

April 6, 2023
Planning Commission Meeting
Virtual Meeting
7:00 p.m.

Commissioners Present: Vice Chairman Stephan Moss, Commissioner Jan Kerr (on-line until 8:12 p.m.), Commissioner Julie Jones, Commissioner Beth Thompson (on-line), and Commissioner Blake Broadhead

Commissioners Absent: Chairman Marcus Wager and Commissioner Ryan Vaughn

City Staff Present: City Administrator Bob Barnhill, City Attorney Chris Crockett, Scott Hancey (on-line), and Planning Secretary Tyra Bischoff (on-line)

Others Present: Zach Swenson (on-line), Brach Nelson (on-line), Melanie Barnhill (on-line), Mike Dean, Marilyn Dean, and Marvin Neff

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

Vice Chairman Stephan Moss called the meeting to order.

A. Declare Conflict of Interest, if any

None.

2. Action Items

A. Site Plan Application – Maverik Located at 1674 W 1100 S Parcel #03-236-0018 Applicant: Brach Nelson/Maverik Inc.

Mr. Barnhill said this site plan application for Maverik at Point Perry was on the agenda last month. He showed the conceptual site plan with an overlay of the original building to explain the applicants' site changes. He mentioned that based on the expansion of their site, their landscaping plans, storm water runoff, and dumpster enclosures have all increased. He described in more detail the landscaping plan presented with this application. He read part of the Staff Report that contained some of the Perry City landscaping code. He then reiterated that in the last meeting the applicant was asked to present a more detailed landscaping plan for the north side of the property. He asked the Planning Commission to determine if what the applicant had presented met the intent of the code.

Mr. Barnhill noted that our city engineer has not had the opportunity to do a technical review of the drainage plan but what they have presented looked very thorough. He reminded them that this was an administrative item and the Planning Commission may give any recommendations to City Council with an approved motion. He read the city code that stated, "No area of the development shall be left unimproved or without development. All areas should be developed with buildings, hard surfacing, or landscapes. No area of the lot or parcel shall be arbitrarily excluded from the site plan to avoid development requirements." He then gave examples of a complete development which is the intent of the code. He commented on the undeveloped parts of the property and that the commissioners need to determine if the plans as presented met the rules of the code.

Commissioner Kerr asked where the retention pond was, and Mr. Barnhill responded that it was on the west side of the property. Commissioner Thompson mentioned that there was a 50-foot-wide drainage and buffer easement and Mr. Barnhill noted that they would not be able to build on it.

Vice Chairman Moss asked about the west triangular portion of the property and if the city could require landscape development in the future. Mr. Barnhill said that typically any requirements will be done at the time of the application. The commissioners were curious why the small triangle section of the property was not being developed at this time. Brach Nelson from Maverik responded that they are doing analysis for electric vehicle charging stations and these options might be in their future site development plans.

MOTION: Commissioner Kerr made a motion to send it forward recommending approval to the city council with a stipulation that before it goes to the city council it receives a full review from the city engineers to get their approval that it has met all requirements. Commissioner Kerr amended the motion to include future plans (for the west triangular side of the site). Commissioner Broadhead seconded the motion.

Roll Call Vote:

Commissioner Wager, Absent
Commissioner Moss, Yes
Commissioner Jones, Yes
Commissioner Kerr, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Absent
Commissioner Thompson, Yes

Motion Approved

B. Site Plan Application – Perry/Brigham Ford Located at Approximately 988 W 1100 S Parcel #'s 03-154-0132; 03-154-0077 Applicant: Zach Swenson

Mr. Barnhill said this site plan was for an auto dealership with most of the property located in the Brigham City boundary and a small portion of the parking lot with its adjacent road within the Perry City limits. He explained that Brigham City's relevant standards are similar to Perry City's standards. He pointed out that the site will use Brigham City's utilities and our engineer recommend that Perry City utilities not be extended to the adjacent roadway. Even though our standards are similar to Brigham City's, there are differences in the landscaping requirements, so he said his recommendation was to approve this site plan with the applicant following Brigham City's standards. He noted there was a city boundary agreement between Brigham City and Perry City where a City Advisory Board was created to have representatives from both cities. He said this group will have a meeting in the future to review the next step in this development and to make sure things comply. He mentioned that the road on the south of the lot would be the responsibility of Perry City to maintain.

