

**Perry City Planning Commission  
3005 South 1200 West  
7:00 PM December 10, 2015**

**Members Present:** Chairman Vicki Call, Vice Chairman Blake Ostler, Commissioner Toby Wright, Commissioner Tom Peterson, Commissioner Lawrence Gunderson, Commissioner Devin Miles.

**Members Excused:** Commissioner Travis Coburn and Commissioner Craig Pickett.

**Others Present:** Greg Westfall, Perry City Administrator; Codey Illum, Perry City Planner; Council Member Brady Lewis, Greg Hansen, Hansen & Associates; Russell Naylor, Lance Bryce, Shellie Bryce, Wendy Jensen, Kevin Rush, Brady Adams, Glen Thompson, Susan Obray, Minutes Clerk; Lani Braithwaite.

**1. 7:00 p.m.- Call to Order and Opening Ceremonies**

Chairman Call welcomed and called the December 10, 2015 meeting to order.

**A. Invocation-** Tom Peterson

Invocation was given by Commissioner Peterson

**B. Pledge Allegiance to the U.S. Flag-**Susan Obray

The Pledge of Allegiance was led by Susan Obray

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

There were no conflicts of interest.

**D. Review and Adopt the Agenda**

**MOTION:** Commissioner Gunderson moved to adopt the agenda.

Commissioner Peterson seconded the motion. All in favor.

**E. Approval of the November 5, 2015 Minutes**

Chairman Call requested that the November 5, 2015 minutes be put in the next months packet. Susan stated that she did not get them done in time to put in the packet.

**F. Make Assignments for Representative to attend City Council Meeting(s) (January 14<sup>th</sup> and January 28<sup>th</sup>)**

Commissioner Ostler will attend the January 14<sup>th</sup> meeting and Commissioner Miles will attend the January 28<sup>th</sup> meeting.

**G. Elect a Vice Chairman for the 2016 year and Recognize Blake Ostler as the incoming Chairman for 2016.**

Chairman Call stated that Commissioner Ostler will move into the Chairman position and the commission will elect a vice chairman for the 2016 year.

Chairman Call recognized Commissioner Tom Peterson and Commissioner Toby Wright as their last Planning Commission meeting and expressed her appreciation for their work on the Planning Commission.

Commissioner Ostler asked who the eligible candidates were. Codey Illum stated that Commissioner Gunderson is the only eligible candidate.

**MOTION:** Commissioner Gunderson moved to table the nomination for the Vice Chairman until the next meeting. Commissioner Wright seconded the motion. All in favor.

Commissioner Ostler asked if the alternate members will be permanent member by the next meeting. Greg Westfall stated that they will.

Commissioner Ostler recognized Chairman Call for her service as the Chairman of the Planning Commission for the past year.

**H. Approve the 2016 Meeting Schedule**

Chairman Call asked Commissioner Ostler to read the meeting schedule for the 2016 year. Commissioner Ostler stated that the meetings will be held the first Thursday of the month at 7:00pm.

**MOTION:** Commissioner Gunderson moved to approve the 2016 meeting schedule. Commissioner Miles seconded the motion. All in favor.

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

Council Member Lewis did not have anything to report.

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

**2. Approx. 7:10 pm Public Hearings and Public Comments**

**A. Public Hearing Regarding an Application for Quail Pointe Subdivision Phase 3 & 4 to Amend Lots 40,41,and 42, and create Lot 57, located approx. 1550 South Street in Quail Pointe Subdivision. Applicant: Lance & Shellie Bryce.**

Lance Bryce approached the Planning Commission and stated that he is here for the realignment of lot boundaries. He said the purpose of doing this is to consolidate all the lots into one for refinance purposes. Mr. Bryce stated that he got some advice that it might not be the best plan for them. He asked if they could table it until the next meeting and bring back a final decision regarding if this is a good decision for them. Mr. Bryce stated that he received some advice to combine the lots together but that actually takes the property values down instead of up. Greg Westfall stated that they would require another public hearing if they brought it back. Mr. Bryce advised they are not in that big of a hurry. Codey suggested moving forward with this and that way they won't have to redo it with the public hearing and the fees that are involved. Greg Westfall stated that they could move forward and get it

approved and choose not to record it. Codey Illum stated if they pull it now then the City would have to re-notice it and they would have to pay the fees again.

