

Perry City Planning Commission
3005 South 1200 West
7:00 PM November 6, 2014

Members Present: Chairman Dave Walker, Vice Chairman Doug Longfellow, Commissioner Vicki Call, Commissioner Blake Ostler, Commissioner Travis Coburn, Commissioner Tom Peterson

Others Present: Codey Illum, Perry City Planner; Mayor Karen Cronin, Council Member Brady Lewis, Susan K. Obray, Minutes Clerk, Al Latimer, Lani Braithwaite, Brad Wilkes

1. Approx. 7:00 pm-Call to Order and Opening Ceremonies

Invocation- Commissioner Tom Peterson

Invocation was given by Commissioner Peterson

Pledge of Allegiance-Vicki Call

The Pledge of Allegiance was led by Commissioner Call

Chairman Walker welcomed Blake Ostler, a new member, to the Planning Commission. Commissioner Ostler introduced himself.

Review and Adopt the Agenda

MOTION: Vice Chairman Longfellow moved to adopt the agenda as written. Commissioner Peterson seconded the motion. All in favor.

Declare Conflicts of Interest, If any

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

Approve the October 2, 2014 Minutes

MOTION: Vice Chairman Longfellow moved to approve the October 2, 2014 minutes as written. Commissioner Call seconded the motion. Chairman Walker, Vice Chairman Longfellow, Commissioner Call, Commissioner Coburn, were in favor. Commissioner Peterson and Commissioner Ostler abstained.

Make Assignment for Representative to Attend City Council Meeting

Commissioner Coburn will attend the next City Council on November 13, 2014. Commissioner Call felt that the Planning Commission needed representation at the City Council meetings to voice the Planning Commissions opinion.

Report by Council Member Lewis

Council Member Lewis reported that his advice to the City Council was that the Planning Commission had a lengthy & productive discussion and recommended that they pass the chicken ordinance. He said after going through some more discussion, the City Council came up with some items that they would like the Planning Commission to go over again. Some of the items the City Council addressed were (1) how many chickens, (2) odor, noise, and nuisance, (3) chickens need to be in their coop at night. Council Member Lewis stated that the items are listed in the City Council minutes from the last meeting.

MOTION: Commissioner Coburn moved to open the public hearing. Commissioner Call seconded the motion. All in favor.

2. **Approx. 7:05 p.m. Public Comments and Public Hearings (if listed below)**

A. **Public Hearing Regarding 4A-Amending Ordinance 13-S, Sign Ordinance to (1) Authorizing Perry City Staff to approve of the sign permits, (2) Modifying the sign height requirements at Point Perry**

There were no public comments regarding the amendment to the Sign Ordinance.

MOTION: Commissioner Peterson moved to close the public hearing. Commissioner Coburn seconded the motion. All in favor.

B. **Public Comments**

There were no public comments.

3. **Land Use Application (Administrative Action)**

A. **Discussion/Motion to approve sign for Tractor Supply Co. Location: 1635 West 1100 South, Applicant: Tractor Supply Co. (moving pylon sign that was approved October 2, 2014).**

Codey Illum stated that this application is to move the pylon sign from the north east corner to the south east corner to make it more visible north and south to I-15. Mr. Illum said that the Planning Commission is the final land use authority on the signs and because they made a change they had to come back to the Planning Commission for approval. He reported that the sign is the same size, same setbacks, it just moved to a different location. Codey stated that the sign is 25 feet high, which was the maximum height allowed at the time. Mr. Latimer with the sign company stated that the Tractor Supply Co. would like to have it higher if it was allowed.

MOTION: Commissioner Peterson moved to approve the sign relocation for the Tractor Supply Co. Commissioner Call seconded the motion. Roll call vote.

Commissioner Peterson yes
Chairman Walker yes
Commissioner Coburn yes

Vice Chairman Longfellow yes
Commissioner Call yes
Commissioner Ostler yes

Motion Approved: 6 yes 0 no

B. **Discussion/Motion for Preliminary/Final approval for the First Amendment Wilkes Townhomes P.U.D. Location: 411 West 2000 South: Applicant: Brad Wilkes**

Brad Wilkes stated that the original plat was for 20 units. He said they got to the last building of 4 units (the one that is being amended) and it didn't fit very well and so it was reduced to a 3 plex. Mr. Wilkes stated he finished it and got to the last unit to be sold and the overseeing title company is requiring the adjustment in dimensions because they are not exact. He said that he is being taxed on unit 20 that does not exist. Mr. Wilkes stated that this is just a cleanup.

MOTION: Commissioner Peterson moved to give final approval for the First Amendment Wilkes Townhomes P.U.D. and recommend it to City Council for final approval. Commissioner Coburn seconded the motion. Roll call vote.

