

September 6, 2018
Planning Commission Meeting
3005 South 1200 West Perry UT 84302
7:00 p.m.

Commissioners Present: Commissioner Stuart Grover, Commissioner Blake Ostler, Commissioner Tresa Peterson, Commissioner Nicole Butler, and Commissioner Jan Kerr

Commissioners Excused: Chairman Devin Miles

City Staff Present: Susan K. Obray: City Recorder
Bob Barnhill: City Planner

Others Present: Valerie Neslen, Sharon Fairbourn, Matt Hale, Tyler Luckey, Lance Stokes, Glenn Kowallis, Kaden Kowallis, Dean Stokes, Ryan Stokes, and Richard Fairbourn.

Commissioner Grover stated that Chairman Devin Miles sent in his resignation letter. Commissioner Grover commended Chairman Miles on a job well done and that he will be missed as part of the Planning Commission.

Commissioner Grover welcomed a new member of the Planning Commission, Jan Kerr.

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

A. Invocation-

Commissioner Peterson gave the invocation.

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

Commissioner Grover led the Pledge of Allegiance.

C. Declare Conflict of Interest, if any-

Commissioner Kerr stated that she will have to excuse herself when it comes to agenda item 3D. She stated that this is her application for the Kerr Subdivision.

2. Public Hearings

A. Public Hearing for a business license application approval and recommendation for Peach Tree Family Wellness, Location 39 E 1500 S Perry, Applicant: Valerie Neslen.

Bob introduced the business application for Peach Tree Family Wellness, applicant Valerie Neslen. He said that they are proposing a home business where people will come to their home. He explained that they will do consulting either individually or groups. Bob mentioned that they do have Fire Marshal approval, and have their sales tax number. He reported that there had been a concern brought forward regarding local CCR's. Bob explained that Perry City cannot enforce CCR's (restrictive covenants). He said that is a contract between private parties. Bob disclosed that everything is compliant with this business license.

B. Public Hearing for a Business License application approval and recommendation for Speaking of SLP Services, Location: 893 W 2325 S Perry, Applicant: Sharon Fairbourn.

Bob addressed the Commissioners and explained where this business would be located. He reported that they would be providing speech and language therapy to clients. Bob said that he

received the Fire Marshal approval for this business license. Bob explained that the commissioner could make the applicants follow the new business license ordinance which would allow 10 clients a day. He reported that everything is in compliance.

Public hearing portion of the meeting was closed and there were no public comments.

3. Land Use Applications

A. Business License approval and recommendation for Peach Tree Family Wellness. Location: 39 E 1500 S Perry, Applicant: Valerie Neslen.

Applicant Valerie Neslen stated that it is a business of Nutritional Therapy. She said it is a one on one consultation. She stated that there is a possibility of having classes up to 10 people. Valerie stated that her home is not big enough to have a lot of people for the classes. She said when she gets to that point she would most likely move to another place for the classes. Her intention is one on one therapy. Commissioner Peterson asked what the hours of operation were. Valerie stated that her hours would be from 8am to 9pm. She is hoping the one on one consultation will happen in the morning and the classes would be a night. Commissioner Peterson asked about parking. Valerie replied that she has 5 parking places in the driveway. Commissioner Kerr stated that the new business license code states that she can have 10 clients a day. There was discussion regarding the new business license ordinance. Bob stated that they can discuss these items when they get to that item on the agenda. Commissioner Grover stated he was a little leery imposing something that the commission hasn't even recommended to the Council. Commissioner Butler asked if each business are held to the code that existed when they were approved or are they held to the code that everyone is held to going forward.

MOTION: Commissioner Kerr moved to recommend to the City Council approval for the business license application for Peach Tree Therapy under the current business license code. Commissioner Butler seconded the motion. Roll call vote.

Commissioner Kerr Yes
Commissioner Ostler Yes
Commissioner Grover Yes

Commissioner Butler Yes
Commissioner Peterson Yes

Motion Approved: 5 Yes 0 No

B. Business License approval and recommendation for Speaking of SLP Services. Location: 893 W 2325 S Perry, Applicant: Sharon Fairbourn.

