

PERRY CITY PLANNING COMMISSION

REGULAR MEETING AGENDA-UPDATED

October 3rd, 2024

7:00 pm regular meeting

1950 S Hwy 89 Perry, UT

The meeting will be open to the public.

“Electronic Meeting” Web/Teleconferencing will be used.

The Perry City Planning Commission will hold a meeting on the Thursday identified above, starting at approximately 7:00 PM, at 1950 S Hwy 89. Members of the public may attend the meeting in person or may view the meeting via Zoom using a link and instructions provided by Perry City, please contact the city office 48 hours in advance for online meeting access instructions. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration.

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

A. Declare Conflicts of Interest, If any

2. Action Items

**A. Preliminary Subdivision Application for Canyon Gate Subdivision
No. 4 Lot 1 located at approximately 1200 S 725 W Parcel #03-154-0104 Applicant; Courtney Barton**

**B. Ordinance 24-I Zone Change request for the Development Overlay
Zone for Olsen Orchard located at approximately 1111 W 3600 S
Parcel #'s: 02-038-0004; 02-038-0010; 02-038-0005; 02-038-0061; 02-038-0069 Applicant; Pat Burns**

**C. Ordinance 24-H Amending Multi-Family Dwelling/Apartment
Density Map & Subdivision Code**

**D. Public Hearing: Ordinance 24-J Amending IC Zone and Density
Map**

3. Approval of the Minutes

A. August 1, 2024, Regular Planning Meeting

B. September 5, 2024, Work Session

4. Discussion

A. Short Term Rentals

B. Future Projects

C. Report on past-approved Planning Commission Agenda Items

D. Report from Commissioner regarding previous Council Meetings

**E. Make Assignments for Representative to Attend City Council
Meetings**

(October 10th and 24th)

5. Public Comment

6. Training

A. Staff

7. Review Next Agenda and Adjourn

A. Items for November agenda (next meeting November 7th, 2024)

B. Motion to Adjourn

Certificate of Mailing

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each member and alternate member of the Planning Commission and other designated City Officials and was posted in these locations: The Perry City Offices, Centennial Park, Perry City Park; Perry City Website; and State Website; on this 19th of September 2024. An individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Tyra Bischoff, Planning Secretary

Rules for Public Hearings/Comments:

- (1) Please speak only once (maximum of 3 minutes) per agenda item.
- (2) Please speak in a courteous and professional manner.
- (3) Do not speak to specific member(s) of the Planning Commission, staff, or public (please speak to the Chair or to the Commission as a group).
- (4) Please present possible solutions for all problems identified.
- (5) Action will not be taken during this meeting if the item is not specifically on the agenda.

Ruby Ward
1810 S Hwy 89
Perry UT 84302

SSYA BC LLC
1215 Wilmington AVE Ste 120
Salk Lake City, UT 84106

Lancer B LC
725 W 1200 S Ste A
Perry, UT 84302

MTN View Land LLC
1175 S Commerce Way
Brigham City, UT 84302

BWH Properties LLC
1170 Michelle Drive
Brigham, City, UT 84302

Homes USA LLC
725 W 1200 S STE A
Perry, UT 84302

Stone Edge Holdings LLC
298 S 100 W
Fielding, UT 84311

Brigham City Gymnastics LLC
1455 S Commerce Way
Perry, UT 84302

Puerto Vallarta 1 LLC
PO Box 17290
Salt Lake City, UT 84117

September 23, 2024

Notice of Planning Commission Meeting

October 3, 2024

1950 S Highway 89

Perry, Utah 84302

Application: Preliminary Subdivision Application (Canyon Gate)

Applicant: Church of Jesus Christ of Latter-Day Saints Office of the Presiding Bishop; Courtney Barton

Location: Approximately 1200 S 725 W (03-154-0104)

Dear Property Owner:

As required by ordinance, you, and all other property owners within 300 feet of the above referenced location are being notified of the application referenced above. The preliminary subdivision application proposes the creation of a two-lot subdivision and a public street with potential for future commercial development. Interested persons are invited to attend the upcoming Planning Commission Meeting on Thursday October 3, 2024, at 7:00 p.m.

You can access this meeting via zoom by going to <https://perrycity.rainadmin.com/whats-new.htm.htm>.

