

**PERRY CITY PLANNING COMMISSION MEETING
THURSDAY, APRIL 1, 2010 7:00 P.M.
PERRY CITY OFFICE BUILDING—CITY COUNCIL ROOM
3005 S. 1200 W. PERRY, UTAH**

PLANNING COMMISSIONERS PRESENT: David Curtis (Vice-Chair), Steve Pettingill, Harlan Brewer, Mark Anderson, Dave Walker, Kellie Reese

OTHERS PRESENT: Duncan Murray (City Attorney), Lorin Gardner (City Engineer), Codey Illum (Building Inspector/Community Development Director), Angela Erwin (Minutes Clerk), Tom Peterson (City Council), Lani Braithwaite, Cooper Abrams, Jim Mackley, Devin Miles, Katey Miles

I. CALL TO ORDER AND OPENING CEREMONIES

Comm. Pettingill called the meeting to order at approximately 7:05 p.m.

A. PLEDGE ALLEGIANCE TO THE U.S. FLAG

Conducted by Comm. Pettingill.

B. DECLARE CONFLICTS OF INTEREST, IF ANY

Questions initiated by Comm. Pettingill. None existed.

C. REVIEW AND ADOPTION OF THE AGENDA

Codey Illum would like to amend the agenda to include a report from city staff, as item V.B.

Motion: No official motion to adopt the agenda.

D. APPROVE MINUTES FOR MARCH 4, 2010

Motion: Comm. Pettingill moved to approve the minutes for March 4, 2010, as written. The motion was seconded by Comm. Brewer. No discussion. All in favor.

II. PUBLIC HEARINGS AND PUBLIC COMMENTS

A. PUBLIC COMMENTS

No public comments.

*Comm. Curtis arrived at approximately 7:07 p.m.

B. PUBLIC HEARING

Motion: Comm. Brewer moved to close the regular meeting and open the public hearing for Katey's Kiddie College. The motion was seconded by Comm. Pettingill. No discussion. All in favor.

1. KATEY'S KIDDIE COLLEGE LOCATED AT 1515 SOUTH 250 WEST
(CONDITIONAL USE PERMIT FOR A PRESCHOOL)

Katey Miles reported that she was planning on opening a preschool in the fall. There will be one morning class on Tuesdays and Thursdays with 10 to 12 students. If needed, she may have an afternoon class as well.

According to state requirements, more than 10 to 12 students will require her to have an assistant. Ms. Miles said there is quite a big area for parking and she has a large backyard area. She will hold the preschool in her "walk-out" basement.

*Comm. Reese arrived at approximately 7:10 p.m.

Comm. Anderson asked if a state license was required for this preschool. Ms. Miles responded that she is unsure and is currently looking into license requirements and insurance. Comm. Brewer asked about fencing in the backyard. Ms. Miles said her yard has no fencing, but there is a retaining wall in the backyard. No houses are located behind her house. She does not plan on having the children play outside. Comm. Brewer said there may be a safety issue with no fencing.

Comm. Anderson asked about the hours of operation and Ms. Miles said she is considering 10:00 a.m. to 12:00 p.m. Comm. Pettingill asked how many students there will be and Ms. Miles responded that she is hoping to get 10 students in the first class. If she gets more students she will have 10 students in the morning and 10 students in the afternoon. Comm. Pettingill read from the "preschool and teaching" section in the city ordinance: "no more than 6 students or clients per day at a time or 6 students or clients at a time, once a day." Over 6 students per day must meet the requirements of the International Building Code."

Comm. Curtis questioned the amount of cars dropping off children, because it is not a free-flowing area. Comm. Curtis then asked for comments from the public. None existed.

Motion: Comm. Pettingill moved to close the public hearing for Katey's Kiddie College and open the regular meeting. The motion was seconded by Comm. Anderson. No discussion. All in favor.

III. LAND USE APPLICATION (ADMINISTRATIVE ACTION)

A. KATEY'S KIDDIE COLLEGE LOCATED AT 1515 SOUTH 250 WEST
(SPECIAL BUSINESS LICENSE APPLICATION AND CONDITIONAL USE PERMIT)

Mr. Illum has inspected the basement of Ms. Miles' home, in which Katey's Kiddie College will be located. He said the area is big and open and will accommodate the number of children. He was not able to provide a final inspection because the place is still in the construction process. As far as dropping off and picking up children, Mr. Illum said the street meets the code in terms of width and he does not feel there is a concern. Mr. Illum spoke with Duncan Murray, Perry City Attorney, who suggested moving forward with the approval process. Mr. Illum gave his recommendation to move this item to the special use board where approval will be determined.

