

June 6, 2024
Planning Commission Meeting
Virtual Meeting
7:00 p.m.

Commissioners Present: Chairman Stephan Moss, Commissioner Marcus Wager, Commissioner Beth Thompson, and Commissioner Blake Broadhead

Commissioners Absent: Vice Chairman Ryan Vaughn, Commissioner Jan Kerr, and Commissioner Paul White

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

Others Present: Ashley Young (City Council Member), Joseph Duran, Dale Sterrett, Karen Sterrett, Brad Wilkenson, Serena Cummings, Cody Cummings, Julie Jones, Jeremy Jones, and Melanie Barnhill (on-line)

Commissioner Thompson made a motion to elect Commissioner Wager temporary chair until Vice Chairman Vaughn arrives. Commissioner White second the motion.

All in Favor.

1. Call to Order and Opening Ceremonies
Chairman Stephen Moss called the meeting to order.

A. Declare Conflict of Interest, if any
None.

2. Action Items
A. Public Hearing: Ordinance 24-E Request to apply Development Overlay Zone with a Development Agreement located at approximately 3200 S 1200 W Parcel #02-034-0126
Applicant; Robert Anderson

Mr. Barnhill said this preliminary subdivision has come before to the Planning Commission. The Development Agreement for Perry Landing Subdivision was requested because it was outside the procedure and outside the code. "Development agreements are completely voluntary and neither the developer nor the city are obligated to enter into an agreement. The developer is asking for an allowance to locate all townhomes together, in one multi-family district, at the west end of the development" (June 27, 2024, Staff Report). The staff report mentioned a few reasons why the developers wanted to make these changes from the approved plans. He explained that the Planning Commission needed to determine if the benefit to the city or community offered by the developer to allow this deviation from our code is justified. They would make a recommendation on whether to approve this request and perhaps give suggestions for improvements to this plan.

Commissioner Broadhead asked if the open space area was only available for the townhomes and managed by the HOA and if so, they might consider charging a fee for public use.

Chairman Moss opened the public hearing at 7:10 p.m.

Karen Sterrett – questioned why approving a new plan for the reason of inconvenience of the HOA. She voiced her concerns for who would own the HOA, about parking with putting all of them at the bottom, property values, town homes decreasing her home value. She said there was a clear reason why the original plans were approved but a clear reason has not been presented for the newly requested (Development Agreement) plans.

Serena Cummings – said she was opposed to this change because of the density ordinance and what other rules will be bent in future. She questioned if Phase 3 will leave the road unfinished and voiced her concern of the density increasing traffic during development and long term. She expressed that when she purchased her lot, she was told several things about the neighboring development with the intention of maybe one townhome, but this proposed plan would put 20 homes and families instead of one.

Julie Jones – said she was recently on the Planning and Zoning Commission, and she originally fought for the multi-family housing in Phase 1 of this development but eventually approved it. She mentioned that when she moved to Perry, she looked at the nearby zoning which was one main factor in her purchasing the house she now lives in. At that time, she looked at the city zoning maps and was told it would be single-family homes and not townhomes. She noted that the developers could have moved the townhomes across the street so they would not back up to existing homes. She said that she has driven in townhome areas in Brigham City to see the parking or increased traffic issues and recommends alleviating the traffic concerns that the developer consider end cap stall on the side of the town homes. She thinks it would be better to have them grouped together and better for the HOA.

Jeremy Jones – expressed that he feels the proximity of an HOA property to each other is important, it creates a nice sense of community and if left separate the people up the street will be paying for a park they do not use. He said that the maintenance and care of HOA usually goes to third party, or the homeowners and it would be better for them to have houses together for maintenance.

Joseph Duran – asked for clarification if this requirement was a city or county code. He said Julie Jones brought up a good point to move lots 9-12 townhomes over to lots 37-38 and that it would not affect the city code. He commented that he was against having the townhomes together and with having Phase 3 in the middle of the development. His reasoning on this was because of snow removal, egress for emergency vehicles, and only one access for Phase 1 and Phase 2. He expounded on the egress with parking for parties, lowered property value with townhomes, and reminded them that paying for an HOA is more than just the park because they are paying for maintenance and repairs.

Dale Sterett – said it makes sense for all previously mentioned. He agrees with the reasoning to have the townhomes swapped in the middle and to change the phases so there will be a continuous road and lowering the burden on 3200 S traffic.

Serena Cummings – shared additional comments that she agrees with moving the townhomes across the street. She explained that she surveyed her neighbors yesterday, in general all were opposed to

townhomes and phasing but most of the neighbors on the north side of 3225 S were neutral with the change.

