

February 2, 2017
Planning Commission Meeting
3005 S 1200 West Perry UT 84302
7:00 p.m.

Commissioners Present: Chairman Travis Coburn, Commissioner Blake Ostler, Commissioner Vicki Call, Commissioner Lawrence Gunderson, and Commissioner Stuart Grover.

Commissioners Excused: Vice Chairman Devin Miles

Others Present: Greg Westfall, Perry City Administrator, Susan K. Obray, Minutes Clerk, Catherin Pommier, Angela Hawkins, Greg Hansen, Brad Wilkinson, and Randy Matthews

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

A. Invocation- Lawrence Gunderson

Commissioner Gunderson gave the invocation.

B. Pledge of Allegiance to the U.S. Flag-Vicki Call

Commissioner Call led the Pledge of Allegiance.

C. Declare Conflict of Interest, if any

Conflicts of interest will be addressed on each item. None found.

D. Review and Adopt the Agenda

Commissioner Grover asked if they could discuss under section 5 the Cell Tower motion made by the City Council during the discussion portion of the meeting. He has a couple of follow up questions.

MOTION: Commissioner Call moved to adopt the agenda with the addition of the Cell Tower discussion at the City Council Meeting under Item 5. Commissioner Grover seconded the motion. Roll call vote.

Commissioner Gunderson Yes

Chairman Coburn Yes

Commissioner Call Yes

Commissioner Grover Yes

Commissioner Ostler Yes

Motion Approved: 5 Yes 0 No

E. Approval of the Minutes

(a) December 1, 2016

(b) January 5, 2017

Susan Obray stated that the changes requested by the Planning Commission during its January 5, 2017 minutes were made to the December 1, 2016 minutes. Chairman Coburn asked if there were any changes to the January 5, 2017 minutes. Commissioner Grover stated on page 4 and the 4th line down of the January 5th minutes it should be antennae instead of antennae's.

MOTION: Commissioner Grover moved to approve the December 1, 2016 and the January 5, 2017 minutes with the grammatical correction for the January 5, 2017 minutes. Commissioner Call seconded the motion. Roll call vote.

Commissioner Gunderson Yes

Chairman Coburn Yes

Commissioner Call Yes

Commissioner Grover Yes

Commissioner Ostler Yes

Motion Approved: 5 Yes 0 No

F. Make Assignments for Representative to Attend City Meetings (February 9, 2017 and February 23, 2017)

Commissioner Call stated that she could attend the February 23, 2017 City Council meeting and Commissioner Ostler stated that he would attend the February 9, 2017 City Council meeting.

2. Approx. 7:10 p.m. Public Hearings

A. 7:15p.m. Public Hearing Regarding Changes to the R2 Zone Ordinance

MOTION: Commissioner Call moved to close the regular Planning Commission meeting and open the Public Hearing portion of the meeting. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Gunderson Yes
Commissioner Call Yes
Commissioner Ostler Yes

Chairman Coburn Yes
Commissioner Grover Yes

Motion Approved: 5 Yes 0 No

Greg Westfall stated that this public hearing is in regards to the changes to language pertaining to the R2 Zone in City Code that Commissioner Call prepared via assignment from the Planning Commission. He said that the Planning Commission looked at the General Plan and determined that the General Plan indicates that R-2 was no longer a needed zone. The changes that were made were great and will allow the current remaining code language to stand for the existing R-2 zones so the City has something to be guided by but is to remove any future R-2 zone applications.

There were no public comments.

MOTION: Commissioner Grover moved to close the public hearing and open the regular meeting. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Gunderson Yes
Commissioner Call Yes
Commissioner Ostler Yes

Chairman Coburn Yes
Commissioner Grover Yes

Motion Approved: 5 Yes 0 No

B. Public Comments

There were no public comments.

3. Land Use Applications

A. Concept Application approval for Suncrest Subdivision Phase 2. Parcel 03-159-0172 & 03-159-0173 Applicant: Randy Matthews

Greg Westfall stated that this is an extension of the Suncrest Subdivision Phase 2 across from where the detention basin was done on Hwy. 89 and is just adding another phase to the Applicant subdivision. Mr. Westfall stated that the Applicant presented two plans and one plan created a flag lot, which creates some concern.

There were two plans in the packet one for three lots and another for four lots one of which is a flag lot.

