

August 1, 2024

Planning Commission Meeting
Virtual Meeting
7:00 p.m.

Commissioners Present: Chairman Stephen Moss, Commissioner Jan Kerr, Commissioner Beth Thompson and Commissioner Paul White

Commissioners Absent: Vice-Chairman Ryan Vaughn, Commissioner Marcus Wager, and Commissioner Blake Broadhead

City Staff Present: City Administrator Bob Barnhill, Planning Secretary Tyra Bischoff, Deputy Recorder Misty Moesser, City Attorney Chris Crockett

Others Present: Kendall Chambers, Peggy Chambers, James Settlemyre, Jeannine Jensen, Shawn Perry, Alex Owens, Chad Braegger, Pat Burns, and Rolin Hinrichsen

1. Call to Order and Opening Ceremonies

Chairman Stephen Moss called the meeting to order at 7:01 PM.

A. Declare Conflict of Interest, if any

None.

2. Action Items

Action Item B, Public Hearing: Ordinance 24-I was conducted first, before Action Item A.

A. Public Hearing: Ordinance 24-H Amending Multi-Family Dwelling/Apartment Density Map and Subdivision Code

Mr. Barnhill gave a background on the ordinance proposal to amend the Multi-family Dwelling/Apartment Density Map which removes the permitted status from the residential multi-family dwellings in the neighborhood commercial 2 zone and amends the measurement parameters for height limits of the units within 50 feet of the highway. He mentioned the discussion that the units on the east side of the highway look taller than those on the west side because of the grade of the hill being higher on the east side. The proposal would change the measurements for the units on the east side within 50 feet of the highway from the highest point of the building to the grade to the highest point of the building to the adjacent crown of the highway.

Commissioner White asked if the commission would entertain the idea of just going with limiting it by 2 stories rather than a foot measurement and holding a work meeting.

Commissioner Kerr said that she felt that putting in a 2-story restriction would limit creativity.

Chairman Moss stated that he would feel more comfortable having more commissioners than just the 4 commissioners present to make the decision on the proposal and see some more examples.

Commissioner White mentioned that they should consider what they want for the future before making the decision.

Chairman Moss opened up the public hearing at 8:20PM.

No Public Comment.

Chairman Moss closed the public hearing at 8:21PM.

MOTION: Commissioner Kerr motioned to table for further discussion. Commissioner White seconded the motion.

Roll Call Vote:

Commissioner Moss, Yes
Commissioner Kerr, Yes
Commissioner Thompson, Yes
Commissioner White, Yes

Motion Approved

B. Public Hearing: Ordinance 24-I Zone Change request for Development Overlay Zone for Olson Orchard's located at approximately 1111 W 3600 S Parcel #'s: 02-38-004; 02-038-0010; 02-038-0005; 02-038-0061; 02-038-0069; 02-038-0058; 02-038-0064 Applicant; Pat Burns

Mr. Barnhill gave some background information on the property for which the zone change was requested, including the property location, that the preliminary subdivision plan for the property was already approved, and that the new developer would like to consider new options through a development agreement. He informed the commissioners that the current zoning is "R 1/3" and if approved would create a development zone overlay on top of that zoning, but the "R 1/3" would stay in place underneath. He explained that the 69 acres that were on the application would need to come down because there were some properties that were included on the concept map that the developer does not own or have authorization to make application on. He shared a chart showing the differences in the approved subdivision plan versus a previously unapproved plan and the current proposal. The approved plan included 57 acres with 147 total units (103 single family homes on 1/3 acre lots and 44 townhouses) vs the current proposal of 69 acres with 266 total units (151 single family homes, 106 multi-family units, 10 acres of open space, and 32 flex units along the highway that can be used for commercial or residential). Mr. Barnhill noted that the current plan was from the application submitted before recent changes were made, so would need to be updated. He recommended that the commission ask for more details regarding the open space and the flex area, how the developer plans to handle the wetlands and the phasing plan. He also noted that there were some frontages that did not meet the requirement of 80 feet. Mr. Barnhill pointed out some of the different areas on the map such as the locations of the houses, townhouses, and some of the conceptual details of the open space, including pickleball courts, playgrounds and a 6-foot gravel trail. He recommended discussing some of these elements further.