**Kevin Rush:** Mr. Rush stated that he lives in the Quail Pointe Subdivision and has no opposition to what the Bryce's want to do with their property.

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

**B. Public Comments**

None

**3. Land Use Applications**

**A. Preliminary/Final Recommendation to the City**

**Council/Application for Quail Pointe Subdivision Phase 3 and Phase 4 to Amend Lots 40,41,and 42, and create Lot 57, located approx. 1550 South Street in Quail Pointe Subdivision. Applicants: Lance & Shellie Bryce**

Chairman Call stated that the Bryce's would like to pull this off the agenda but they have options. Mr. Bryce is aware that he can go all the way through the process and get it approved and then not record it. Codey said if it is not recorded in 6 months then it is vacated and goes back to the original state.

Chairman Call asked what happens in the 6 months he chooses to do something different. Greg Westfall stated that he would have to come back to the Planning Commission with the new plan. He said until it is recorded he has to use the property the way it is. Mr. Westfall stated that this is Preliminary/Final approval. Chairman Call stated the Planning Commission would be recommending to the City Council for final approval. Codey stated that we would not proceed unless the Bryce's told us too. He said the city is fulfilling the law by holding a public hearing. Greg Westfall stated that they have 6 months from the January meeting when it goes to City Council to record it. Mr. Bryce asked that they move forward the way it is set out and then they can make a determination to record it later. He said that his plan is to leave the property the way it is right now. Mr. Bryce said that on one lot they have a volleyball court and on the other lot there is a garden. Chairman Call stated that the proposal that was brought before them was to combine three lots into one lot.

Mr. Bryce said that was the advice the people gave who were going to do the refinance on their home. He explained that they bought their house at the top

of the market in 2008. Chairman Call stated that is what they are asking the Planning Commission to approve tonight. She asked if there was a house currently on the property. Mr. Bryce stated that there was. Chairman Call asked where the drive way was into that lot. Mr. Bryce stated that it is an existing flag lot. He said he understands that when the subdivision was put in people were not very happy with the flag lot. Commissioner Gunderson suggested that they leave the lots separate. Chairman Call asked if the combination of the three lots would change the entrances. Mr. Bryce stated that it would not.

Commissioner Ostler had a question on #7 of the Engineering comments. He said it states "Sidewalk and other improvements not currently completed between lot 39 and the newly constructed Taylors Cove Subdivision should be required to be constructed as part of the Amendment." He said he did not know what that meant. Codey stated that there is an opening from Taylors Cove to lot 39. He said he bought the house built and moved in and then purchased the adjacent lots. Codey stated that Perry City does not authorize occupancy until the sidewalk is put in place, but because he already lived here the sidewalk was missed. He said we are asking the applicant (the Bryce's) to finish this little piece of sidewalk, and this would be a condition of their approval of the plat. The engineering comments were e-mailed to Greg Hansen their Engineer.

Greg Westfall stated that even if it is approved with that condition, it is something that you can take under consideration if it is approved. If it goes back to the way it was the access is still there. Commissioner Gunderson asked if they put the sidewalk in, do they lose their access. Codey stated that they would still have their access. There would not be an approach because there would not be a flag lot there anymore. Greg Westfall stated that he will not lose his access; he could pour an approach and driveway.

Codey said now that Taylor's Cove Subdivision is done, putting this piece of sidewalk in would complete the two subdivisions together. Commissioner Wright stated that if they decide not to record it, then he would not have to do the sidewalk. The Bryce's were given a copy of the engineering comments. Codey stated that all the engineering comments have been addressed on the updated plat.

