

**PERRY CITY PLANNING COMMISSION MEETING
THURSDAY, June 3, 2010 7:00 P.M.
PERRY CITY OFFICE BUILDING—CITY COUNCIL ROOM
3005 S. 1200 W. PERRY, UTAH**

PLANNING COMMISSIONERS PRESENT: Martin Hinckley (Chair), David Curtis (Vice Chair), Harlan Brewer, Steven Pettingill, David Walker

OTHERS PRESENT: Brandon Hansen, Tom Peterson (Councilmember) Cody Illum, Perry Building Inspector/ Community Development Director, Susan K. Obray, Minute Clerk, Ron Hoffman, Lani Braithwaite, Lorin Gardner(City Engineer), Jim Mackley

1. CALL TO ORDER AND OPENING CEREMONIES

Chairman Hinckley called the meeting to order at approximately 7:04 p.m.

A. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG
Conducted by Comm. Hinckley

B. DECLARE CONFLICT OF INTEREST, IF ANY
Questions initiated by Chairman Hinckley. None existed.

C. REVIEW AND ADOPTION OF THE AGENDA
Comm. Curtis questioned if the public hearing on the distance for the alcohol sales was advertised 2 week in advance. He was assured that is was advertised ahead of time in the newspaper and is on the agenda. Codey stated Item 3 C needs to be removed from the agenda. Comm. Brewer motioned to adopt the agenda. Comm. Walker seconded the motion. All in favor.

D. APPROVE MINUTES FOR MAY 6, 2010 & May 20, 2010
Comm. Brewer motioned to approve the minutes for May 6, 2010 & May 20, 2010. Comm. Walker seconded the motion. All in favor.

2. PUBLIC HEARING AD PUBLIC COMMENTS

MOTION: Comm. Pettingill moved to close the regular meeting and open the meeting for public hearings on items A-E. Comm. Brewer seconded the motion. All In favor.

A. CONDITIONAL USE PERMIT FOR A COMMERCIAL BUSINESS LICENSE FOR “A-ONE AUTO SALES” LOCATED AT 1998 SOUTH HWY 89
Ron Hoffman is the applicant for this commercial business license. He has a year lease with Kim Stander. It will be a part-time operation. He handed out a plot plan; it has been “Discount Car” dealership in the past. Comm. Walker asked how much room there was for cars. The access for the cars to go in and out is off Hwy 89. Comm. Hinckley asked about lighting and weed control; he also asked if the sign was lit. Mr. Hoffman stated the sign would not be lit. The customers will have access to park in the back or on Hwy 89. This agenda item will be a recommendation from the

Planning Commission to the Special Uses and Appeals Board. Comm. Hinckley stated there needs to be some kind of barrier to protect the vehicles. There was no public comment.

- B. BRANDON HANSEN SUBDIVISION, 2-LOT SUBDIVISION LOCATED AT 2720 SOUTH HWY 89
No Public Comment.
- C. PROPOSED CHANGES IN THE RESIDENTIAL IN-FILL DEVELOPMENT ORDINANCE (FOR THE NC2 AND NC3 ZONES)
No Public Comment.
- D. PROPOSED CHANGES IN THE DEFINITIONS FOR “ACCESSORY BUILDINGS”
No Public Comment.
- E. PROPOSED CHANGES TO THE LAND USE CHART REGARDING THE MINIMUM DISTANCE FOR THE SALE OF ALCOHOL FROM SCHOOLS AND PLACES OF WORSHIP
No Public Comment.
- F. PUBLIC COMMENT
No Public Comment.

MOTION: Comm. Pettingill moved to close the public hearing for Items 2 A-E and open the regular meeting. Comm. Brewer seconded the motion. All in favor.

3. LAND USE APPLICATION (ADMINISTRATIVE ACTION)

- A. CONDITIONAL USE PERMIT FOR A COMMERCIAL BUSINESS LICENSE FOR “A-ONE AUTO SALES”

MOTION: Comm. Curtis moved to recommend this agenda item be sent to the Special Uses and Appeals Board. Comm. Brewer seconded the motion. All in favor.

