

November 2, 2023
Planning Commission Meeting
Virtual Meeting
7:09 p.m.

Commissioners Present: Commissioner Jan Kerr (on-line), Commissioner Julie Jones (on-line), Commissioner Ryan Vaughn, and Commissioner Beth Thompson

Commissioners Absent: Chairman Marcus Wager, Vice Chairman Stephan Moss and Commissioner and Blake Broadhead

City Staff Present: Mayor Jeppsen (on-line), City Administrator Bob Barnhill, and Planning Secretary Tyra Bischoff

Others Present: Brian Capener, Hugh Parkes, Irvan Maddox, Hunter Roeller, Cody Faerber, and Melanie Barnhill (on-line)

1. Call to Order and Opening Ceremonies

Commissioner Ryan Vaughn called the meeting to order.

A. Declare Conflict of Interest, if any

None.

MOTION: Commissioner Kerr motion for Commissioner Ryan Vaughn to be acting chair for this evening's meeting. Commissioner Jones second the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Thompson, Yes
Commissioner Jones, Yes
Commissioner Vaughn, Yes

Motion Approved

2. Action Items

A. Public Hearing - Ordinance 23-N Zone Change for Agricultural to Neighborhood Commercial; located at 475 W 1850 S Parcel #'s 03-157-0115 and 03-028-0031 Applicant: Irvin Maddox

Mr. Barnhill showed the zoning map of the two properties and said there were commercial, residential, and agricultural in this area. He said the zone of these properties are split between Neighborhood Commercial (NC) on the east and Agricultural (A) on the west. He said that the applicant has requested the NC zone be extended through both properties. He explained that this action item along with their thought or opinions would be for a recommendation to City Council. He suggested they look at the zone in the surrounding properties and see if this zone change would be compatible with this area and the city's future plan map. He talked about the property and neighboring properties then mentioned that this zone change would open commercial in the area.

Open Public Hearing 7:14 p.m.

Mr. Cody Faerber owns the veterinarian clinic at 1885 S Hwy 89 and across the street from Maddox Restaurant. He said he was for the zone change but was concerned with the traffic in front of Maddox and the corridor. He pointed out that in the ten years the clinic has been in that location traffic has

increased by 30 percent. He was worried about funneling any more traffic on 1850 S and around that area. Mr. Irvan Maddox, the applicant, responded to how he was planning to help ease the traffic and create better traffic flow in that area. He said his design was to access the business from the south and discourage traffic coming from the north. He commented that they (the city) may need to address this issue because of the new subdivision development to the north. He mentioned that the traffic coming to his bike shop will not have the quantity like the restaurant and should not add (anymore) traffic than a busy day at the restaurant.

Mr. Faerber asked if there can be multi-family unit with the (NC) zoning. Mr. Barnhill responded that currently there are 16 multi-family units that could be developed in the area behind Maddox Restaurant.

Closed Public Hearing 7:22 p.m.

Mr. Barnhill said he will add information about the traffic and that typically with a zone change that is not the action that would trigger the required improvements. He explained that Perry City has obtained the right of way to connect to the road going to Walmart, and in the future, there might be a streetlight on the highway and UDOT was going to try and eliminate as many lefthand turns as possible. He also noted that the city received a grant to create with UDOT a master plan to remodel Highway 89.

Commissioner Kerr asked if the plan was to use an existing building or build a new structure and Mr. Maddox responded that it was for a remodel.

Mr. Faerber asked why they needed to change the zone to the west. Mr. Maddox responded that he wanted to enhance the west area of the bike shop and create an area for people to test ride their bikes. Mr. Faerber said whatever gets changed now can affect what they decide to plan to do (in the future). Mr. Barnhill commented that nothing discussed today will hold them to their plans because this (action) was only for a zone change. He said it was good for the Planning Commission to look at all uses for the zone and to make sure they were okay with the plans for any potential uses that will come with that zone. He recounted that the zone was generally for commercial, retail office space, restaurants, multi-family (if available on the density map) and not industrial type uses or single-family homes. Mr. Maddox briefly explained the ownership of the properties and that Buffalo Buddies LLC was the controlling party of one of the parcels. He talked about diverting traffic with a sign on the highway and then mentioned how his business started and some plans for its future.

Mr. Barnhill said this zone change would be step one in bringing the bike shop into compliance and setting them up for expansion of the bike shop.

