**Perry City Planning Commission**

**3005 South 1200 West**

**7:00 PM May 1, 2014**

**Members Present:** Vice Chairman Doug Longfellow, Commissioner Steven Pettingill, Commissioner Tom Peterson, Commissioner Vicki Call, Commissioner David Curtis, Commissioner Don Higley

**Members Excused:** Chairman Dave Walker and Commissioner Travis Coburn

**Others Present:** Malone Molgard, City Attorney; Susan K. Obray, Minutes Clerk; Lani Braithwaite, Shea Billings, Toree Sorensen, Brad Sorensen, Ryan Freeman, Scott Hurst, Roger Watkins, Cliff Hayden, Tysen Butters, Melanie Butters, Kevin Butters, Craig Butters, Kent Butters, Roe Jenks, Gaylin Jenks, Ronda Perry, Julie Mitton, Jan Garner, Carol Garner, Vai Panter, James Rich, Joseph Garvin, Eric Morrill, Mike Jensen, Hansen & Associates.

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

**Invocation-** Vicki Call

Invocation was given by Commissioner Call

**Pledge of Allegiance**-Doug Longfellow

The Pledge of Allegiance was led by Vice Chairman Longfellow

1. **Review and Adopt the Agenda**

**MOTION**: Commissioner Pettingill moved to adopt the agenda as written. Commissioner Higley seconded the motion. All in favor.

**Declare Conflicts of Interest, If any**

Request to declare conflicts of interest by Vice Chairman Longfellow; there were none.

**Approval of the Previous Minutes**

**MOTION:** Commissioner Higley moved to approve the April 3, 2014 minutes. Commissioner Pettingill seconded the motion. All in favor.

**Assign Representative for City Council Meeting**

Commissioner Pettingill will attend the May 22, 2014 meeting.

**Report by Council Member Lewis**

Council Member Lewis was not in attendance at the meeting.

1. **Public Comments for Items not listed on the Agenda-No Action**

There were no public comments.

**MOTION:** Commissioner Pettingill moved to open up public hearing items 4-9. Commissioner Peterson seconded the motion. All in favor.

1. **Public Hearing-Ordinance Amendment-No Action**

**Ordinance 14-D, an Ordinance Amendment to include landscaping requirements for “Pointe Perry Commercial”**

Sam Heiner, Planning Consultant stated that the old ordinance did not have a designation for the Pointe Perry Subdivision. He said it will be added and will be by design review. There were no public comments.

1. **Public Hearing, Subdivision Vacation-No Action**

**The vacation of Lot 6, Pointe Perry Subdivision Phase 1; and Lot 17, Pointe Perry Subdivision Phase 3; West of I-15 and South of 1100 South. Applicant: Hix Snedeker Companies.**

There were no public comments.

1. **Public Hearing, Subdivision Development-No Action**

**Pointe Perry Subdivision Phase 4, Location: Re-subdivision of Lot 6, Pointe Perry Subdivision Phase 1, and Lot 17, Pointe Perry Subdivision Phase 3; West of I-15 and South of 1100 South. Applicant: Hix Snedeker Companies**

There were no public comments.

1. **Public Hearing, Conditional Use-No Action**

**Conditional Use application for Domesticated Animals on property in the R2 zone. Location: Approx. 3300 South 1200 West, locally known as “Cherry Ridge Pit”. Applicant: Cherry Ridge LLC (Tysen Butters).**

**Kent Butters:** Mr. Butters stated that he is the owner of the property and would like to get a permit to put the fence up. He said they want to fence the property and put some animals in there. Mr. Butters stated that he sent a crew up here to put the fence up and didn’t know that he needed a permit. He said that the property is zoned residential but was told he could get a permit to have animals on the property. Mr. Butters commented that his nephew, Tysen Butters, (he lives in the subdivision), told him that they would have a lot of problems with the people in the subdivision. He said Tysen told him that the residents in the subdivision did not want a fence in there. Mr. Butters stated that they needed to have a fence up in order to keep their animals there. He said that more and more people complained about the fence and so it held them up. Mr. Butters stated that he came up to Perry and said that he spent 3 months cleaning up the property when they first purchased the property, and now it is a mess again. He said the people want to use it as a park and said that would be great if someone wants to pay for it and make it a park, or if the city wants to buy it and make it a park. Mr. Butters reported that someone from the city came over to the property and told them to stop, and they did, and that is why they are here.

