

**Perry City Planning Commission
3005 South 1200 West
7:00 PM September 1, 2016**

Members Present: Chairman Blake Ostler, Commissioner Stuart Grover, Commissioner Devin Miles, and Commissioner Lawrence Gunderson

Members Excused: Vice Chairman Travis Coburn, and Commissioner Vicki Call

Others Present: Greg Westfall, Perry City Administrator; Susan K. Obray, Minutes Clerk; Andy Low, Daxton Allen, Tyson Low, Travis Green, Randy Matthews, and Doyle Russell.

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

Chairman Ostler welcomed and called the September 1, 2016 meeting to order.

A. Invocation- Vice Chairman Coburn

The Invocation was given by Chairman Ostler.

B. Pledge Allegiance to the U.S. Flag- Vicki Call

The Pledge of Allegiance was led by Commissioner Miles.

C. Declare Conflicts of Interest, If any

Conflicts of interest will be addressed on each item. None noted.

D. Review and Adopt the Agenda

MOTION: Commissioner Gunderson moved to adopt the agenda striking Item 1F (September 8, 2016 City Council Meeting). Commissioner Grover seconded the motion. Roll call vote.

Commissioner Grover Yes

Commissioner Gunderson Yes

Chairman Ostler Yes

Commissioner Miles Yes

Motion Approved: 4 Yes 0 No

E. Approval of the August 4, 2016 Minutes

Chairman Ostler had several changes to the minutes.

MOTION: Commissioner Grover moved to approve the August 4 , 2016 minutes with the corrections. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Grover Yes

Commissioner Gunderson Yes

Chairman Ostler Yes

Commissioner Miles Yes

Motion Approved: 4 Yes 0 No

F. Make Assignments for Representatives to attend City Council

Meeting(s)(September 8, 2016 and September 22, 2016)

The September 8, 2016 City Council meeting is canceled. Commissioner Miles will attend the September 22, 2016 City Council Meeting.

2. Approx. 7:10 p.m. Public Hearing and Public Comment

A. Public Comments

There were no public comments.

3. Land Use Applications

A. Review Zone Change Application for Randy Matthews located on 1200 West, parcel #02-035-0024 from AL Zone to R2 Zone.

Greg Westfall, Perry City Administrator explained where the proposed zone change is located. He stated that it is directly north of Cherry Ridge Subdivision. He said that the applicant submitted a concept drawing and it shows how it will tie in to 1200 west. Mr. Westfall stated that they are single family lots and as far as the request, it is fairly straight forward. Randy Matthews addressed the Planning Commission. Mr. Matthews stated they would like to have the same zoning as Cherry Ridge Subdivision. He says it starts at 1200 West and because of the dimensions of the property each lot is approx. 103 feet in depth and frontage for ¼ acre lots. Randy Matthews stated that the project would start at 1200 West and work its way down to the rail road tracks. He stated the reason he is looking at it in phases is because the first phase would go down to 1300 West to connect with the road in Cherry Ridge Subdivision and extend the road into the next property which is owned by the Christensen family from Salt Lake.

Mr. Matthews stated that the second phase is exactly the same except it is not quite as long and the lots are the same size. He said when we get to the third phase there will be a cul-de-sac at the bottom and a detention pond at the bottom. Mr. Matthews stated that there has been a proposal by UTA to have a 40” easement for a right of way. He said the lots at the bottom by the proposed easement, the lots will be bigger and so if UTA does go through with the proposed easement then it would not interfere with the property. Randy stated that his wife tried to call the person that was over the UTA project and they did not return her call.

Greg Westfall stated that he attended a meeting where this was discussed and it is about 25 years out. He said that they try to plan ahead and purchase property so that they have it when the time comes to do the project. Mr. Matthews stated that people want smaller lots and more affordable lots.

Mr. Matthews stated that they are asking for the R2 zone because of the entrance and exits of Cherry Ridge Subdivision. Commissioner Gunderson stated that the retention pond is not going to be developed until the third phase and asked how they intended to retain the water until then. Mr. Matthews stated that he is hoping to start on the west side of the property. Greg Westfall stated that they will address this when the subdivision development is submitted, and the City Engineer will review it. Commissioner Gunderson