**MOTION:** Commissioner Peterson moved to give Preliminary and Final approval and recommend it to the City Council for the Quail Pointe

Subdivision Phase 3 and Phase 4. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Ostler	Yes	Commissioner Wright	Yes
Commissioner Peterson	Yes	Commissioner Gunderson	Yes
Commissioner Miles	Yes	Chairman Call	Yes

**Motion Approved:** 6 Yes 0 No

Codey stated that if they want to move forward they can contact the City Office.

**B. Concept/Preliminary Application for Perry Car Wash located at 2235 South Hwy. 89.**

Russ Naylor with Nichols & Naylor Architects said he is the architect for the project and is representing John White. Mr. Naylor stated that the project is located at 2235 S Hwy 89 just north of the Perry Maverik. Mr. Naylor advised that this project is designed to have a one direction flow, so they enter in the back of the building and loop around and they will decide if they want to enter the automatic car wash bays or if they will do self serve. He said they have pay stations out front so that they can pay before they enter the automatic wash bays. Mr. Naylor stated that there will be coin machines so that they can get coins for the self serve wash bays. He explained that there will be 4 vacuums lanes out front. Mr. Naylor advised that there is a huge landscape strip in the front and landscaping on the north side and the back side of the property. He said they know that they have to do a solid fence down along the north property line with the trash enclosure in the back corner so it would be out of the way. Mr. Naylor stated that he had some discussion with Brett Jones, Perry City Engineer and did receive the comments from him in reference to the site plan. He said unfortunately because of the dimensions of the property they don't have a lot of flexibility where they put the driveway for the entry and the exit. Mr. Naylor stated that the driveway for the Maverik is offsetting. He said he would hope that the Planning Commission would work with them understanding that this is a one direction flow. The comments have been made that a lot of the Maverik customers might want to come across the street to get their car washed. Mr. Naylor stated that the equipment that will be installed is the latest equipment and easy to maintain. He said their client operates 2 other wash facilities. One in Logan and one in Hyde Park. Mr. Naylor said that the car wash in Logan is south of the new Wal-Mart as you enter into town. He stated that the other one is on the north end in Hyde Park

next to the Maverik. Mr. Naylor reported that they do an excellent job providing an outstanding car wash for a very reasonable price.

Commissioner Gunderson asked if they have contacted UDOT. Mr. Naylor stated that they are asking for access off of a city street, so they would not be required to get UDOT's approval. Commissioner Gunderson asked about the water capacity and where the water would go. Mr. Naylor stated that they will reclaim the water at 80% of the water that is used, and it is very efficient. He said that the water would flow out of the car wash and into the pre-treatment facility, and into a sand & oil separator to eliminate any oil or sand before it goes into the sewer system.

Codey stated that the building code stipulates oil separators and they have to be sucked out so often so that our sewer system won't be impacted with the oil & sand. Mr. Naylor stated that all of the soaps from the car wash are biodegradable. Codey stated that the Architect will let them know what size water meter they will need and that will determine what the sewer impact fee is. He said the building code and ordinance will take care of that aspect of it.

Chairman Peterson asked about the detention basin and if it was going to stay on the west part of the property. Mr. Naylor stated that it will stay like it is. Commissioner Peterson asked if they are going to maintain it. Mr. Naylor stated that it is on their property and so they will maintain it. He said that they will be landscaping it. Mr. Naylor said that they don't do anything in the bottom of the basin other than cobble rock. Commissioner Peterson stated that there is grass in the bottom of the basin now. Codey Illum stated that there is a 3 inch orifice in the bottom and it always has water in the bottom of it because it is actually built the way it is supposed to be.