**Toree Sorensen:** Mrs. Sorensen stated that she lives by the pit. She said she appreciates the Butters for letting the kids grow up in the area. Her concern is the barb wire is 48 feet from her back door. She said that she has pre-school kids and will take any fence and again is concerned about the barb wire fence. She stated that she understands that it is their property and they can do what they want with it.

**Scott Hurst:** Mr. Hurst stated that he owns some property that borders the south west corner of that property. He said that he does not mind one bit what they want to do with their property, it is their property. He asked what is the easement on the canal that is in his back yard. Mr. Hurst stated he was told when the subdivision was built the canal was suppose to have a culvert. He said that the city bought off on it and so it is not Butter’s responsibility anymore. He asked if there was anything that could be done to get a culvert. Mr. Hurst stated that when the water does start running there is about 3 feet in his backyard. He felt it was a hazard to have the water in his backyard because all the little kids go in his backyard to play and he does not want to come home from work and find a little kid floating back there. He said both Greg Braegger and Jerry Nelson told him that they thought about a park in the back by the runoff pond and if we gave them 5 feet of our land back by the road they could make a bike path to the park and that would be nice and possible put a culvert in. His main concern is the culvert and his question on the easement. He said in regards to the easement, he has heard numerous measurements. He said the one that always comes up is 100 feet and if that is the case, that is the center of his house.

**Julie Mitton:** She stated that it has been quite a while and the kids have had fun playing there. She stated there is a lovely creek there and the nature, it is too bad it could not have been turned into a nice nature park for the residents of Perry by getting a grant. She said that she has noticed that there have been some great improvements that are happening, that fence has been down for years and now it is fixed. She said that the creek does not run all the time and she does not know how they intend to take care of the animals. Ms. Mitton stated that if they are relying on the creek for water it will not be sufficient for the animals. She said she knew that it would be a very short time that the animals would be in there but they need to make sure all the provisions are in place. She asked what kind of animals we are looking at. Are we looking at cows, are we looking at horses. She said some of her neighbors live right along there and what complicating factors will there be for them if the animals get out. She said it is really hard because this is country and we have moved people in a very rural place. Ms. Mitton stated when she bought her building lot the city was really talking about developing a nature park and a 4-wheeler area. She commented that obviously the price is too high to be afforded. She said she an activist for animals and believe in their proper care and are they going to be taken care of. She stated that it is crucial that (1) the care, (2) are they going to be a nuisance to the neighbors. She asked that they really think this through and don’t do anything hasty. She understands that they are trying to get this done. She stated that she also has a concern with the barb wire fence, smell, animal care etc. She said that when the subdivision was proposed they talked about a road in and a road out. She said it still could be done within the provisions that were set up for them. She asked the Planning Commission to consider these factors.

**Eric Morrill:** Mr. Morrill stated he lives on the dead end road that takes you in on the west side. He said he does not have a problem with the barb wire fence. He said there are a couple of reasons why people use barb wire and that is because it is cheap and animals can learn quickly that they don’t cross that boundary. He said he would rather have the horses on that property than in his backyard so he is fine with barb wire. Mr. Morrill stated that he does feel for the Sorensen’s because she does run a pre-school out of her home, and there are a lot of pre-school kids. He said he wasn’t sure if Butter’s was aware of this, but on the back of his property on the southeast corner there is some secondary water that was stubbed in and he accesses it from behind his property line and it goes underneath his fence to service his yard. He said it was teed off with the intent that that section of property would have secondary access also. He stated he does not know what kind of permits they would need from Pineview to access that water, but there is water available.

**Kevin Butters:** Mr. Butters stated he was the Project Manager when this subdivision was developed. Mr. Butters stated that the easement varies in size. He said it is a drainage easement and that part was always platted for a canal. Mr. Butters stated that the part that was going to be piped was underneath the road, where they were talking about putting a road. He said originally the whole subdivision was going to be a park. Mr. Butters commented that the city was going to pay a bunch of money and the city did not have a bunch of money and so they talked about a smaller park, but it never happened. He said the economy went bad and they had to wait for the subdivision to be viable again. He reported in the mean time there are people dumping garbage, couches, etc. He said they need to keep the people out for liability reasons and so they are trying to secure the property. Mr. Butters said they want to put it back in greenbelt and not pay the ridiculous tax prices and also be able to have some animals there until they can make it into a subdivision. He stated that the water, secondary water and utilities are stubbed in and even have preliminary approval. Mr. Butters mentioned that they have secondary water to water the animals as long as the secondary water is on. He explained that they have other pastures and so they would be rotating with the other pastures.