Chairman Moss closed the public hearing at 7:34 p.m.

Commissioner Wager said this request came to the Planning Commission last month and there was a split decision. He does not think moving to this plan benefits the city. He can see the wisdom of putting the four units on the other side of the street and putting them together on the north side.

Commissioner Broadhead commented that the specific number of townhomes per quadrant should follow the (density map) city code. He feels if they open it up to the future for changes there will be continued requests to allow more changes.

Commissioner Thompson said she agrees not to allow this change, this was the first Development Agreement that the city was presented. The city should follow the grid as established and not open it to changes (they should set a precedence). She hoped for public comment and mentioned that sometimes the state dictates what the city must do but the Planning Commission does the best they can.

Commissioner Moss mentioned that he thinks there was a way to make this work but does not think what was presented was enough benefit to the city to make the adjustment.

MOTION: Commissioner Wager motioned that they forward a recommendation to the City Council of denial for Ordinance 24E. Based on current code that they can work with that and make it work in their development already. Plus, there is already an approved plan for them if they just want to stick with that. Commissioner Broadhead seconded the motion.

Roll Call Vote:

Commissioner Thompson, Yes
Commissioner Wager, Yes
Commissioner Broadhead, Yes
Commissioner Moss, Yes

Motion Approved

Mr. Barnhill noted that this recommendation will likely be at the City Council meeting for June 27th.

3. Approval of the Minutes

A. May 2, 2024 Regular Planning Meeting

MOTION: Commission Marcus Wager made a motion to approve the May 2, 2024, regular Planning Commission meeting minutes. Commissioner Thompson seconded the motion.

All In Favor

4. Discussion

A. Multi-Family Housing

Mr. Barnhill said the City Council adopted the rest of the code but took out and put on hold the multi-family development in Neighborhood Commercial (NC2) zone. He mentioned the multi-family unit maximum 35 feet height requirement was the same as single family homes, but topography makes them seem higher. The Council Members want to revisit changing the height limits along with the setback requirements and adding the 4-attached unit (four-plex) limitation in the code. He showed picture examples of multi-family units in other cities that address some of the same concerns discussed in previous meetings.

The Planning Commissioners discussed how the 35 feet height was calculational and ways to improve consistency in the code on this requirement. They mentioned narrow setbacks along the busy roads in other cities and did not want that in Perry City. There were comments and Mr. Barnhill mentioned that the City Council felt that they do not want to micro-manage more than they already do because they do have the city grid to help with controlling (the density) limits. Chairman Moss recommended they bring this discussion back when there are more Planning Commissioners in attendance.

They requested a proposal in verbiage for the starting point on the maximum height requirement and proximity of the unit cantilevers with the house entrance and setbacks.

B. July meeting (pick TBD date for July Planning Meeting)

Mr. Barnhill said that there were not any applications at this time. The Planning Commissioners decided to cancel the July meeting.

C. Future Projects

Mr. Barnhill said that the next project will be the continuation of the multi-family discussion.

D. Report on past-approved Planning Commission Agenda Items

Commissioner White attended the City Council meeting but was not at this meeting to give the information. Mr. Barnhill reported that they adopted a code amendment but modified it before it was approved.

E. Report from Commissioner regarding previous Council Meetings

None.

F. Make Assignments for Representative to Attend City Council Meetings (June 13th and 27th)

Commissioner Broadhead said he could attend the June 27th meeting.

5. Public Comment

Serena Cummings – asked if the city has met the state and city multi-family housing requirements and if so may building them be paused. Mr. Barnhill responded that currently the city submits reports on how they are planning to include multi-family units. Ms. Cummings asked what she can do as a citizen to add voice and give push back to the state requirements. Commissioner Moss responded to reach out to the local representatives for the state legislator.

Karen Sterrett – asked if there were plans for road improvements on 1200 West. Mr. Barnhill responded that most of that road was going to be rebuilt with a (walking/bike) trail project. He said there were design delays, but he was hopeful they would be approved, and the work started soon.

6. Training

A. Staff

None needed but Mr. Crocket mentioned that there were recent Supreme Court cases about Development Agreements that he wanted to study before he reported (trained) on them.

7. Review Next Agenda and Adjourn

A. Items for July agenda (next meeting TBD)

Mr. Barnhill said he was not aware of anything for this meeting.

B. Motion to Adjourn

Motion: Commissioner Thompson made a motion to adjourn the meeting. Commissioner Wager seconded the motion.

All In Favor

The meeting ended at 8:14 p.m.