

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

**Members Present:** Chairman Blake Ostler, Commissioner Vicki Call, Commissioner Devin Miles

**Members Excused:** Commissioner Craig Pickett, Commissioner Lawrence Gunderson, and Commissioner Travis Coburn.

**Others Present:** Codey Illum, Perry City Planner; Susan K. Obray, Minutes Clerk; Russ Naylor, David Matthews, Holly Matthews, Trent Richards, Cody Richards, Boyd Montgomery, Shara Holt, Jim Flint, Stuart Grover, Lisa Hall

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

Chairman Ostler welcomed and called the April 7, 2016 meeting to order.

**A. Invocation-** Devin Miles

Invocation was given by Commissioner Miles.

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

The Pledge of Allegiance was led by Chairman Ostler.

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

Conflicts of interest will be addressed on each item.

**D. Review and Adopt the Agenda**

Chairman Ostler asked that agenda item #5 be removed from the agenda and put on a future meeting agenda. Commissioner Call asked if there were enough Commissioners that would be able to attend the City Council meeting on April 28<sup>th</sup> with regards to the Large Animal Ordinance which will be on the agenda. Chairman Ostler stated that he would be there and also Commissioner Miles.

**MOTION:** Commissioner Call moved to adopt the agenda with agenda item #5 removed. Commissioner Miles seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Miles Yes

Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

**E. Approval of the March 3, 2016 Minutes**

Chairman Ostler stated that there is one change on item 1 to change the date to March 3, 2016 instead of February 4, 2016.

**MOTION:** Commissioner Miles moved to amend and approve the minutes for the March 3, 2016 minutes. Commissioner Call seconded the motion.

Roll call vote.

Commissioner Call Yes

Commissioner Miles Yes

Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

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

Chairman Ostler stated he would commit to the April 28<sup>th</sup> meeting.  
Commissioner Call stated that she could attend the April 14<sup>th</sup> City Council Meeting.

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

**MOTION:** Commissioner Call moved to close the regular meeting and open the public hearing for Items 2A, B, and C. Commissioner Miles seconded the motion. Roll call vote.

Commissioner Call Yes                      Commissioner Miles Yes  
Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

**A. 7:10-Public Hearing Regarding an Application for a Business License with visiting clientele for Janelle Call, Call's Culinary Coaching, 78 E 1500 S Perry UT 84302.**

Codey Illum stated that this is a business with visiting clientele. He said that our concern is with the visiting clientele. Janelle Call said that she loves to cook and she used to teach elementary school and scouts and has a lot of fun when teaching them how to cook. She stated that it is not making and selling food it would be teaching kids how to cook. Janelle stated that the first class that she wants to do is a class for young adults going on missions or off to college. She said she has talked to her neighbors about parking in front of their homes and she said they did not have a problem with it. Janelle explained that it would be only a couple of days a week for a couple of hours. She said they have 4 parking places at their home and there would be a maximum of 8 people there at a time. There was no public comment.

**B. 7:15-Public Hearing Regarding the Large Animal Ordinance and the Land Use Chart.**

There was no public comment regarding the Large Animal Ordinance.

**C. 7:20-Public Hearing Regarding an Application for a Business License with visiting clientele for Matt Hall ML3 Sports, LLC, 2260 S 900 W Perry UT 84302**

Codey Illum explained that the staffs concern is that there is enough parking for the visiting clientele and that they meet the requirements of a home business with visiting clientele. Lisa Hall stated that she teaches two girls

that she teaches hitting lessons too. She said in front of their shop they have 6 parking spaces and so parking is not a concern.

**Boyd Montgomery:** Mr. Montgomery stated that Mrs. Hall has cleared up the questions that he had. Boyd asked if she was going to have more than 2 or 3 people there at a time. His concern was the parking and 2250 south. He said it is fairly busy and gets congested. He said they have parking in front of their shop and in their driveway.

**Lisa Hall:** Lisa stated that they have had more people come over to their home but it was for personal use. She stated that her husband coaches a football team and they come over to watch film in the shop.

**Holly Matthews:** Holly stated that her and husband Dave live at 2270 S 900 W which is right next door to the proposed business. She read a letter to the commissioners it reads:

“I have multiple issues with the issuance of a business license to Matt and Lisa Hall, operating as ML3Sports, specifically the batting cages next to my home. Issuing this business license would violate the City Ordinance 15.33.010.4 item #2 and #5. Let me explain explicitly how the issuance would affect me personally, as well as my neighbors and violate this ordinance.

