

**December 7, 2017**  
**Planning Commission Meeting**  
**3005 South 1200 West Perry UT 84302**  
**7:00 p.m.**

**Commissioners Present:** Commissioner Blake Ostler, Commissioner Tresa Peterson, Commissioner Stuart Grover, Commissioner Vicki Call (arrived at 7:34) and Chairman Travis Coburn (arrived 8pm).

**Commissioners Excused:** Vice Chairman Devin Miles

**City Staff Present:** Susan K. Obray: City Recorder

**Others Present:** Jon & Jasmine Jeppsen, Jennie Samlamarthi, Lauren Lowder, Brett Jones, Michelle Lowder, Laurie Abraham, Ryan Abraham, Greg Hansen, Johnny Bott, Amie Coburn, Gaylinn & Mark Thompson, Camille Judd, Ryan Stokes, Lance Stokes, Dean Stokes, Tina Smoot, Clay Smoot, Bob Thurgood, Codey Illum, and Shellie Bryce

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

Commissioner Ostler explained the Commission did not currently have a quorum but would have a quorum around 8pm. He stated until the Commission has a quorum they cannot take action. He said they can do the public hearings and the discussion items until they have the full quorum, meaning the agenda will be slightly adjusted.

The Commission started with Item 2 after Commission Ostler reviewed the proper process of public meetings, they then moved on to Item 5A.

Commissioner Call arrived at 7:34pm and the meeting commenced to follow the regular order on the agenda.

**A. Invocation-**

Commissioner Grover 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

**D. Review and Adopt the Agenda**

**MOTION:** Commissioner Peterson moved to adopt the December 7, 2017 Planning Commission Meeting agenda with amendments of Item 2C [to read 2309 S instead of 2309 N) and Item 3I (to read Design approval instead of Concept Approval). Commissioner Grover seconded the motion. Roll call vote.

**Commissioner Ostler, Yes**

**Commissioner Peterson, Yes**

**Commissioner Grover, Yes**

**Commissioner Call, Yes**

**Motion Approved:** 4 Yes 0 No

**E. Approval of the Minutes**

**(a) September 21, 2017 Regular Meeting**

Tabled

**(b) November 2, 2017 Regular Meeting**

**MOTION:** Commissioner Call moved to approve the November 2, 2017 Planning Commission Meeting minutes with editorials. Commissioner Grover seconded the motion. Roll call vote.

**Commissioner Ostler, Yes**                      **Commissioner Peterson, Yes**  
**Commissioner Grover, Yes**  
**Commissioner Call, Yes**

**Motion Approved:** 4 Yes, 0 No

**(c) November 7, 2017 Work Session Meeting**

**MOTION:** Commissioner Grover moved to approve the November 7, 2017 Planning Commission Meeting Work Session Minutes. Commissioner Call seconded the motion. Roll call vote.

**Commissioner Ostler, Yes**                      **Commissioner Peterson, Yes**  
**Commissioner Grover, Yes**  
**Commissioner Call, Yes**

**Motion Approved:** 4 Yes, 0 No

**F. Make Assignments for Representative to Attend City Council Meetings (December 14, 2017).**

Commissioner Ostler stated that he would attend the December 14, 2017 meeting.

**G. Elect a Vice Chairman for the 2018 year and recognize Devin Miles as the incoming Chairman for 2018**

Commission Peterson explained in the ordinance it states the Commission elects in January not in December. The Commission tabled this item until the January meeting.

The Commission recognized Devin Miles as the incoming Chairman for 2018.

**H. Approve the 2018 Planning Commission Meeting Schedule**

Commissioner Ostler stated the Commission is continuing to meet on the first Thursday of every month.

Commissioner Grover recommended when the agendas are overly full to have a second meeting that month (allowing the Commission to be able to give each item its due research and discussion).

Cody Illum stated as long as the Commission goes through the Mayor and Administration they should be able to do this without difficulty.

**MOTION:** Commissioner Call moved to approve the 2018 Planning Commission Meeting Schedule. Commissioner Peterson seconded the motion. Roll call vote.

**Commissioner Ostler, Yes**                      **Commissioner Peterson, Yes**  
**Commissioner Grover, Yes**  
**Commissioner Call, Yes**

**Motion Approved:** 4 Yes 0 No

Commissioner Ostler inquired of Cody Illum if it would be appropriate to go through the public hearings again, as more public arrived since the closing of them.

Mr. Illum stated the City did them within the protocol as they were done within five minutes of the listed time on the agenda.