Applicant Sharon Fairbourn told the commission that her clients will be mostly school age children and so it would be after school. She said that she will have a few in the morning which would be pre-school kids. She does not anticipate having 10 clients per day. Sharon stated that her hours would be 8a.m. and 8p.m. She reported that it would be one on one clientele and she has plenty of parking. Mrs. Fairbourn stated that she would only need room for one car. She said there would be no signage, it would be word of mouth.

MOTION: Commissioner Kerr recommended approval as a conditional use to City Council for the Speaking of SLP Services business license under the current code. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Kerr Yes
Commissioner Ostler Yes
Commissioner Grover Yes

Commissioner Butler Yes
Commissioner Peterson Yes

Motion Approved: 5 Yes 0 No

Bob stated that these businesses are conditional use permits.

C. Final approval for Lot Line Amendment and Site Plan for DRL Stokes Investments, Location: 2825 S Hwy 89 Perry, Applicant: Ryan Stokes, Dean Stokes, and Lance Stokes.

Bob displayed a picture of the property. It showed the existing building with the dance studio and the parking. He said that the existing building would be parcel A and the larger parcel would be parcel B. Bob indicated that there would be 29 feet in between the two buildings with the new property line going in between. Bob stated that the applicant is proposing an addition of 2,000 square feet of retail space on the dance studio building. The property is about 3.4 acres with approximately half of the parcel being an orchard. He commented that there is access from the highway as well as 2820 south. The applicant is proposing a lot line adjustment to correct instances where structures encroach on the property lines and setbacks. He said the set backs are done by design review. Bob stated that they show an easement on the property and that would allow vehicles or for people to use that are visiting the site to through all these properties. He said that avoids getting a new access on the highway which UDOT is unlikely to grant.

Bob stated that the landscaping plan has been updated with additional information and appears to meet our code requirements.

The parking requirement for the new retail space is ten stalls. There is no clear requirement in the code for a dance studio. Bob discussed with the dance studio employee and it appears that there will be anywhere from 52-68 students and instructors at a given time (with staggered start times). The site plan shows 29 parking stalls for the dance studio.

Bob mentioned that the only outstanding compliance issue would be the retaining wall. Bob reported that the last time he talked with the building official it did not have a building permit. He said whenever there is any outstanding violation on the property the commission could hold up any further approvals until it is resolved. He said this could be a judgement call and leave it up to the building official to handle and allow further development to move forward. Bob stated that he understood that there may be some future development and it could be added into a future building permit at that time.

Commissioner Kerr asked if the building official was worried about the structural integrity of the wall. Bob replied that the building official at first he was inclined to wait he anticipated permitting that with this building with a change of use permit on this building in the future. But it currently does not have a building permit.

Ryan Stokes reported that they are in the process to remedy the retaining wall issue.

Commissioner Kerr asked about the retail space what kind of tenants are going to go in there.

Ryan Stokes stated that there will be a retail shirt company and a pre-school. Ryan said that it is

their intention to put the easement in. He said that is the reason why they bought the vacant lot on 2875 S. Commissioner Ostler asked about the retail space if it is only as wide and deep as the existing concrete, Ryan Stokes replied that it was. Commissioner Peterson asked if the easement is public. Bob replied that it is. He said it would be used for the business customers. Commissioner Peterson stated that they will probably get people who will cut through on this road to escape going on the highway. Commissioner Peterson asked if the rear building (parcel B) is storage for their business and if it changes then that permit will be addressed. Bob stated that they could do a change of use permit and meet the requirements for that use. Commissioner Grover recapped what this application details: He said it is a lot line amendment between parcel A and B, a land swap between Stokes and Perry City (north of the east building), and then the site plan for the primary structure and the extension of parcel A. Commissioner Grover stated that it also included the easement for half of the northern driveway. Bob stated that the easement would be a required part of this application.

MOTION: Commissioner Peterson moved to recommend to the City Council to approve the lot line amendment and site plan for DL Stokes Investments. Commissioner Butler seconded the motion. Roll call vote.