- 1) Opening a batting cage is typically a well-liked and enjoyed activity, but this business would (and currently does) produce an increase in vehicular and foot traffic that is outside the typical for a residential area. My household has been negatively affected by this due to the business clients parking in front of my home and in front of my driveway. There have been multiple times when I have not been able to use my driveway, or my friends and family have tried to visit me and have had to park far away due to the 4 or 5 cars from this business obstructing our driveway and parking area. Clearly, this has been an issue of nuisance to my quality of life. The cars that are pulling in and out of the business (as it is operating now) have not been cautious. I am particularly worried about the children in my neighborhood and whether the patrons to this establishment are treating this area as RESIDENTIAL, not retail. 900 West is a small busy road. Busy with not only cars but people walking from their houses to the parks and neighbors houses that are close by. The many cars from this business have increased the traffic along this road and I fear that a child or neighbor will be hit.
- 2) The shed which houses this business is only 28 feet from my home. The city ordinance further requires that no noise or sounds coming from the business would be outside the norm for a residential area. There have been nights when we have not been able to go to sleep until the noise stops at midnight and I have been awakened as early as 6 in the morning on a weekend. The sounds of baseballs hitting walls feet from the outside walls

of my home seem to happen on weekends and weekdays with no regard to the time of day. I should be allowed to have peace and tranquility in my own bedroom, and I am constantly being bombarded with noise that is neither typical nor pleasant. My daughter, a 7 month old, has been awakened by this noise. We enjoy living in Perry because of the hometown feel with great neighbors and the tranquility it has to offer. My husband and I both work 2 jobs, we have a little baby and I am going to school. Our sleep schedules are erratic as it is and what little sleep and relaxation we get is precious to us. This proposed business offers disquiet and disrupts that quietness that this residential area of Perry has to offer. Clearly, it is in violation the city ordinance listed above.

- 3) Having this business and the noise that it generates will have an effect on the property value of our house. According to Business Insider, should we ever decide to sell our house; noisy neighbors can decrease our property value by 5 to 10%.
- 4) In addition, the land that ML3 has used to put this building on is currently being contested, as the property line was never clearly defined before the building was built. They built this building without having their land surveyed before and it sits over the property line established in the original plat map of the subdivision. My husband and I are in the process of researching and re-surveying the property lines. If you issue a business license, this will give them further credibility as to the claim of land, which they do not have.
- 5) I am strongly opposed to having a business license issued to ML3. This residential area should stay residential. Our children and families should not have to deal with the safety issue of increased traffic and noise that this business would bring. If you were living next to this business, would you feel your children are safe walking down the road with the additional traffic this business is producing? Would you be disturbed by the noise that is occurring feet from your bedroom window that is disrupting yours and your family's sleep?

Please consider the negative impact this business will have on this residential area while considering whether or not to issue a business license to this business. I am not opposed to Perry having businesses and I realize that Perry is growing. I just feel there is a place for businesses and especially businesses like this and it is not in a residential area”.

**David Matthews:** He said he lives next door to the proposed business. Mr. Matthews stated that the last conversation that he had with Mr. Hall he had not had a survey done and if he has had one done since then it has not been brought to his attention. Mr. Matthews stated the last time he

talked to Mr. Hall he told him that his contractor told him he did not need a survey because he had a survey done. Mr. Matthews said he had a survey done because he came home one day to the survey being done with a 100 foot tape measure. He said Hansen's & Associates did the survey and it came up short. He had Hansen's & Associates come out and do a re-survey and the dimensions are still short. Mr. Matthews stated that he is stuck with the neighbor to the south telling me it is to the north and the neighbor to the north telling me it is where it is at. Mr. Matthews explained as far as the noise, he did not come to cause problems with neighbors. He said whether it is insulated or not, the noise is very easy to hear. They are welcome to come over to my home and hear it. Mr. Matthews reported that his bedroom is 28 feet away from the shop and he can hear it at times in his kitchen which is at the other end of the house.

**MOTION:** Commissioner Call moved to close the public hearing portion of the meeting and open the regular meeting. Commissioner Miles seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Miles Yes

Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

#### **D. Public Comments**

### **3. Land Use Applications**

#### **A. Discussion/Action regarding an application for a business license for Janelle Call, Calls Culinary Coaching 78 E 1500 S Perry UT 84302**

Commissioner Call stated that they are not related. She asked what the hours of the business would be. Janelle stated that it would be Tuesdays and Thursdays and an occasional Saturday. She explained that the classes would go for 7 weeks and then some classes would be one and done. She said the hours would be from 4pm-6pm with the maximum of 8 people. Janelle stated that it would be more like 6 people. Commissioner Call stated that there would be 8 vehicles in her driveway. Janelle Call reported that across the street from her house is an empty lot and people could park there.

