

**Perry City Planning Commission  
3005 South 1200 West  
7:00 PM June 2, 2016**

**Members Present:** Chairman Blake Ostler, Commissioner Vicki Call, Vice Chairman Travis Coburn, and Commissioner Devin Miles (7:50 pm)

**Members Excused:** Commissioner Craig Pickett and Commissioner Lawrence Gunderson

**Others Present:** Greg Westfall, Perry City Administrator; Susan K. Obray, Minutes Clerk; Rich & Kim Jenson, David Thompson, Win Scott, and Brian Carver with the Bear River Association of Governments

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

Chairman Ostler welcomed and called the June 2, 2016 meeting to order.

**A. Invocation-** Blake Ostler

Invocation was given by Chairman Ostler.

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

The Pledge of Allegiance was led by Susan K. Obray.

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

Conflicts of interest will be addressed on each item. None noted.

**D. Review and Adopt the Agenda**

**MOTION:** Commissioner Call moved to adopt the agenda. Vice Chairman Coburn seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Coburn Yes

Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

**E. Approval of the May 5, 2016 Minutes**

Chairman Ostler recommended several changes to the minutes.

**MOTION:** Vice Chairman Coburn moved to approve the May 5, 2016 minutes with the corrections. Commissioner Call seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Coburn Yes

Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

**F. Make Assignments for Representatives to attend City Council**

Meeting(s)(June 9, 2016 and June 23, 2016)

Commissioner Call will attend the June 9, 2016 City Council Meeting. Susan Obray will e-mail the Commissioners to see who can attend the June 23, 2016

City Council Meeting.

**2. Approx. 7:10 p.m. Public Hearings(If Listed Below) and Public Comments**

**Rules: (1) Please speak only once (maximum of 3 minutes) per agenda item. (2) Please speak in a courteous and professional manner. (3)**

**Do not speak to specific member(s) of the Planning Commission, staff, or public (please speak to the Chair or to the Commission as a group). (4) Please present possible solutions for all problems identified. (5) Action may not be taken during this meeting if the item is not specifically on the agenda. (6) A brief explanation will be provided before each public hearing.**

**MOTION:** Commissioner Call moved to close the regular meeting and enter into the public hearings. Vice Chairman Coburn seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Coburn Yes

Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

**A. 7:10-Public Hearing Regarding Evans Canyon One Lot Subdivision, located on 100 West Ansley Subdivision, parcel no. 03-220-0046 in Perry.**

Greg Westfall, Perry City Administrator stated that Perry City owns a detention basin in Ansley Subdivision. He said that there is a larger detention basin being built on Hwy. 89 that will take this detention basin off line as well as three other basins. Greg stated that the City is asking for final approval to turn that into a buildable lot. He said Cory Summers and Steven Hoyt have talked to the City Staff about different options and are aware that the city is moving forward with final approval of this lot.

There was no public comment.

**B. 7:15-Public Hearing Regarding Foot Zone Therapy a home business with visiting clientele, located at 50 East 1550 South in Perry. Applicant, Kimberly Jenson.**

Kimberly Jenson stated that she just completed a 9 month Foot Zone course. She said that she wanted to have a business license to do it out of her home. She had a fire inspection today and the Planning Commission each received a copy of the inspection prior to the meeting.

There was no public comment.

**MOTION:** Vice Chairman Coburn moved to close the public hearings and open the regular meeting. Commissioner Call seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Coburn Yes

Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

c. **Public Comments**

There was no public comment.

3. **Land Use Applications**

**Rules: (1) Documentation must be submitted to planning staff 2 weeks in advance and there is a 2 week waiting period to be on the next City Council Agenda. (2) The applicant or a representative must be present for action to be taken.**

A. **Final Approval and Recommendation to the City Council for Evans One Lot Subdivision, located 100 West Ansley Subdivision, parcel no. 03-220-0046 in Perry.**

Commissioner Call stated that it meets all of the city ordinances. Vice Chairman Coburn asked if it would have improvements. Greg Westfall stated that it would be a fully developed lot. Chairman Ostler asked if there were any Engineer comments. Greg stated that our City Engineer did have comments at the last meeting. Chairman Ostler asked about a grade requirement and if it was added on the plat. Greg stated that it will be done at the building permit phase. Chairman Ostler asked about the other 3 detention basins and would the Planning Commission see other applications such as this. Greg Westfall replied that one basin was not built, one is in the open space in the HOA, and the other basin is in the back corner of a property. Greg stated that they are very small basins.

**MOTION:** Commissioner Call moved to recommend to the City Council the Evans Canyon One Lot Subdivision located on 100 West Ansley Subdivision in Perry. Vice Chairman Coburn seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Coburn Yes

Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

B. **Business License Approval for Foot Zone Therapy a home business with visiting clientele, located at 50 East 1550 South in Perry. Applicant, Kimberly Jensen.**

Vice Chairman Coburn said he thought these types of businesses were approved by Administration. Greg Westfall stated that they are but this one has visiting clientele. Commissioner Call asked what the hours of operation would be. Mrs. Jensen replied that she just graduated and so right now she has three clients. She said they would come once a month or once every six weeks. Mrs. Jensen stated that she would like to do this while her children are in school and possibly some evenings. She said right now she has been seeing them during the day. Commissioner Call asked how late into the

evening would she take clients. Mrs. Jenson stated that she would take clients no later than 7:00 p.m. Commissioner Call stated that the ordinance states until 9:00 p.m. Commissioner Call stated would the one client at a time park in the street. Mrs. Jenson replied that she has a really big driveway and they could park there. She said that she could fit 4 to 5 cars if she needed to. Commissioner Call asked if she was going to have a sign for advertisement. Mrs. Jenson stated that she was not going to have a sign. Chairman Ostler asked how long a client visit was. Mrs. Jenson stated that they are one hour. Chairman Ostler stated that she could have three of those a day. Mrs. Jenson stated that she could have three a day or more. Commissioner Call asked if she would have a separate entrance or would they come through her front door. Mrs. Jenson stated they would come through the front door and there is a room right off the front door.