Comm. Pettingill is concerned with the amount of cars dropping off and picking up students and how it will affect the neighborhood. He would like to base the number of students on about 15 students. After a review period, if this number of students does not pose a problem, the applicant can return for approval for 20 students. Comm. Pettingill thinks there should be a condition placed for responsible action. Mr. Illum added that he could go to the facility during operating hours and observe the traffic flow.

Motion: Comm. Pettingill moved to accept the conditional use permit for Katey's Kiddie College, located at 1515 South 250 West, with the condition that no more than 15 students be enrolled in the class, or less according to state requirements. The motion was seconded by Comm. Reese. Discussion: Lorin Gardner suggested there may be a state requirement limiting the number of students. The motion was altered accordingly.

Roll call vote: Comm. Anderson-aye, Comm. Reese-aye, Comm. Walker-aye, Comm. Brewer-aye, Comm. Curtis-aye, Comm. Pettingill-aye. All in favor (6 to 0).

B. PERRY BAPTIST CHURCH LOCATED AT 2925 SOUTH HWY 89 (SITE PLAN APPROVAL)

Cooper Abrams, Baptist missionary church planner, was present. He is in the process of purchasing property where he would like to renovate an existing building into a church. There will be 75 seats in the church.

Comm. Anderson asked if the utility easements have been recorded. Mr. Gardner said this is addressed in his comments. Comm. Pettingill saw a lot of things lacking in what is usually required for new facilities, including the ADA access for sidewalks. He asked the time table for the improvements. Mr. Abrams said they will acquire the building on April 7, 2010. He has spoken with Mr. Illum about ADA requirements. He will submit his final plans to Mr. Illum and meet all the current codes and requirements. Mr. Abrams has built four different buildings in Utah where he has met or exceeded codes. The building is in sound condition with excellent foundation and footings. The kitchen will be moved to the

southeast corner and there will be one handicapped accessible restroom. Also, the doors will be turned around, as they are currently “push-in.”

Comm. Pettingill asked about the gravel parking lot. Mr. Abrams said they will initially gravel the parking lot, but plan to cement with curb and gutter in three to four years. For safety reasons he is requesting an entrance from Highway 89 with an exit on the opposite side. Comm. Pettingill commented that UDOT may not let Mr. Abrams have two access points so close to each other. Comm. Pettingill’s biggest concern was the parking lot layout. He would like some sort of guarantee, as to the three to four year time table of paving the parking lot. Mr. Abrams intends to pave the parking lot sooner, if possible. He estimated that by the end of the year there should be an attendance of 30 to 35 people.

Mr. Illum said churches require one parking stall per six seats and one handicapped stall. This requirement will be satisfied. Before issuing a permit, the main building and the accessibility would have to meet the International Building Code. He has advised the applicant to go to an architect/engineer to ensure he and the city are protected. Mr. Illum will review the plans to make certain they meet the building code.

Also, Mr. Illum advised the applicant that there needs to be a six foot privacy fence because the lot adjoins residential property on the north and east sides. Mr. Abrams commented that the property owner to the north and east has been very cooperative and does not believe he would have a concern with a buffer. He also said there is an approximate five foot rise in elevation that may serve as a buffer area.

Mr. Gardner said a rural road agreement defers some public utility improvements to another time. The agreement states that if the city requires the installment of improvements the applicant will do so in the future. Also, if the improvements go with the special improvement district, the applicant will not oppose including the special improvement district. This is an agreement for public road improvements along Highway 89. Mr. Gardner is concerned with the state’s approval of the accesses. Not only are there two proposed accesses, but the stem from the proposed access, including surrounding current accesses, may pose a problem. Mr. Gardner suggested the applicant discuss these accesses early in the process, before further investments have been made. Comm. Pettingill said UDOT’s criteria for the property adjacent to the proposal has been changed. Mr. Gardner said UDOT negotiated eliminating old accesses in an attempt to increase road efficiency and there may be a combining of accesses.

Mr. Gardner wanted to know where the service laterals are for the building. There is a public main sewer located nearby and he wanted to know if the

building was connected to this or something else. This would be an informational item for Mr. Gardner. Mr. Illum will provide the applicant with a copy of Mr. Gardner's comments. Mr. Illum added that he has checked code requirements and he is only concerned with accesses.

Comm. Curtis said the ordinance states there should be a privacy fence, but asked if the commission has the latitude to determine if the ordinance does not apply to this situation. Mr. Illum said the planning commission can make their interpretation of the ordinance, but they need to be very careful. Comm. Pettingill suggested Mr. Abrams acquire an easement with the adjoining property, then the planning commission could recognize this easement as a partial ownership of that property. This suggestion was well received by Mr. Illum and other planning commissioners

Comm. Walker asked about water run-off. Mr. Gardner said, as the layout is made, there will be public works standards that will need to be met.

