

April 4, 2019
Planning Commission Meeting
3005 South 1200 West Perry UT 84302
7:00 p.m.

Commissioners Present: Chairman Stuart Grover, Vice Chairman Michelle Drago, Commissioner Tresa Peterson, and Commissioner Jan Kerr

Commissioners Excused- Commissioner Nicole Butler

City Staff Present: Susan K. Obray: City Recorder
Bob Barnhill: City Planner

Others Present: Keith Witt, Mike Holt, Mark Mackley, and Jeremy Olsen

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

A. **Invocation-**

Chairman Grover gave the invocation.

B. **Pledge of Allegiance to the U.S.A-**

Bob Barnhill led the Pledge of Allegiance.

C. **Declare Conflict of Interest, if any-**

None.

2. Public Hearings

A. Public Hearing to receive public comment regarding the Perry City General Plan

Chairman Grover opened the public hearing portion of the meeting.

Bob Barnhill reviewed the process the General Plan committee has taken up to this point in updating the Perry City General Plan. He stated there have been multiple outreach programs to the public to receive feedback regarding this updated General Plan.

Mr. Barnhill then reviewed with the public and Commission the highlighted adjustments in the updating of the General Plan.

B. A Public Hearing for a zone change from NC3 to MU-C. Location 3820 S Hwy 89, (parcels 02-038-0013, 02038-0016, 02-38-0016, 02-038-0024). Applicant Mark Mackley

Bob Barnhill reviewed the background of this project and stated these properties are found at the southern end of Perry. He reviewed the current surrounding buildings and explained that the property owner is striving to match his property into the current uses of surrounding developments. He reviewed the current utility capacities in the area with the Commission.

Keith Witt (current owner, desiring to sell to Mr. Mackley) reviewed the history of this property with the Commission, stating it was annexed from Willard City with the promise of culinary and sewer being run to it.

Mike Holt stated he is the realtor for the Witt family and he felt the multi-family being proposed is in high need for Perry City and in the County. He reviewed the current market listings in Perry to reiterate this need.

Bob Barnhill reviewed the current utility capacities in the area with the Commission.

Keith Witt reviewed the history of this property with the Commission, stating it was annexed from Willard City with the promise of culinary and sewer being run to it.

C. A Public Hearing for a zone change from NC3 to MU-C. Location 2535 S Hwy 89 Perry Ut 84302 (parcel 02-025-0008, 02-025-0009). Applicant, Mark Mackley.

Bob Barnhill reviewed the background of this project, which is a similar situation to the above of above item. He stated the applicant is seeking to match this property with its current surrounding developments. He explained this would also allow for multi-family housing.

Mr. Mackley explained he has chosen to apply for a zone change due to the need of multi-family housing because there is very little available here in Perry City currently.

Jeremy Olsen stated he knows the Mackley family and stated he knows the property owner is truly invested in this project and reiterated the need for the housing market here in Perry.

Mike Holt reiterated the current need of this type of housing in this area.

3. Land Use Applications

A. An application and a recommendation to City Council for a zone change from NC3 to MU-C. Location 3820 S Hwy 89, Hargis Hill Road, Perry UT 84302, (Parcel # 02-038-0013, 02-038-0015, 02-025-0016, 02-038-0024). Applicant Mark Mackley.

Chairman Grover reviewed that the Commission's goal at this point is to decide if this application is appropriate for this piece of land.

Commissioner Kerr inquired about the slope on the land and how to develop that land and if the applicant is planning to use the current buildings on that property.

Mr. Mackley stated the current plan is to update the current duplex and they are not certain about the single family building. He expressed he felt in the long run it would be removed.

Commissioner Peterson inquired about the land use of the surrounding areas.

Mr. Witt clarified there are two proposed subdivisions currently proposed around this area but on the Willard side of the City border.

The Commission and Staff discussed these proposed subdivisions and how they affect the zoning on the Perry City side of the City border, and whether it would be appropriate to change the zone with these proposed subdivisions being developed.

The Commission and Staff discussed and clarified referencing the current general plan which has this area listed as commercial. They expressed the opinion that this area is not ideal as a commercial zone and would be better suited to have residential zoning.

The Commission asked regarding the splitting of these properties between Perry and Willard and how the applicant is going to develop these.

Mr. Mackley stated he is still working through this because the utilities will have to be split between the two cities on the properties.

The Commission and Staff discussed and clarified what allowable multi-family dwellings are allowed with the MU-C zone.

Bob Barnhill stated that there is no cap on allowable density in dwellings in the City Codes.

The Commission and Staff discussed the issue with having no cap on allowable density in the City Codes and how that could effect this application.

Chairman Grover stated that he feels the General Plan gives them their guiding intent and the City Codes are the requirements that need to be met by each applicant. He stated based on this, he is having a difficult time seeing this application meeting either of those; though he personally feels this proposed application is a great proposed use for these properties.

Mr. Mackley stated he understands Chairman Grover's dilemma and expressed his feelings of being able to utilize a property which is currently not usable. He expounded, in his opinion, if this use of the property is not harmful to the neighbors the property owners should be able to decide what ways their property is utilized.

The Commission and Staff discussed the current zoning and what is allowable in the current zoning and how the new General Plan will affect the Commissions ability to change the zoning.

Bob Barnhill stated the General Plan is not a binding document but a set of guidelines for the Commission to take into consideration.

The Commission and Staff discussed whether approving this zone change this evening would be in the best interest of the City. The Commission and Staff discussed recommending this to the Council to be able to get their feedback on this item.

Mike Holt stated that he felt this use of this property is the highest and best use of what is being presented. He understands the Commissions viewpoint, but stated he feels they ought to look at how this will truly benefit the City.

