

August 2, 2018
Planning Commission Meeting
3005 South 1200 West Perry UT 84302
7:00 p.m.

Commissioners Present: Vice Chairman Stuart Grover, Commissioner Blake Ostler, Commissioner Tresa Peterson, and Commissioner Nicole Butler

Commissioners Excused: Chairman Devin Miles

City Staff Present: Susan K. Obray: City Recorder
Bob Barnhill: City Planner
Mayor Kevin Jeppsen
Council Member Andrew Watkins

Others Present: Jan Kerr

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

A. Invocation-

Bob Barnhill gave the invocation.

B. Pledge of Allegiance to the U.S.A-

Commissioner Peterson led the Pledge of Allegiance.

C. Declare Conflict of Interest, if any-

None

2. Public Hearings

There were no public hearings for this meeting.

Jan Kerr stated that she has filled out a volunteer application to be a member of the Planning Commission. She introduced herself and gave her background with planning.

3. Land Use Applications

A. Application for Approval and Recommendation to City Council for Stokes Dance Academy/Retail site plan.

Bob Barnhill Perry City Planner presented the background for the Stokes Dance Academy/Retail site plan. He said that the Stokes have been working on a site plan. He stated that he and the city engineer asked the applicant for some corrections and they have not been corrected. The engineer implied it would be ready for the next meeting. Commissioner Grover proposed the Commission table this item but would like some background information at this time. Vice Chairman Grover was interested in what was happening with the accessory buildings behind the main building. Commissioner Ostler asked if the Planning Commission had a role in the city engineer's review comments regarding the accessory building. Bob stated that they would talk about it later in the meeting. Bob stated that there is a dance studio that was converted from a fruit stand; most of remaining subject property is orchard. Bob explained that the subject property will have access on Hwy. 89 and also 2820 south. Bob explained that what the applicants are proposing for the dance studio is to fill in the porch area for retail space. They are also proposing additional parking on the south end of the property. The site plan shows the detention basin, parking, and landscaping. For the new improvements. Bob stated that you walk into a foyer and there will be two retail sites. Vice Chairman Grover said that the asphalt will be extended to the south. 29 stalls exist now on the property. Bob said that additional parking with every 12 stalls a landscape buffer is needed. He said the City has a requirement for so many stalls per square feet of

retail building area. That would be 10 new parking stalls for the proposed new improvements. Bob stated that the City does not have a line item on its land use chart for a dance studio. He said you have to apply what is most similar. Bob called the dance studio and it said it has 4 classes in session with 10 to 12 students and 2 instructors in each class. He said you could have between 40 to 60 people in the studio. What they have provided is 29 parking stalls for the dance studio operations. Bob stated that there will be additional parking compared to what is there now. The storage building also requires parking. The retaining wall was built after the storage building was built and is in violation and needs to be addressed. He stated that with what the applicants are proposing now they have a little parcel that is their access and they want to do a lot line adjustment so that the dance studio is parcel A and the storage building is not part of this site plan.

Bob stated that a City approval from last December for the subjects property was never recorded. He said there are some concerns with the current application that it meets the setback requirements and the building encroaches on Perry City's property. Bob stated that the Stokes were given the green light to move ahead from the City before he was a City employee. Commissioner Peterson asked if the access would be an issue because of the encroachment. Bob stated that the applicant could be granted an easement to access the building in the back. In Brett Jones' view, he expressed concern of how the applicants would get access to parcel B. Bob said UDOT is not willing to give another access on the Highway 89 and the City does not want an additional access on the highway. Bob suggested that in our City requirements that any commercial business on the highway would be required to have a stub road for a subdivision through a recorded easement. Bob said that the Commissioners don't have to approve the lot line adjustment until the retaining wall issue has been addressed. Bob addressed Brett's comments stating that a legend needs to be included on this sheet to indicate shading definitions. The applicants will need to receive an encroachment permit from UDOT to Highway 89 and install the proposed fire hydrant. Piping types, slopes, and box elevations for the proposed storm drain piping need to be included to verify the storm drain system will properly function. A detail of the detention basin inlet/outlet structure needs to be provided.

Bob said that the applicants need to provide plans to the City for the landscaping which would be 15% of the plan. Commissioner Peterson stated that the Commission should wait and approve the lot line and the site plan when the retaining wall is addressed. Commissioner Ostler asked about the traffic circulation in the parking lot. Bob stated that there are not many options for what is already there.

The applicant (or representative) was not present. The Commission tabled this item until next month.

4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc. -Recommendation to the City Council.

A. Discussion on Title 14 Emergency Access in Subdivisions

Bob stated that the genesis of this discussion is because of Suncrest Subdivision. He said a citizen was concerned with an emergency access in this area because there is only one way out of this subdivision. He said this topic came forward to address in the code. Bob said that what the City currently has adopted comes from the International Fire Code. Bob asked the Commissioners if they would like to go through proposed new language. They all agreed. The ordinance reads as follows:

The overall street layout and access shall be reviewed and approved as part of the subdivision concept and/or preliminary application.

The land use authority for subdivision concept approval and the fire code official shall review and approve the street layout for all phases of the subdivision. The land use authority shall have authority to require stub roads, additional accesses into the development, and adjustments to the street layout, street cross-section, and right of way widths. Such adjustments to the subdivision plan

may be required in order to provide connectivity among developments, provide for public safety and emergency access, and align with the General Plan and adopted transportation plans.