Commissioner Thompson asked about the proposed buildings and was told they will be the dealership offices and the building across the street to the east was just a place holder for a future project. Commissioner Kerr asked about the neighboring properties and the developer expanding 1100 West Street. Applicant Zach Swenson commented that the width of the right of way was designed to a public road with parallel parking. Commissioner Jones inquired about the property to the south in Perry City and its future development and future utilities. Mr. Barnhill commented on the future development plan for that area with a possible utility placement.

MOTION: Commissioner Jones made a motion to recommend the Perry/Brigham Ford located at 988 W 1100 S for approval to the city council with the caveat that they go with Brigham City to figure out their site plan. Commissioner Kerr seconded the motion.

Roll Call Vote:

Commissioner Wager, Absent
Commissioner Moss, Yes
Commissioner Jones, Yes
Commissioner Kerr, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Absent
Commissioner Thompson, Yes

Motion Approved

C. Final Plat Application – Perry View Townhomes located at 1875 S 300 W Parcel #'s 03-159-0016; 03-159-0201 Applicant: Brinton Neff

Mr. Barnhill explained that this application was for twenty-two multi-family townhomes along Highway 89 and was across the road from Maddox Restaurant. He pointed out the layout from the site map and gave highlighted information from the Staff Report. He mentioned that the preliminary application was approved a while ago and now the developer presented the storm water calculations, sewer system and utilities plans. He said the state required that we allow a developer to begin construction on the infrastructure once the city had the approved engineer drawings, also before they record the final plat. He continued by saying if this final plat is approved in this motion the developer will be required to fund their escrow, get the official signatures on the plat and get it recorded at the county in addition to applying for building permits on the lots. He concluded by saying the developer had met the city requirements and everything seems to be in order on this final plat application.

MOTION: Commissioner Kerr made a motion to approve the final plat application for Perry View Townhomes at 1875 South 300 West; it appears they met the requirements. Commissioner Thompson seconded the motion.

Roll Call Vote:

Commissioner Wager, Absent
Commissioner Moss, Yes
Commissioner Jones, Yes
Commissioner Kerr, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Absent
Commissioner Thompson, Yes

Motion Approved

D. Public Hearing – Ordinance 23-E Landscaping Regulations

Mr. Barnhill said this ordinance affects the city landscape ordinance. He said the state has a new program to encourage water saving. The program allows any home owner or business the opportunity to remove grass and replace it with water-wise landscaping and the state will pay a certain amount for this change

over. But to be eligible the city must adopt certain standards so that moving forwards new development follows a more water wise pattern. He said to do this we need to adjust the landscape language in our city code to match the language the state requested us to adopt and use. He went through the ordinance and explained the changes along with the state requirements. He commented that he also updated other parts of the ordinance while he was reviewing it.

Commissioner Jones asked for clarification whether the 50% of the front and side yard included the driveway in the calculation with this program. Mr. Barnhill said he interpreted it to mean only the landscape part of the yard but if the language needs to be adjusted for better clarification, they may change it. Commissioner Moss reiterated that the purpose of this was to allow other citizens to be eligible for the state offer. Commissioner Kerr noted that if implemented new developments will need to follow this code.

Public Hearing opened at 7:47 p.m.

Mike Dean commented that he did not know that this public hearing was only for new construction. He would like to change his park strip area. Mr. Barnhill stated that the city does not have any codes addressing park strip areas. The commissioners explained that if this ordinance was approved for new residential developments, then established homeowners will benefit from it. Further explained was if the ordinance gets approved then these homeowners who choose to remove their grass and install water wise landscaping may apply with the state to get \$1.50 per square foot reimbursement.

