

**September 21, 2017
Planning Commission Meeting
3005 South 1200 West Perry UT 84302
7:00 p.m.**

Commissioners Present: Vice Chairman Devin Miles, Commissioner Blake Ostler, Commissioner Tresa Peterson, and Commissioner Stuart Grover.

Commissioners Excused: Chairman Travis Coburn and Commissioner Vicki Call

City Staff Present: Greg Westfall: Perry City Administrator and Susan K. Obray: City Recorder

Others Present: Shalon Hadfield, Mr. & Mrs. David Yates, and Jim Flint

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

A. Invocation-

Commissioner Peterson gave the invocation.

B. Pledge of Allegiance to the U.S. Flag-

Greg Westfall led the Pledge of Allegiance.

C. Declare Conflict of Interest, if any-

None

D. Review and Adopt the Agenda-

MOTION: Commissioner Grover moved to adopt the September 21, 2017 Planning Commission Meeting agenda as written. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Peterson, Yes

Commissioner Ostler, Yes

Commissioner Grover, Yes

Vice Chairman Miles, Yes

Motion Approved: 4 Yes 0 No

E. Approval of the Minutes

(a) June 1, 2017 Regular Meeting

MOTION: Commissioner Grover moved to approve the June 1, 2017 Regular Meeting Minutes. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Peterson, Abstain

Commissioner Ostler, Yes

Commissioner Grover, Yes

Vice Chairman Miles, Yes

Motion Approved: 3 Yes, 0 No, 1 Abstain

(b) July 6, 2017 Regular Meeting

Commissioner Peterson and Commissioner Ostler found that their changes had not yet been incorporated into the minutes. Due to this these minutes were tabled.

(c) August 3, 2017 Work Session

MOTION: Commissioner Peterson moved to approve the August 3, 2017 Work Session Minutes. Commissioner Ostler seconded the motion. Roll call vote.

Commissioner Peterson, Yes

Commissioner Ostler, Yes

Commissioner Grover, Yes

Vice Chairman Miles, Yes

Motion Approved: 4 Yes, 0 No

(d) August 3, 2017 Regular Meeting

MOTION: Commissioner Peterson moved to approve the August 3, 2017 Regular Meeting Minutes. Commissioner Grover seconded the motion. Roll call vote.

Commissioner Peterson, Yes **Commissioner Ostler, Yes**
Commissioner Grover, Yes **Vice Chairman Miles, Yes**

Motion Approved: 4 Yes, 0 No

(e) September 7, 2017 Work Session

MOTION: Commissioner Grover moved to approve the September 7, 2017 Work Session Meeting Minutes with the noted corrections. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Peterson, Yes **Commissioner Ostler, Yes**
Commissioner Grover, Yes **Vice Chairman Miles, Yes**

Motion Approved: 4 Yes, 0 No

F. Make Assignments for Representative to Attend City Council Meetings (September 28, 2017).

Commissioner Grover stated he would be able to attend the September 28, 2017 City Council Meeting.

Commissioner Peterson stated she attended the last City Council Meeting and informed them about the public hearing for this evening.

2. Public Comments and/or Public Hearings

Greg Westfall explained that the Civic and Recreation Zones will zone government-owned property (such as schools, office building, parks, etc.).

MOTION: Commissioner Grover moved to close the regular meeting and open the public hearing for the Civic and Recreation Zones. Commissioner Ostler seconded the motion. Roll call vote.

Commissioner Peterson, Yes **Commissioner Ostler, Yes**
Commissioner Grover, Yes **Vice Chairman Miles, Yes**

Motion Approved: 4 Yes, 0 No

A. Public Hearing Regarding the Civic & Recreation Zones

No Public comment received.

MOTION: Commissioner Grover moved to close the public hearing and reopen the regular meeting. Commissioner Ostler seconded the motion. Roll call vote.

Commissioner Peterson, Yes **Commissioner Ostler, Yes**
Commissioner Grover, Yes **Vice Chairman Miles, Yes**

Motion Approved: 4 Yes 0 No

B. Public Comments

No Public comment received.

