that area is going to be zoned in the future. Mr. Murray state that the general plan would allow the Planning Commission and City Council to have the discretion to approve or deny an application to change the zone to manufacturing or industrial. He asked the commissioners if they would give him approval to build the building without a building permit or putting in an application. The Planning Commission said no ( a permit is needed). He stated the building will not have water, sewer or power. The building will set 50 feet back from the road. Mr. Murray stated if the building becomes a storage unit for other people, then it needs to be rezoned to be in the Manufacturing/ Industrial Zone or Manufacturing Light Zone. Mr. Montgomery stated the building will be used for his family only. He stated the potential use for the building would be

an auction barn, and a place where his kids could put their computer parts. Commissioner Montgomery stated she envisions that property in the future could be manufacturing. Chairman Nelson told Mr. Montgomery to come in to the city and get a building permit from the Building Official, since the item is not on the agenda for action/and since the Planning Commission cannot approve any building or other change without an application.

**MOTION:** Vice Chairman Higley moved to close the public comments and open the regular meeting. Commissioner Bischoff seconded the motion. All in favor.

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

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

**A.** Application by US Bank for an exterior sign to be placed on the Wal-mart Store located at 1200 South Commerce Way

Deanna Egbert is the representative from AD Craft Signs. Ms. Egbert stated US Bank is going to have a branch inside Wal-Mart and wants to put a sign on the exterior of the building. Mr. Murray stated that it meets Perry City's Sign Ordinance, and that Codey Illum, the Building Official confirmed this.

**MOTION:** Commissioner Walker moved to approve the US Bank sign on the Wal-mart building. Vice Chairman Higley seconded the motion. Roll call vote.

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

**Motion Approved:** 5 yes no 0

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

**A. Discussion on Light Manufacturing and Commercial Uses in the allowed in the NC2 Zone (Pages 4-6 of PMC Chapter 45.20)**

Mr. Murray stated this is a follow-up from the last meeting. He said that the commission was reviewing what is allowed on the Highway, if they like what is there or if they want to expand permitted or conditional uses. He said the commission was focused on light commercial uses along Highway 89. He stated they are looking for examples like the area where Salon 89 and the Brad Barto condos are located. Mr. Murray stated on page 6 of the land use chart there are a couple of quasi-manufacturing uses, which are current permitted by conditional use (printing process, product development, and research and development facilities). He stated the commission is looking at the NC 2 zone (everything north of 3000 south). Mr. Murray asked if there were any additional uses. Commissioner Walker asked if there was a problem with having a cabinet shop on Highway 89. Commissioner Montgomery stated she felt cabinet shops could be a conditional use business and would be a good addition if it also had a retail portion to the shop. Mr. Murray stated the commission could put an automatic condition that it had to have some retail sale. Commissioner Walker asked about a construction yard. Mr. Murray said that on the land use chart under construction yard it has "see note #3" which means they can only store the daily supplies that are directly related to the business at that site. Vice Chairman Higley asked what the difference is between commercial and light commercial. Mr. Murray stated light commercial is store front, office

space, retail. Commercial uses, eventually have higher volume, significant inventory. Chairman Nelson asked about other alcohol off premises, businesses. Mr. Murray stated that off premise means that you buy it there and take it somewhere else to drink it. Perry City has 4 businesses that have off premise permits: Maverik, Sinclair, LW's Travel Plaza, and Wal-Mart. He stated Perry City currently does not have an on-premise alcohol permit (where the alcohol's consumed on site). Mr. Murray will put the land use chart revisions on the next agenda for final approval.

**B. 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" and procedures to be placed on an agenda for final Planning Commission approval**