Commissioner Miles asked if the City has any ordinances with regards to how many visiting clientele she could have, such as preschools. Susan stated that the state regulates preschools and daycares. Codey Illum stated that the only ordinance we have is off-street parking. He said we can't allow them to use the open field across the street; we can't utilize it as parking. Codey explained that the Planning Commission can dictate hours of operation, and how many people she can have for her business. Commissioner Call asked if

her driveway would be available to her clients. Janelle stated that it would be available and that they also have an RV pad to the side of their home that they could use. Janelle stated that she is looking at 6 people. Commissioner Call stated that from 4pm-6pm is a time period when there would be more traffic with people coming home from work. Chairman Ostler asked if the Health Department was okay with this type of business in the home. Janelle stated that she talked to the health department and they said it was ok, but she took the food handlers test. She explained that as long as she is not selling the food she does not have to get a permit. Janelle stated that the two items on the fire inspection that were noted have been addressed. Chairman Ostler asked if this was a conditional use. Codey Illum stated that it was. Chairman Ostler stated that the ordinance stated that hours are restricted from 6:00 am to 9:00 pm; she will be within those hours. He said some of the other things to consider are traffic considerations, emergency access, and off street parking. There will not be any signage. Commissioner Call stated that they have a business down the street from them that started out as a hair salon and now they have added a nail salon. She stated that there are cars on both sides of the road and it makes for a lot of congestion. Commissioner Call asked how the conditional use businesses are monitored. Codey stated that when the complaint comes in then an officer goes out and if they are in violation then their conditional use license is revoked. Commissioner Call asked if the City Council needs to approve these licenses. Codey stated that they are the final land use authority on the conditional uses.

**MOTION:** Commissioner Call moved to approve the business license for Janelle Call, Call's Culinary Coaching. Commissioner Miles seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Miles Yes

Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

**B. Discussion/Action regarding an application for a business license for Matt Hall, ML3Sports, LLC, 2260 S 900 W Perry UT 84302**

Commissioner Miles stated that his biggest concern is hours of operation. He asked what would be the hours of operation, and their set days. Lisa Hall stated that she does not have set days right now. She said that her hours would be from 3pm to 8pm Monday through Friday. Lisa Hall said that is her days and times for now. It could change. Mrs. Hall stated that she has gone until 9:30 pm but did not realize that it was 9:00 pm. She stated that she will not go past 9:00 pm. Commissioner Call asked what the decibel was.

Chairman Ostler stated that it is 85 decibels. The ordinance stated that noise in excess of 85 decibels at the source will not be generated outside an enclosed

building between the hours of 9:00 pm and 7:00 am. Chairman Ostler stated that it can't be loud during the normal sleeping hours. Codey Illum stated that the city does not have a decibel reader, so we don't have a way to read it. Commissioner Call stated if there was a complaint about noise, then the city would have to find a way. Lisa Hall stated that she has two clients at a time. If more people come over it is more for personal use. She said that they have had a football team over to watch a video in the shed. Commissioner Call stated that the property line dispute has nothing to do with the business license. She said where they are not changing the existing facility, the property line issue does not fall in this decision at all. Mrs. Hall stated that in front of the shop they could put 6 cars and in their driveway they could have 3 or 4 cars. She reported that there has been a lot of parking when there have been functions at the church. Commissioner Call asked if there were going to be any signs. Lisa replied that there will not be any signs. Commissioner Call stated if there are complaints then the city can facilitate that.

**MOTION:** Commissioner Miles moved to approve the application for the business license for ML3 Sports LLC, Matt and Lisa Hall. Commissioner Call seconded the motion. Roll call vote.

Commissioner Call Yes

Commissioner Miles Yes

Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

**C. Concept Approval for a Conditional Use Application for Peachy Kleen Car Wash, Located 2209 S Hwy 89 Perry UT 84302, Applicant Trent & Sarah Richards.**

Russ Naylor stated that he is the Architect for this project and is representing Trent Richards. He said that there were some legal concerns with who owned the lot but has since been resolved. This was presented as concept and preliminary at the Planning Commission in December. He said Jim Flint from Hansen Engineering is doing the Civil Engineering for the car wash. Mr. Naylor stated that they have grading and utility plans and he has modified the architectural elevations and the landscape plans have been prepared. Mr. Naylor stated that Perry City's procedures are a little bit different than the other cities that they have worked in. Mr. Naylor stated he would like to show the Planning Commission the preliminary drawings. Codey Illum stated that it is on the agenda for Concept only. Susan O Bray stated that they have to hold a public hearing at the next meeting to give the public the opportunity to come and express their concerns or support. Mr. Naylor stated that they have not changed the site plan from when they were here in December. Mr. Naylor stated that they still have the detention basin and they will still enter in the