MOTION: Commissioner Jones made a motion to recommend approval of the zone change from agriculture to (NC) to City Council. Commissioner Thompson seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Thompson, Yes
Commissioner Jones, Yes
Commissioner Vaughn, Yes

Motion Approved

Mr. Barnhill informed the applicant that this would go to the City Council on December 14. He said it might be at the old (City Hall) building and advised him to watch for the agenda as it gets closer to that date.

B. Brandon Capener Preliminary Subdivision Application; located at 2544 S Hwy 89 Parcel #02-028-0031 Applicant: Brandon Capener

Mr. Barnhill said this property is along Highway 89 and just south of Perry Park. He said the property is about 3 acres in size and is a split zone of Neighborhood Commercial on the front and Residential on the back side of the property. He noted this plan followed the zone. He showed the plat map to explain the proposed five single family lots on the west side of the property with one flag lot. He pointed out that they all met the minimum 10,000 square feet lot requirement with the smallest lot being 10,028. He mentioned they are dedicating a right of way of 50 feet and other infrastructure improvements. He said there were 20 proposed multifamily units which will use all the allotted density (the required 16 units per acre). He noted there was a building structure on the east corner of the property that has historically been used as residential with a store front. He said that the applicant wants to preserve the building and keep Perry Ice as the business there. He showed and discussed the preliminary plans of the subdivision. He highlighted that they exceeded the two-and-half parking requirements. He explained that the city engineer, and planning staff have reviewed this application and gave comments and corrections. He said there was nothing left from the initial review that the applicant needed to address, and the other suggested comments will be addressed in the next step of the approval process.

Commissioner Kerr commented that she thinks this was a smart plan for this space. Commissioner Vaughn mentioned he remembers the concerns from the last time the applicant submitted their plans and that there was a commercial building facing a residential home. He asked about the short lane on the plans and Mr. Barnhill explained it was the easement for the flag lot.

Commissioner Jones asked if they required open space for the townhomes. Mr. Barnhill said the requirement for a multi-family unit was 30% landscaping and this was checked by the engineer, and they meet this requirement. Commissioner Jones asked about the height of the townhomes and how we measure the 30 feet. Mr. Barnhill said what was shown on the plat map but sometimes it will be different when built because of grading issues. He said he will look on the plat map for the measurement from the peak to the bottom of the home and that sometimes townhomes push the 35 feet maximum height restriction. Since they now have had some townhomes built around the city, they discussed how they might want to re-evaluate the height requirements especially for the multi-family houses.

MOTION: Commissioner Kerr made a motion to approval the development of the 20 townhomes and 5 residential lots on this parcel. Commissioner Thompson seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Thompson, Yes
Commissioner Jones, Yes
Commissioner Vaughn, Yes

Motion Approved

Mr. Barnhill let Mr. Capener know that he may submit the next application step of the approval process which will be done by staff.

3. Approval of the Minutes

A. October 5, 2023 Regular Planning Meeting

Mr. Barnhill said the minutes were drafted but not ready and Commissioner Vaughn said they will be tabled for next time.

Motion Tabled

4. Discussion

A. Future Projects

Mr. Barnhill mentioned that now that they have had a couple of conservation subdivision applications come through them, (they might want to reevaluate the plan). He noticed that there was friction and difficulty with these and the vision they had compared to what was present (by the applicant) on the conservation applications. He said he could bring an ordinance amendment proposal that will give parameters on the conservation land such as lawn, trees, recreational areas, or orchards. Commissioner Kerr and Vaughn said they would like this (amendment) brought before them.

B. Report on past-approved Planning Commission Agenda Items

Mr. Barnhill said the preliminary application for the conservation subdivision was approved by the City Council, but they had a split vote and had an extensive discussion about it. They had different views and checked to see if they were meeting the code then wondered if what was presented was better than a standard subdivision.

C. Report from Commissioner regarding previous Council Meetings

None.

D. Make Assignments for Representative to Attend City Council Meeting (November 9, 2023)

Mr. Barnhill said he will attend the meeting.

5. Public Comment

Commissioner Kerr said she was happy to hear that Mr. Capener was going to renovate the building on the corner of the lot. She said it was historical and should look nice. Mr. Capener said he was looking for historical pictures of the Larson Store and was working with a lady at the historical society.

6. Training

A. Staff

None.

7. Review Next Agenda and Adjourn

A. Items for December agenda (next meeting December 7, 2023)

Mr. Barnhill said that there was nothing yet except for a potential amendment. He might cancel the meeting if nothing comes up.

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 8:02 p.m.