Chairman Moss opened up the public hearing at 7:19 PM.

Rolin Hinrichsen, resident on 1200 W, addressed the commission. He asked for an explanation of a development overlay. Mr. Barnhill responded with an explanation of the function of the overlay. He voiced his concerns with what the city's infrastructure can handle and whether we have enough resources for the new developments. He mentioned that he had concerns about having enough resources regarding schools, police and fire protection and having more streets to maintain and increased taxes. He expressed his concern with the idea that "more people paying taxes means more revenue" is a false economy. He stated that it is not the developer that is going to have to pay for more schools and road maintenance. It is going to be the residents. He also shared his concern about the

traffic and that people are already speeding on 1200 West. He expressed his frustration with the developer coming in knowing that the lots are supposed to be 1/3 acre lots and wanting to change it now. He ended his comment by reminding the commission that they are not required to change it for him.

James Settlemyre told the commission that he appreciated their willingness to serve and make all the tough decisions for the city. He stated that there are approximately 1700 houses in Perry and the developer is wanting to add 257 more, which is a 17% increase. He mentioned that he is not opposed to growth, but that it needs to be done at the right density. He shared concerns about the schools being large enough for all the children that the subdivision would bring. He said he felt that the city should stick with the approved 1/3 acre lots, because going up to 257 houses from the approved plan is a big jump. Mr. Settlemyre expressed that he appreciated the opportunity to be able to change things with overlays but felt like this was like putting the horse before the cart and that it (development overlay) seemed like a strange process to get approval now and then make it work later. He mentioned that he is also concerned with utilities being sufficient, with tying in roads with the highway, and having more traffic on the road by the KOA with campers with RVs and trailers pulling out.

Kendall Chambers, resident living on 3600 South, stood before the commission and voiced his agreement with the concerns that Mr. Hinrichsen and Mr. Settlemyre shared. He felt that they both had valid points and that the residents living near the development are opposed to the developer's plans. He mentioned that he had donated property to the city to have the road (3600 South) widened and nothing has been done. He feels like the city has dropped the ball and that the road needs to be widened. He said that he is grateful for the sewer, but they still do not have storm drain or secondary water. He added that he also has concerns about the schools and if there is going to be enough water. Peggy Chambers, also a resident on 3600 South, shared with the commission that she did not feel that townhouses would fit on a country road setting. She was concerned that her road would start to look like 1200 West, which is not well kept. She said that when Cherry Ridge subdivision went in, they were supposed to put in 2 parks, yet there are no parks. She mentioned that she is concerned with traffic on 3600 South and all the RVs pulling out. She does not feel that it would be a safe area. She said that she was also concerned with having enough water.

Jeannine Jensen, resident on 3600 South, stated that she felt that they need to begin with buttoning down where the sewer access was going to be and that there was no application put in yet to take the sewer lines under the railroad tracks. She shared concerns that the water table has risen since the first proposal was done. She is also concerned about a lack of a retention pond on the plans and that there is nothing mentioned about access other property owners have to a spring in the southwest corner. She talked about the history of the road (3600 South) and a rural road agreement signed by landowners and how changes over the years may cause misalignment with future buildings. She also worries that the irrigation lines might end up in someone's backyard and is concerned about what would happen if they needed to fix them at some point.

Shawn Perry, resident in the Cherry Ridge subdivision, addressed the commission with a suggestion that the open space on the plan be moved up to 3600 South to help alleviate the heavy traffic on the road.

Chairman Moss closed the public hearing at 7:44PM.

Mr. Barnhill explained the process for a standard subdivision and where in the process that current proposal is.

Chairman Moss asked for any questions or comments from the commission.

Commissioner Kerr shared that she was concerned with the density of the townhouses, because it is a significant increase over the preliminary approval. She mentioned that moving the open space along 3600 South seemed like a good idea.