**Rachel Doyle:** She stated that she lives in the Cherry Ridge Subdivision, but not along the pit. She asked what animals will be put there. She stated she is concerned with the smell of cattle or a lot of horses. Mrs. Doyle stated when they bought their lot they were told it was residential and did not worry about animals and the smell. She said her only concern is will it become unbearable with the smell, and will they be able to enjoy their own backyards with the homes so close to cattle.

**Tysen Butters:**  Mr. Butters stated that he lives in the subdivision and enjoys the residents there and appreciates their concerns. He said they are going to follow all the rules. Mr. Butters stated that he knows that they can have so many animals per square feet. He disclosed that they were not going to open up a dairy farm. Mr. Butters stated like his uncles have discussed with the commission there are liability issues there and he is grateful that the kids have been able to go out there and play. He said he never thought that he would be the one putting the fence up and would ruin the kid’s dreams building tree houses. Mr. Butters commented that with what they have going on they have to take care of themselves. He reported that he has talked with some of the residents in the subdivision and they have told him that they would never sue him. Mr. Butters stated that sometimes it’s not their choice if the medical bills pile up and you can’t pay those bills, you have to do something. He said that his uncle spent 3 months cleaning up the pit and it has cost them money. Tysen reported that he has pictures of the 30-35 loads of junk that they have hauled out of there. He said regarding the fence, they have to have a deterrent. He commented that he has done a lot of research on this. He stated in regards to the easement, what is another 3 or 4 feet. Tysen said that the kids are going to go the extra 3 or 4 feet and then they will run into our fence. He felt that it was their responsibility to keep their animals on their property, and it is up to the residents to keep their children on their property. He said the residents need to teach their children about the dangers of barb wire fence. Mr. Butters stated that he will do anything to help the residents, they have been great to him.

**Shay Billings:** She stated that she believes that it is only her property that has a cliff in her backyard that drops completely off. She is concerned about the lateral support of the rest of her property. Mrs. Billings stated that if they remove all the brush, willows she is afraid it will start sloughing off. She is concerned about the safety of her children.

**Joseph Garvin**: He said the back of his house backs up to the open area. His concern is having a barb wire fence there and small children. He stated that he has a two year old daughter and agrees that it is smart to teach your children, at the same time children make mistakes. He commented that it would be a horrible mistake if any child got caught up in the barb wire. Mr. Garvin stated that horses like to bite, and is concerned that someone will get bit. He asked that they consider doing the easement from the back of the property, not making it 3 to 4 feet, but making it 10-20 feet, so if you don’t want a fence those safety issues are addressed by the easement. He said some places it would make sense to have the easement right up to the property line and other places it would not. Mr. Garvin stated in his particular situation the property line is on a big grassy area. He said that the people that he bought the home from planted grass and so the kids are used to running on that. He stated that they would have a fence, but right by that fence would be the grass they use to play on. He said as a parent it is a safety concern for the children. He asked that they would look at that when they make their decision. Mr. Garvin asked if the conditional use permit was going to be specific to the animals that are going to be placed there, or is it not specific.

1. **Public Hearing, Conditional Use-No Action**

**Conditional use application for Home Business with visiting clientele. Location: 2490 South 550 West. Applicant: Roe Jenks**

Mrs. Jenks stated that she would like a business license to open up a massage home business.

She said that she would have 3-4 clients a day at the most. Roe stated that she would

eventually like to get into the Hospice program and working with a Hospice group. She would also like to work with the handicap and she would go to their homes. here were no public comments.

1. **Public Hearing, Conditional Use-No Action**

**Conditional Use application for Home Business with visiting clientele. Location: 599 West 2400 South. Applicant: Amy Ann Rich**

James Rich filled in for his wife Amy. He said that they would like to teach swimming lessons in

their pool at their home.

