

Perry City Planning Commission
3005 South 1200 West
7:00 PM October 2, 2014

Members Present: Chairman Dave Walker, Vice Chairman Doug Longfellow, Commissioner Vicki Call, Commissioner Don Higley, Commissioner Travis Coburn

Members Excused: Commissioner Tom Peterson, Council Member Brady Lewis

Others Present: Malone Molgard, City Attorney; Codey Illum, Perry City Planner; Al Latimer, Lani Braithwaite, Hal Allen Jr., Blake Ostler

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

Invocation- Commissioner Tom Peterson

Invocation was given by Don Higley

Pledge of Allegiance-Travis Coburn

The Pledge of Allegiance was led by Commissioner Coburn

Review and Adopt the Agenda

MOTION: Commissioner Higley moved to adopt the agenda as written. Commissioner Coburn 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 August 7, 2014 and September 4, 2014 Minutes

MOTION: Vice Chairman Longfellow moved to approve the August 7, 2014 and September 4, 2014 minutes as written. Commissioner Call seconded the motion. All in favor.

Report by Council Member Lewis

Council Member Lewis was not in attendance at the meeting.

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

A. Public Comments.

There were no public comments.

3. Land Use Applications (Administrative Action)

A. Discussion/Motion to approve signs for Tractor Supply Co. Location: 1635 West 1100 South, Applicant: Tractor Supply Co.

Codey Illum stated that there are two walls signs that are attached to the Tractor Supply store (one on the front and the other on the south side) and a pylon sign out in front of the store. Codey stated that Perry City sign ordinance allows 2.5 square feet per linier feet, so every foot that they are long they can go up to 400 square feet. He said they are only going to go up to 147 square feet on the wall signs. Mr. Illum commented that Perry City sign ordinance allows them to make a huge sign. He said the pylon sign can go as big as 350 square feet double faced and it will only be 147 square feet. Mr. Illum said that the pylon sign will only be 25 feet because of the Bird Refuge restrictions. He said that the city has

been approached by different companies that want to build out at Point Perry and are asking for different height allowances. Codey stated that the signs are all within the perimeters of what the city allows. Mr. Illum commented that they meet the ordinance and we are wasting their time when the Planning Commission and City Council have already approved what the ordinance is. He said staff should be able to sign off on the sign applications as long as it fits within the perimeters of what the city allows for signs. Mr. Illum reported that all the cities he has worked for do not look at the signs except during the design review, after that staff takes care of everything. Commissioner Call stated that it looks like the sign on the building has lights that shine down on it. Codey stated because it is in the "C" Zone it is allowed to be illuminated. Codey stated that the pylon sign is also lighted and is within the setbacks that are required. Mr. Latimer stated that with all the other cities he has worked with the staff has always signed off on the permit as long as it fits within the perimeters.

MOTION: Commissioner Higley moved to approve the signs for the Tractor Supply Co. Commissioner Coburn seconded the motion. Roll call vote.

Commissioner Higley	yes	Commissioner Coburn	yes
Chairman Walker	yes	Vice Chairman Longfellow	yes
Commissioner Call	yes		

Motion Approved: 5 yes 0 no

B. Business License Application

Business Name: Hal D. Allen CPA & Associates, Applicant: Hal D. Allen, Location 1835 S Hwy 89 Suite 1 (old ABCO Building)

Codey stated that this business meets all of the Ordinances, the use fits in the allowed zone, and they have visiting clientele. The business has sufficient parking for their clients.

MOTION: Commissioner Coburn moved to approve the business license for Hal D. Allen CPA & Associates. Commissioner Call seconded the motion. Roll call vote.

Commissioner Higley	yes	Commissioner Coburn	yes
Chairman Walker	yes	Vice Chairman Longfellow	yes
Commissioner Call	yes		

Motion Approved: 5 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 Regarding Ordinance 14-L Allowing Chickens to be kept on Single-Family Residential Lot

Chairman Walker stated that the Chicken Ordinance was included in the packet with the changes that were recommended by the Planning Commission at the last meeting. Chairman Walker stated that there was one change that needed to be made, changing