Pat Burns, developer for the project, began by apologizing to the Olsen and Jensen families for including their property parcels in the concept map. He explained that he created the concept map to show some of the options available for the project. He mentioned that they could work with the city to change things in the concept that work for the people living there. He described some of the options for the flex space along the highway and noted that he wanted feedback from the community. He offered up his willingness to donate the open space if they could set up a “dollar amount per increased density” agreement. He talked about the gravel trail and connecting it to Perry Street. He explained that with increased density, improved maintenance fees for the roads are not as high, and that more doors means more tax revenue. He talked about working with the governor’s office push on attainable housing, creating affordable homes so that people can buy homes rather than rent them, which increases their net worth at retirement.

Commissioner White asked Mr. Burns about the benefits the city would see if the project went through. Mr. Burns replied that the city would gain a trail system, walkability of a subdivision and the park.

Chairman Moss shared some of his comments. He said that 2 popular comments from residents of the city are that we don’t have enough parks and we have too many people, and he explained that development agreements are made to balance those out and still allow developers to have incentive to build in Perry and for the city to get parks and other elements that the city wants. He complimented Mr. Burns on wanting to build the city a park, rather than offer up a grass field that eventually turns into a field of weeds. He told Mr. Burns that he was concerned with the density change being twice as much as approved previously but he does like what is being offered with the park and trail system. He shared that he felt that the trail should be paved because there would likely be a lot of younger families with strollers and pushing a stroller through gravel is not feasible. He shared concerns with the waterways and sewer and said that those need to be addressed. He agreed that a work session would be more applicable at this point.

Commissioner Thompson shared that she was not planning on giving more density than originally approved, but she did like the idea of moving the open space. She shared her concern that the people camping at the KOA would not want to look across the street and see a big section of townhouses. She mentioned that the proposed 3700 S street is wider and makes more sense as the main entrance to the subdivision. She also agreed that the trail needs to be paved. She empathized that she understands that there needs to be attainable housing. She has kids that are renting right now because they can’t afford to buy homes in the community that they grew up in with house prices and interest rates so high, but she does not like the idea of townhouses. She agreed that a work session would be a good idea.

Commissioner White added that if the vote was pushed at this point, he would be 110% against it, and that it would be unlikely to get his support with the amount of public feedback against it.

Commissioner Kerr followed his comment with the suggestion of holding a work session with the commission to put together some suggestions and then later to share those suggestions with Mr. Burns.

MOTION: Commissioner Kerr motioned to table for further discussion. Commissioner Thompson seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Thompson, Yes
Commissioner White, Yes
Commissioner Moss, Yes

Motion Approved

3. Approval of the Minutes

A. June 6, 2024 Regular Planning Meeting

Commissioner Kerr said that lines 20 and 21 mentioned her and she was not present at the June 6, 2024 meeting.

MOTION: Commissioner Beth Thompson made a motion to approve the June 6, 2024, regular Planning Commission meeting minutes with the one change for Commissioner Kerr. Commissioner White seconded the motion.

All In Favor

4. Discussion

A. Future Projects

Mr. Barnhill mentioned that there have been two rounds of public comments for the Highway 89 Master Plan and is hoping that they are getting a final draft proposal together. He said that he will let the commission know as soon as it comes through.

B. Report on past-approved Planning Commission Agenda Items

Nothing to report.

C. Report from Commissioner regarding previous Council Meetings

Nothing to report.

D. Make Assignments for Representative to Attend City Council Meeting (Aug 8 & 22, 2024)

Commissioner Kerr said she would attend the upcoming City Council meeting on August 8th and Commissioner White will cover the August 22nd meeting.

Commissioner Moss brought up that the next Planning Commission meeting is scheduled for September 5, 2024, which is during the Peach Days festivities. It was decided that the work sessions would be scheduled later to get feedback from all the commissioners.

5. Public Comment

None.

6. Training

A. Staff

Chris Crockett, attorney, gave a training on the Public Infrastructure District Creation Application process. He noted that it was created specifically for funding. He walked the commission through the application steps and there was some discussion about the benefits and drawbacks.

7. Review Next Agenda and Adjourn

A. Items for August agenda (next meeting September 5th, 2024)

No agenda items.

B. Motion to Adjourn

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

All In Favor

The meeting ended at 8:49 p.m.