**Jan Garner:** Mr. Garner stated that the property is right behind him. It has gone through three

owners and it has always had a swimming pool there. He said that there is a 6 foot fence which

they had to put privacy slats in because they have dogs. Mr. Garner stated that if they have a

pool party the dogs bark. He said he has to go out and tell the dogs “shut up” a lot. Mr. Garner

expressed concern that if some small child puts their fingers through the fence, (stating that the dogs are nice), the child might get bit unintentionally, and then he will be liable for that. He asked what time of day will they have the lessons. He asked Is it all day, afternoons, everyday? Mr. Garner expressed that he did not want them doing swimming lessons with him right behind them. He said he has had 3 residents live there and never had a problem.

**MOTION:** Commissioner Pettingill moved to close the public hearings. Commissioner Higley seconded the motion. All in favor.

1. **Conditional Use Application-Action: Recommendation to City Council**

**Conditional Use Application for Home Business with visiting clientele. Location 599 West 2400 South. Applicant: Amy Ann Rich**

Mr. Rich stated that the hours of operation will be Monday, Wednesday, and Friday from noon to 4:00 PM. He said it would be the months of June, July and part of August. Commissioner Pettingill asked how many students they would have at one time. Mr. Rich said there will be two teachers and they can only handle 6-10 students at a time. Commissioner Peterson asked if he was the owner of the property. Mr. Rich stated that he was. Commissioner Higley asked about liability. Malone Molgard stated that the city would have none but the homeowner could have some. Commissioner Pettingill asked if the pool area was fenced. Mr. Rich stated that the yard is fenced but the pool itself is not fenced. Commissioner Peterson stated that he is concerned about that type of commercial business in a residential area for reasons that have been mentioned. He said there are a lot of commercial pools available in the area and that is a legitimate concern of the surrounding neighbors. Commissioner Call asked what kind of parking they would have for their clientele. She said typically moms would come and watch their kids swim. Mr. Rich stated that he has room for 3 vehicles to park in his driveway. Commissioner Call stated that if you have more than 10 kids in the class and 2 teachers there is not enough parking spaces. Mr. Rich stated that was a good concern. She said another concern she had was would they put signs up on the property to advertise. Mr. Rich stated that his wife had talked about putting a sign up on 2400 South. He said if it is not permitted then they won’t put one up, otherwise it will be just word of mouth. Commissioner Call asked if it was fenced along the north side. Mr. Rich stated that it is fenced but there is not a gate. Vice Chairman Longfellow asked if there were regulations regarding a fence around the pool. Commissioner Call stated that in title 57 it states that it needs to be entirely fenced. Commissioner Peterson voiced his concern with having a commercial business in a residential area. Commissioner Call stated something to consider is that 2 houses down from his home is a haircutting business. Commissioner Peterson stated that this is a little different it is the nature of the business, much greater clientele, more traffic, issues with parking. He felt that there was not adequate parking or access with the type of business he wants to put there. Mr. Rich asked would it alleviate concern if the class size was smaller, around 5 kids. Commissioner Pettingill stated he does not have a concern with the class size if it’s the parking that is the issue, address the parking. Mr. Rich stated that he has 3 parking spots on his property. Commissioner Pettingill stated that the Planning Commission could apply that on the conditional use permit. He said they would have to drop off their kids and leave. Mr. Rich stated that the clientele could park on 2400 South and walk in. Mr. Rich stated that he was willing to look at class sizes and parking to alleviate any concerns. Commissioner Call stated the other issue would be signs and if they intend to put one up. Commissioner Pettingill stated the signs cannot be off premise. Mr. Rich stated they would not have any signs. Commissioner Curtis asked if there was anything that would limit this type of business, and if a business license is issued does that put the city at risk. Mr. Molgard stated that there is no liability to the city. He said that the liability would come to the homeowners, there may be affects on neighbors. Those are the things you have to consider with the conditional use permit. He explained that you have to weigh the property owner’s property rights with those of the city and the city is representing the other citizens. Vice Chairman Longfellow stated the other concern is the dogs behind the property. He stated that the concern is that the kids might get bit and the dogs barking. Mr. Rich stated he thought that the fence was blocked off. If it isn’t then they will put in more.

**MOTION:** Commissioner Pettingill moved to recommend to City Council this conditional use permit provided there are 3 parking places in the driveway and that there are no complaints of parking on 2400 south. Commissioner Call seconded the motion. Roll call vote.