## 2. Public Comments and/or Public Hearings

### A. **Public Hearing for a home hair salon business Curl Up and Dye, Applicant: Camille Judd, Location: 875 W 2325 S Perry**

Commissioner Ostler explained this application regards an in home business with visiting clientele.

No public comment was received regarding this item.

### B. **Public Hearing for an Amendment to the Oyler Subdivision, Applicant: Jonathan Jeppsen, Location: 590 W 2400 S Perry**

Commissioner Ostler explained this application regards adjusting the lot line to square up the lots.

John Jeppsen (the applicant) affirmed they are simply adjusting the lot line.

### C. **Public Hearing for an amendment to the Brad Barto Subdivision Amendment 1, Applicant: Leanne Brockbank, Location: 2309 S 900 W Perry**

Commissioner Ostler stated this application also regards the adjustment of a lot line. He invited Greg Hansen to further expound on this application.

Greg Hansen clarified the applicant is adjusting the lot line to fit the current use of the property.

### D. **Public Hearing Pheasant Hollow Phase 2, Applicant: Randy Matthews, Location: 3225 S 1200 W Perry**

Commissioner Ostler explained this application regards the second phase of this subdivision and it consists of 12 additional lots.

No public comment was received regarding this item.

### E. **Public Hearing regarding Resolution 17-31 Adopting the Public Works Standards and Technical Specifications.**

Commissioner Ostler invited City Engineer Brett Jones to explain this application.

Brett Jones stated these standards and specifications are those which both the City and those developing within the City must meet. He said the main reason these are coming to the Commission is to help make them aware of them, as they do impact developments.

No public comment was received regarding this item.

### F. **Public Comments**

No public comment was received regarding this item.

## 3. Land Use Applications

### A. **Approval and Recommendation for a day care home business. Applicant: Tina Smoot, Location: 10 West 1550 South Perry UT 84302**

Commissioner Ostler explained this item was tabled so the Commission could receive feedback from the City Attorney regarding this application. Commissioner Ostler stated the

Commission did receive this feedback from City Attorney, Craig Hall in the form of a letter which stated that subdivision CCR's [Covenants, Conditions, and Restrictions] are civil matters and are generally not enforced by Government entities, therefore, the application must have action taken solely on whether or not it meets City ordinances.

Commissioner Call inquired of the applicant regarding if the timing of her clients coming and the arrival of the bus at the bus stop by her home coincide.

Tina Smoot stated she has one client who comes at 7am and another who comes at 7:30am. She explained she does not know the exact time the bus comes but believes it comes sometime around when these two clients come. She said her clients are flexible and will move their drop-off time if needed to avoid the bus's pick-up time.

Commissioner Peterson inquired about how many people live in the home.

Tina Smoot stated her husband, herself, and their four children live there. She clarified at the prior meeting she was confused about a question regarding this matter. She explained after reading the minutes from the last meeting she wanted to clarify this to the Commission. She explained that her daughter who does not live in the home comes and assists her in the business.

Commissioner Ostler inquired about the number of children she is applying to have in her home.

She stated her State license covers 9-16 children and her days of operation are Monday-Friday.

Commissioner Call commented that the applicant has shown they are in compliance with the City Ordinances.

Commissioner Grover reviewed a section of the code which discusses an increase of traffic. He explained this is the only gray area he found within the City Ordinances which this application could or could not meet, depending on interpretation.

Commissioner Peterson inquired about the age of the applicant's youngest child.

Mrs. Smoot stated her youngest is 11 years old.

Commissioner Peterson stated she agreed with Commissioner Call that the applicant is in compliance with City Ordinances.

Commissioner Ostler reviewed the traffic code Commissioner Grover commented on. He proposed a hypothetical scenario which could possibly arise from approving this application. He inquired if it would be possible to set the condition that within 15 minutes of the pick-up or drop-off of a bus, the applicant would not be permitted to have clients dropping-off or picking up their children.

Cody Illum explained if the Commission sets this condition, it needs to be enforceable by the City. He expounded before the Commission sets any such restriction they should always think of how it is going to be enforced and if enforcing the restriction is feasible or not. Mr. Illum further explained the number of children is set at a State level and is used State-wide. He said this means the State feels the amount of possible increased traffic was taken into account and found to be appropriate.

The Commission reviewed the parking requirements for an in-home business.

**MOTION:** Commissioner Call moved to recommend to the City Council approval of the conditional use permit for a daycare home business by the applicant Tina Smoot, location: 10 W 1550 S Perry UT.

Commissioner Peterson seconded the motion. Roll call vote.

