**Perry City Planning Commission**

**3005 South 1200 West**

**7:00 PM May 14, 2015**

**Members Present:** Chairman Vicki Call, Commissioner Blake Ostler, Commissioner Tom Peterson, Commissioner Lawrence Gunderson

**Members Excused:**  Commissioner Travis Coburn and Commissioner Mark Lund.

**Others Present:** Council Member Brady Lewis, Codey Illum, Perry City Planner, Greg Westfall, Perry City Administrator, Susan Obray, Minutes Clerk, Brad Wilkinson, Randy Matthews, and Evan Chapple

1. **7:00 p.m.- Call to Order and Opening Ceremonies**
2. **Invocation-**Tom Peterson

Invocation was given by Commissioner Tom Peterson

1. **Pledge Allegiance to the U.S. Flag-** Lawrence Gunderson

The Pledge of Allegiance was led by Commissioner Lawrence Gunderson

1. **Declare Conflicts of Interest, If any**

Commissioner Ostler stated that if there are any applicants that will be involved with the Bank of Utah for financing he will have a conflict.

1. **Review and Adopt the Agenda**

Chairman Call referred to Item 4B Discussion/Action regarding the Flag Lot Ordinance. She said that they had asked Malone to update the ordinance with further information. Chairman Call stated that he is not in attendance and has not provided that information. She suggested when a motion was made to adopt the agenda that they strike that agenda item. Greg Westfall, Perry City Administrator, stated to also include Item 2B Public Hearing regarding the Flag Lot Ordinance.

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

1. **Approval of the April 23, 2015 Minutes**

Commissioner Ostler stated that there were a couple of changes to the minutes. He said on page 4 row 33 and 34 it states “Codey stated that there are some comments regarding this amendment from our City Engineer, Jones & Associates.” He stated as he recalled there were no issues. Susan stated that she would make that addition to the minutes. Commissioner Ostler stated that on page 4 line 19 and line 38 “meet” should be changed to “met”.

**MOTION:** Commissioner Peterson moved to approve the April 23, 2015 with corrections. Commissioner Gunderson seconded the motion.

Commissioner Ostler yes Commissioner Peterson yes

Chairman Call yes Commissioner Gunderson yes

1. **Make Assignment for Representative to Attend City Council Meetings**

Chairman Call stated that Commissioner Lund will attend the May 21st City Council meeting and Commissioner Gunderson will attend the June 4th City Council meeting.

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

Council Member Lewis did not have anything to report.

1. **Approx. 7:10 p.m. Public Comments and Public Hearings**

**MOTION:** Commissioner Gunderson moved to close the regular meeting and open the public hearing. Commissioner Peterson seconded the motion. All in favor.

1. **7:10 p.m. Public Hearing Regarding Large Animals in the Residential Zones**

There were no public comments.

**MOTION:** Commissioner Peterson moved to close the public hearing and return to the regular meeting. Commissioner Gunderson seconded the motion. All in favor.

1. **7:15 p.m. Public Hearing Regarding Ordinance 15-F Adopting Regulations Relating to Flag Lots**

This agenda item was removed from the agenda and will be on the agenda for next month.

1. **Public Comments**

There were no public comments.

1. **Land Use Applications**
2. **Concept Approval for Suncrest Subdivision Phase 1 Located at: 1865 South and 165 West, Applicant: Randy Matthews**

Brad Wilkinson with Wilk-n-son Construction, representing Randy Matthews, addressed the commission. He said what they are proposing is a concept plan of one of the various phases. He stated he is putting it up for their approval and asked if there were any questions or comments. Mr. Wilkinson stated they understood that this is a concept plan and various things can change such as the detention basin, based on the preliminary engineering that Greg Hansen will complete in the future. He said that they have received the City Engineer comments and have noted all of them and agreed to them. Brad stated that the City Engineer comments will be addressed on the engineering drawings in the final mylar. Chairman Call referred to item 3 on the City Engineer memorandum which states that the dimensions are not shown on the drawing and they wanted to make sure all the frontage requirements were met. She asked if it was a requirement that the dimensions were shown on the drawing. Mr. Wilkinson stated this is a concept drawing and they will be shown on the engineer drawings. Commissioner Gunderson asked if the size of the lots will change. Mr. Wilkinson stated if there were changes the changes would not be significant. Chairman Call stated that another comment was to address the unconventional property lines near lot 9 and asked if a survey should be performed in this area to verify ownership. Brad stated that the entire subdivision will be surveyed. Codey Illum, Perry City Planner stated that they tried to utilize the space the best they could with what they have in this area. Chairman Call asked if the same property owner owns the property on the other side of lot 9. Mr. Wilkinson stated that he does and that property will be a future phase. Commissioner Peterson stated that it looks like all the comments have been addressed. Commissioner Ostler asked if any financing would be done with this subdivision through the Bank of Utah. Mr. Wilkinson stated no.