back from Wasatch Drive and exit out onto Wasatch Drive. He said the vacuums are still fronting Hwy 89. Mr. Naylor stated that there are 2 self serve on the south and two automatic on the north, the equipment in the middle and an office in the back of the building. He advised that they approved the concept plan in December and the site plan has not changed. Jim Flint asked if preliminary and final could be combined. He said the civil plans are complete and would need the City Engineer to comment on them. Trent Richards stated that there was nothing disingenuous with the previous owner and himself. He said there was another potential buyer that had the property under contract and Roger Knowles the property owner at the time tried to reach out to the real estate agent after their contract had expired. Mr. Richards stated that the real estate agent had gone silent for 2 weeks and so in that time period he had called on that property and Mr. Knowles said that he had not heard from them and so he went under contract with Mr. Richards. Mr. Richards stated that the other potential buyer was still very keen on doing this project, but by then he had gone under contract with Mr. Knowles. Mr. Richards stated they decided on Peachy Kleen because of the Fruitway along Hwy 89. Codey stated that this is concept and felt it would be reasonable to do preliminary and final together as long as the City Engineer doesn't give them anything that they cannot resolve quickly. He said that it will be a great asset to the city.

Codey stated that it is allowed by conditional use. Commissioner Call stated with the exception of the esthetics it looks like it did before. She said one of the concerns is the inlet matching the inlet with Maverik. She asked with the new owner was this considered at all. Mr. Naylor stated that there is not a physical way to make that happen. He said they are anticipating that the bulk of the traffic will go in and then exit out in the street. He stated that they will enter in at the farthest entrance and exit out by the vacuums. Commissioner Call stated that last time they talked about how many they could queue. Mr. Naylor stated that it was eight vehicles in the far lane. Chairman Ostler asked about the self serve trucks regarding the larger trucks and people who want to bring in their trucks and if the queuing would be more difficult. Mr. Naylor stated that the wash bays are 24 to 30 feet and there is still substantial distance around and inside the automatic lanes. He said it is a little bit higher than your typical standard just so they could accommodate the people backed up to the automatic bays and then let the self serve bays turn inside. Chairman Ostler asked if it would be one way traffic. Mr. Naylor stated that it would be. Chairman Ostler stated that it will be 107 feet from the corner on Hwy 89 to the western most part of the building. Chairman Ostler stated his main concern is what it does to traffic coming off of the highway.

Mr. Richards stated that what they find is the impatience with people wanting to wait. He said they usually see 3 cars and then they drive off and come back another time. Mr. Richards stated that in 2014 there were 15,000 to 16,000 cars a day according to UDOT and a modern car wash will capture 1/2 of 1%. He said that would be 76 cars a day. Mr. Naylor stated that the wash cycle is 3 to 5 minutes depending on what they choose so it goes by quickly. Commissioner Miles asked if the entrance and exit will be clearly identified.

Mr. Naylor stated that there will be signs for both. He said that they anticipate that this will be done routinely and so once people have been there they will know what to do when they come back. Chairman Ostler asked what the hours of operation were. Mr. Naylor stated that it will be open 24 hours a day. Chairman Ostler stated that the ordinance clearly states regarding conditional use permits the hours are restricted from 6am to 9pm if there are adjoining residential properties. He said there are residential homes to the east and to the north. Codey stated that there will be a fence and outside lighting. He said it will not be a visual impact on the neighbors. Mr. Richards said that there is a sound barrier concrete wall that will be to the east. Codey stated that Maverik is open 24/7 and so it would fit in with what is already there.

**MOTION:** Commissioner Call moved to approve concept design of Peachy Kleen Car Wash. Commissioner Miles seconded the motion. Roll call vote.

Commissioner Call Yes  
Commissioner Miles Yes

Chairman Ostler Yes

**Motion Approved:** 3 Yes 0 No

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

**A. Discussion/Action Regarding the Large Animal Ordinance and Lands Use Chart**

Chairman Ostler stated that this is the same form as it was in March. Commissioner Call stated that there was one request to put in the current ordinance so that they could compare the proposed and current and include the land use chart.

**MOTION:** Commissioner Call moved to approve the Large Animal Ordinance and Land Use Chart and recommend it to the City Council. Commissioner Miles seconded the motion. Roll call vote.

Commissioner Call Yes  
Chairman Ostler Yes

Commissioner Miles Yes

**Motion Approved:** 3 Yes 0 No

**5. Training**

**A. Training on Planning Commission Rules of Conduct/Order**

Canceled

**Review Next Agenda and Adjourn**

**A. Review Agenda Items for Thursday May 5, 2016**

**(1)** Public Hearing and Preliminary/Final Approval for Peachy Kleen Car Wash

**(2)** Public Hearing and Lot Line Amendment for David Daniels

Commissioner Call asked about the Land Preservation and what the progress is on it. Chairman Ostler stated that he needs to follow through with that.

Chairman Ostler asked about some training on the General Plan. Susan Obray stated that she would contact Zac Covington from BRAG and ask him for some help with getting some training on this.

**B. Motion to Adjourn**

MOTION: Commissioner Call moved to adjourn. Commissioner Miles seconded the motion. All in favor.