**Commissioner Ostler, No**

**Commissioner Peterson, Yes**

**Commissioner Grover, Yes**

**Chairman Coburn, Yes**

**Commissioner Call, Yes**

**Motion Approved:** 4 Yes, 1 No

**B. Approval with Recommendation for a home hair salon business Curl Up and Dye**

**Applicant: Camille Judd, Location: 875 W 2325 S Perry**

Chairman Coburn inquired if the application for professional services is correct as this is a home-based business.

It was agreed by the Commission that this is a home-based business and the applicant should be refunded for the extra expense she paid for a professional services application.

Commissioner Grover clarified this is going to be a conditional use permit in an R1 zone.

Commissioner Peterson inquired about signs, parking, and lighting.

Camille Judd stated there would be no signage, she would have one client at a time and they would park in her driveway, and her driveway was well lit. She said she also has a separate entrance to her salon.

The Commission discussed the hours of operation permitted in the City Codes for in-home businesses. The Commission clarified to the applicant that she would need to be closed by 9pm per City Code.

**MOTION:** Commissioner Grover moved to recommend to the City Council approval of the Conditional Use Permit for Curl Up and Dye located at 875 W 2325 S in Perry, with the business license being considered a home-based business license. Commissioner Call seconded the motion. Roll call vote.

**Commissioner Ostler, Yes**

**Commissioner Peterson, Yes**

**Commissioner Grover, Yes**

**Chairman Coburn, Yes**

**Commissioner Call, Yes**

**Motion Approved:** 5 Yes, 0 No

**C. Final Approval with Recommendation for an Amendment to the Oyler Subdivision, applicant: Jonathan Jeppsen, Location: 590 W 2400 S Perry**

Commissioner Call asked for clarification regarding vacating the easement from the engineer.

Brett Jones explained vacating the easement means the easement goes away, which in this case is due to it not being in compliance with the current State law.

Commissioner Grover asked for clarification about what the Commission is recommending to the City Council regarding this item.

**MOTION:** Commissioner Grover moved to recommend to the City Council Final approval of the Oyler Subdivision, located at 590 W 2400 S in Perry. Commissioner Coburn seconded the motion. Roll call vote.

**Commissioner Ostler, Yes**  
**Commissioner Grover, Yes**  
**Commissioner Call, Yes**

**Commissioner Peterson, Yes**  
**Chairman Coburn, Yes**

**Motion Approved:** 5 Yes, 0 No

**D. Final Approval with Recommendation for an Amendment to the Brad Barto Subdivision Amendment 1, Applicant: Leanne Brockbank, Location 2309 S 900 W Perry**

Commissioner Ostler reminded the Commission that this amendment simply adjusts some lot lines.

**MOTION:** Commissioner Call moved to recommend to the City Council final approval for an amendment to the Brad Barto Subdivision Amendment 1 at location 2309 S 900 W in Perry. Commissioner Peterson seconded the motion. Roll call vote.

**Commissioner Ostler, Yes**  
**Commissioner Grover, Yes**  
**Commissioner Call, Yes**

**Commissioner Peterson, Yes**  
**Chairman Coburn, Abstain**

**Motion Approved:** 4 Yes, 0 No, 1 abstain

**E. Preliminary and Final with Recommendation for Pheasant Hollow Phase 2, Applicant: Randy Matthews, Location: 3225 S 1200 W in Perry**

Commissioner Peterson inquired clarification on this being preliminary and final.

Commissioner Ostler stated he felt as they reviewed this in previous meetings they reviewed the entire area, in essence going over the preliminary at that time.

Commissioner Peterson inquired about if there was enough water to get down to this area.

Brett Jones stated the water situation has improved, as the City has done some work on the well just east of this property. He said he has not seen improvement drawings for this phase which they usually have by the final approval.

Susan O Bray stated they had been submitted to the City and were forwarded to Mr. Jones.

He said he would review them.

Mr. Jones reviewed the process that has been done to ensure this area will have enough water. He said due to this process he no longer has concerns about the water for this particular development.

Commissioner Grover stated he has a concern about approving a final approval without the City Engineer having reviewed the improvement drawings. He said he feels the land use of this development meets the intention of the General Plan.

Greg Hansen recommended doing the final approval with the requirement of having the approval of the City Engineer on the improvement drawings.

**MOTION:** Commissioner Grover moved to recommend to the City Council approval for the preliminary and final approval of Pheasant Hollow Phase 2, located at 3225 S 1200 W, with the condition that lot improvement drawings are reviewed to the satisfaction of the City Engineer. Commissioner Coburn seconded the motion. Roll call vote.