The subdivision application will NOT include a Public Hearing. Please note the following important information:

- *The decision on the application is administrative in nature and the application will be reviewed for code compliance only. Law provides that administrative land use applications must be approved if they meet applicable regulations, regardless of public sentiment. The Planning Commission Chairperson may or may not allow comments during the meeting. While your comments are highly valued, they may not (and depending on the comment, cannot) change the outcome of the application.*
- *Appropriate public comments should be submitted in writing prior to the public meeting and will help identify potential concerns related to code compliance, not whether the proposal is viewed favorably by the public. Keeping your public comments brief and applicable to the role and responsibilities of the Planning Commission will help all involved parties maintain focus and productivity.*
 - *An example of a useful comment would be: "I reviewed the application package and noticed the lots of the proposed subdivision are one quarter acre in size; however I believe the current zoning requires lots to be one-third of an acre.*
 - *An example of an ineffective comment would be: "I haven't reviewed the application package or City code, but I don't like the proposed subdivision and*

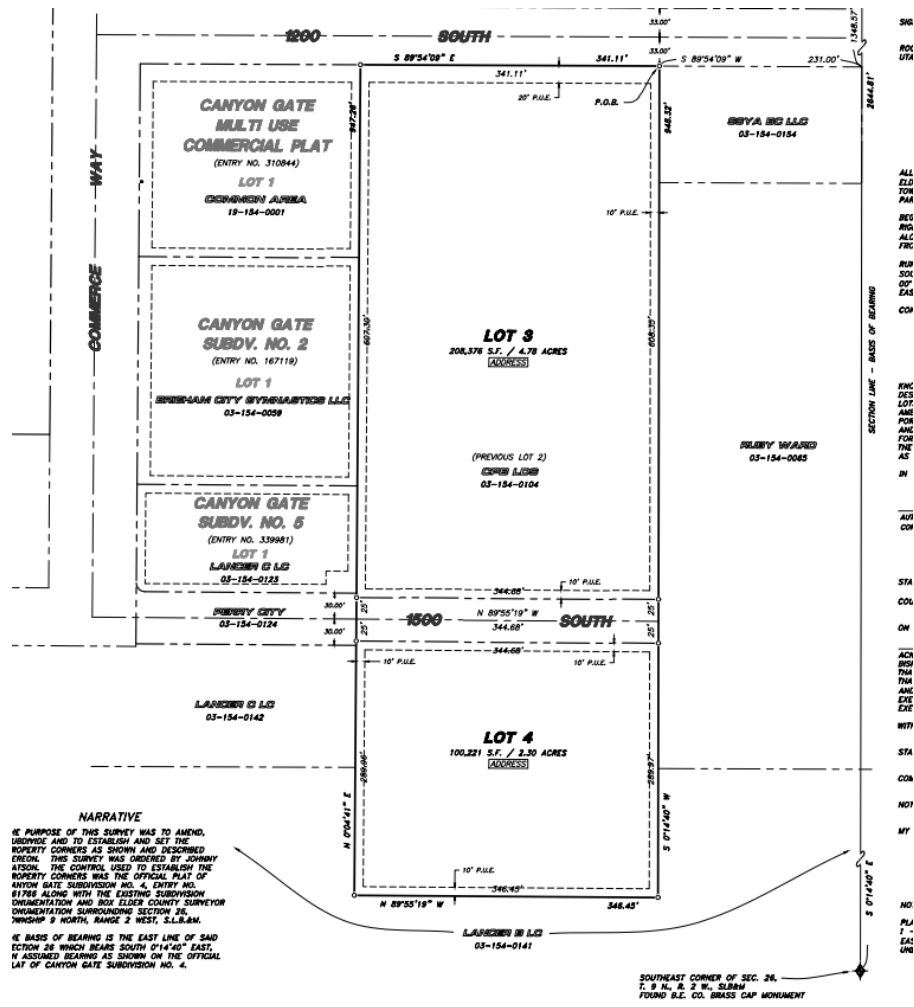
think it should not be allowed because it will block my view of the mountains.
Plus, the layout of the subdivision is ugly.”

- Please contact the applicant directly to communicate in a civil manner any matters of a subjective nature.
- If you feel the City’s current land use regulations need changed, please contact City staff to discuss your concerns and proposed solutions. If eventually adopted, any regulation changes would apply to future applications only.

Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461). Feel free to contact our planning staff or office staff should you have any questions.

Sincerely,

Tyra Bischoff
Perry City Planning Secretary



Staff Report

October 3, 2024

Perry City Planning Commission



Preliminary Subdivision (Canyon Gate Amendment) – Church of Jesus Christ of Latter-day Saints - located at approximately 700 W 1200 S

Summary

The property to be developed is approximately 7.5 acres in size and is zoned C1. The application being considered by the Planning Commission is a subdivision to dedicate the extension of 1500 S street and subsequently divide the property into two lots. The site plan application will outline all of the detailed engineering, utilities, and site work for the development and will be a future application following the subdivision. The proposed development will include a Deseret Industries, Bishop's Storehouse, and related operations.