Motion: Comm. Pettingill moved to accept the Perry Baptist church site plan at 2925 S. Highway 89. The motion was seconded by Comm. Reese. No discussion.

Roll call vote: Comm. Anderson-aye, Comm. Reese-aye, Comm. Walker-aye, Comm. Brewer-aye, Comm. Curtis-aye, Comm. Pettingill-aye. All in favor (**6 to 0**).

IV. LAND USE ORDINANCES, ZONING, DESIGN GUIDELINES, GENERAL PLAN, ETC. (PLANNING AND QUASI-LEGISLATIVE ACTION)

A. REPORT REGARDING THE PRE-DISASTER MITIGATION PLAN FOR THE BEAR RIVER REGION (APPROVED BY THE CITY COUNCIL)

The planning commissioners were given a CD of the pre-disaster mitigation plan and the modified water pressure zone overlay map. The planning commissioners were instructed to review these two items.

B. AMENDING ORDINANCE FOR BUILDING SETBACK AND AREA REQUIREMENTS

Mr. Illum provided the planning commissioners with Comm. Martin Hinckley's recommended changes to section 45.21.040. These changes, pertaining to rear and side setbacks, have been integrated into the ordinance. Comm. Curtis asked for any discussion of the proposed changes. No further comments.

Motion: Comm. Anderson moved to accept the proposal, as written. The motion was seconded by Comm. Reese. No discussion.

Roll call vote: Comm. Anderson–aye, Comm. Reese–aye, Comm. Walker–aye, Comm. Brewer–aye, Comm. Curtis–aye, Comm. Pettingill–aye. All in favor (**6 to 0**).

V. TRAINING AND HANDOUTS

A. CITY COUNCIL REPORT - TOM PETERSON

Tom Peterson, City Council, said Corey Benion, the mosquito abatement officer, gave a good report. Also, Officer Weese, a trained range manager, proposed the city take the old city sewer lagoons and create a pistol and rifle range to be used for the public and police. Mr. Peterson thinks this is a good use for the area and said the city council is looking into the proposal. Also, the city council recognized the 100th year anniversary of scouting and passed the resolution recognizing this centennial.

*Added agenda item:

B. REPORT FROM CITY STAFF

Mr. Illum handed out a page from the city council minutes, dated March 11, 2010, where City Council Member Karen Cronin suggested the planning commission look into “storage pods that are being purchased by citizens.” Comm. Curtis requested this concern be on the next agenda. Also, Mr. Illum said Brandon Hansen is proposing a zone change to his parcel located off of Highway 89. He would like high density where only duplexes are allowed. This would be a proposal for a multi-use residential zone. There is a trailer park existing next to this parcel. Comm. Curtis requested a copy of this map with highlighted portions of the proposal.

VI. REVIEW NEXT AGENDA AND ADJOURN

A. ADD AGENDA ITEMS REQUESTED BY PLANNING COMMISSIONERS

Comm. Curtis would like the commission to discuss the definition of “multi-use.” Comm. Pettingill commented that spot zoning does not exist. He said some zones are “conflicting zones.”

Mr. Illum summarized the next agenda as: 1. Lot line adjustment, 2. Sign for Maverick, 3. Zone change of Brandon Hansen, and 4. Definition of “multi-use” and “storage pods.”

Comm. Pettingill thinks there needs to be a joint planning commission meeting between Brigham City and Willard regarding two issues Perry has with Brigham City and one issue with Willard. The meeting would consist of three members from each city’s planning commission.

Concerning Brigham City, Comm. Pettingill said UDOT has put an island that inhibits accessibility to the subdivision adjacent to SR 91. He suggested opening up the subdivision on Chateau Drive that was previously proposed. This would help both cities with access issues. He would also like to touch base with Brigham City regarding UTA Frontrunner to see if they are in the same position. Comm. Pettingill would like to address opening up 1200 West to 2nd West with Willard. Comm. Pettingill, Comm. Hinckley, and Comm. Reese, volunteered to attend this meeting, with Comm. Anderson as a backup.

Comm. Curtis suggested holding an informal planning commission meeting where newer planning commissioners could be brought up-to-date on current issues. He suggested one possible discussion item could be NC2 and NC3 zones with City Council Member Karen Cronin attending. No business would be addressed at this meeting. The work session/training meeting will be held on April 15, 2010.

B. MOTION TO ADJOURN

Motion: Comm. Pettingill moved to close the meeting. The motion was seconded by Comm. Reese. No discussion. All in favor.

Meeting adjourned at approximately 8:29 p.m.