**Perry City Planning Commission**

**3005 South 1200 West**

**6:15 PM March 20, 2014**

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

**Members Excused:** Chairman Dave Walker, Commissioner David Curtis

**Others Present:** Council Member Brady Lewis, Samuel Heiner, Perry City Planning Consultant, Malone Molgard, City Attorney, Susan K Obray, Minutes Clerk, Trey Jinright

1. **Approx. 6:15 p.m.-Call to Order and Opening Ceremonies**
2. **Invocation-Dave Walker**

Invocation was given by Commissioner Higley

1. **Pledge of Allegiance to the U.S. Flag-Steven Pettingill**

The Pledge of Allegiance was led by Commissioner Pettingill

1. **Call to Order and Opening Ceremonies**
2. **Review and Adopt the Agenda**

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

1. **Declare Conflict of Interest**

Request to declare conflict of Interest by Vice Chairman Longfellow; there were none.

1. **Approval of Previous Minutes (February 6, 2014)**

**MOTION:** Commissioner Pettingill moved to approve the minutes for the February 6, 2014 meeting. Commissioner Call seconded the motion. All in favor.

1. **Assign Representative for City Council Meeting**

Commissioner Coburn will attend the March 27, 2014 City Council Meeting.

1. **City Council Report given by Council Member Brady Lewis**

Council Member Lewis will give a council report at the next Planning Commission Meeting.

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

There were no public comments.

1. **Municipal Code Discussion-Action: Recommendation to City Staff**

**Discussion on the Landscape requirements and give directions as to what to require out in Pointe Perry**

Samuel Heiner, Planning Consultant stated that the Pointe Perry area is zoned Interstate Commercial. The landscaping requirements for the Interstate Commercial Area are a minimum of 10% of the lot, 3 trees and 6 bushes per 1,000 square feet of landscaping. The past developments, Days Inn Hotel and the LW’s Gas Station, were not built with these landscaping requirements. Mr. Heiner stated that he looked at the approved minutes for these developments and there were no requirements stated at that time to follow. Commissioner Pettingill stated that it was his understanding that everything in the Pointe Perry was in a Special Service District and that it would be looked at by design review. He stated that as far as the landscaping if someone wanted to build to a zero lot line, we would ask what do they want to build and try to accommodate that.

Mr. Heiner stated in talking with the Mayor she said the Planning Commission should decide what to classify the area. Vice Chairman Longfellow stated that the other two properties did not follow the landscaping criteria. He said how can we enforce the guidelines on this development when we did not enforce it before. Commissioner Call stated that it would be easier to change the zoning map to planned commercial and that would accommodate everyone that is out there. Malone stated it would be easier to change the ordinance then to change the zoning map. Mr. Heiner stated that they could amend the interstate/Commercial portion of the ordinance to say”by design review”.

**MOTION:** Commissioner Pettingill moved that the Planning Commission recognizes the Pointe Perry project regarding the landscaping by the design review process, and that they review it as what the developer presents and that the Planning Commission accommodate that. Commissioner Higley seconded the motion. Roll Call Vote.

**Discussion**

Commissioner Call felt that the Planning Commission needed to look at the ordinance as a whole. Samuel Heiner stated that he will put it on the next agenda for discussion. Malone stated that a public hearing is required before it comes back to them for approval, and then will go forward to the City Council for their approval. Commissioner Pettingill suggested that the staff prepare a statement regarding the Interstate/Commercial zone at Pointe Perry that applies to the design review process to those applicants. He said each development that comes to Pointe Perry will be different and they need to be reviewed individually.