asked the size of the lots in Cherry Ridge Subdivision. Greg Westfall stated that some of the lots are under 1/4 acre and some are 1/4 acre. Mr. Matthews stated that when Cherry Ridge was presented to the Planning Commission at a public hearing there was some opposition to the size of the lots and so most of the lots are over the 8000 square feet. He said that at that time his property was zoned R2 at the same time as Cherry Ridge Subdivision and then it reverted back to AL. Chairman Ostler replied that the ordinance states that if development or construction does not start within a two year period the property reverts back to the original zone. Commissioner Grover asked if the 13.74 acres is the entire piece of property for phase 1, 2 and 3. Mr. Matthews stated that it was. Commissioner Grover asked what the timeline was for phase 1, 2 and 3. Mr. Matthews stated that it is a good market for these sizes of building lots; it would start on it by spring and would take approximately a couple of years. Chairman Ostler asked if there were 25 lots. Mr. Matthews replied that there are 30 lots. Chairman Ostler stated that the ordinance calls for a public hearing and then a final recommendation. He said that the ordinance states that the Planning Commission shall recommend adoption of a proposed zone change amendment where the following findings are made. He said administratively we have to stick with the ordinances, so to the extent these findings are found then the zone change is adopted. Chairman Ostler stated that the next time this application is brought forward to the Planning Commission the commission would be looking for: (a) the proposed amendment is in accord with the goals of the General Plan of Perry City, including the Transportation Master Plan and other elements of the General Plan and the Capital Facilities Plan. (b) A concept plan is submitted, which has already been done, (c) the proposed amendment will provide a significant benefit to Perry City, and the benefit needs to be something other than just additional housing. Greg Westfall stated that he can talk to the applicant and go over the following findings. Chairman Ostler stated in the ordinance it talks about a written zone change application. He said that for a rezone request, they need a written petition including the area boundary description signed by the property owners requesting the change and the surrounding property owners who support the request. Greg Westfall stated that the ordinance states "owners who support the request". He said he told the co-applicant that it is their choice if they want to go get signatures for support. Chairman Ostler asked if it was precedent to that requirement. Greg Westfall stated that some have gone to every house and talked to them others have brought letters of support. Greg Westfall stated that he has determined to leave it up to the applicant whether they want to get the support signatures or letters. Chairman Ostler stated that in the ordinance it stated that if a building permit has not been obtained and construction of the development or an agreed upon phase thereof, in accordance with the approved concept and final

development plans, has not commenced within two years from the date of the zoning amendment approval by the City Council or other time period that has been set by the City Council, Perry City may examine the reasons for the delay and progress of the developers to that point and revert the zoning designation back to the former zone or other appropriate zone of the property. Chairman Ostler stated that the ordinance states that following the public hearing, the Planning Commission shall then submit its recommendations in writing concerning the proposed amendment to the City Council within forty-five (45) days from receipt of the amendment application. He said the application is dated August 9th. He said if the Planning Commission has a public hearing on October 6th, it won't work. He said the consequences are that at the end of 45 days, it shall be assumed that the proposed amendment is recommended for approval by the Planning Commission and the City Council shall then take action. Susan Obray stated that the ordinance was written at the time the Planning Commission had two meetings a month and so the timing was a lot better than it is now with one meeting a month.

Chairman Ostler asked how they avoid this sort of thing. Greg Westfall stated that the ordinance states "following a public hearing". He said the wording in this ordinance is bad. Chairman Ostler stated that time is of the essence and that is what we are trying to accomplish. Greg Westfall stated that there is an a, b, and c that we need to follow in the ordinance. He said this is a \$400.00 investment by the applicant. Chairman Ostler asked Mr. Matthews if there would be pros and cons doing an R1 approval with a provision there could be a couple of small lots. He said that in the General Plan 3.1.c it refers to the R-2 medium/high density residential zone. He said it is an existing area of more compact residential development. The function of providing a more compact variety of housing is no longer to be provided by this land use. Rather, the variety of single family lot sizes allowed in single family residential areas, and the variety of compact housing choices allowed in the following mixed use land areas replace the need for this land type. Chairman Ostler stated that the current General Plan contemplates not having an R2 zone. He said there is not opposition with the R2 zone especially given the precedent of the subdivision existing there. Chairman Ostler stated that the applicant is designing it as a R1, upper scale, lot sizes etc. The public hearing will be scheduled at the next meeting. Greg Westfall stated that the General Plan meeting will be October 5th and 6th. The Planning Commission came to a consensus of September 29th at 7:00 p.m. for the next Planning Commission meeting.