Discussion:

Commissioner Ostler stated that the lot numbers are off. He said it ends with 16 units and then starts with 21-23. He asked if it should be 17-19. Mr. Wilkes stated that he would talk with Greg Hansen of Hansen & Associates and have him change the numbers before the mylar is signed. The motion was amended.

MOTION: Commissioner Peterson moved to amend his motion and give final approval for the First Amendment Wilkes Townhomes P.U.D., change the lot numbers from 21-23 to 17-19, and recommend it to City Council for final approval. Commissioner Coburn seconded the motion. Roll call vote.

Commissioner Peterson yes
Chairman Walker yes
Commissioner Coburn yes

Vice Chairman Longfellow yes
Commissioner Call yes
Commissioner Ostler yes

Motion Approved: 6 yes 0 no

4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc.

(Planning and Quasi-Legislative Action)-Recommendation to the City Council

A. Discussion/Motion Regarding Amending Ordinance 13-S, Sign Ordinance to(1) Authorizing Perry City Staff to approve of the sign permits, (2) Modifying the sign height requirements at Point Perry

Codey Illum stated that this is authorizing the Perry City Staff to approve the sign permits and expedite it for the developers. Commissioner Peterson stated that if it meets all the requirements in the ordinance then the City staff can approve it. Codey stated as it is right now all the sign permits need to be approved by the Planning Commission. Codey addressed modifying the sign height requirements. He said that when the original Point Perry development came in the Bird Refuge put some parameters for the height of the signs in this development. Mr. Illum stated that the permit has been revoked and so the parameters are not in place, and so we can allow a height that should be there. Codey stated that the Planning Commission needs to put their input in on what they want for the height requirements for Point Perry. Codey stated that a business called him and wants to put in a 100 foot sign, but it is not allowed per Perry City Sign Ordinance. Codey stated that the Tractor Supply Co. would like to go higher, and the hotel sign is shorter than their building. He stated that LW’s sign is not more than 50 feet high. Codey said that this is a commercial area and is there to attract businesses for Perry City. He stated that this is where the Planning Commission can make the decision regarding signs. Commissioner Call stated that the LW’s sign is about 50 feet and was over the 25 feet allowed. She said that LW’s has set a precedence and that is what it should be for all businesses out at Point Perry. Commissioner Peterson stated that we want to be known as a business friendly community. If we tell someone that they cannot put in a sign, then it might turn the business opportunity away. He said if we say by design review, then if they come in and can justify their sign and say the height they want, then that is business friendly. Commissioner Peterson stated that he is very much against all the specific restrictions that are in the sign ordinance. Commissioner Coburn asked why the Planning Commission couldn’t set some standards that the City Staff could approve and if it is beyond that standard, then it could come to the Planning Commission for a design review. Codey stated once the Planning Commission says design review, it is allowed. He said there are no parameters to stop them.

Codey stated that we don't want to be like Park City which dictates size, color, and location. Codey said this is their community and they can set the parameters. Commissioner Coburn suggested that the Planning Commission recommend 50 feet as a standard and if they wanted to go higher, they could come before the Planning Commission. Codey stated that the Planning Commission sets the standard. Chairman Walker asked if they say design review does that mean that the Planning Commission has to approve it. Commissioner Call stated the problem is if you decline something that they bring in, what justification do we have to approve one sign and not another. Commissioner Call stated that she does not want to get into the business of having to approve every single sign. Commissioner Peterson stated as a businessman he knows that no one is going to put up a sign that is negative to his business. Commissioner Call stated the business owner may not think that is negative, but there may be others that find it offensive.

MOTION: Commissioner Call moved that the Perry City Staff approve the sign permits. Commissioner Coburn seconded the motion. Roll call vote.

Commissioner Peterson yes	Vice Chairman Longfellow yes
Chairman Walker yes	Commissioner Call yes
Commissioner Coburn yes	Commissioner Ostler yes

Motion Approved: 6 yes 0 no

Chairman Walker stated that the Planning Commission needs to determine the height of signs out at Point Perry. Codey stated that this change in the height of signs only affects the businesses out at Point Perry. Vice Chairman Longfellow stated that when someone is traveling down the interstate looking for a place to stop they are going to look for a sign farther down so they can position themselves to get off or on the freeway. Commissioner Call stated that is why she recommended the precedence that has already been set by LW's which is 50 feet. Commissioner Coburn felt that a maximum of 100 feet was plenty high. Codey felt that 100 feet was too tall. Commissioner Peterson suggested 75 feet.