Comm. Pettingill commented on the appearance of the building to make sure it is an enhancement and not detracting from Perry’s Main Street. If Mr. Hoffman will do something to enhance the appearance it will only benefit the city and himself.

B. BRANDON HANSEN SUBDIVISION LOCATED AT 2720 SOUTH HWY 89
LAND USE ORDINANCES, ZONMNING, DESIGN GUIDELINES,
GENERAL PLAN, ETC.

MOTION: Comm. Curtis moved to approve the Brandon Hansen Subdivision located at 2720 South Hwy 89. Comm. Pettingill seconded the motion. All in favor.

Comm. Pettingill	yes	Comm. Brewer	yes
Comm. Walker	yes	Comm. Curtis	yes
Comm. Hinckley	yes		

Lorin Gardner, City Engineer wanted clarification if this subdivision was preliminary. Mr. Illum stated it is preliminary.

Item C was removed.

4. LAND USE ORDINANCES, ZONING, DESIGN GUIDELINES, GENERAL PLAN, ETC.

A. ACTION ON TITLE 41 DEFINITIONS
(STORAGE PODS, STORAGE CONTAINERS ETC,)

The Planning Commission thought about changing the definition of storage containers, pods to the definition of an accessory building making all those requirements .Mr. Illum passed out 3 different cities ordinances on storage containers and commented he liked Cache Valley’s ordinance. Mr. Illum asked if he should go ahead and work up an ordinance patterned after the Cache County one. Comm. Walker stated when reading the other cities ordinances he did not see the definition of a storage pod. It is not clear what a storage pod is. Mr. Illum stated he can define it in our ordinance. Mr. Illum stated he talked to other cities and they said if they don’t define it, it’s not allowed. Comm. Pettingill commented there needs to be a definition in the ordinance of a storage pod, storage container. Mr. Illum stated he would get some definitions for the next meeting. Commissioner Hinckley asked that Codey and Duncan work up a draft ordinance starting with definitions. Comm. Hinckley suggested showing the recommendation for the definition with the background of what the other definitions are. Comm. Brewer asked since we are putting restrictions on peoples’ rights to use their property, will justification be included as to why it needs to be. Mr. Illum stated it would be the Planning Commissions responsibility to look over the ordinance and decide whether it is needed or not.

B. ACTION ON CHANGING THE IN-FILL ORDINANCE
(CHANGING FROM ALLOWING ONLY DUPLEXES TO ALLOWING
FOURPLEXES)

Mr. Illum stated they want to change the in-fill ordinance to allow fourplexes. A fourplex has to have 20,000 square feet. They have to have 5,000 square feet of property per unit. The infill has only allowed a duplex and the proposal is to allow a fourplex. Mr. Illum stated the Perry Municipal Code states lot size, frontage, setback and other requirements for single-family dwelling in-fill developments shall be the same as are required in the R1 residential zone. Lot size, frontage, setback and other requirements for two-family dwelling in-fill developments shall be the same as are required in the R2 residential zone except that the minimum lot area shall be

8,000 square feet per unit or 16,000 square feet per two-family dwelling. Comm. Curtis recommended striking everything from except on.

MOTION: Comm. Pettingill moved to receive the language for the change for a 4 family unit in the NC 2 and NC 3 in-fill ordinance at the next meeting. Comm. Curtis seconded the motion.

Comm. Brewer yes Comm. Curtis yes
Comm. Hinckley yes Comm. Pettingill yes
Comm. Walker yes
Motion Approved: 5 yes 0 no

A. ACTION IN CHANGING LAND USE CHART REGARDING THE SALE OF ALCOHOL NEAR SCHOOLS AND PLACES OF WORSHIP

Comm. Hinckley state the proposed wording for this currently it says “Sale of firearms and alcohol shall not be permitted within 1000 feet of any school or place of worship”. The proposed amendment is “The sale of alcohol pursuant to a Class A license shall not be permitted with 500 feet of any school or place of worship, the sale of firearms and the sale of an alcohol pursuant any license other then Class A, shall not be permitted within 1000 feet of any school or place of worship. The sale of alcohol in the NC 2 and NC 3 zones shall be limited by the prohibited hours set forth in the subsection of the PMC 05.06.06.03. It is standard to have 1000 feet.