**MOTION:** Commissioner Peterson moved to give concept approval for Suncrest Subdivision Phase 1. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Peterson yes Commissioner Gunderson yes

Chairman Call yes Commissioner Ostler yes

**Motion Approved:** 4 yes 0 no

1. **Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc.**
2. **Discussion/Action Regarding Large Animals in the Residential Zone.**

Chairman Call stated that the intention for this agenda item was to finalize any discussion and hopefully take action and make recommendation for approval to the City Council. She asked if anyone had questions or comments. Chairman Call stated this ordinance change eliminates the large animals in residential zones. Codey stated that the clarification that Staff has talked about is are we going to eliminate large animals in all of the residential zones. Chairman Call stated that the recommendation is to eliminate them in the RE1/2, R1/2, R1/3, R1, and R2. She said if they already have them in the non-permitted, use they will be grandfathered. Codey stated for example a person could have property in R1/2, R1, or R2 and they could have more than an acre and these large animals could be stricken. He stated that he wanted the Planning Commission to be aware of this. Commissioner Peterson asked if we have any of these situations in town. Codey stated that we have a few. He said in doing what he does every day he could see this as a potential unforeseen issue. Chairman Call stated that is why we had a public hearing on this is so the public can come and voice their concerns. Commissioner Peterson stated if we allow them then we allow them in the smaller residential zones and that is where you run into the problem. Chairman Call stated the way they may get around that is they can come in and request a zoning change on their piece of ground. Codey stated that the city would deny that based on our ordinance unless the master plan shows for it. He said we do not allow spot zoning.

 Commissioner Gunderson asked if there were any acreage restrictions regarding large animals and the quantity of large animals. Codey stated the way the ordinance reads now is in any of the “R” zones if you meet the threshold of 40,000 square feet you can have a large animal. He said by definition how many large animals you can have are by how many 20,000 square feet within that one acre. Codey stated if you have 2 acres you can have 4 large animals. Chairman Call stated that they would have to get a conditional use permit. Codey stated that in the land use chart there is some ambiguity because the land use chart does not allow it but by ordinance it does and that is what we are trying to clean up. Commissioner Gunderson asked if there have been any complaints by neighbors with neighbors that have large animals. Codey stated that the developer of Cherry Ridge was going to put large animals in the R2 zone next to the houses. He said here we are fixing the problem and no one is here to say they support it or they don’t support it. Commissioner Peterson stated the number of property owners that would meet this criteria with large acreage is so small compared to how it affects everyone else.

Commissioner Ostler stated on page two 15.07.020.5 the definition that corresponds with the land use chart should be R1/2 instead of R1. Chairman Call stated that it was a typo and it should be R1/2 instead of R1. Chairman Call clarified that we are removing the previous allowance on large animals in residential zones R1/2, R1/3, R1, and R2.

**MOTION:** Commissioner Peterson moved to approve and recommend to the City Council the changes made to the Ordinance regarding large animals in residential zones as stated. Commissioner Ostler seconded the motion. Roll call vote.

Commissioner Ostler yes Commissioner Peterson yes

Chairman Call yes Commissioner Gunderson yes

**Motion Approved:** 4 yes 0 no

1. **Discussion/ Action Regarding the Flag Lot Ordinance**

This agenda item was removed from the agenda and will be on the next month’s agenda.

1. **Discussion Regarding the PUD or Cluster Housing Ordinance**

Codey stated he asked the Planning Commission to think about if they wanted to continue the discussion on PUD’s or Cluster Housing. He said they need to think about if this is the way the City wants to go and to give Staff some time for them to start formulating that. He said he would like the Commissioners to give a yes or a no and then we can move forward. Mr. Westfall stated that the Planning Commission would have a discussion on the PUD or Cluster Housing Ordinance, then you move on and talk about the other agenda items for the next meeting and then you decide if you want to put it on the next agenda. Chairman Call stated if they decided not to put it on the next agenda then that means that they don’t want to talk about it anymore. Commissioner Peterson stated that he would feel better if they had the whole commission at the meeting to make the decision. He said he is of the opinion that we don’t want PUD’s or Cluster Housing because they cause some problems. Commissioner Gunderson stated that if we decided to discuss then we would formulate which zones we would want them in or allow them at all. He said if we choose to discuss them it doesn’t mean we necessarily want them but gives them the opportunity to discuss it. Commissioner Gunderson felt he wasn’t as informed as he thought he was to make a decision. He said for him if he says yes it gives him the opportunity to understand it better. Chairman Call stated it has been on our agenda several times and each time we get another example of another City’s PUD Ordinance and what it looks like. She said we need to get out of the turning mode and make a decision. She stated are we going to go and pursue this if not then we are done. If the answer is yes then we need to lay out some concrete action items such as who is going to take the lead and come to the next meeting with something we can start with. Commissioner Peterson stated he would like to hear what the staff has to say about PUD’s. Susan Obray stated that the City has had one request for a PUD in the last couple months and that has been the first request in several years. Codey stated that he has had many calls regarding PUD’s and he has had to say no. He said on Hwy 89 we have multiple PUDs. That is how they were put in place. He stated there is a demand for them with small families and that is what they can afford. He said if it is done right it is a good thing. We have to go the way the city wants us to. Greg stated if it’s going to be done, it will not be a quick thing. It is a long drawn out process to get it right and if it is done wrong it could create a place for crime to thrive. Commissioner Gunderson stated that our community is not a big community and he would rather not have them. Chairman Call stated that she is not in favor of them. She said we had three commissioners, Commissioner Peterson, Commissioner Gunderson, and herself that were not in favor of them.