Greg Hansen with Hansen & Associates representing Randy Matthews addressed the Planning Commission. He said he knows that Perry City frowns on flag lots but going through the ordinance this is one circumstance that the Planning Commission should at least consider. He said the ordinance talks about a flag lot being situated in a location where a particular piece of property would be difficult to access. Mr. Hansen pointed out the flag lot on the drawing and said that the area that is difficult to access in a future phase of the development will be cul-de-sac resulting in an excessively big deep lot that will really create a lot of unusable property. Mr. Hansen stated that is what the ordinance talks about is to try to discourage flag lots unless you can meet certain criteria, one of them being it is an area that is difficult to utilize from other areas. He said they meet the required width, the ordinance says 16 feet and the Applicant has actually done 20 feet. The maximum length of the flag lot is 120 feet and the Applicant proposal is only 97 feet. Mr. Hansen stated that the Applicant would meet all the other conditions. He said the developer would prefer to do this because that fourth lot (flag lot) allows them to access property they cannot access otherwise.

He stated we only have two choices: one is a flag lot and two just a great big deep lot. Chairman Coburn asked what the frontage would be for lot 13 if they created the flag lot. Mr. Hansen stated that it still has their required setbacks. He said the front setback is back 30 feet and they are well beyond the 80-foot requirement. Commissioner Gunderson asked how big the flag lot is. Commissioner Call stated that it is 29,539 square feet. Greg Hansen stated that the ordinance requires it to be at least 20,000 square feet. Commissioner Gunderson asked if they could divide the lot and put some on lot 13 and some on the future lot west of lot 14. Mr. Hansen stated that there are circumstances that flag lots are warranted. Commissioner Call asked what this was zoned. Commissioner Ostler stated that it is zoned R1. Chairman Coburn asked if this (the four lot plan proposal for Phase 2) was the plan that they were submitting for concept approval. Greg Hansen stated that it was. He said that it requires a turnaround for emergency vehicles on the property. He said that would be addressed at the building permit phase. Greg Westfall stated that the applicant is aware that they cannot re-subdivide the flag lot in the future. Commissioner Grover asked what zone the subdivision was in. Greg Westfall stated that it is in the R1 zone. Commissioner Call stated that she realizes that this is conceptual and asked about water pressure. Greg Westfall stated that would come with the engineering comments. Commissioner Call stated not only water pressure but water availability. Commissioner Ostler stated this zone requires a minimum of 10,000 square foot lots and these lots are half acre and half acre plus. He asked if this larger lot size was a marketing thing; a product that the Applicant is aiming for. He said what if you make them ¼-acre lots and add some green space. Greg Hansen stated that there is not enough room to do ¼-acre lots. Brad Wilkinson stated that they are limited with space. Greg Hansen stated that they are leaning towards bigger lots. Commissioner Ostler asked how the master plan is related to subdivision applications. He asked how we look at a parks master plan and the streets master plan in conjunction with subdivision applications. He said he looked at the master plan and Maple Hills Drive is supposed to extend south to 2300 South and north to 1500 South and become Valley View Drive. He said it is a collector road. He also said that the parks master plan calls for a park to the south of the Applicant's proposed Suncrest Subdivision Phase 2. Randy Matthews stated in the future his development will stub off into Capener's property (the adjacent landowner to the south), eventually running to 2000 south. Commissioner Ostler asked if Mr. Matthews was

referring to this being done through 100 West. Mr. Matthews stated yes. Commissioner Ostler stated that the master plan calls for a north-south route further east of 100 West. Greg Hansen stated that there is a drive on Maple Hills that is stubbed to 100 west. Greg Westfall stated that he would have the City Engineer look at the master plan and the road corridor. Commissioner Gunderson stated that he would like to see the other plan. Greg Hansen stated that in the other plan lot 14 does not exist. Greg Westfall stated that the city does not maintain the flag road, no snow removal, no garbage pick-up. He said it is the responsibility of the property owner to maintain the flag. Greg Westfall stated from a Staff perspective this concept is allowed, the flag lot is allowed. However, other questions need to be addressed.

MOTION: Commissioner Ostler moved to approve the concept application for Suncrest Subdivision Phase 2 lots 11-14 and that the discussed items be noted from a concept standpoint. Commissioner Call seconded the motion. Roll call vote.

Commissioner Gunderson Yes
Commissioner Call Yes
Commissioner Ostler Yes

Chairman Coburn Yes
Commissioner Grover Yes

Motion Approved: 5 Yes 0 No

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

A. Action Regarding the R-2 Zone

Chairman Coburn stated that we have had the public hearing and there were not any public comments. Greg Westfall stated that since there were no comments he felt that they did not need to make another motion regarding this, but left it up to Chairman Coburn to make the decision. Chairman Coburn stated that he would let the previous motion stand. Commissioner Ostler asked if the City Council reviewed this R2 code modification proposal. Greg Westfall stated that they have not reviewed it.