Commissioner Peterson Yes
Commissioner Butler Yes
Commissioner Grover Yes

Commissioner Kerr Yes
Commissioner Ostler Yes

Motion Approved: 5 Yes 0 No

D. Application for Preliminary approval Kerr Subdivision, Location: 2925 S Hwy 89 Perry. Applicant: Jeff Kerr Trustee.

Bob explained that the applicant is proposing a subdivision of land to create a small parcel solely for the use of an existing billboard. He said the property is zoned NC2 and has a billboard and a non-permitted structure currently on the property. The proposed parcel is approximately 37'x21' (0.018 acres). Jan Kerr gave some background information regarding the property and the billboard. She said that the structure on the property is non-conforming it will either be torn down or moved. She reported that they will be developing the parcel. She said they are exploring their options on what they can develop there. Jan Kerr stated that they will develop farther back on the property so that they don't obstruct their field of vision of the billboard.

Bob explained that the setbacks and lot requirements for the NC2 zone are "By Design Review". He said many of the typical infrastructure considerations with a subdivision would not apply to this situation. Jan Kerr stated that there is a fence to the north and a fence behind. She stated that this property has sat vacant for 9 years. Bob suggested to put an "R" on lot 2 when recorded.

Bob reported that Brett Jones has reviewed the subdivision and had one dimensional correction and recommended the applicant verify the parcel and easement would be adequate for the billboard company.

Jan Kerr stated that the first owner of the home was Mike Eyster and he did not get any inspections done on the home and so it fell into non-compliant. She said that there is a recorded notice of non-

compliance. She explained there are 3 missing footings in the foundation and that is why she is having someone move it. She said it will be moved in 90 days.

MOTION: Commissioner Peterson moved to approve preliminary approval of the Kerr Subdivision with the condition that lot 2 would be a restricted lot (R). Commissioner Butler seconded the motion. Roll call vote.

Commissioner Peterson Yes
Commissioner Butler Yes
Commissioner Grover Yes

Commissioner Kerr Yes
Commissioner Ostler Yes

Motion Approved: 5 Yes 0 No

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

A. Discussion on Title 14 Emergency Access in Subdivisions.

This item was tabled until next month.

B. Discussion/Action regarding the Business License Ordinance.

Bob stated that the new definition of a home occupation would be all home businesses operating from a residential building shall meet the requirements of a home occupation. He said a home based business without visiting clientele may not necessitate a business license. Bob stated that he would also add the dates of when the planning commission had a public hearing and discussions on this ordinance. Commissioner Ostler stated that the max number of clientele should be discussed and then added to the ordinance. Commissioner Grover asked about the cluster housing. He thought that the Planning Commission decided to eliminate all of the cluster housing because the Conservation Subdivision ordinance is equivalent to it. The Planning Commission members and City Planner Bob Barnhill continued to discuss the business license application process, business license regulations, home occupations, and signs for residential uses. The Planning Commission all agreed that it was ready to move on to City Council for approval.

MOTION: Commissioner Butler moved to recommend City Council to approve the new Business License ordinance with corrections noted in this meeting. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Peterson Yes
Commissioner Butler Yes
Commissioner Grover Yes

Commissioner Kerr Yes
Commissioner Ostler Yes

Motion Approved: 5 Yes 0 No

5. Approval of the Minutes

A. August 2, 2018 Regular Minutes

These minutes will be reviewed at next month's meeting.

B. Report by Commissioner regarding last Council Meeting

Commissioner Kerr stated that there was no discussion from the City Council regarding land use items.

C. Make Assignments for Representative to Attend City Council Meetings on September 27, 2018. (the September 13th meeting will be canceled)

Commissioner Kerr and Commissioner Butler stated that she will attend the September 27, 2018 City Council Meeting.

6. Discussion

- A. Emergency Access- will be back at the next meeting.
- B. Future Projects- next month.

7. Training

- A. Staff

There will be no training.

8. Review Next Agenda and Adjourn

A. Items for next agenda

- (1) Public hearing on Emergency Access and recommendation to City Council for approval
- (2) Public hearing on the Kerr Subdivision and final approval

B. Motion to Adjourn

Motion: Commissioner Kerr moved to adjourn. All commissioners were in favor.