

September 5, 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

Commissioner Excused: Nicole Butler

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

Others Present: Bill Bowden, Braun Bowden, Stephanie Bowden, Nate Mueller, Kelly Hein, Nate Kjar, and Tyler Lackugh

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

A. **Invocation or thought-**

Chairman Grover said the invocation.

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

Commissioner Peterson led the Pledge of Allegiance.

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

None.

2. Public Hearings

A. Public Hearing regarding Ordinance 19-H to amend the Perry City Municipal Code Section 15.07.110 Lot Requirements

Bob Barnhill reviewed amending the Municipal Code Section 15.07.110, which was brought to the Commission's attention by a public member regarding the restrictions on corner lots. He stated the process he and other City Officials have gone through to update this section regarding setbacks and other requirements regarding corner lots.

Mr. Barnhill briefly reviewed the differences between current code and the proposed updated version (minimum lot size, minimum setbacks, etc.).

Nate Kjar explained he is the public member who is desiring to build a home on a corner lot and discovered that Perry's coding regarding corner lots is quite a bit more restrictive than surrounding and comparable cities (such as Brigham).

Braun Bowden stated he had just had a zone change approved and that if these amendments were made it would open the possibility of changing their zone to R1A instead of the RE ½. He said he would like the most animal rights possible on this piece of property and questioned which of these two zones allowed that.

Mr. Barnhill stated he would check on this and get back to Mr. Bowden.

3. Land Use Applications

A. An application to approve Preliminary and Recommend Final approval for the Bowden Subdivision to the City Council. Approx. 2250 S 1350 W in Perry. Applicant: Bill and Michele Bowden

Mr. Barnhill reviewed this application with the Commission, which regards the same property as the approved zone change. He stated there is a gravel road west of this property and that Lot 1 is the proposed building lot. He said he did not receive any comments back from the Fire Marshall. He said the main thing for the Commission to consider regarding this application is the deferral agreement regarding curb and gutter.

The Commission and Staff discussed the current surrounding land use and structures (accessory building).

The Commission and Staff discussed and clarified if this property had secondary water or not.

Mr. Bowden said he has contacted Pineview and their water does not extend to this property. He said they do have water rights for this property, so they are planning to tap into the existing springs for secondary water.

The Commission and Staff discussed and clarified the different animal allowance of R1A and RE ½ and felt they were the same.

MOTION: Commissioner Kerr made a motion to approve preliminary and recommend final approval for the Bowden Subdivision to the City Council pending the City Engineer’s comments being addressed and the deferral agreement be written and recorded upon completion. Commissioner Drago seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Grover Yes

Commissioner Peterson Yes

Motion Approved: 4 Yes 0 No

B. Preliminary approval for JJTL Properties, Applicant: JJTL Properties, LLC, Location 2780 S Hwy 89, Perry UT 84302.

Mr. Barnhill reminded the Commission of the details of this application which is pending some comments from the City Engineer.

Mr. Barnhill reviewed some of the existing concerns regarding this application regarding the right of way.

The Commissioners discussed and clarified with the Staff regarding the existing regards, especially regarding the right of way.

Tyler Lackugh (applicant) asked the Staff for clarification regarding the right of way and if there is an easement located on the property.

Mr. Barnhill stated that the City would go off what the County has currently on their map.

Mr. Lackugh inquired if the second access is necessary.

Mr. Barnhill stated it is due to fire safety regulations.

The Commission discussed and clarified their concerns with the Staff and applicant (right of way currently belongs to the City, clarifications of the property line on drawings, benefit of the City for vacating, current planned parking concerns, fencing, sidewalk, curb and gutter plans, letter from UDOT, etc.).

Tabled until letter received from UDOT.

C. Final Approval and Recommendation for Leading Tech, Location: 1835 S Hwy 89, Applicant: Ryan Forsyth.

Tabled.

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

A. Ordinance 19-H Discussion/Action and recommendation to amend the Perry Municipal Code Section 15.07.110 Lot Requirements.

The Commission and Staff discussed and clarified the need for these amendments and if or how they would benefit the various zones used in the City.