Commissioner Pettingill yes Commissioner Call yes

Commissioner Higley yes Commissioner Peterson no

Vice Chairman Longfellow yes Commissioner Curtis no

**Motion Approved:** 4 yes 2 no

1. **Conditional Use Application-Action: Recommendation to City Council**

**Conditional Use Application for Home Business with visiting clientele. Location 2490 South 550 West. Applicant: Roe Jenks**

Mrs. Jenks stated that she would like to have a massage business in her home and eventually do Hospice with a Hospice group. She would like to have the freedom to do massages at her home. Roe stated that her hours would be 9AM-5PM and would have 1 client at a time. She has one parking stall. Mrs. Jenks stated that she is state licensed.

**MOTION:** Commissioner Pettingill moved to recommend to the City Council Roe Jenks massage business “Unwind”. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Pettingill yes Commissioner Higley yes

Commissioner Curtis yes Commissioner Peterson yes

Vice Chairman Longfellow yes Commissioner Call yes

**Motion Approved**: 6 yes 0 no

1. **Conditional Use Application-Recommendation to City Council**

**Conditional Use application for Domesticated Animals on property in the R2 zone. Location: Approx. 3300 South 1200 west, locally known as “Cherry Ridge Pit”. Applicant: Cherry Ridge LLC (Tysen Butters)**

Mr. Butters stated along the property lines it is littered with vinyl fences. There are some places that have fences and some places that don’t. He said those who don’t have a vinyl fence can put one up, they are ok with it. He stated even where there is vinyl fencing they are going to put barb wire on their side. He said he hasn’t had any experience with cattle and vinyl fencing. Mr. Butters stated that they do have water for the horses. Mr. Butters stated that the type of animals that would be in there would be horses and cows. He said that they will not have a feed lot; they will just graze it off and move them out when there is not enough grass. Commissioner Higley asked how many animals they could have. Commissioner Call asked how many acres they had. Mr. Butters stated that they have about 10 acres. Mr. Malone stated that it is one large animal per 20,000 square feet. Sam Heiner stated that there is 13 ½ acres. He said they could have 29 large animals. Mr. Butters confirmed that it would be horses and cattle. Commissioner Higley asked if the only reason that they were changing was for tax reasons. Mr. Butters stated not entirely, that is a concern but they have animals that they rotate around. Mr. Butters explained that they realized what the greenbelt does when they change it. They pay back a 5 year roll back. He said it doesn’t do them any good unless they go beyond 5 years. Mr. Butters stated if the economy gets better, then they will want to build something. Mr. Butters said that the easement property (Hurst) is owned by them, but the Flood Control is the ones that approved that the way it is. He stated he didn’t know what to say concerning the barb wire fence and the grass that has been planted that has encroached on their property. He said it is their ground. Mr. Butters reported that the secondary water is available and the creek is available when it is running. He said regarding the smell of the cattle, they are not going to have a dairy they will go in and graze it off and then they will be gone. Commissioner Curtis asked how long it would be before it was grazed off. Mr. Butters responded that it is not very heavy on feed, it is quite light. Mr. Butters said that it could be twice a year in the spring and the fall. Commissioner Call recounted that they were only going to bring the cattle there to graze. Mr. Butters agreed. Mr. Butters stated regarding the lateral support, they are not anticipating doing anything to support that soil; they will use t-posts and railroad ties on their property. Mr. Butters stated the reason that property did not get developed was because the city was showing great interest in buying it for a park. He said that there was a price put on the land but they were willing to donate the land for a tax deduction. Mr. Butters said that he heard that the city was going to build a park in another part of town. He explained that when that happened they figured it was off the table and it was too late for them to go back in and build any homes because of the economy. Mr. Butters declared that if the economy turns around they would like to build some homes in there.

Commissioner Pettingill asked if there are types of fences that go against R2 zone or can be implemented in the R2 zone. He stated he didn’t think barb wire was one of them. Mr. Heiner stated in the fencing ordinance he did not see any restrictions on the type of fence. Mr. Molgard stated that it doesn’t prohibit that type of fence. Commissioner Pettingill stated that he served on the Council at this time the subdivision was being developed.

He said that the fence was approved at the Planning Commission level. Commissioner Pettingill stated that this cannot be a feed lot. He said that you can graze in any zone in the city but the minute you drop down food it becomes a feed lot. Mr. Butters stated that was not his plan. Mr. Butters asked if this was a rule. Chairman Pettingill stated that it was, he could graze his animals, but could not have a feed lot. Mr. Butters stated if you have a horse you can’t put feed down for it. Commissioner Pettingill stated it isn’t allowed in the R2 zone. It’s called harboring your animals.