The property will have frontage along 1200 S and 1500 S. The existing 1500 S right of way is 60' wide, which is the standard for local streets. The applicant is proposing a 50' right of way, which is allowed in our standards, but is up to the discretion of the land use authority (Planning Commission). City staff and our engineer have reviewed this proposal. While we consider 60' the default choice, we can support the proposed 50' right of way.

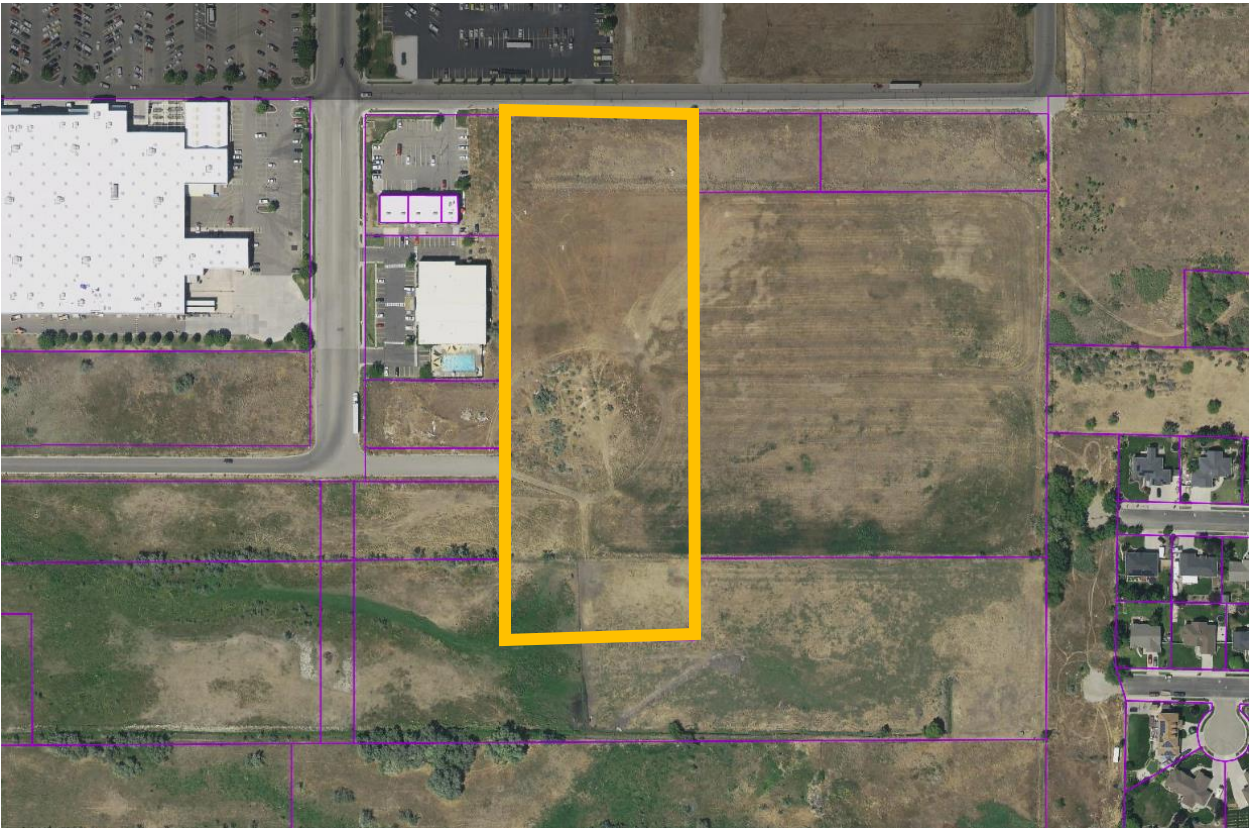
The developer shall be responsible to construct 1500 S and the related utilities within this right of way. A city water main and pressurized sewer main already exist in this corridor.