3. Land Use Applications

A. Concept Application for Yates Townhomes, Applicant: David Yates & Gary Walker, Location: 2790 S & 2800 S Hwy 89 Perry, UT 84302, Parcel # 02-029-0057 and 02-029-0025

Greg Westfall stated this application was discussed at length in the prior Planning Commission Work Session on September 7, 2017. He explained in this meeting there were some questions for the City Attorney regarding this application. He stated the City Attorney has responded to these questions and hoped all the Commissioners received those responses (via email).

Mr. Westfall stated the City Attorney felt that this application was allowable per the Infill Development Ordinance. Mr. Westfall stated he felt there is ambiguity with the Infill Development Ordinance, however, he feels the application fits the intent of the Infill Development Ordinance and recommends it for approval.

The applicant's representative Jim Flint explained the two options for this application. He stated he felt it will be a great asset to the City and he feels it is compatible with the current use of the area. He explained the parking lot entrance is placed where it is to avoid crowding the other intersections in the area.

Commission Peterson inquired about the irrigation placement.

Mr. Flint confirmed that it runs along the west side of the property which is adjacent to the street 1000 west.

Commissioner Grover inquired the proposed height of the town homes.

Mr. Flint stated they had not made a decision on that at this point in the process.

Commissioner Grover reviewed and clarified the City Codes in regards to this application, especially in regards to the parcel size of the two options presented.

Commissioner Ostler agreed with Commissioner Grover's insights on the parcel size.

Mr. Westfall stated he felt in this application the parcel size differences in the two options are not outside of City Codes. He explained he felt the letter of the law of this ordinance is keeping it at a 1 acre lot but the spirit of the ordinance would allow for the 1.156 acre lot option. He said it is up to the Commission to decide which option they feel best fits the City Codes, and it won't really affect the applicant either way because the .156 part of the acreage is a small undevelopable area.

Commissioner Ostler inquired if all the Commissioners were able to read the letter from the City Attorney. He said he saw the City Attorney's answers to the Commission's initial questions but did not see his own follow-up questions in the letter.

Mr. Westfall apologized for this and said that they should've been in the letter as well as the answers.

The Commission and Staff reviewed and clarified this letter from the City Attorney.

Commissioner Ostler reviewed the City Code regarding Land Use and how it applies to this application. He explained his major question was if the current trailer homes are considered as multi-family residential use.

Mr. Westfall stated the answer to this (from the City Attorney) is yes because there are multiple trailers on a single parcel. If there had only been one trailer on a single parcel the City Attorney may have answered differently.

Commissioner Ostler said this clarification met his major concern at this time regarding this application meeting City Codes.

The Commission and Staff agreed upon having the Conditional Use Permit for this application ready by the Preliminary Approval of this application.

Mr. Westfall stated the City has a responsibility to this applicant of allowing them to move forward if they approve this concept.

Commissioner Ostler inquired if all the City Codes are feasible to be met (regarding size of structures, frontage, setbacks, utilities, etc.)

Mr. Westfall explained as far as he knows they should be able to meet all these requirements and that it is the applicant's responsibility to do so.

Commissioner Ostler inquired if it would be possible to have the City Council be given the concept applications for review, so the Planning Commission and City Council can have a better understanding of each other's stand points on these applications.

Mr. Westfall explained it's not the current process but the Planning Commission could move in that direction if they felt it was in the best interest of the City. He expressed he personally was not sure if it would be in the best interest of the City.

Commissioner Ostler inquired if it would be better to create a memorandum with a checklist regarding the Concept Application which could be given to the City Council, as well as everything else at Recommendation of Final Approval from the Planning Commission.

Mr. Westfall stated he felt this would be a better option for the City, explaining it would inform the City Council of what the Planning Commission has done regarding applications without slowing down the process of approving these applications.

Commissioner Ostler asked for clarification on the multiple applicants appearing on the application.

Mr. Westfall explained Gary Walker is the current owner of the property and is trying to sell this property and David Yates is developing the property.