A minimum of two (2) separate ingress/egress routes for vehicular access, which are fully improved city rights of way, shall be required when either of the following exist:

1. The total number of equivalent residential units or “ERUs”, (including adjacent developments and neighborhoods) served by a single means of access will exceed thirty (30). Thirty (30) ERUs shall include all proposed residential units and all existing single-family buildings and lots, empty building lots, and each unit in a multifamily structure (e.g. apartments building, duplex, etc.).
2. A development extends more than one thousand eight hundred (1,800) feet from a connecting street).

Where more than one (1) means of access is required, the points of access shall be placed a minimum of five hundred (500) feet apart, measured along the center of the driving lane from center of right-of-way to center of right-of-way. The accesses shall provide separate and distinct access to highway 89, a City collector road, or a City arterial road. The fire code official may require a greater minimum distance than five hundred (500) feet if:

1. An essential link exists between a legitimate governmental interest and the requirement: and
2. The requirement is roughly proportionate, both in nature and extent, to the impact of the proposed development.

Exceptions. The final land use authority may waive these access requirements when any of the following exist:

1. Unique topographic circumstances exist or the property is “landlocked” (physically restrained from other access points) from adjacent, existing developments in a manner to prevent practical compliance with the access requirements. A waiver of these regulations may require the final land use authority, with the recommendations of the City Engineer and the fire code official, to apply additional development requirements to enhance public safety standards.
2. Where no point of second access is available within five hundred feet (500’), and where all ERUs are provided with an approved sprinkler system, a second access shall not be required until the number of ERUs reaches double the hereinbefore-stated limit.

Bob indicated that his goal for the opening paragraph his goal were to (1) to be reviewed at concept approval and (2) make sure it was clear that the land use authority, has authority to require adjustments for emergency access in subdivisions will need to have stub roads to meet the transportation plan; if there is more than one allowable cross section, then they may meet different specifications. He stated at 30 units you need more than one access and the accesses can’t be next to each other to allow for some distance.

There was more discussion and examples given regarding the Emergency Access for Bob and the Commissioners.

Commissioner Ostler stated that he was in favor of this ordinance. He thanked the resident that brought the issue forward and also to Mayor Jeppsen for his interest. Commissioner Ostler stated that he would like to get some feedback on the proposed code from the resident who brought this issue forward. Bob stated that he will send it to the City Engineer and the Fire Marshal.

Commissioner Grover stated he would like to see the City Attorney give some feedback on this ordinance. Bob stated that he will get with Brett Jones and have him help classify the roads.

B. Discussion/Action Regarding the Business License Ordinance

Bob stated that he took the comments from last meeting and incorporated them into this current ordinance. He asked the Commissioners if they had any further comments. Some of the Commissioners did not have a chance to read through it. Bob stated that he would send it out to the Commissioners and they could look it over and he could address any comments in the next meeting.

5. Approval of the Minutes

(a) June 7, 2018 Regular Meeting Minutes

MOTION: Commissioner Peterson moved to approve the June 7, 2018 Regular Meeting Minutes with the notes that were sent to be incorporated. Commissioner Ostler seconded the motion. Roll call vote.

Commissioner Ostler, Yes
Commissioner Grover, Yes

Commissioner Peterson, Yes
Commissioner Butler, Yes

Motion Approved: 4 Yes 0 No

(b) July 5, 2018 Regular Meeting Minutes

MOTION: Commissioner Ostler moved to approve the July 5, 2018 Regular Meeting Minutes with corrections. Commissioner Butler seconded the motion. Roll call vote.

Commissioner Ostler, Yes
Commissioner Grover, Yes

Commissioner Peterson, Yes
Commissioner Butler, Yes

Motion Approved: 4 Yes 0 No

(c) Report by Commissioner regarding last Council Meetings

Commissioner Peterson reported that the City Council on July 12, 2018 discussed the Conservation Subdivision Ordinance. Streamlining the subdivision process. 4th of July revenue was higher than previous year. Police cases are up, and more outreach to public.

Commissioner Grover attended the July 26, 2018 City Council and indicated that the discussion was on the water mains. The back bone of the Perry water system runs up and down Highway 89. The City Council discussed the Perry City logo and had a lengthy discussion on the Conservation Subdivision Ordinance.

(d) Make Assignments for Representative to Attend City Council Meetings (August 9, 2018 and August 23, 2018)

Commissioner Peterson will attend the August 9th meeting and Commissioner Butler will attend the August 23rd meeting.

6. Discussion

A. Emergency Access

B. Future Projects

1. NC 2 and NC3 Zones
2. Subdivision Ordinance
3. Infill Ordinance

Commissioner Butler asked about the General Plan survey. Bob stated that they had response from 120 residents.

7. Training

A. Staff

No training.

8. Review Next Agenda and Adjourn

A. Next Agenda: September 6, 2018

(1) Stokes Retail

(2) Emergency Access Discussion/Action

(3) Business License Discussion/Action

B. Motion to Adjourn

MOTION: Commissioner Peterson moved to adjourn. All Commissioners were in favor.