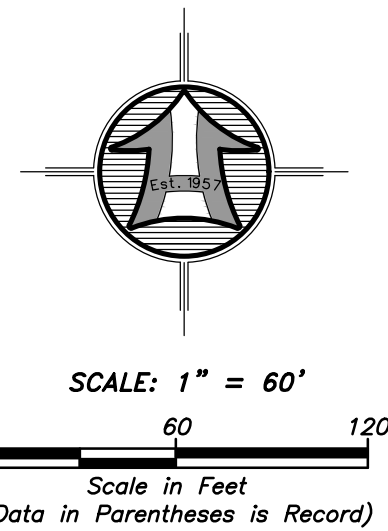
Code Compliance

Additional detail will be provided with their forthcoming site plan application. Our engineer is still reviewing their latest update, but it appears this application is ready for approval.

Considerations and Recommendations

This is an administrative application and Planning Commission is the final land use authority. A concept drawing of the development is included with this report, but your decision will only relate to the plat and roadway drawings.





CANYON GATE SUBDIVISION NO. 4 SECOND AMENDMENT

AMENDING LOT 2, CANYON GATE SUBDIVISION NO. 4

PERRY CITY, BOX ELDER COUNTY, UTAH
A PART OF THE SOUTHEAST QUARTER OF SECTION 26,
TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN

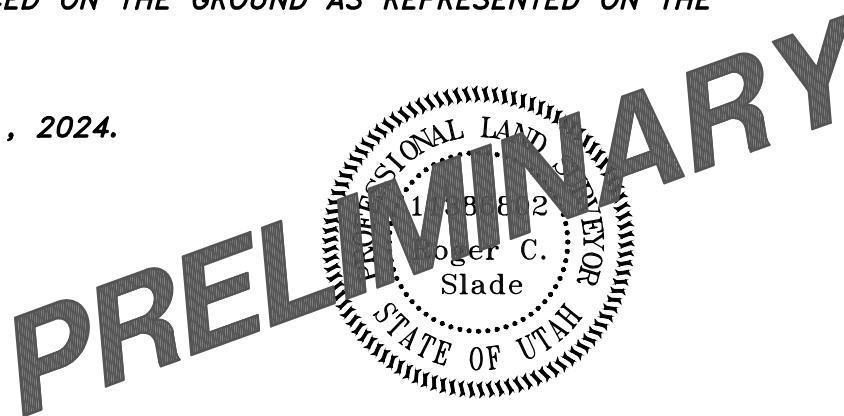
EAST QUARTER CORNER OF SEC. 26,
T. 9 N., R. 2 W., SLB&M
FOUND B.E. CO. BRASS CAP MONUMENT

SURVEYOR'S CERTIFICATE

I, ROGER C. SLADE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ACT; AND BY THE AUTHORITY OF THE OWNERS, I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED AND SHOWN HEREON THIS PLAT IN ACCORDANCE WITH SECTIONS 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS AND HAVE HEREBY AMENDED AND SUBDIVIDED SAID TRACT INTO TWO (2) LOTS, KNOWN HEREFTER AS CANYON GATE SUBDIVISION NO. 4 SECOND AMENDMENT AND THAT THE SAME HAS BEEN SURVEYED AND MONUMENTS HAVE BEEN LOCATED AND/OR PLACED ON THE GROUND AS REPRESENTED ON THE PLAT HEREON.

SIGNED THIS _____ DAY OF _____, 2024.

ROGER C. SLADE, P.L.S.
UTAH LAND SURVEYOR LICENCE NO. 11386802



LEGEND

- SUBJECT PROPERTY LINE
- ADJOINING SUBDIVISION/INTERIOR LOT LINE
- ADJOINING PROPERTY LINE
- CENTERLINE
- EASEMENT (P.U.E.)
- STREET MONUMENT
- FOUND SURVEY MARKER SET BY OTHERS
- SET 5/8"x24" REBAR WITH CAP
- SECTION CORNER

EXECUTIVE REVIEW

REVIEWED BY THE PERRY CITY MAYOR
THIS _____ DAY OF _____, 2024.

MAYOR

ATTEST:

RECORDER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, A.D., 2024

ATTORNEY

APPROVAL AND ACCEPTANCE

APPROVED BY THE AUTHORIZED PERRY CITY LAND USE AUTHORITY
THIS _____ DAY OF _____, 2024.