1. **Discussion Regarding the Sign Ordinance**

Commissioner Peterson stated that they should have a copy of the sign ordinance with yellow highlights. He said he would like to give his opinion on the highlights and see if they are something we need to be concerned about. He stated that the ordinance has been cleaned up tremendously from what it was. Commissioner Peterson started with the definition of a billboard sign. He said “a billboard sign is a permanently fixed structure advertising an establishment. Merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located”. He stated that it does not reflect square footage in this definition. Commissioner Peterson stated that any sign that is a permanent sign and it is not on the property on which it is located as a billboard sign. He said there is a question about it later. Commissioner Peterson continued to page 3 of the definitions regarding Window Signs. He read “any poster cut out letters, painted text or graphics, or other text or visual presentation affixed to or placed within twelve inches behind a window pane which can be read from the exterior of a building.” He said there is nothing wrong with the definition, but on page 4 Window Sign Location states that no sign located in a window shall exceed twenty-five percent of the total area of the window through which they are visible.” He said why we regulate that, we are saying it can only be blocked by 25%. Commissioner Ostler asked if it was a security issue. Codey said we use that percent to regulate the amount of signage they can put in the window. He said there are police issues, building code issues, and security issues. He continued on page 5 “no sign shall be painted, pasted, or glued directly on any wall or roof. No permanent sign may be affixed directly on any wall or roof by means of any similar adhesive substance. No paper or cloth sign shall be tacked directly on to any wall or roof.” Codey stated the reason behind this is so that people can’t get a canvas, paint it and stick it on with tacks. Commissioner Peterson asked if that portion could be eliminated, because in his business he has plastic lettering on the front of the building. He said a person should be able to paint a sign on their building. Commissioner Peterson recommended that they strike all but “No paper or cloth sign shall be tacked directly on to any wall or roof. He continued to page 6, Sign Maintenance. He read, “Signs, “tagged” by malicious painting or marking shall be repaired within seven days.” He recommended 30 days. Commissioner Ostler suggested “as soon as possible, or no later than.” Commissioner Peterson continued on page 8 Directional Signs, (3) “must be consistent design, color, and size throughout the City.” He said if you put up a directional sign, do they all need to be the same. Codey stated a directional sign for example is a sign that tells people where a subdivision is. He said we don’t want signs out there that look like our detour signs; we don’t want people to be confused. Commissioner Peterson continued with page 9 number 6, Electronic Message Display. He read, “An electronic message center may not flash or scintillate except to change the displayed wording to different wording.” He said it is not just wording on the message boards. There are also visuals. Commissioner Peterson suggested changing this to “An electronic message center may not flash or scintillate except to change the display.” He continued to page 10 number 8 which states “An electronic message center located within five hundred feet (500’) of a residential zoned area, or as otherwise determined by the Planning Commissioner, may not operate between the hours of 10 o’clock p.m. and six o’clock a.m. of the following day.” Commissioner Peterson stated that our commercial area is 300 feet and suggested that it be changed to 300 feet. Greg Westfall suggested that when they see “or as otherwise determined by the Planning Commission” that it be stricken from the ordinance because we don’t want to be arbitrary and capricious. Commissioner Peterson continued to page 10 number 1 under Billboard Signs which states “No billboards are permitted along Hwy 89.” He said we have them everywhere. Codey stated that they are grandfathered and they can’t put any new ones in. Commissioner Peterson stated that we might want to change the definition of what a billboard sign is. Commissioner Ostler stated he had a question regarding the painting, pasting and gluing. He asked if there was anything in the ordinance that talks about the quality or keeping in good repair. Commissioner Peterson would recommend to staff to make the significant changes. Codey stated that he will talk to Malone in regards to the change of content.

Chairman Call stated that the Postmaster has asked if there are any provisions for mailboxes in the subdivision. Greg stated that they are going to cluster boxes instead of individual mail boxes. Susan stated that the developer will pay for the cluster boxes and show where they would like them on their plan. She said that once the developer has the plans, that show where the cluster boxes are it will be sent to the postmaster for approval. Codey felt we should not get involved in determining where the cluster boxes should go.

1. **Review Next Agenda (June 11, 2015) and Adjourn**
2. Public Hearing on the Flag Lot Ordinance
3. Discussion/Action on the Flag Lot Ordinance
4. Sign Ordinance (Greg & Codey work on this)
5. **Motion to Adjourn**

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