B. Approval of a Business License Application for Clue Inn Escape, Applicant: Catherine Pommier

Greg Westfall stated that this business had been the Planning Commission and the City Council approved a temporary business license in 2016. He said the 45-day temporary business license period was up and the applicant is coming back and asking for a permanent business license for the previous location Alpine Gardens and Tractor Supply as a second location. Greg Westfall stated that as Staff we do not have any concern with the locations. Commissioner Grover asked what the hours of operation were. The applicant stated that closing time was 11:00 p.m. Commissioner Ostler asked if the city had any complaints for this business during its temporary business license period. Greg Westfall stated during the 45 days that the business license was issue, no, but there was some conversation with the applicant with business being conducted before the business license was issued by the City Council. He said it was amicably resolved.

MOTION: Commissioner Call moved to recommend to the City Council the approval of Clue Inn Escape Business License. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Gunderson Yes
Commissioner Call Yes
Commissioner Ostler Yes

Chairman Coburn Yes
Commissioner Grover Yes

Motion Approved: 5 Yes 0 No

Commissioner Gunderson excused himself from the meeting.

C. Discussion Regarding Zoning for City Property

Commissioner Ostler stated that the document included in this Planning Commission meeting's packet (the "Document") is an attempt to create a public or civic zone. He said the motivation for creation of this zone was the discussion related to the recent telecommunication tower application processed through the Planning Commission. He said he was asked at the last Planning Commission meeting to come up with something. Commissioner Ostler stated he took the opportunity to present a new type of land use ordinance template. He said this new ordinance would be a "one stop shop". For example, someone comes in and says, they want to do a project and they are given a piece of paper that covers everything within that zone, whereas now you have to go to several titles in the City's code to find the information. Commissioner Ostler stated that we could just add each zone to the template. Section 1 the Document is the new template that he wanted to introduce. This section identifies the zone, its definition and its intended purpose.

Commissioner Ostler stated that there is a locations paragraph in the Document that states that the subject zone's areas would be indicated on the zoning map and that zoning map is incorporated, binding and a part of the ordinance. He said instead of using a land use chart table we would refer to a list of permitted uses. Commissioner Ostler stated we could add in conditional uses if we wanted to. He said land use charts may not always be viewed as effective or binding. Commissioner Call stated if we have to write in language everything that is in this land use chart, which is pages and pages long, then our ordinances will be very large. Commissioner Call stated that charts are very useful tools. Commissioner Ostler stated that the ordinances that he studied refer to a land use chart. Because of some discussion points made during the processing of the aforementioned telecommunications tower application, Commissioner Ostler created a permitted use list. Commissioner Ostler stated that there are definitions for this section. He said in the current ordinance (Section 15.01.060) there is a whole section of definitions. He said he has listed the permitted uses. He said they come from our current land use chart that exists under municipal uses and some that he gathered from other cities' ordinances that he looked up. Commissioner Ostler said the sources he went to was Logan, Monticello, Herriman, and Saratoga Springs. He said he they all have civic or public zones and he listed some of their codes' permitted uses in the Document. He stated that the Planning Commission could also choose to include conditional uses. Commissioner Ostler stated that he separated the public use from the recreational uses in the Document so that you could have more flexibility in regulating uses; for example putting a cell phone tower in a park. Commissioner Grover asked if Commissioner Ostler proposed two public zones. Commissioner Ostler stated the Document proposes just one public zone with two specific areas (public/civic and recreation), but two zones could be created (a public/civic and recreation zone).

Commissioner Ostler said that he also included development standards that include all the city existing requirements of setbacks, area requirements, etc. and all that you would need to know about this particular zone. Greg Westfall stated we do not have setbacks for government we would have to look at it and decide what the setbacks would be. Commissioner Ostler stated that the setbacks for commercial zones are all done by design review. Greg Westfall stated that we need to get away from the design review process. He said that the design review process is good in certain circumstances. Commissioner Ostler stated that there is also a section in the template in the Document for procedures. Commissioner Grover stated he would be in favor of the split instead of having it all in one. He asked if the intent was to eliminate the land use chart from the ordinances. Commissioner Ostler stated that it was the idea to eliminate the land use chart.

(The Document will be attached to the minutes).