Comm. Curtis stated the change from 1000 feet to 500 feet came about because of Mavrik being too close to a church, he stated if this is the only reason it is not an adequate reason. Mr. Illum stated the measurement from the church to Mavrik was 782 the first time and the second time was 745 feet. Lorin Gardner, City Engineer stated he went on Google Earth and it measured 675 feet. Comm. Hinckley stated the city issued a building permit with Mavrik believing they had the right to an alcohol license, if the ordinance is enforced they would not be able to have an alcohol license. Comm. Curtis asked what liability does the city have if the ordinance is not changed. Mr. Illum stated he was not an attorney, but felt there would be litigation. Comm. Pettingill stated we have invited a very prominent business to come here and their intent is to sell alcohol, this is a point of fairness. If you reduce the feet you need to do it city wide. Mr. Illum stated it is an off premise alcohol permit. Comm. Curtis stated we are trying to avoid alcohol consumption and purchase to minors by having the 1000 feet ordinance from schools and places of worship.

MOTION: Comm. Curtis moved to table this item until research can be done on why the 1000 feet ordinance was written. Comm. Brewer seconded the motion. No vote on this motion.

Discussion by the Commissioners on this item.

Comm. Hinckley stated this law is prevalent in almost every community the purpose of this is to limit the amount of places that sale alcohol and firearms. It is not so much tied to distance as it is to control of how many of these types of places are put in. He felt there would not be any historical information found.

MOTION: Comm. Pettingill moved to close the discussion. Comm. Brewer seconded the motion.

access onto, Highway 89. There are no such limits on hours for businesses located elsewhere within City Limits”. He asked if this was in the notice. Mr. Illum stated it is additional information regarding the land use chart, and it is his opinion that they could make the change.

Comm. Pettingill stated his recommendation stands. Change 1000 feet to 600 feet for firearms and the sale of alcohol, and remove the sale of alcohol in the NC2 and NC 3 zones that is permitted by the hours and remove that section so the hours do not apply. Comm. Walker seconded the motion. Comm. Hinckley voiced his concern about the notice only noticing the distance and not the hours. He also stated the proposal is to change the land use chart regarding to distance.

Comm. Pettingill withdrew his motion.

MOTION: Comm. Pettingill moved to the sale of firearms and alcohol be changed to 600 feet. Comm. Walker seconded the motion.

Comm. Walker yes Comm. Pettingill yes
Comm. Curtis no Comm. Brewer no
Comm. Hinckley yes

Motion Approved: 3 yes 2 no

MOTION: Comm. Pettingill moved to pursuant to defining whether the hours of operation are on the agenda and in the public hearing process has been advertised legally for this meeting I would make a motion to strike section 3 of the hours in the NC 2 and NC 3 zones so they can sell alcohol 24/7. Comm. Walker seconded the motion. Comm. Hinckley stated there are citizens that are concerned and want to wait to make sure we have had a public hearing. Comm. Pettingill stated his motion was that if this is defined that the Planning Commission has the ability to do this and has been advertised, he makes this recommendation.

Comm. Curtis no Comm. Brewer no
Comm. Walker yes Comm. Hinckley no
Comm. Pettingill yes

Motion failed. 2 yes 3 no

5. TRAINING, HANDOUTS AND UPDATES

A. CITY COUNCIL REPORT-TOM PETERSON

Councilman Peterson praised the Planning Commission and the good job they do. He reported the 100th anniversary for the scouts. The tentative budget has been approved. Approval of the City Auditors. Comm. Hinckley expressed his appreciation for the council. Councilmember Peterson gave a brief up-date on UTOPIA.

6. REVIEW NEXT AGENDA AND ADJOURN

- A. ADD AGENDA ITEMS REQUESTED BY PLANNING COMMISSIONERS
- B. MOTION TO ADJOURN

MOTION: Comm. Pettingill moved to adjourn. Comm. Brewer seconded the motion. All in favor.

Meeting Adjourned Approx. 9:10 PM.