Chairman Ostler asked how does the zoning map work. He asked is what's there the General Plan or is there a map when the landowner decides to sell and be done then this is what the plan is. He said all the Agricultural land is zoned

Agricultural now. Greg Westfall stated they will have to come in and ask for a zone change. Chairman Ostler stated that the ordinance says they can do it as long as they meet a, b, and c of the zone change ordinance. He asked what the purpose is of zoning anything Agricultural. Greg Westfall stated taxes and current use. Chairman Ostler asked if there was any intent to preserve Agricultural land. Chairman Ostler stated that on the application number 3 it says the proposal does not represent spot zoning (specific parcel of ground singled out for special treatment). He said I think you could argue that Cherry Ridge Subdivision is spot zoning. Chairman Ostler stated that the Applicant didn't seem opposed to do an R1 zone. Commissioner Miles felt that the Applicants concern was the little piece before and after the road. It doesn't split out right to make a bigger lot. Greg Westfall stated he will ask David Church and Bill Morris regarding this issue.

4. Land Use Ordinances, Zoning, Design Guidelines, General Plan Etc.
A. General Plan Schedule & Discussion

Commissioner Miles asked where do we fit in and what do we need to be prepared for. He said this is a onetime deal and he wants to make sure they are prepared. Greg Westfall stated that they have the meetings on October 5th and October 6th. He said how the process of those days are going to be is still being worked out. He said the direction of those meetings is to gather as much information as possible from the public and the direction we want to see the city go. He said once that happens, the Mayor wants to have a joint meeting with the Planning Commission and the City Council. Greg Westfall stated that the Planning Commission will present the gathered information to the City Council and discuss where we want to go next. He said the Planning Commission will be doing a lot of the input and organization of the plan along with the direction of the City Council. He said as they go along, they will coordinate with the City Council to keep them updated on the progress of the plan. Greg Westfall stated that the October 5th and October 6th meetings will be at the direction of the Mayor. Chairman Ostler stated that if the Planning Commission wants to send him their thoughts or ideas he will compile them together. Commissioner Gunderson stated that at his work they have a fact sheet that they hand out. Chairman Ostler read from the Perry City News Brief: "Your Voice is Important!!! Please plan to join me and other city council members, along with members of the planning commission, on either October 5th or 6th from 6 to 8 pm at the Three Mile Creek Elementary to plan for the future and voice how you would like to shape and mold the growth of Perry City. The way cities shape and mold the future growth is by basing decisions on the parameters of a customized City General Plan. In preparation to update the Perry City General Plan, the city council is seeking the input of interested

residents. Now is a great time to come together as a community to plan for how we want Perry City to look in 20 years. Where do we want businesses? Where do we want major roads? Where do we want to preserve areas for livestock? What areas do we think would work best for high density housing? Where do we want neighborhood parks? If given a choice to help prioritize factors that guide the future planning of a city which of the following factors are of the highest importance to the majority of community members.....

- ...Quality job opportunities within a reasonable commute
 - ...Parks and green spaces
 - ...Availability of clean water
 - ...Increase sales tax options for revenue over increased property tax
 - ...Quality public transportation
 - ...Access to a variety of education options (i.e. K-12, Higher Ed, Trade Schools)
 - ...Public safety
 - ...Bike lanes, connecting trails, and access to recreation centers to facilitate healthy lifestyle options
 - ...Well maintained roads
 - ...Dependable and affordable options close to home for retail services
 - ...Building the infrastructure to be able to facilitate more residential growth
 - ...Walk able Communities (mixed use areas of business and residential)
- Chairman Ostler stated that this is what the Mayor has put together for educating the public.

Greg Westfall encouraged the Commissioners to read the current General Plan and get familiar with it. He said Marriott-Slaterville has a really good General Plan and encouraged them to go online and look at it. He also stated that they have on-line training for the General Plan. Chairman Ostler asked the Commissioners to send their ideas regarding the General Plan and he would forward them to the Mayor. He said that they also should have someone setup solely for complaints if residents have them. Greg Westfall suggested that Chairman Ostler when he meets with the Mayor to put the information together and send it to Susan and she will send it out to the Planning Commission Members and then they can respond back to Chairman Ostler. Chairman Ostler stated that a survey could be sent out after the meetings. He said if you send the survey before people will feel they don't have to go to the meetings. Greg Westfall and the Planning Commission discussed some options for the General Plan Community Meeting. Chairman Ostler asked that the General Plan meeting be advertized on the Perry City Website and Facebook. He said that he would like example General Plans sent out to the Commission members and he will send out some articles.

5. Training

A. There was no training scheduled.

6. Review Next Agenda and Adjourn

A. Review Agenda Items for Thursday, October 6, 2016

(1) Public Hearing on Matthews Zone Change (September 29, 2016)

B. Motion to adjourn

MOTION: Commissioner Miles moved to adjourn. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Grover Yes

Commissioner Gunderson Yes

Chairman Ostler Yes

Commissioner Miles Yes

Motion Approved: 4 Yes 0 No