

November 3, 2022
Planning Commission Meeting
Virtual Meeting
7:01 p.m.

Commissioners Present: Chairman Julie Jones, Commissioner Blake Broadhead, Commissioner Jan Kerr, and Commissioner Beth Thompson

Commissioners Absent: Commissioner Ryan Vaughn, Commissioner Stephan Moss, and Vice Chairman Marcus Wager

City Staff Present: City Administrator Bob Barnhill, Planning Secretary Tyra Bischoff, and Attorney Chris Crockett

Others Present: Brandon Neff

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

Chairman Julie Jones called the meeting to order.

A. Declare Conflict of Interest, if any

None.

2. Action Items

A. Preliminary Application – West Meadow Estates located at 2250 S 1200 W Parcel #03-157-0017

Applicant: Brinton Neff

Chairman Jones recognized that this was the application that the City Council, Planning Commission, and Mr. Neff had attended a work session. For a reminder, Mr. Barnhill showed a previous map of the proposed development and said at the work session they discussed the layout, gave various thoughts with their concerns, and directions for the way things could go in this subdivision. He recounted that through this process and by reading the code it was determined they should move in the direction of the wavier option. He then re-read to the commission the following from the wavier section of the Land Use code.

15.07.130.7 Wavier

Subject to the provisions set forth herein, any provision of this Section (15.07.130) may be waived by the City upon a majority vote of the City Council. Such waiver(s) shall be granted only in limited circumstances as deemed appropriate and necessary by the City Council. No waiver shall be granted absent a finding of good cause based upon specific special circumstances attached to the property. No waiver should be granted that would be contrary to the public interest or contrary to the underlying intent of this Section. Any waiver of the required minimum Conservation Land dedication shall require comparable compensation, off-site improvements, amenities or other consideration of comparable size, quality and/or value.

Good cause as referenced herein shall include, but not be limited to, the following standards:

The subdivision shall be located within a half mile of an existing public park located within the City.

Mr. Barnhill said for this Conservation Subdivision application there are approximately five acres and 15 percent of the property that will be part of the waiver. The updated preliminary plat map for the subdivision was shown to them. He pointed out the area of Parcel 2, which was just under one acre, and said it stated it is "to become park or wetland conservation depending on wetland delineation". He noted that this plan was just received in the office and has not been reviewed by the city engineer. He said one thing that caught his attention was 1200 West. He pointed out that on this street there will be four intersections that are fairly close to each other; however, this plan does meet the city code. He suggested that Lot 55 and 56 get moved to the east and a private drive be put in for the townhomes. He said this will help the collector street and have fewer public streets for the developer to build. Another thing he suggested was that Parcel 2 becomes part of the HOA in the subdivision and not deeded to the city.

Mr. Brandon Neff explained that they have to wait until spring to get the wetland delineation study on Parcel 2. He said he would prefer not to have a park but to adjust a few lots sizes and build in that area. Parcel 2 was put in Phase 2, and they will have to wait for the results of the study. He said it then could take another six months after that to get approval from the Corp of Engineers. Mr. Barnhill asked Mr. Neff if his environmental engineer was fairly confident that it was not going to be wetlands and Mr. Neff responded that he did. Mr. Barnhill then commented that typically they like to see on the preliminary plans how the water would be collected and piped. He asked if Mr. Neff will plan for the most likely outcome of the study and show it on the preliminary plans.

Mr. Barnhill commented that the applicant has suggested in the waiver or lieu of the Conservation Land \$1,000 per lot which equals \$87,000 to the city. He said that the city engineer, Brett Jones, put together an assessment for the value of the land which included development and improvements of the Conservation Land. This assessment was focused on comparable compensation as explained in the code. Mr. Barnhill noted that they may review this report, but he did not feel it was exactly what they were looking for.

