

December 5, 2019  
Planning Commission Meeting  
3005 South 1200 West Perry UT 84302  
7:00 p.m.

**Commissioners Present:** Vice Chairman Michelle Drago, Commissioner Tresa Peterson, Commissioner Marcus Wager, and Commissioner Jan Kerr

**City Staff Present:** Bob Barnhill: City Planner  
Chris Crockett: City Attorney  
Susan O Bray: City Recorder

**Others Present:** Rick Scadden, Greg Hansen, Blake Ostler, Julie Jones, Ed Christensen, and Marie Christensen

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

**A. Invocation or thought-**

Vice Chairman Drago shared an invocation.

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

Commissioner Wager led the Pledge of Allegiance.

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

Commissioner Kerr stated that she was the applicant for the Kerr Subdivision and would refrain from its discussion.

**D. Elect a Vice Chairman for 2020**

Commissioner Wager nominated Commissioner Kerr as Vice Chairman for 2020.

The Commission supported this nomination to be put before the Council for approval.

**E. Approve the 2020 Planning Commission Schedule with application due dates**

**MOTION:** Commissioner Peterson made a motion to approve the 2020 Planning Commission Schedule. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Wager Yes

Commissioner Peterson Yes

**Motion Approved:** 4 Yes 0 No

**2. Public Hearings**

**A. Public Hearing regarding Ordinance 19-K amending the Perry City Municipal Code regarding Parking on City Streets.**

Vice Chairman Drago opened the public hearing portion of the meeting.

Bob Barnhill reviewed that Ordinance 19-K regarding regulating large trucks and trailers being parked on public streets.

No public comment received.

**B. Public Hearing regarding Ordinance 19-L amending the land use Code to allow for and regulate cannabis production and operations**

Bob Barnhill reviewed the new State Code that has mandated the Cities show where cannabis can and cannot be grown in the City. He reviewed Ordinance 19-L.

No public comment received.

**C. Public Hearing regarding Ordinance 19-M Design Standards for multi-family housing, apartments, and the Neighborhood Commercial (NC) Zone. Also adding apartments to the IC zone.**

Mr. Barnhill reviewed Ordinance 19-M (which was discussed in the work session prior to the regular meeting).

No public comment received.

**D. Public Hearing regarding Ordinance 19-N amending 15.03.070.1 regarding number of members in a quorum for Planning Commission, 15.03.070.1 deadline for an application to be on an agenda, and 15.03.070.2 Mandatory appearance by an Applicant at meetings.**

Bob Barnhill reviewed Ordinance 19-N. He said it will amend the definition of a Planning Commission quorum from four members to a majority of Commissioners in attendance. He explained the change is due to the struggle of maintaining a full quorum (there are currently four Commissioners).

Mr. Barnhill also explained that his amendment will modify the deadline for an application on the agenda and not require the applicant to attend a meeting for their application to be approved.

No public comment received.

**E. Public Hearing regarding Ordinance 19-O allowing the R2 zone.**

Mr. Barnhill stated Ordinance 19-O will allow the R2 zone.

No public comment received.

Vice Chairman Drago closed the public hearing portion of the meeting.

**3. Land Use Applications**

**A. Application for a subdivision amendment/ lot line adjustment for Kerr Subdivision. Located 2925 South Hwy 89. Applicant Jeff Kerr.**

Mr. Barnhill explained this amendment will lengthen one lot in the Kerr Subdivision.

Tabled due to lack of a quorum, as Commissioner Kerr is the applicant with her husband.

**B. Application for a concept plan for Wheeler Property. Location 2820 South 1000 West. Applicant Nathan Wheeler/Doug Wheeler**

Mr. Barnhill explained the concept proposal for the developing approximately 21 town homes at this location. He reviewed some of the changes which would need to take place on the proposed application (streets, zoning, cul-de-sac length, etc.).

Mr. Barnhill briefly reviewed the memo from the City Engineer which had no major red flags.

The Commission and Staff discussed and reviewed the use of stub roads for the future roads which will need to connect into this area in the future.

The Commission and Staff discussed the proposed roads and if they would allow access for a fire truck, waste removal, parking, and complying with the design standards.

**MOTION:** Commissioner Kerr made a motion to approve concept approval [for the Wheeler Property] subject to meeting the codes and regulations in place. Commissioner Wager seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Wager Yes

Commissioner Peterson Yes

**Motion Approved:** 4 Yes 0 No

**C. Final Approval and Recommendation for Leading Tech Site Plan, Location: 1835 89;**

**Applicant: Ryan Forsyth**

Tabled.

**D. Final Approval for the Conditional Use Permit Application, Location: 2765 South Hwy 89**

**Applicant; Ed and Marie Christensen.**

Mr. Barnhill reviewed the Commission's notes regarding this application from the last meeting. He stated these requests have been met and reviewed how the applicant has met each concern from the Commission, Staff, and the City Engineer.