Mervin Neff thinks it is a great program for water conservation and those who want to do it. He said he does not like that the government is taking away freedom by saying it is mandatory. If someone wants to choose it great but it should not be mandatory and that they should not be telling us what to do with our own property. He thinks and feels it overrates our freedom.

Mr. Barnhill explained that this was a land use regulation and Planning Commission was used to administrating the law, but this code change might get into their ideology and priorities which can become political. He reminded them that this was planning for the future water of the city and that approximately 75% of residential water usage was in landscape. He commented that it is difficult to find a balance for the freedom of property rights and the reality of providing water to the people.

Commissioner Jones wondered if the standards would apply to anyone who has already put in a development application. Mr. Barnhill responded that the applicant follows the current landscape requirement the day the application is submitted. Commissioner Moss commented that he has reservations with the program on how many people will benefit from it compared to the amount of people it will restrict.

Public Hearing closed at 7:56 p.m.

Commissioner Jones commented this would be a good incentive for people to be water wise. She mentioned that Perry was the last to get secondary water and first to be cut from it. Commissioner Kerr said she feels that the people of Perry do not know about this plan and we should get more feedback from the public before accepting the plan. Commissioner Thompson said she feels more people need to know about the program and that it is the city's responsibility to be water wise. They discussed putting the information to the residents out on social media in a public poll.

MOTION: Commissioner Jones made a motion to table this item until next month. Commissioner Kerr seconded the motion.

Roll Call Vote:

Commissioner Wager, Absent
Commissioner Moss, Yes
Commissioner Jones, Yes
Commissioner Kerr, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Absent
Commissioner Thompson, Yes

Motion Tabled

3. Approval of the Minutes

A. March 2, 2023, Regular Planning Meeting

Commissioner Kerr said there were grammatical changes as follows: line 39, 41, 75, 124, 134, 152, 161, 164, 174, 178, and 242.

MOTION: Commissioner Broadhead made a motion to approve the meeting with the corrected as noted by Commissioner Kerr. Commissioner Thompson seconded the motion.

All In Favor

4. Discussion

A. Future Projects

Mr. Barnhill noted that the city received grant funding from Wasatch Front Regional Council to partner with UDOT for the master plan of the part of Highway 89 going through Perry City. He said we are putting together the scope of work and Wasatch Front Regional Council will put out the Request for Proposal (RFP) for consultants to help with that project. He explained that this will be presented in a few months. The presentation will display a few different plans to get public opinions and see if we can all come together and be on the same page.

B. Report on past-approved Planning Commission Agenda Items

Mr. Barnhill said the City Council approved the zone change at Davis Creek but the Francis property by Perry Park was denied.

C. Report from Commissioner regarding previous Council Meetings

Commissioner Kerr said she was not able to attend the March 9th Council Meeting. Mr. Barnhill said they opened a bid for a new city garbage service company.

**D. Make Assignments for Representative to Attend City Council Meeting
(April 13 & April 27, 2023)**

Commissioner Thompson said she can go to the April 13th meeting. Mr. Barnhill will be at the April 27th City Council Meetings.

5. Public Comment

None.

6. Training

City Attorney Chris Crockett asked if they had participated in the Open and Public Meeting Act training given at the city council meeting on February 9, 2023. He said the purpose of this act was to make sure public business was done in an open and transparent manner. He continued explaining and giving examples of what would violate the act. He noted that they are required to receive this training annually. As a side note, he said he has been working on an Enforcing the Improvement Guarantee training that will allow changes to an agreement without memorializing it in writing.

A. **Staff**

Mr. Barnhill commented to the Planning Commission that they did a good job on the site plan. Upcoming training will be about enforcing improvement guarantees.

7. Review Next Agenda and Adjourn

A. **Items for May agenda (next meeting May 4, 2023)**

Mr. Barnhill said that they will bring back Landscaping Regulations on the next agenda.

B. **Motion to Adjourn**

Motion: Commissioner Kerr made a motion to adjourn the meeting. Commissioner Thompson seconded the motion.

All Commissioners were in favor. The meeting ended at 8:25 p.m.