Commissioner Kerr stated she felt the Commission should approve it, because they have time before development actually takes place to implement the new General Plan and adjust the Code in regards to density caps.

The Commission and Staff further discussed whether it is appropriate to use the proposed General Plan to influence this decision.

MOTION: Commissioner Peterson moved to recommend an unfavorable recommendation to the City Council regarding this item with an attached document explaining their reasoning behind this unfavorable recommendation. Commissioner Drago seconded the motion. Roll call vote.

DISCUSSION: Commissioner Kerr recommended to the applicant to resubmit after the proposed updated General Plan is approved, if this does not pass at the City Council

Commissioner Peterson Yes
Commissioner Drago Yes
Commissioner Grover Yes

Commissioner Kerr Yes

Motion Approved: 4 Yes 0 No

DISCUSSION: The Commission and Staff reviewed and clarified their reasoning behind this approved motion.

B. An application and a recommendation to City Council for a zone change from NC3 to MU-C. Location 2535 S Hwy 89 Perry Ut 84302 (parcel 02-025-0008, 02-025-0009). Applicant, Mark Mackley.

The Commission noted that this item is currently zoned a NC2 zone, not an NC3.

Mr. Mackley stated the front portion of this property he is hoping to use as an office space.

Mr. Barnhill reviewed options the Commission has in rezoning this property to allow for the planned usage of this property.

The Commission stated that this item runs into the same issues as the prior item with the current general plan and City Codes.

The Commission discussed if this zone change is in the best interest of the City and if it is allowable per City Codes and the current general plan.

MOTION: Commissioner Drago moved to recommend this item be denied based on the current General Plan and the proposed General plan zone this area as commercial. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Peterson Yes
Commissioner Drago Yes
Commissioner Grover Yes

Commissioner Kerr Yes

Motion Approved: 4 Yes 0 No

C. Application for preliminary/final and recommendation to City Council for approval for the Paul Nelson Subdivision. Location: 1476 W 2950 S Perry UT 84302. Applicant Paul Nelson. Parcel # 02-034-0041 and 02-034-0101.

Bob Barnhill reviewed this formerly tabled item and stated that the drawings have been updated with the engineer's recommendations applied. He stated the Fire Marshall has expressed no further concerns regarding this application. He reviewed the proposed deferral agreement with the Commission. He stated there are no outstanding issues with this application.

The Commission reviewed and clarified the City Engineer's letter regarding this application.

MOTION: Commissioner Peterson moved to approve the preliminary application and recommend approval to the City Council both the final application and the deferral agreement as outlined. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Peterson Yes
Commissioner Drago Yes
Commissioner Grover Yes

Commissioner Kerr Yes

Motion Approved: 4 Yes 0 No

D. Application and recommendation to City Council for approval of the Maverik Site Plan

Bob Barnhill reviewed the updates on this application and that the City Engineer's prior concerns have been met.

MOTION: Commissioner Drago moved to recommend approval to the City Council for the Maverik Site Plan. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Peterson Yes
Commissioner Drago Yes
Commissioner Grover Yes

Commissioner Kerr Yes

Motion Approved: 4 Yes 0 No

E. Application and recommendation to City Council for Approval of the Leading Tech Site Plan.

Chairman Grover Tabled this item.

4. Land Use Ordinance, Zoning, Design Guidelines, General Plan, Etc.

A. An application and a recommendation to the City Council for approval of the Perry City General Plan

Bob Barnhill asked for feedback from the Commission on two specific land use items in the proposed document.

Chairman Grover reviewed with the Commission and Staff his questions and concerns in the proposed updated General Plan page by page. The Commission and Staff discussed and expounded upon these questions and concerns (wording concerns regarding representation of Perry City's transit usage,

survey accuracy concerns, wording adjustments, clarification and concerns on listed strategies, and Highway 89 future plans and zoning.

The Commission discussed holding a work session to discuss and review the proposed updated General Plan. The Commission and Staff agreed to have the next Planning Commission on May 3rd and have a work session regarding the General Plan on April 18th.

5. Approval of the Minutes

A. March 7, 2019 Regular Minutes

Chairman Grover noted his corrections:

- 3A he asked for the specific documents missing to be listed (lot improvements, adding a turnaround for flag lot, show existing home on lot 1, and clarifying where the front set backs are for lot 2).
- Inquired on motion for 3A his notes state that Commissioner Kerr made the motion not Commissioner Drago
- Line 88 add due to the missing landscaping and pond details
- Wording

MOTION: Commissioner Drago moved to approve the March 7, 2018 Regular Meeting Minutes as corrected. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Peterson Yes

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Grover Yes

Motion Approved: 4 Yes 0 No

B. Report by Commissioner regarding last Council Meeting

Commissioner Kerr reported on the March 14th City Council meeting (Tyler Wagstaff appointed to Flood Control Board, tabled items, corridor preservation grant approved, Maverik sign ordinance approved, etc).

C. Make Assignments for Representative to Attend City Council Meetings (April 11, 2019 and March 28, 2019)

Commissioner Kerr stated she could attend the April 11th meeting.

6. Discussion

A. Future Projects

Deferred to work session.

B. Report on past approved Planning Commission Agenda Items.

Tabled

7. Training

A. Staff/Open Meeting Review

Mr. Barnhill stated he will email the link to this training video and asked for them to report back to him when they have watched it.

8. Review Next Agenda and Adjourn

A. Items for next agenda

None stated.

B. Motion to Adjourn

Motion: Commissioner Kerr moved to adjourn. All commissioners were in favor.