<b>Commissioner Ostler, Yes</b>	<b>Commissioner Peterson, Yes</b>
<b>Commissioner Grover, Yes</b>	<b>Chairman Coburn, Yes</b>
<b>Commissioner Call, Yes</b>	

**Motion Approved:** 5 Yes, 0 No

**F. Final Approval with Recommendation for Pheasant Hollow Amendment Phase 1, Lots 8 & 9, Applicant: Randy Matthews, Location: 1300 W St Perry**

The Commission clarified the amendment for this phase which would be increasing each lot by 5 ft. to the west on each of the lots.

**MOTION:** Commissioner Coburn moved to recommend to the City Council final approval for Pheasant Hollow Amendment Phase 1 for Lots 8 & 9, located at 1300 W St in Perry. Commissioner Call seconded the motion. Roll call vote.

<b>Commissioner Ostler, Yes</b>	<b>Commissioner Peterson, Yes</b>
<b>Commissioner Grover, Yes</b>	<b>Chairman Coburn, Yes</b>
<b>Commissioner Call, Yes</b>	

**Motion Approved:** 5 Yes, 0 No

**G. Final Approval with Recommendation for Sunridge Subdivision Phase 5, Location: 250 W Perry.**

Brett Jones stated he is in full support of this subdivision and the applicant has done everything required of them.

**MOTION:** Commissioner Call moved to recommend to the City Council final approval for Sunridge Subdivision Phase 5, located at 250 W in Perry. Commissioner Peterson seconded the motion. Roll call vote.

<b>Commissioner Ostler, Yes</b>	<b>Commissioner Peterson, Yes</b>
<b>Commissioner Grover, Yes</b>	<b>Chairman Coburn, Yes</b>
<b>Commissioner Call, Yes</b>	

**Motion Approved:** 5 Yes, 0 No

**H. Approval with Recommendation for Chase Smith Business License (Contract Sales of Automobiles from Auction) Applicant: Chase Smith, Locaiton:2600 S Hwy 89**

Chase Smith (applicant) stated he desires to have access to auctions and explained they do not plan on having a stock of vehicles at this location. He explained State requirement is that they need to have a space to store three cars, have signage, and a place to store their files. He stated they do not plan on storing vehicles on site or having vehicles at this location.

Commissioner Call asked for clarification on the signage and his attendance to the building.

Mr. Smith stated the sign requirement is 24 sq. ft. and he would rarely be at this building.

Commissioner Call inquired if Mr. Smith owned the building.

Mr. Smith stated he did not and that he was renting from Brett Reeder.

Commissioner Coburn inquired if he would have semi-trucks delivering vehicles to this location.

Mr. Smith stated he would not.

The Commissioners discussed their concerns over access to the site from Highway 89, and whether vehicles or vehicle components could be left on site.

**MOTION:** Commissioner Grover moved to recommend to the City Council approval of business license and conditional use permit for Chase Smith (Contract Sales of Automobiles from Auction) located at 2600 S Hwy 89 with the condition that vehicles or vehicle parts are not stored on site. Commissioner Call seconded the motion. Roll call vote.

**Commissioner Ostler, Yes**

**Commissioner Peterson, Yes**

**Commissioner Grover, Yes**

**Chairman Coburn, Yes**

**Commissioner Call, Yes**

**Motion Approved:** 5 Yes, 0 No

**I. Design Review Approval for Dean Stokes self-storage sheds**

Dean Stokes explained he worked with City Administrator Greg Westfall and did what Mr. Westfall asked of him. He stated they are desiring to build personal storage sheds. He said he gave Mr. Illum the documents for approval but was told it needed to be brought before the Commission.

Mr. Illum explained he works for the County as a building inspector. He clarified that Mr. Westfall was supposed to sign certain documents before they were brought before him but, due to Mr. Westfall's absence, these documents were not signed. He stated the City Attorney advised, due to this, that the application be brought before the Commission. He advised the Commission to recognize the difficulty this has created for the applicant, as Mr. Westfall told Mr. Stokes he would sign off on this item which would have bypassed the need for Mr. Stokes to be here tonight.

Commissioner Coburn inquired if he was installing utilities to these units.

Mr. Stokes affirmed this.

Mr. Illum stated these matters would be monitored administratively.

Commissioner Call inquired about the letter (from the City Attorney) stating noncompliant usages in this application and if they had been resolved or not.

Mr. Illum explained these technically are not storage sheds but accessory buildings. He explained they do not allow storage units per City Code that are leased out to others. He continued, these buildings are going to be used as a personal use of storage and could be leased out for purposes other than storage if the applicant applies for that option later on. He explained it should be reworded on the application as accessory buildings and not as storage sheds. He reiterated, for now, this use is only going to be used as a personal accessory building.