**MOTION:** Vice Chairman Coburn moved to approve the Foot Zone Therapy business license for Kimberly Jenson. Commissioner Call seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Coburn Yes

Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

**c. Business License Approval for Zeppes Italian Ice and Custard (Food Truck), Applicant, David Thompson and Win Scott.**

David Thomson stated that he has spoken with Kevin Valcarce of Valcarce's Fruit Stand and he is willing to let them park their truck at his stand in the parking lot. They have a written agreement that was forwarded to the Planning Commission members. He said the days and hours would be Monday thru Saturday 10:00 a.m. to 11:00 p.m. Mr. Thompson stated that they are not planning on being there every day at the moment. He said they would put it on social media to let people know when the truck will be available at the location and hopefully build a clientele from that. He said currently this is their first food truck and they are still working the bugs out. Mr. Thompson stated that Winn has a franchise in Ogden. Mr. Thompson stated that they would like to some day in the future have a permanent business in the city.

Commissioner Call asked which Valcarce Fruit Stand. Susan Obray stated that it was Paul's Patch. Mr. Thompson stated that he will be putting his Food Truck on the south end of the graveled parking lot. Commissioner Call asked if they requested 11:00 p.m. Mr. Thompson replied that they did request to stay open until 11:00 p.m. and that would be the latest. He said it would vary

depending on how popular it is. Commissioner Call stated that Perry City Ordinance states 9:00 p.m. so that would be a condition that the Planning Commission would have to allow. Mr. Thompson asked what businesses the ordinance applies to. Chairman Ostler stated that it applies to businesses adjacent to residential areas. Commissioner Call stated that there is residence next to Paul's Patch Fruit Stand. Commissioner Call asked if they were going to supply garbage receptacles. Mr. Thompson stated that they would have a garbage can available. He said they would do their part to keep it clean.

Vice Chairman Coburn asked if this was the only place they would park their truck. Mr. Thompson stated that they have different events they will attend and have a second truck coming online in a little while. He said this truck will not be in Perry every night to start with. He said they are trying to build a substantial base of clients. Vice Chairman Coburn asked if they were going to park the truck over night. Mr. Thompson replied hopefully sometime in the future it may happen. He said they need to get the power situation worked out; they do not want the generator running all night. Commissioner Call asked if they had all of their permits. Mr. Thompson stated that he has approval from Weber County Health Department. He said before they start serving in Box Elder County they will get a permit from Bear River Health Department. Greg Westfall stated that a business license will not be issued until he has a permit from the health department. Greg stated that the approach the City is taking on Food Trucks is that we approve the place they do their business. He said that if they wanted to go to additional places in the city they would have to come before the Planning Commission again for approval. Greg Westfall expressed his concern regarding the hours until 11:00 p.m. and the generator running. Mr. Thompson stated that the noise is less than the traffic noise from the highway. He compared it to a diesel truck idling and they are not as noisy as that. Vice Chairman Coburn stated that he drives a refer truck and the refer sounds just like the generator.

Commissioner Call stated that the house sets back from the highway but the truck will be next to the house and they will hear it. Vice Chairman Coburn stated that his only concern was the noise from the generator. Mr. Thompson stated that the clientele will frequent them after a movie; a movie gets out at 9:00-9:15 p.m. Mr. Thompson stated that if there are complaints the business can be kicked off at any time. Vice Chairman Coburn is concerned about the hours of operation, and after 9:00 p.m. it is a no go. Vice Chairman Coburn asked what time can people call and complain. Greg Westfall stated that the police at night would take care of the complaints. Commissioner Miles had a concern with the hours. He asked what our

ordinance was. Chairman Ostler stated that it is until 9:00 pm. Vice Chairman Coburn stated that even with permanent power he still would not like to see the truck stay overnight. He felt that changes it enough that they should come in and reapply, because you are making it a permanent place for a business. Greg Westfall stated that Food Trucks are not listed on the land use chart and we don't have an ordinance that takes care of it. He said there is a concern of having two permanent businesses on one parcel. Mr. Thompson stated that they will be there from the end of March to the middle of October.

**MOTION:** Vice Chairman Coburn moved to approve Zeppe's Italian Ice Food Truck business license with the conditions that the truck is not left overnight at the location and that when they get permanent power they will reapply for a business license and will be allowed to operate the hours of 10:00 a.m. to 11p.m. Commissioner Call seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Coburn Yes

Chairman Ostler Yes

Commissioner Miles Yes

**Motion Approved:** 4 Yes 0 No

**4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc.  
-Recommendation to the City Council  
Discussion Regarding Conditional Use Permits**

**5. Training**

**Training by Bear River Association of Governments (BRAG) on the General Plan**

Brian Carver with the Bear River Associations of Governments did a presentation on the General Plan and the process. He said that the BRAG office is willing to help City's do their General Plan and handed out two General Plans from two different cities for the Commissioners to review. (Presentation attached to the minutes).

**6. Review Next Agenda and Adjourn**

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

(1) Land Use Chart Discussion Regarding the Agricultural Uses and Residential Uses

(2)

**B. Motion to Adjourn**

**MOTION:** Commissioner Call moved to adjourn. Commissioner Miles seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Coburn Yes

Chairman Ostler Yes

Commissioner Miles Yes

**Motion Approved:** 4 Yes 0 No