Commissioner Pettingill asked how make animals does he intend to put there. Mr. Butters

replied there would be 4 horses. Commissioner Pettingill asked if it would exceed 4 horses. Mr. Butters answered possibly. Commissioner Pettingill stated that things change when people leave the meeting. Mr. Butters stated he wants to abide by the law whatever that is. Mr. Butters said he does not want to restrict himself less than that. Mr. Heiner stated that feeding use is not permitted in the residential zone. Mr. Butters stated he was fine with that.

Commissioner Peterson stated that Commissioner Pettingill was on the Council and he was on the Planning Commission at the time this subdivision went through. Commissioner Peterson commented that the developer at that time said that he would keep that opened and available to have a second access road for emergency use because there was only one way into the subdivision. Commissioner Pettingill stated that it was unfair to apply this until it can be verified through the minutes from Planning Commission and City Council.

Mr. Butters stated that there is a gate down on the road that leads into Cherry Ridge Subdivision and there is one up above. He said they would be more than willing to give out the combination to the lock to the Fire Department or Police Department. Commissioner Peterson stated that was the stipulation at that time to have an access road. Commissioner Peterson stated that it was his understanding that in order for the Cherry Ridge Subdivision to be approved there needed to be a second access road. Mr. Butters stated that they did whatever it took to get it approved. Commissioner Pettingill stated he believed at the time there was 800 feet allowed for a road unless it was an alternative access. He said the developer gave another alternative access and now it has changed. Mr. Butters stated the plan that was presented to the city shows it as a cul-de-sac. Commissioner Pettingill stated he is discouraged that they are putting a barb wire fence in the R2 zone. Mr. Malone stated that we can research it further regarding the feeding and grazing. Mr. Butters stated that if they can do something to help with the fencing, they are willing to share some costs but not a $25 a foot fence on his own dime, but he can put up a barb wire fence. He stated that they are just trying to get along, and do something that fits.

**MOTION:** Commissioner Curtis moved to table this item and ask for previous minutes from Planning Commission and City Council meetings where restrictions were put on this land and that we understand those restrictions prior to proceeding. Commissioner Peterson seconded the motion. Roll call vote.

**Discussion**

Commissioner Pettingill stated that we need to be specific on what we are asking staff to provide. Commissioner Curtis stated that we need the minutes showing that fencing was required and what type, when the subdivision was originally approved, secondary access that was agreed too and have staff report back to us. He said that he does not want to proceed and undo things that were properly done in the past. Commissioner Curtis stated he would like to give them every latitude possible with whatever they agreed too when this was originally done.

Commissioner Call stated that she would like staff to look at grazing versus feeding. Commissioner Curtis stated he is willing to amend his motion to include the grazing versus feeding. The second stands. This item will be put on the May 15th agenda.

Commissioner Pettingill yes Commissioner Call yes

Commissioner Higley yes Commissioner Peterson yes

Vice Chairman Longfellow yes Commissioner Curtis yes

**Motion Approved:** 6 yes 0 no

1. **Ordinance-Action: Recommendation to City Council**

**Ordinance 14-G, an Ordinance vacating Lot 6, Pointe Perry Subdivision Phase 1, and Lot 17, Pointe Perry Subdivision Phase 3; West of I-15 and south of 1100 South. Applicant: Hix Snedeker Companies.**

Malone Molgard stated that Hix Snedeker are buying the two lots and vacating them and then creating two new lots making Lot 17 smaller so they can sell it to another company.

**MOTION:** Commissioner Pettingill moved to recommend the vacation to the City Council for Pointe Perry Lot 6 Pointe Perry Subdivision Phase 1 and Pointe Perry Lot 17 Pointe Perry Subdivision Phase 3. Commissioner Higley seconded the motion. Roll call vote.