Commissioner Grover asked for clarification on the proposed building crossing the boundary of the NC2 zone and the R1 zone. He expressed confusion on these units being redefined as accessory buildings, when in the R1 zone there is no primary structure for this building to be considered an accessory to.

Mr. Illum stated the issue is there are many instances where accessory buildings have been allowed to be built without a main building to be accessory too. He explained having the administration allow this previously with other applicants creates a difficulty in denying this application based on that issue.

**MOTION:** Commissioner Call moved to approve the design review for the accessory buildings on the Dean Stokes property with a signed document that the buildings will not be rented out. Commissioner Coburn seconded the motion. Roll call vote.

**Commissioner Ostler, Yes**

**Commissioner Peterson, Yes**

**Commissioner Grover, No**

**Chairman Coburn, Yes**

**Commissioner Call, Yes**

**Motion Approved:** 4 Yes, 1 No

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

**A. Discussion/ Action and Recommendation on certain sections of PMC Chapter 15.03 Planning Commission Rules of Procedure**

Commissioner Ostler explained the version before the Commission is the most updated version.

Commissioner Call clarified if they were to take action on this it would be to recommend to the Council for their approval.

Commissioner Peterson inquired if the section regarding the recommendation of appointments of the Vice Chairman and the Chairman should say the Commission meet in the first December meeting versus one of the meetings in January.

The Commission decided they were comfortable with taking action on this at this meeting.

**MOTION:** Commissioner Peterson moved to recommend to the City Council 15.03 of the Planning Commission Rules of Procedure with the amendment of the date being changed from January to December in section 1503.040.02 as an ordinance. Commissioner Call seconded the motion. Roll call vote.

**Commissioner Ostler, Yes**  
**Commissioner Grover, Yes**  
**Commissioner Call, Yes**

**Commissioner Peterson, Yes**  
**Chairman Coburn, Yes**

**Motion Approved:** 5 Yes, 0 No

**B. Approve Resolution 17-31 Adopting the Public Works Standards and Technical Specifications**

Commissioner Coburn asked if there were any major changes made to the current standards.

Brett Jones explained there were unclear standards in the current standards and so these proposed standards and specifications cover them in greater detailed depth.

Commissioner Grover inquired what invokes Public Works Standards.

Mr. Jones stated the resolution would make them official in terms of City Code and there are other areas in City Code which reference the standards.

The Commission and Staff discussed and clarified how the City Code invokes the Public Works Standards.

Commissioner Ostler inquired about a grammatical issue on the first sentence.

It was agreed by the Commission to fix this grammatical issue.

**MOTION:** Commissioner Call moved to recommend to the City Council approval of Resolution 17-31 Adopting the Public Works Standards and Technical Specification's with the corrected grammar that's been noted. Commissioner Peterson seconded the motion. Roll call vote.

**Commissioner Ostler, Yes**  
**Commissioner Grover, Yes**  
**Commissioner Call, Yes**

**Commissioner Peterson, Yes**  
**Chairman Coburn, Yes**

**Motion Approved:** 5 Yes, 0 No

**5. Discussion**

**A. Discussion on Agricultural Zone**

The Commission reviewed what they discussed at their last meeting regarding this item.

The Commission discussed going through the document to clarify the permitted uses and remove the conditional uses. The Commission discussed how to best clarify the permitted uses in the document. The Commission then reviewed some of the permitted uses in the document and defined how they ought to be clarified.

The Commission ended discussion on this item to return to the regular agenda as they now had a full quorum on the arrival of Commissioner Call.

**B. Discussion on the Business License Process**

Tabled.

**C. Discussion on the Subdivision Ordinance: Final Land Use Authority/ Final Approval Process**

Tabled.

**D. Conservation Subdivision Ordinance**

Commissioner Grover stated at this point the Council, Mayor, and City Attorney have brought forth a number of concerns regarding this item. He explained due to this he and Commissioner Ostler felt it was in the best interest of the Commission to put this item on hold for now and revisit it in the upcoming year.

**6. Training**

**A.** None

**7. Review Next Agenda and Adjourn**

- Discussion Agricultural Zone Discussion Item
- Discussion Business License Process Discussion Item
- Discussion Subdivision Ordinance: Final Land Use Authority/Final Approval Process
- September 21, 2017 Meeting Minutes
- Recommendation of Appointments

Commissioner Ostler recognized and thanked Chairman Coburn and Commissioner Call for all their hard work and dedication for and to the Commission, as this was their last meeting as Commissioners (having both fulfilled their terms).

**A. Motion to Adjourn**

**MOTION:** Commissioner Call moved to adjourn.

**Motion Approved:** All Commissioners were in favor.