The Commission and Staff discussed if these amendments would undermine the benefits of the Conservation Ordinance.

The Commission and Staff continued to clarify and discuss how these amendments would affect the current available zones.

The Commission and Staff discussed the various setbacks and what footage would be most appropriate for each location.

Mr. Barnhill summarized the agreed upon items regarding this ordinance, which are as follows: Keep lot sizing as currently listed, keep 30 ft setback and 50 ft height allowance in agricultural zone, add in design review for the front setback of the commercial zones, and fix the typo.

MOTION: Commissioner Drago made a motion to recommend approval of the amendments for Ordinance 19-H as discussed. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Grover Yes

Commissioner Peterson Yes

Motion Approved: 4 Yes 0 No

B. Discussion regarding the IC Zone Land Use Chart and Pointe Perry Development

Mr. Barnhill reviewed the current property owners of the Pointe Perry Development area. He stated the City has been approached with the request of putting in apartment buildings in this

area which is currently not allowable. He noted the pros and cons of this plan and that it is currently not what the City has envisioned for this area but could possibly be beneficial.

The interested party stated he has a similar vision as the City for this area. He says he has spoken with multiple large chain operations about this area and have received negative feedback for this area. He explained this is what led them to the idea of multifamily housing for this area, to increase traffic to the area and hopefully draw in commercial companies to the area.

The interested party presented the proposed multifamily housing to the Commission and the goal to draw business on that side of the freeway.

The Commission and Staff discussed and clarified this idea and the various pros and cons of it and if it would be in the best interest of the City to adjust the concept for this area.

C. Action regarding the General Plan

Mr. Barnhill reviewed the changes he has made from the feedback given by the Commission at the last meeting.

The Commission reviewed any further minor changes they would like made on the General Plan update (grammatical and graphic update).

MOTION: Commissioner Peterson made a motion to recommend approval to the City Council of the General Plan Update with the font being fixed and the graphic update. Commissioner Drago seconded the motion. Roll call vote.

Commissioner Kerr Yes
Commissioner Grover Yes
Commissioner Peterson Yes
Commissioner Drago Yes

Motion Approved: 4 Yes 0 No

D. Ordinance 19-F Multi-Family Housing

The Commission and Staff discussed how this ordinance would work with the prior agenda item regarding some of the development at Pointe Perry.

The Commission discussed further minor changes they would like done in this ordinance (grammatical).

MOTION: Commissioner Drago made a motion to recommend approval to the City Council of Ordinance 19-F Multi-Family housing, subject to the minor changes made to the language. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Kerr Yes
Commissioner Grover Yes
Commissioner Peterson Yes
Commissioner Drago Yes

Motion Approved: 4 Yes 0 No

5. **Approval of the Minutes**

A. **July 9, 2019 Regular Meeting Minutes**

Commissioner Drago and Kerr noted some grammatical changes (wording and striking of numbers).

C. **August 1, 2019 Regular Meeting Minutes**

Commissioner Peterson noted a correction striking her from attending this meeting.

MOTION: Commissioner Drago made a motion to approve the July 9, 2019 and August 1, 2019 regular Meeting Minutes subject to the changes. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Grover Yes

Commissioner Peterson Yes

Motion Approved: 4 Yes 0 No

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

Commissioner Drago stated there were not Land Use items discussed at the last Council meeting. She said they did approve the Bowden zone change and they discussed updating some ordinances.

The Commission discussed the appointment of Blake Ostler to fill the vacated City Council seat.

D. **Make Assignments for Representative to Attend City Council Meetings (September 12, 2019 and September 26, 2019)**

It was noted the September 12th meeting was cancelled by the City Council. Commissioner Peterson stated she would attend the September 26th meeting.

6. **Discussion**

A. **Future Projects**

Tabled.

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

None.

7. **Training**

A. **Staff**

Tabled.

8. **Review Next Agenda and Adjourn**

A. **Items for next agenda**

- Townhome development
- JJTL
- Title 15

B. Motion to Adjourn

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