Commissioner Pettingill yes Commissioner Call yes

Commissioner Higley yes Commissioner Peterson yes

Vice Chairman Longfellow yes Commissioner Curtis yes

**Motion Approved:** 6 yes 0 no

1. **Preliminary Subdivision-Action: Preliminary Approval**

**Pointe Perry Subdivision Phase 4. Location: Re-subdivision of Lot 6, Pointe Perry Subdivision Phase 1, and Lot 17, Pointe Perry Subdivision Phase 3; west of I-15 and south of 1100 South. Applicant: Hix Snedeker Companies.**

**MOTION:** Commissioner Curtis moved to forward to the City Council for Final Approval for Pointe Perry Phase 4. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Pettingill yes Commissioner Call yes

Commissioner Higley yes Commissioner Peterson yes

Vice Chairman Longfellow yes Commissioner Curtis yes

**Motion Approved:** 6 yes 0 no

1. **Concept Review-Action: Recommendation to Applicant**

**Applicant to combine two lots into one lot. Location: the corner of 1050 West (Linda Way) and 2650 South. Applicant: Sierra Homes (Cody Garner).**

Cody Garner with Sierra Homes stated that they have a homeowner that wants a wider home a He stated the house they want won’t fit on the lot and wants to combine two lots into one.

**MOTION**: Commissioner Pettingill moved to approve preliminary approval for Cody Garner. Commissioner Call seconded the motion. Roll call vote.

Commissioner Pettingill yes Commissioner Call yes

Commissioner Higley yes Commissioner Peterson yes

Vice Chairman Longfellow yes Commissioner Curtis yes

**Motion Approved:** 6 yes 0 no

1. **Amendment Ordinance-Action: Recommendation to City Council**

**Ordinance 14-D, an Ordinance Amendment to include landscaping requirements for “Pointe Perry Commercial”**

Commissioner Peterson stated this will be by design review.

**MOTION:** Commissioner Curtis moved to recommend to City Council for approval of Ordinance 14-D Amendment to include landscaping requirements for “Pointe Perry Commercial”. Commissioner Higley seconded the motion. Roll call vote.

Commissioner Pettingill yes Commissioner Call yes

Commissioner Higley yes Commissioner Peterson yes

Vice Chairman Longfellow yes Commissioner Curtis yes

**Motion Approved:** 6 yes 0 no

1. **Ordinance Discussion-No Action**

**Discussion on Cul-de-sac requirements**

Sam Heiner stated that the exhibit in front of them was created a year or two ago for Cul-de-sacs. He said the question was asked how many lots for whatever length of the cul-de-sac. Mr. Heiner said that on the right is the Cul-de-sac which is 400 feet which was the maximum length that was approved. Sam stated that the Cul-de-sac range starting from 400 feet maximum to 250 feet middle, and then to 150 feet minimum. Mr. Heiner stated that was the recommended range the Planning Commission was asking for. Sam explained that the current ordinance mentions no longer than 400 feet. He said 600 feet, and 800 feet are mentioned in different areas of the ordinance. Mr. Heiner stated from the last discussion at the last meeting it was mentioned that 400 feet was the correct amount. Sam reported that the issue is that there is not a minimum length. Commissioner Pettingill stated that there are different lengths throughout the ordinance. Commissioner Curtis stated that we need to pick a minimum and get the ordinance all concise, so there is not conflicting requirements. Commissioner Peterson stated no more than 400 feet. Mr. Heiner stated that one of the other sections mentions stub streets that are longer than the width or length of any adjacent single lot or 200 feet which is less, shall have a temporary turn-around. Commissioner Curtis stated that there are half bulbs throughout the city. He asked if picking the 150 foot and 250 foot Cul-de-sacs would eliminate the bulbs. Vice Chairman Longfellow stated that it would not change the existing bulbs that are out there. Commissioner Curtis stated that he wants to eliminate the possibility of bulbs in the future. Commissioner Curtis asked Mr. Heiner if they pick a minimum can they eliminate that type of configuration. Mr. Heiner stated that if you choose the 150 foot Cul-de-sac, that is the smallest configuration. He said if you required a minimum it would eliminate that type of configuration. Commissioner Pettingill stated that a temporary turnaround can be put in place during the phases of the subdivision. Commissioner Curtis stated the road would be straight and the temporary turnaround would have to take out the bulb to continue the road on. Vice Chairman Longfellow stated in summary, the ordinance will reflect a minimum 150 feet and a maximum of 400 feet in length and all the other lengths would be eliminated from the ordinance. Mr. Heiner reported that there will be a public hearing on this at the June meeting.