Chairman Jones and Commissioner Kerr recounted what they discussed at the work session and the decision city council expressed during this meeting. Chairman Jones asked to see a satellite view of the area and the width change on 1200 West. Mr. Barnhill did a few measurements using the computer map feature and reviewed the building standards in the code to verify the footage requirements. Commissioner Kerr asked if 1250 South will have a four-way stop sign. Mr. Barnhill said he will check with the engineer and then mentioned that 1200 West will be the collector street. He said that in the long term 1200 West will be the through traffic street and will eventually have all stop signs removed.

They turned the conversation to comparable compensation for the waiver. Mr. Neff asked for a clearer explanation of what the code states for comparable compensation. Mr. Barnhill gave his understanding of the intent for this code and then gave examples of types of comparable compensation that are justifiable and fair. Chairman Jones said and Commissioner Thompson agreed that they want to know a monetary value for the Parcel 2 area before they can decide. Commissioner Kerr said she does comparable real estate values throughout the state and can give insight into the land value. She then recommended that the city and developer use a professional Real Estate agent to look for a comparable that will help find an accurate number. Mr. Barnhill commented that the engineer might have comparable values.

MOTION: Commissioner Kerr made a motion to table this item until they get valuation from an Appraiser or Real Estate agent through the city or engineer, so it is fair to all parties. Commissioner Thompson seconded the motion.

Roll Call Vote:

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

Motion was Tabled

Mr. Barnhill said he will set up a time at the beginning of next week for Mr. Neff and the city engineer to get together and discuss or negotiate a fair valuation. Also, to work out questions on the plat map.

3. Approval of the Minutes

A. October 6, 2022, Regular Planning Meeting

Commissioner Kerr gave several grammatical corrections for the October 6, 2022, meeting minutes. They were changes on Lines 46, 49, 394, 415, 423, 469, 472, 502, 506, and 513. And Commissioner Thompson said Line 352 needed partial changed to parcel.

MOTION: Commissioner Thompson made a motion to approve the October 6, 2022, with corrections. Commissioner Kerr seconded the motion.

Roll Call Vote:

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

Motion Approved

4. Discussion

A. Future Projects

Mr. Barnhill showed an updated Brigham Crossing concept plan on property by Walmart and in Brigham City limits. He said when Walmart was first developed Brigham and Perry cities formed a Joint Advisory Board. Members of the Planning Commissions from both cities would review the projects to be built on their adjoining boundaries and each give their recommendations. He said the Joint Advisory Board has reviewed this project and Brigham City adopted the development agreement. He pointed out the changes that pertain to Perry City. He said after their review the Planning Commission may make

recommendations to take to the board. He further explained the development and then recognized how the developers worked around the wetland areas to minimize what they must permit for and pointed out the amenities they will offer the community.

Chairman Jones asked about the future plans for Perry City in the area that is next to this development. Mr. Barnhill looked at the future plan map and showed them it was labeled to be commercial and mixed uses, but they may be flexible. They discussed the possibilities and uses of the land, then gave their suggestions for the flow of traffic and locations of the streets. He mentioned that each year they apply to get grants to widen 1200 West, but Perry City hasn't been awarded it yet.

B. Report on past-approved Planning Commission Agenda Items

Mr. Barnhill said he will give this report since he was at the last council meeting. He reported that Point Perry zone change that was asking for industrial was denied by City Council. He said the swimming pool setbacks was approved and mentioned the zone change from neighborhood commercial by Hargis Hill Road was also approved.

C. Report from Commissioner regarding last Council Meeting

None.

**D. Make Assignments for Representative to Attend City Council Meetings
(November 10, 2022, Meeting)**

Mr. Barnhill said there are no planning items for the November 10th meeting, and he will be in attendance.

5. Public Comment

None.

6. Training

A. Staff

None.

7. Review Next Agenda and Adjourn

A. Items for December agenda (next meeting December 1, 2022)

Ms. Bischoff said she has not received any applications. She mentioned the Perry City holiday party will be December 15 at 6:00 p.m. and they should receive an invitation soon.

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 8:05 p.m.