“Poultry” to “Chicken”. Chairman Walker felt that roosters should still be included in the ordinance. He said we allow barking dogs unless neighbors complain. He said no one says anything unless a neighbor complains. He said there are residents in our city that would like to have roosters. He asked if there was anything they can do if they want a rooster. Commissioner Call stated that they could come forward and make a request, the people who want chickens have. Commissioner Call stated that she has not heard one positive comment on having roosters. She said there are residents that have roosters in the residential area, but that was not what was requested. Commissioner Coburn stated that you have to have provisions for people that want roosters such as buy an acre lot. Chairman Walker stated that we do make provisions for barking dogs why can't there be a provision for roosters. Codey stated we do not allow barking dogs, if they bark it is a nuisance. He said we have officers that go out and give citations because it is a complaint. Chairman Walker felt that it is the Planning Commission's obligation to write something that would satisfy both. Commissioner Call stated that we can do something that would represent the majority of the residents. Commissioner Call stated the way you satisfy both is to allow for provisions in areas that allow for the residents to have roosters and we have that. Commissioner Call stated based on her experience, the majority of the community do not want roosters, there are a few that do. She feels she is here to represent the majority of the community the best that she can. Commissioner Call stated that she didn't remember deleting number 4 “Coops shall be located in the back yard. On corner lots, the side yard which faces the street, the coop shall not be located within the 15 foot side yard setback from property line”. She said we need to talk about where coops can be located. Codey read number 3 “Coops shall not be located closer than 15 feet of any neighboring residential dwelling and must comply with all existing ordinances”. He stated that you can't put anything in your front yard. You have 30 feet of frontage and you can't put anything there. Codey explained a coop is an accessory structure and an accessory structure is not allowed in the front or side yard setbacks.

MOTION: Commissioner Call moved to recommend to the City Council Ordinance 14-L allowing Chickens to be kept on Single Family Residential Lots with the exception of changing the word “Poultry” to “Chicken”. Commissioner Higley seconded the motion. Roll call vote.

Commissioner Higley yes	Commissioner Coburn yes
Chairman Walker yes	Vice Chairman Longfellow yes
Commissioner Call yes	

Motion Approved: 5 yes 0 no

B. Discussion Regarding Perry City Land Use Chart

Commissioner Call stated that she was the one that recommended the discussion regarding the land use chart. She said it was her understanding that we are still in the process of reorganizing the ordinances. Commissioner Call explained her purpose in bringing it forward was at some point in time the Planning Commission needs to discuss this and reconcile this chart so we can preclude the kind of issues with Butters and Cherry Ridge Subdivision that we had a few months ago when it comes to Conditional Uses for various things on the land use chart. She stated that in the mean time while the ordinances are

being reorganized, Mr. Illum has made a recommendation that the Planning Commission hold off and wait. Commissioner Call stated by bringing this to the table now, if someone else comes forward now with a conditional use, the Planning Commission will not be held to those standards. She said we don't need to discuss it now and wait until the ordinances are reorganized. Codey Illum stated that the Planning Commission will be reviewing this when the ordinances and land use is reorganized. Malone Molgard suggested that the Planning Commission review the land use chart and be ready with their ideas.

C. Discussion Regarding Perry City Sign Ordinance

Chairman Walker stated that Commissioner Peterson suggested that the sign ordinance needed to be reviewed again. Commissioner Peterson was not in attendance and Chairman Walker suggested that it be put on the next agenda. Codey Illum felt that Commissioner Peterson wants to make a lot of changes to the sign ordinance and he said that the Planning Commission has worked really hard on the existing sign ordinance for three years trying to get to where we are. Codey stated that he has had phone calls asking why we are looking at the sign ordinance again. Codey did agree that there are a couple of things in the sign ordinance that needed to be addressed such as, can the staff handle the sign applications that come in from businesses. He felt that the staff could handle it. Codey stated that ordinances are living documents that can be reviewed and changed as needed.

Commissioner Call stated that this is the first conversation that she has been in and it would be helpful to have people like Tom Peterson and Codey that came forward with specific issues that you have identified that need to be considered. She said that she does not want to study and re-hash the entire ordinance. Codey stated the two items in the sign ordinances that he would like to change is to allow the staff to sign off on sign applications, and the height requirement for signs out at Point Perry needs to be addressed. Malone explained that when Point Perry Development was originally permitted through the Army Corp of Engineers back in 2003 one of the conditions of that original permit is that the signs would not be higher than 25 feet and they would be lighted downward instead of upwards. He said that was partially agreed to by the developer, the Bird Refuge, and the Army Corp of Engineers and that helps protect the birds. Malone stated that the permit has lapsed and so it is not there anymore. He said he did not know the legal consequences of that 2003 permit. Malone stated that LW's Truck stop is higher than 25 feet and was approved by Perry City. Malone stated that there is a business that wants to come in and they want a 100 foot sign. Commissioner Call stated that they will need legal counsel so that they don't put the city in legal jeopardy. Malone stated that as the sign fits the Perry City Sign Ordinance then the city should not be in legal jeopardy.

5. Add Agenda Items Requested by the Planning Commission-Thursday November 6, 2014

- (1)** Sign Ordinance
- (2)** Staff approving the sign permits
- (3)** Raising the sign height at Point Perry

6. Motion to Adjourn

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