Commissioner Pettingill yes Commissioner Peterson yes

Commissioner Call yes Commissioner Higley yes

Commissioner Coburn yes Vice Chairman Longfellow yes

**Motion Approved:** 6 yes 0 no

1. **Final Development Approval-Action: Recommendation to City Council**

**Tractor Supply Company, Location: Pointe Perry Subdivision Lot 6 of Phase 1 and Lot 17 of Phase 3, West of I-15 and South of 1100 South. Applicant: Hix Snedeker Companies**

Trey Jenright, representing Hix Snedeker Companies, (developers for the Tractor Supply Company), thanked the Planning Commission for the special meeting. He stated that he was handed a list of review comments from the City Engineer. Mr. Jenright stated that he reviewed all of the requests and is comfortable with all of them with the exception of item 1 under final plat. He reported that they are buying two pieces of property out at Pointe Perry and both parcels are owned by two different entities. Mr. Jenright said that their plan is to get their entitlements in place before pulling a building permit. He stated that once they are able to pull a building permit they will be able to get their financing to borrow the money to buy the lots. Mr. Jenright said that once they get their financing to purchase the lots, and then close on the lots, then they can record the plat. He stated to make the site plan approval contingent upon the plat, he can’t get one before the other. Mr. Jenright stated that they have made a submittal to the city for the proposed vacating of those two lots and then will create a new subdivision. He said he has one owner’s signature on one of the vacations, and he is trying to get the other owners signature. He said this process is moving forward.

He said he is requesting the Planning Commission to recognize that it will be difficult for them to finalize the plat and the building permit, because he needs one in order to do the other. Mr. Jenright stated that the engineer review suggests the plat be complete before he pulls a building permit. He asked if the Planning Commission would take this restriction off of them. Trey reported that they would like to start turning dirt the first or second week of May. He said regarding the plat there is a 60 day notice on the vacation of the lots, as soon as the 60 days are up and the Planning Commission approves of the subdivision plat then it can be recorded. He said he has a 60 day window and he would like to start in 45 days. Commissioner Pettingill suggested putting an astrict on the building permit and say there will be no services until the plat is recorded. Mr. Jenright stated that the building is sitting on one lot and the display yard and driveway crosses over the lot line**.** Commissioner Call asked why the City Engineer made that particular request. Malone stated that it was just a recommendation. Mr. Jenright stated that it was a reasonable request , but in this particular situation where the building sits on its own lot, and they have provided information to the city of what the intentions are they are requesting a waiver of Item 1 on the engineering comments.

Commissioner Coburn stated that he agreed withholding the services until the plat is recorded. Mr. Jenright stated that you could tie it to the services or the certificate of occupancy of the building. Commissioner Pettingill asked how many days he wanted before the plat is signed. Mr. Jenright stated that they would like to pull a building permit and get started on construction but he could not say how many days it would be until they got occupancy. Mr. Jenright stated that it usually takes them 120 days to complete a building. He said he believes that they will have it recorded in 60 days from now. Commissioner Longfellow suggested giving him 90 days and that gives him 30 extra days. Mr. Jenright stated that he would rather not have a time frame on recording the plat. Vice Chairman Longfellow asked Council Member Lewis if this agreement sounded reasonable to him from a City Council point of view. Council Member Lewis stated that it did.

**MOTION:** Commissioner Pettingill moved to approve Item 5 the Tractor Supply Company located at Pointe Perry Subdivision Lot 6 of Phase 1 and Lot 17 of Phase 3, with the notation that the Planning Commission has reviewed the memorandum from Jones & Associates and are requiring all items except item 1. Instead we require that the approval of the Final Occupancy of the building be given only after the plat has been approved and recorded with the County. Commissioner Peterson seconded the motion.

Roll Call Vote.

**Discussion**

Commissioner Pettingill stated that this will follow through with City Council. He said when it gets to the staff they need to note that on the building permit.

Commissioner Pettingill yes Commissioner Peterson yes

Commissioner Call yes Commissioner Higley yes

Commissioner Coburn yes Vice Chairman Longfellow yes

**Motion Approved:** 6 yes 0 no

1. **Review Agenda for next meeting-Thursday April 3, 2014**
2. **General Plan Circulation Element**
3. **Municipal Code Amendment**
4. **Public Hearing Regarding the Parking Stall Requirements**
5. **Amendment for the Landscaping Ordinance**
6. **Adjourn**

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