Mr. Barnhill noted that the City Codes currently do not regulate the types of trees and shrubs to create the proposed buffer. He recommended looking at this code in the future to possibly add those regulations.

The Commission and Staff discussed with Mr. Christensen the design options and current plans of the buffer (fencing, buffer size regulations, parcel size regulations, etc.).

Mr. Christensen stated he would come back with some landscaped screening options to allow him to bring the buffer size down. He stated if it was possible for the Commission to pass the retaining wall along the highway tonight, that would help him out immensely.

Greg Hansen (applicant engineer) reviewed the size of the retention pond and their thought processes behind their proposed size and design. He stated if the City Engineer would like a larger pond that is a very easy fix. He recommended approving the application based on them meeting the requirements of the City Engineer.

The Commission and Mr. Christensen discussed the timeline regarding this entire project.

The Commission noted that the applicant can get a building permit and continue with the retaining wall at his own risk without approval of this application tonight.

Item tabled to gather further information.

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

**A. Discussion/Action regarding Ordinance 19-K amending the Perry City Municipal Code regarding Parking on City Streets**

**MOTION:** Commissioner Wager made a motion to approve Ordinance 19-K amending the Perry City Municipal Code regarding parking on City streets. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Wager Yes

Commissioner Peterson Yes

**Motion Approved:** 4 Yes 0 No

**B. Discussion/Action regarding Ordinance 19-L amending the land use code to allow for and regulate cannabis production and operations.**

Mr. Barnhill stated that this will allow the growth of cannabis in agricultural zones but not residential zones, per the update of the State codes regarding cannabis production and sales.

The Commission and Staff discussed the commercial zones (which will now allow the sale of cannabis in pharmacies), especially the NC zones (which has residential as well as commercial uses) and whether cannabis will be allowed to be sold in this zone..

**MOTION:** Commissioner Kerr moved to approve Ordinance 19-L amending with the addition of prohibiting production and sales of cannabis in the NC zones. Commissioner Wager seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Wager Yes

Commissioner Peterson Yes

**Motion Approved:** 4 Yes 0 No

**C. Discussion/Action regarding Ordinance 19-M design standards for multi-family housing, apartments, and the Neighborhood Commercial (NC) Zone. Also adding apartments to the IC zone.**  
Tabled.

**D. Discussion/Action regarding Ordinance 19-N amending 15.03.050.1 regarding Numbers of Members in a quorum for Planning Commission, 15.03.070.1 deadline for an application to be on an agenda, and 15.03.070.2 Mandatory appearance by applicant at meetings.**

Mr. Barnhill reviewed his reasoning for recommending these changes to the code.

The Commission and Staff discussed and clarified these changes and felt these changes would be beneficial for the City.

**MOTION:** Commissioner Kerr recommended approval of Ordinance 19-N as written. Commissioner Wager seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Wager Yes

Commissioner Peterson Yes

**Motion Approved:** 4 Yes 0 No

**E. Discussion/Action regarding Ordinance 19-O allowing the R2 Zone.**

Mr. Barnhill reviewed the repeal of the use of R2 zones in the City and the current benefits of again allowing the R2 zone (especially regarding the updated allowance of multifamily housing).

Rick Scadden expressed his support of Ordinance 19-O and how it will help his application and others like his be more practical and beneficial for both the City and the developers.

The Commission and Staff discussed their feelings and thoughts regarding the allowance of the R2 zone.

**MOTION:** Commissioner Kerr recommended approval of the proposed Ordinance 19-O as written. Commissioner Wager seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Wager Yes

Commissioner Peterson No

**Motion Approved:** 3 Yes 1 No

**5. Approval of the Minutes**

**A. November 7, 2019 Regular Meeting Minutes**

Commissioner Peterson noted one typo, Commissioner Wager noted a spelling correction, Commissioner Kerr reviewed her changes, and Commissioner Drago reviewed her changes.

**MOTION:** Commissioner Kerr made a motion to approve the November 7, 2019 Regular Meeting Minutes subject to the changes. Commissioner Wager seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Wager Yes

Commissioner Peterson Yes

**Motion Approved:** 4 Yes 0 No

**C. Report by Commissioner regarding last Council Meeting**

Commissioner Kerr reviewed the land use items discussed at the last City Council meeting (street name change, road access project for Hwy 89 with the State, design standards, etc.).

The Commission and Staff discussed and clarified the road access project with the State.

**D. Make Assignments for Representative to Attend City Council Meetings (December 12, 2019)**

Commissioner Kerr stated she would attend the December 12<sup>th</sup> meeting.

**6. Discussion**

**A. Future Projects**

None.

**B. Report on past approved Planning Commission Agenda Items.**

None.

**7. Training**

**A. Staff-** Chris Crockett gave a training on guidelines for Municipal Officers.

**8. Review Next Agenda and Adjourn**

**A. Items for next agenda (January 2, 2020)**

- Training from Bill Morris
- Work Session at 6pm on January 2<sup>nd</sup>

**B. Motion to Adjourn**

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