MOTION: Commissioner Peterson moved to approve the Concept Application for Yates Townhomes based on Option 2 with the stipulation of 1 acre project size, located on 2790 S & 2800 S Hwy 89 in Perry UT. Commissioner Grover seconded the motion. Roll call vote.

Commissioner Peterson, Yes **Commissioner Ostler, Yes**
Commissioner Grover, Yes
Vice Chairman Miles, Yes

Motion Approved: 4 Yes 0 No

4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc. -Recommendation to the City Council.

A. Discussion/ Action Approval and Recommendation regarding the Conservation Subdivision Ordinance

Commissioner Ostler stated the presented document has three colors: green (first round markup) orange (second round markup) and red (third round markup). He explained all these markups have been reviewed and seen by the Commission. He explained there are a few changes which have since been made.

Commissioner Grover reviewed these minor changes with the Commission and Staff page by page.

Commissioner Ostler inquired when the City Council could put this on their Agenda.

Mr. Westfall stated he felt they could probably get it on the first meeting in November, for sure by the second week in November. He explained they would need to speak to the Mayor and explain they would like to present this proposed ordinance to the City Council and have that presentation put on the agenda.

Vice Chairman Miles urged as many Commissioners who can to attend to show support of this proposed ordinance moving forward.

MOTION: Commissioner Ostler moved the Planning Commission recommend to the City Council for approval Perry City Ordinance 17-J regarding the Conservation Subdivision Ordinance. Commissioner Grover seconded the motion. Roll call vote.

Commissioner Peterson, Yes **Commissioner Ostler, Yes**
Commissioner Grover, Yes
Vice Chairman Miles, Yes

Motion Approved: 4 Yes 0 No

Vice Chairman Miles thanked Commissioner Grover and Commissioner Ostler for all their work on this ordinance.

5. Discussion

A. Discussion/Action on the Civic and Recreational Zone

Commissioner Grover inquired if there were any other changes being made other than those which were discussed.

Commissioner Ostler stated he had implemented those changes the Commission discussed at its last meeting, and that no other changes have been made. He believed this item would be ready for a Discussion/Action item at the next Planning Commission meeting. He stated he is currently going through the existing City Codes to make sure this proposed ordinance doesn't conflict with any of them.

Commissioner Grover inquired what happened to the Telecommunication Tower which started this process of creating Civic and Recreation Zones.

Mr. Westfall said they are moving forward with development.

B. Discussion on the Business License Process

Commissioner Ostler stated he has a document that reviews the Business License Process for those (home occupation) businesses with visiting clientele. He inquired how the Commission wants to move forward.

Mr. Westfall interjected to his understanding the State has now mandated that Home Businesses can no longer be charged with a fee for their application.

Commissioner Ostler inquired if anyone would like to team up with him as he works on this or he can continue working on it on his own. He stated there are some conflicts within the current process that need to be addressed and adjusted.

Vice Chairman Miles volunteered to assist him with this document.

C. Discussion on the Subdivision Ordinance

Commissioner Ostler explained he would like to clarify what the Planning Commission role is in final approvals of subdivisions.

Mr. Westfall stated that in other Cities the Planning Commission, not city councils approve subdivisions.

Commissioner Ostler inquired how the City Council currently approves subdivisions and if they are able to fully discuss them.

Mr. Westfall stated he felt it is difficult for them to fully discuss them because they haven't been part of the approval process. He explained in other cities generally the Planning Commission is the final authority on business license approvals and subdivision approvals. He explained the way Perry City the ordinances are currently written does not allow for this approach, however, he strongly suggested moving in this direction of having the Planning Commission be the final approval authority for business licenses and subdivision applications.

6. Training

A. None

7. Review Next Agenda and Adjourn

- Discussion/Action item for Civic and Recreational Zone
- Discussion item who is Land Use Authority/ Final Approval Process
- Discussion item What Makes a Planning Commission Quorum
- Preliminary Approval for Yates Townhomes
- Discussion item on Business License Process

A. Motion to Adjourn

MOTION: Commissioner Grover moved to adjourn.

Motion Approved: All Commissioners were in favor.