Mr. Murray referred to PMC 43.04.30 in the Land Use Applications. When an applicant comes into the office they are asked to provide pertinent information, such as: is the application complete, has the fee been paid, is the ordinance complied with, do notices need to be sent out to adjacent land owners, etc. He explained the underlined sections are the recommended changes to the ordinance. He said that a concept plan might be needed for certain things. He stated he came up with a definition of what a site plan required application is: "A land use application for a subdivision, street dedication, lot line adjustment, design review process, zoning or general plan map amendment, or any other application for which a site plan is required by the land use ordinances, the Planning Commission Chair, the Community Development Director, and/or the City Engineer". He stated in addition to the concept site plan is the preliminary site plan and the final site plan. Mr. Murray explained that a concept plan helps to see the larger area of what is happening. Mr. Murray stated pages 3 & 4 refers to the street arrangement. Mr. Murray commented that the City does not want dead end streets; he stated the city likes stub street because eventually it will become a three-way or four-way intersection. Mr. Murray stated in sub-section 5 of section 76.02.014 it refers to Minor Terminal Streets. He said that some of the proposed changes are underlined, it states that Cul-de-Sacs will not be allowed, except if the land use authority finds that a sufficient number. He said it needs to have these circumstances: (1) development fronts a road that should substantially limit frequent access; (2) the development is adjacent to non-developable slopes or wetlands that would substantially restrict a through-street; (3) Cul-de-Sacs reduce connectivity by no more than fifteen (15%) percent of a continuous block; (4) the street is only temporarily a terminal or dead end street and is "stubbed off" and planned to likely become a three-way or four-way intersection; and (5) Other similar circumstances. Mr. Murray stated each piece of land is unique; the commission could deny on piece of land or grant it with another piece of land. Mr. Murray put in the ordinance that bulbs are never allowed, except as a variance granted by the Administrative Law Judge. Commissioner Pettingill stated the ordinance needs to call out what is required for a concept plan. Final approval will be on the next agenda.

**C. Balloon Signs**

Commissioner Montgomery stated Commissioner Walker and Commissioner Curtis asked for this to be on the agenda. Commissioner Walker felt as a commission, they are potentially taking rights and liberties away from applicants when they apply for a sign. He stated he understands if it a safety issue. He would like to have the "balloon sign" section of the ordinance be taken out of the ordinance. Commissioner Montgomery felt business owners are not going to do things that are bad for their business. Mr. Murray commented that a

general section could be put in the ordinance regarding signs that are in a public utility, or power line areas or that affect line of site. This will be on the next agenda for final approval.

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

**A. City Council Report (Council Member Karen Cronin)**

Councilmember Cronin was excused. Mr. Murray stated at the City Council meeting on May 29<sup>th</sup> the tentative budget was passed. The next City Council meeting will be on June 12<sup>th</sup> and that is when the Final Budget will be presented.

**B. Approve Minutes of May 3, 2012**

**MOTION:** Commissioner Montgomery moved to approve the May 3, 2012 minutes. Commissioner Higley seconded the motion. All in favor.

**C. Make Assignments for a Representative to City Council Meeting**

Chairman Nelson stated he would attend the next council meeting in June.

**D. Training Regarding Annexation Law and Procedures**

Mr. Murray gave an example if a farmer wants to bring his 100 acre land into the city; the city needs to provide services. If the farmer wants to eventually subdivide, does the city have services to provide. He stated there are advantages adding territory to a city, but also disadvantages, because the city might be committing themselves to provide services they cannot provide. He said there is also another procedure called disconnection (it rarely happens) in which the city takes an area, removes it, and it is no longer a part of the city. Another procedure is adjusting municipal boundaries. This is where one city wants to straighten up their border, give one piece to one city and another piece to another city.

Mr. Murray stated the piece of land being annexed, has to be contiguous to the city. He stated there is not much of a potential to annex in Perry. He stated that Perry City is looking at annexing the Port of Entry; Perry City is already providing services for them. He stated annexation becomes a legislative decision. Mr. Murray stated what it comes down to is whether it is in the best interest of the city. A municipality must adopt an annexation policy plan, an ordinance that shows the boundaries of the city. Mr. Murray said there is an application that is filled out (annexation petition). After the application has been filed, a public hearing is held, after the public hearing is held the Planning Commission makes any modification to the proposed plan. The proposed plan is now submitted to the city council for disposition; there is a protest period where other entities can protest the annexation. Mr. Murray stated if someone protests the annexation, it goes to the boundary commission which makes the final decision. Mr. Murray stated that only un-incorporated land can be annexed.

**6. Review Next Agenda and Adjourn**

**A. Review Agenda Items (Possibly Maddox Lane Street Dedication and Lot Line Adjustments), for July 5<sup>th</sup> Regular Meeting (and possible June 21<sup>st</sup> Special Meeting)**

The Planning Commission will hold a special meeting on June 21<sup>st</sup>, instead of their regular scheduled meeting on July 5<sup>th</sup>.

**B. Add Agenda Items requested by Planning Commission**

1. Subdivision Ordinance
2. Balloon Signs
3. NC 2 Zone

**C. Motion to Adjourn**

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