Mr. Naylor said with his experience, if there is grass in the bottom the grass typically does not last very long, so that is why they put cobble rock in the bottom so those few times that there is not water it will look good. Greg Westfall stated the only city requirement is that it is landscaped. Chairman Call asked about routing the traffic to go in and out at the farthest entrance to the east. Mr. Naylor stated that if they allowed him to remove the landscaping, he could make it wider along the south side. Greg Westfall stated that generally when you have traffic that makes a left hand turn into a business, you want them to do that the farthest away from the main highway as possible. Mr. Naylor stated that they will enter in at the farthest entrance and exit out by the vacuums. Chairman Call stated that they could widen the far east entrance and make it ingress and egress. Mr. Naylor stated that the

flow is much more efficient for them when the traffic enters in the far east and exits out by the vacuum area. Commissioner Peterson stated that in order to access the vacuums they will have to access the car wash. Mr. Naylor stated that was correct. Commissioner Peterson stated that a lot of people won't do that. He said they will enter in the entrance and go directly to the vacuums. Mr. Naylor stated that we can't preclude that from happening. He said they have made it wide enough in case that happens. Glen Thompson, the Contractor for the project, stated that on their Logan carwash they have cameras on the inside and outside of the building. He said there is less than 1% that visit the vacuums. Commissioner Peterson asked if they only wanted to vacuum they could go out the self serve bays. Mr. Naylor stated that they could. Commissioner Peterson asked if all the bays had garages on them. Mr. Naylor stated that the automatic washes will have door but the self serve bays will not. Mr. Naylor stated that all of the concrete pads have a snow melt system, they are all heated and so there would be no ice ever.

Chairman Call asked about the lighting. Mr. Naylor advised that the lights are all LED Lights. He said there are some down lights in the soffits, some decorative wall lights and recessed lights in the ceiling. He said that there will be canopy lights by the vacuums to provide lights for those who are vacuuming their vehicles in the evening hours. Mr. Naylor stated that everything else is recessed so there will light on the ground and on the walls.

Commissioner Peterson asked if it was a 24/7 operation. Mr. Naylor stated that it will be a 24/7 operation. Chairman Call asked if there will be an attendant at the site. Mr. Naylor advised there will be a part time attendant during the peak hours and there will be someone there to wash off the floors. Commissioner Peterson stated that it is a service we need and is in a very good location.

Commissioner Gunderson asked where the Maverik exit is in comparison to their project. Mr. Naylor stated that it is about half way between the exit and entrance on their project. Codey Illum stated that Perry city allows offsetting. Chairman Call asked what they were going to have for their landscaping. Mr. Naylor stated that it is his understanding that they have to landscape with live planting. He said if you would allow them they would do the hybrid system with some decorative gravel. Greg Westfall stated that our ordinance states that they have to have 15% of the property landscaped. Mr. Naylor stated that they will have 30% of the property landscaped. He asked if the other 15% could be xeriscape landscaping. Codey stated that it could.

Codey stated that the City require scrubs, bushes, and trees. Mr. Naylor said he knows that he will be working with the Planning Commission in regards to the landscape plan. Commissioner Ostler asked if this was in the NC2 zone. Codey stated that it is. Commissioner Ostler stated the land use chart says that it is a conditional use in that zone. He said our ordinance provides a process for a conditional use. Commissioner Ostler advised that ordinance 15.29 has various standards for review as well as conditions of use that we ought to review as a Planning Commission with respect to conditional uses. He asked who approves this for final. Commissioner Ostler stated that the ordinances are conflicting. He said that part of the ordinance states that they need to have a 25 foot buffer between any residential properties. Mr. Naylor stated that it was his understanding that the piece to the north is not residential and that it is all commercial. Codey confirmed that it is commercial.

Mr. Naylor stated that Brett Jones, City Engineer, stated this project in this zone was subject to review and approval by the Planning Commission and the building is way off of the 25 foot line and this was something that the Planning Commission could approve. Commissioner Ostler stated that there is a part of our ordinance that addresses UDOT approval and must be obtained prior to Planning Commission final approval. Codey explained that is only if you access the business from Hwy 89. This business has no access to Hwy 89. Commissioner Ostler asked if the NC2 zone allowed for a 24/7 operation. Codey stated that would be a condition that you would have to address. Codey stated that Maverik is open 24/7 and The Sinclair Gas Station when they were open was also open 24/7.