Commissioner Curtis stated he would like to see something a little longer that the 150 as the minimum. He said he would like to see two lots on either side of the road. Mr. Heiner stated that each zone has different lot sizes and asked if they would like to define by lot rather than a length. Commissioner Peterson stated that on a cul-de-sac of 150 feet you would typically have 4 lots. All Commissioners agreed with the minimum and maximum lengths.

1. **Ordinance Discussion-No Action**

**Discussion on Multi-family dwellings**

Mr. Heiner stated that he has had 3 calls regarding multi-family dwellings. He said the way our zoning and ordinances are, the only zones they can put a multi-family dwelling is in the NC2 and NC3 zones along Hwy 89. Mr. Heiner felt that was not enough area to allow for multi use. Vice Chairman Longfellow stated that the state dictates minimum and maximum area for zones in the city. Sam stated that Perry City does not have a mixed use zone to put these types of dwellings in. Mr. Heiner stated that in the municipal code 45-07-020 it states that Permitted and/or Conditional Use within the NC2 zone can have a mixed-use residential development. Commissioner Pettingill stated that he was under the impression that it would not go in the NC2 and NC3 zone. Mr. Heiner asked where this type of use would go since there is not a MU zone on the zoning map. Commissioner Pettingill stated that multi-use is permitted in the R2 zone. Commissioner Pettingill stated that the city zoned the multi use zones out. Commissioner Curtis stated that the Planning Commission needs to go back and decide where to put MU zones. Commissioner Pettingill stated the issue is where we put condominiums, townhouses, and duplexes. Commissioner Curtis stated either we allow them in the NC2 and NC3 zones or we put MU zones back on the map. Vice Chairman Longfellow asked if that was the proper place to put duplexes, triplexes, and 4-plexes. Commissioner Pettingill stated adjacent to your commercial zones mixed with it is the proper place. Vice Chairman Longfellow asked why not put them in the outlined areas. Commissioner Pettingill stated because of the services you have to provide to them. Sam asked where we want these types of developments in the city. He asked if they could get it as such that when people call he can give them an answer.

Commissioner Pettingill stated that Brigham City has done a good job in designating these types of developments adjacent to commercial zones. He said that the NC2 and the NC3 would be a good place to put these types of developments. Commissioner Curtis asked do we want to look at the NC2 and NC3 zones and fix spaces where we would or wouldn’t put these developments.

Sam asked about behind the Wal-Mart area. Commissioner Pettingill stated that the city has tried to entice the big box stores to come to that area. He said that they have talked about putting the multi-housing adjacent to USU where the students would have a place to stay. Commissioner Curtis asked why not have a multi-use where there are shops on the bottom and housing on the top. Mr. Heiner stated it sounds like by the discussion they want to add the NC2 and the NC3 to the land use chart permitted by design review. Commissioner Peterson stated that it was discussed in regards to commercial property and those who do not generate any tax revenue. Commissioner Pettingill stated that part of that discussion was that if they were implemented in the bottom floors of a commercial business that they could. Commissioner Peterson asked do we want to take all that available commercial property and put it into multi-housing on the highway. He said eventually it will be developed into commercial property and generate tax revenue for the city, if we let it go to housing it will not. Commissioner Peterson stated that there needs to be a lot more study. He said the greatest potential is south by the Utah State building. Commissioner Pettingill stated that he is willing to look at it in the NC2 and NC3 zones with criteria applied. He said it needs to be on the agenda for more discussion and definition.

1. **Training-No Action**

Mr. Heiner asked if the Planning Commission Members would like to have some training and what would they like to have training on. Commissioner Curtis requested that they hold off on training for now.

1. **Review agenda for next meeting-Thursday, May 15, 2014**
2. **Wendy Jensen Subdivision-Final Approval (Public Hearing)**
3. **Christensen Estates Final Approval (Public Hearing)**
4. **Orchard View Estates Subdivision (Public Hearing)** added after the agenda was created.
5. **Cherry Ridge Information added into the packets**
6. **Review agenda for next meeting-Thursday June 5, 2014**
7. **General Plan Circulation Element Public Work Session 1 of 3 starting at 6:30 p.m.**
8. **Municipal Code Amendment: Cul-de-sacs-Recommendation to City Council (Public Hearing)**
9. **Adjourn**

**MOTION:** Commissioner Pettingill moved to adjourn. Commissioner Peterson seconded the motion. All in favor.