D. Discussion/Action to change the definition of the Interstate Commercial Zone

Greg Westfall stated that Susan Obray has gone through the land use chart and added an Interstate Commercial zone column (IC zone). He said 90% of what was in the C1 zone would carry across into the IC zone. Mr. Westfall stated that there were very few changes. He explained that the ones did not carry across were mortuary, a day care, printing process and auto body and fender shop. He said we added a line item for a convention center as an allowed use in this zone. He said the reason for this zone is that Pointe Perry was created in an SID (Special Improvement District) when that was created the developer and the city entered into a development agreement. He said what was approved out at Pointe Perry would be defined by the development agreement. Commissioner Call stated interstate commercial is not defined anywhere in our ordinances. Commissioner Ostler stated it is defined but there are not land uses. Greg Westfall stated that it would be defined by the inter-local agreement and the development agreement with the developer. Greg Westfall stated that he read the development agreement and there is no development agreement anymore because there is no developer anymore. He said Perry City owns most of it. He said that we have businesses that want to come to be at Pointe Perry, we need to have something in place to allow them to be there, and current nothing is allowed right now. Greg Westfall stated that everything that is out there now was built under the development agreement. Commissioner Call stated that we need to remove the section that defines the purpose of the Interstate Commercial zone. Greg Westfall stated that we need to strike the section in the code and add that the Interstate commercial zone is defined by the land use chart. Commissioner Call felt that the land use chart is not legal and binding. There was some other discussion regarding the land use chart. Commissioner Call stated that the interstate commercial would be retail businesses. Greg Westfall stated that we need to strike the definition of the interstate commercial zone and put that the standards will adhere to the C1 zone. Commissioner Grover read the definition of the commercial zone. He cited "This zone is unique to the area along the north border of Perry City, west of Highway 89 extending west to Interstate 15 and South from the border with Brigham City from approximately 2000 feet (as defined on the Zoning Map). The purpose of this zone is to provide space for development of business, which focuses on retail and wholesale sales along with professional offices. The zone is considered prime business district and does not allow residential development or heavy commercial development such as processing plants, etc.

Appropriate uses are defined in the Land Use Chart and will be approved through the Design Review process.” Commissioner Coburn asked if the gun range is in the IC zone. Greg Westfall stated that it is in the Manufacturing/Industrial zone. Commissioner Call asked what the urgency was. Greg Westfall stated that we have someone that is going to sign a contract next week and they would like to have something in place. Commissioner Call asked when it would go to the City Council. Greg Westfall stated the public hearing would be held on the IC zone on February 23, 2017 in front of the City Council. Commissioner Call felt that they should just not copy the C1 zone definition; they should sit down, and define the IC zone as a group. The Planning Commission discussed having another meeting on February 16th to go over the IC zone and the definition of the zone so they can submit it to the City Council properly. Commissioner Ostler stated that it is not that the Planning Commission does not want to do it, we want to do it right. Greg Westfall stated that we are looking for a paragraph defining and giving purpose to the interstate commercial zone. Commissioner Call said she would like to see the paragraph before she votes on it and Commissioner Grover agreed.

Commissioner Grover read the C1 zone definition again “ This zone is unique to the area along the north border of Perry City, west of Highway 89 extending west to Interstate 15 and South from the border with Brigham City from approximately 2000 feet (as defined on the Zoning Map). The purpose of this zone is to provide space for development of business, which focuses on retail and wholesale sales along with professional offices. The zone is considered prime business district and does not allow residential development or heavy commercial development such as processing plants, etc. Appropriate uses are defined in the Land Use Chart and will be approved through the Design Review process.”

Greg Westfall suggested striking professional office spaces. Commissioner Call cited “The purpose of this zone is to provide space for development of business, which focuses on retail and wholesale sales. The zone is considered prime business district and does not allow residential development or heavy commercial development such as processing plants, etc. Appropriate uses are defined in the Land Use Chart and will be approved through the Design Review process.”

Commissioner Ostler asked is there a reason not to allow professional offices out there. He said aside from the economic planning from a land use standpoint, for example if he were an office person, it would be good space to those type of offices. Greg Westfall said some of the comments were that the City Council does not want it right now because they do not want it to be the sole use on a whole piece of parcel. He said that might be something that might be changed or added later.

MOTION: Commissioner Grover moved to recommend to the City Council the action to change the definition of the interstate commercial zone with the proposed mark up to the Perry City land use charts and with the amendment that paragraph 15.07.20.11 interstate commercial that the entire paragraph be struck from the ordinance and replaced with following verbiage: “The purpose of this zone is to provide space for development of business, which focuses on retail and wholesale sales along with professional offices. The zone is considered prime business district and does not allow residential development or heavy commercial development such as

processing plants, etc. Appropriate uses are defined in the Land Use Chart and will be approved through the Design Review process.” Commissioner Call seconded the motion.

Discussion:

Commissioner Ostler stated we have office space as an intended use but the land use chart does not allow for it. Commissioner Call stated that professional office space is allowed with a P*. She said it is permitted by design review.

Commissioner Ostler Yes
Commissioner Call Yes

Chairman Coburn Yes
Commissioner Grover Yes

Motion Approved: 4 Yes 0 No

Discussion

There was some discussion regarding the approval from the City Council regarding the Cell Tower.

5. Training

A. None

6. Review Next Agenda and Adjourn

- (1) Conservation Ordinance
- (2) Utah Open Meetings Training

A. Motion to Adjourn

MOTION: Commissioner Call motioned to adjourn. Commissioner Grover seconded the motion. All in favor.