Commissioner Ostler advised that he went and looked at the property and was concerned that cars would be backed up to the access point. He asked how many cars could conceivably stack up in there and not encroach on the road coming in. Mr. Naylor advised that they figure one car for every 20 feet. He felt that they could get 8 or 9 cars in one lane by the time they got back to the street. Mr. Thompson stated that there are 4 lanes. Commissioner Ostler stated that they could have 8 to 9 cars per lane stacked within that area. Mr. Naylor explained that the car wash is about 3 to 4 minutes and so they won't be waiting in line too long. Glen Thompson stated that the Logan car wash is the busiest car wash. He said the company is professional that they hired to review sites and they are nationwide. He said we are one of the top car washes in the nation. Mr. Thompson advised that the traffic flow in Logan is pretty heavy and they have never had back up of cars out in the street for the past 6 years that they have been in operation. Chairman Call stated that this



is on the agenda for Concept/Preliminary approval and we have just learned that with a car wash we need a conditional use permit. She said by giving approval for Concept/ Preliminary are we automatically inferring that we would approve a conditional use permit.

Codey Illum stated for a conditional use permit we have to have a public hearing and we can do that at the final approval level. Codey explained that we don't want to hold them up and so we can give them approval tonight and hold a public hearing at the final level. He said at the next meeting they can hold the public hearing and put any conditions on that we talked about tonight. Greg Westfall stated we are giving concept and preliminary acceptance based on the fact that a conditional use permit will be issued. He said the public hearing can be held at the next meeting and the conditions that they want to be considered at that point can be put in place.

Greg stated that if there is more discussion at the next meeting and the Planning Commission does not want to give final approval, then they can give final approval at the next meeting. Chairman Call asked if the public hearing would be for the preliminary or for the final. Greg Westfall stated that the public hearing is for the public to give comment on the project itself. It can be done anytime and could be given at the city council level. Greg Westfall stated that the only way that this project would be held up is if there were a lot of public concerns that would make the planning commission pause and make you wonder about conditional restrictions. Codey stated that it is an approved use with conditions and so we can't deny it because it is allowed. He said the only thing we can do is put reasonable conditions on it. Mr. Naylor asked if the Planning Commission is the land use authority for the conditional use permit. Chairman Call stated that the Planning Commission recommends to the City Council with the recommended conditions. Greg Westfall stated that our City Council is the final land use authority.

**MOTION:** Commissioner Gunderson moved to approve Concept/Preliminary with the condition that it does not imply that the conditional use permit will be issued. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Ostler stated that they want to make sure that it allows for the conditions to be applied as deemed necessary. Chairman Call stated that they will have to come before us with an application for a conditional use permit.

Commissioner Miles stated that once it is approved they can set conditions and we can't deny anything at all. Codey stated that was correct. He said that the conditional use permits are re-visited every year.

Commissioner Peterson	Yes	Commissioner Ostler	Yes
Commissioner Miles	Yes	Chairman Call	Yes
Commissioner Gunderson	Yes	Commissioner Wright	Yes

**4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc.**

**A. Discussion Regarding the Large Animal Ordinance**

Chairman Call stated that regarding the Large Animal Ordinance. She said we have received new information that will help them and it needs to be considered in helping the Planning Commission to move forward with this. She said Greg Westfall is going to work with that information and put it in paper form. Chairman Call stated that with this update there is nothing more to discuss until he brings that to us next month. Greg stated that the information will help the Planning Commission define what they want.

**5. Review Next Agenda and Adjourn**

**A. Review Agenda Items for Thursday, January 7, 2016**

- (1) Large Animal
- (2) Elect a Vice Chairman
- (3) November 5, 2015 minutes
- (4) City Center Subdivision

**B. Motion to Adjourn**

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