MOTION: Commissioner Coburn moved to modify the sign ordinance to a maximum of 75 feet and recommend it to the City Council. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Peterson yes	Vice Chairman Longfellow yes
Chairman Walker yes	Commissioner Call yes
Commissioner Coburn yes	Commissioner Ostler yes

Motion Approved: 6 yes 0 no

Mayor Cronin acknowledged the Planning Commission and the great job that they do and thanked them for their services. She said that the City Council has voted and approved to change the meeting schedule for 2015 from the second and fourth Thursday to the first and third Thursday so that the council can attend some of the meetings held by Utah League of Cities and Towns. Mayor Cronin stated that the Planning Commission meeting will change from the first Thursday to the second Thursday starting in January 2015. She also let them know that they will be getting a formal invitation to a Christmas party on December 16,

2014 at Maddox at 6:00 p.m. Mayor Cronin stated that the Utah League of Cities and Towns will be holding a land use training at Brigham City Hall on November 13th at 6:15 p.m. She said that the training is free.

B. Discussion/Motion Regarding Ordinance 14-L, an Ordinance Allowing Chickens to be kept on Single-Family Residential Lots.

Commissioner Call stated that there was a draft ordinance that was sent to the City Council that says the Planning Commission deleted the line that says “no roosters on lots less than one acre”. She said that statement should be left in the ordinance. Commissioner Call stated that there are 2 ordinances in the packet, (1) the very first ordinance that they worked from, (2) and the ordinance with the changes made by the Planning Commission. Commissioner Call stated that the City Council brought up some valid points that the Planning Commission needs to consider. Chairman Walker asked how many chickens should be allowed. Commissioner Call stated that there is an example in the packet from Brigham City that has the permitted number of chickens per square feet and goes to a maximum of 10 chickens which she felt was a reasonable amount. Commissioner Peterson stated that he felt it should be the size of the pen the chickens are being kept in and not the size of the lot. Chairman Walker asked if the Planning Commission needs to tell the residents how many chickens they can have or do we allow them to govern themselves. Vice Chairman Longfellow stated no, we don’t. He said we don’t do that with dogs or cats so why would we let them do that with chickens. Council Member Lewis stated if you have 30 chickens on a ½ acre then you are in business. Chairman Walker stated on his walk today he walked past a house that had 10 chickens. He said there was plenty of room for them to roam, he couldn’t smell anything, and they were doing fine. Codey said that the city gets calls all the time about dogs at large. If we are going to adopt an ordinance for chickens, we need to make sure we protect the rights of the property owners and the neighbors. Mayor Cronin stated that as she meets with mayors throughout the state, she mentioned the chicken ordinance. Four out of the four mayors said this is the biggest problem in their cities and to make sure they draft the ordinance well. She said if we are going to allow them, then parameters need to be set, and the parameters are not offensive to the neighbors. She said there also needs to be a remedy that can be enforced. Mayor Cronin stated that the ordinance needs to be more descriptive. Chairman Walker stated that 10 chickens seemed a little small to him. Commissioner Coburn stated that the reason behind having chickens is to supply eggs for your family. Council Member Lewis asked about townhomes. Codey stated that the town home property owners only own the land that the home sits on. Vice Chairman Longfellow asked if anyone thought 10 chickens was excessive. He said you have 10 chickens that is 10 eggs a day. Commissioner Coburn stated for a residential area 10 chickens is plenty. The Planning Commission decided on a maximum of 10 chickens for residential lots. Commissioner Call stated that the City Council would like detail that the chickens must only be in the coop at night. She said in other words you can’t dictate the chickens must be in the coop during the day. Commissioner Call stated they are saying the only time you can be restrictive about it is at night. Mayor Cronin stated that they need to discuss a remedy. Commissioner Call stated they are asking if it is criminal fine or civil fine. Vice Chairman Longfellow asked what the fine is for dogs and cats. Codey stated right now it is a criminal fine but is in the process of changing to a civil fine. Codey felt that this decision was more the City Councils decision and not the Planning Commissions. Codey

stated that the remedy will be complaint driven. Commissioner Call stated that they will leave it so the City Council will determine if it is criminal or civil.

MOTION: Commissioner Coburn moved to send the chicken ordinance back to the City Council with the following additions, a maximum of 10 chickens and the odor would be complaint driven. Commissioner Call seconded the motion. Roll call vote.

Commissioner Peterson yes	Vice Chairman Longfellow yes
Chairman Walker yes	Commissioner Call yes
Commissioner Coburn yes	Commissioner Ostler abstain

Motion Approved: 5 yes 0 no 1 abstain

5. **Add Agenda Items Requested by the Planning Commission-Thursday December 4, 2014**
 - (1) **Elections for Vice Chairman/Chairman for 2015**
 - (2) **2015 Meeting Schedule**

6. **Adjourn**

- A. **Motion to Adjourn**

MOTION: Commissioner Coburn moved to adjourn. Commissioner Call seconded the motion. All in favor.