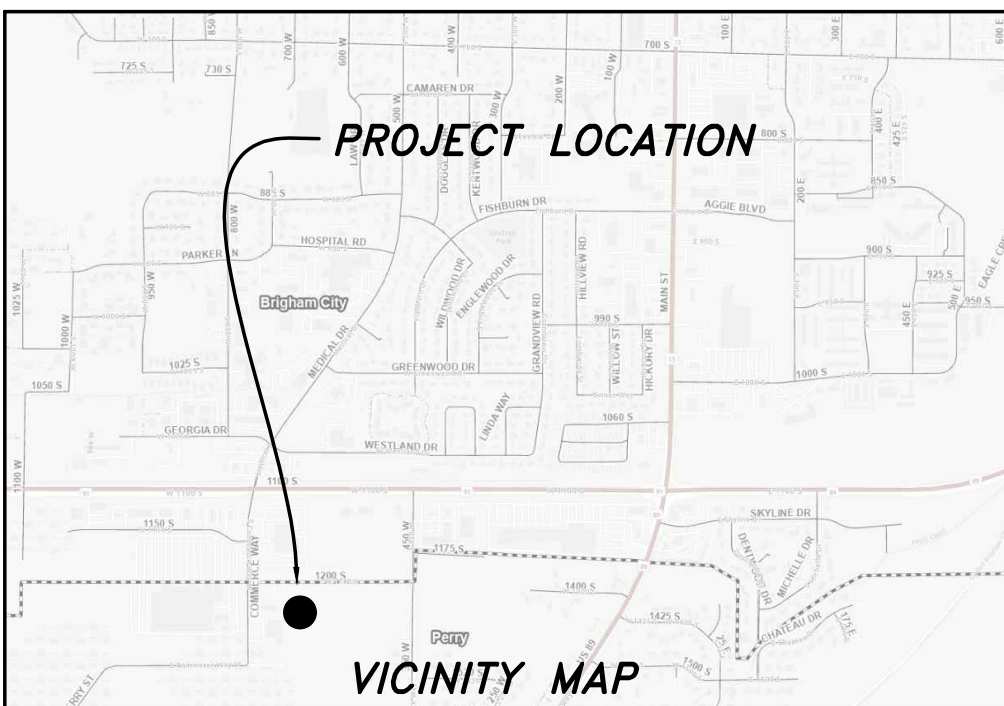
LAND USE AUTHORITY

ENGINEER'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THE PERRY CITY OFFICE.

DATE

ENGINEER



DEVELOPER:
CPB LDS



HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham, Utah 84302
Visit us at www.haies.net
Brigham City Ogden Logan
(435) 723-3491 (801) 399-4905 (435) 752-8272
Celebrating over 60 Years of Business

WAY
COMMERCE

**CANYON GATE
MULTI USE
COMMERCIAL PLAT**
(ENTRY NO. 310844)

LOT 1
COMMON AREA
19-154-0001

**CANYON GATE
SUBDV. NO. 2**
(ENTRY NO. 167119)

LOT 1
BRIGHAM CITY GYMNASTICS LLC
03-154-0059

**CANYON GATE
SUBDV. NO. 5**
(ENTRY NO. 339981)

LOT 1
LANGER C LC
03-154-0123

PERRY CITY
03-154-0124

LANGER C LC
03-154-0142

LOT 3

208,376 S.F. / 4.78 ACRES
ADDRESS

(PREVIOUS LOT 2)
CPB LDS
03-154-0104

LOT 4

100,221 S.F. / 2.30 ACRES
ADDRESS

LANGER B LC
03-154-0141

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO AMEND, SUBDIVIDE AND TO ESTABLISH AND SET THE PROPERTY CORNERS AS SHOWN AND DESCRIBED HEREON. THIS SURVEY WAS ORDERED BY JOHNNY WATSON. THE CONTROL USED TO ESTABLISH THE PROPERTY CORNERS WAS THE OFFICIAL PLAT OF CANYON GATE SUBDIVISION NO. 4, ENTRY NO. 261766 ALONG WITH THE EXISTING SUBDIVISION MONUMENTATION AND BOX ELDER COUNTY SURVEYOR MONUMENTATION SURROUNDING SECTION 26, TOWNSHIP 9 NORTH, RANGE 2 WEST, S.L.B.&M.

THE BASIS OF BEARING IS THE EAST LINE OF SAID SECTION 26 WHICH BEARS SOUTH 0°14'40" EAST, AN ASSUMED BEARING AS SHOWN ON THE OFFICIAL PLAT OF CANYON GATE SUBDIVISION NO. 4.

SOUTHEAST CORNER OF SEC. 26,
T. 9 N., R. 2 W., SLB&M
FOUND B.E. CO. BRASS CAP MONUMENT

SECTION LINE - BASIS OF BEARING

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE AMENDED AND SUBDIVIDED INTO LOTS AS SHOWN ON THIS PLAT, AND NAME SAID TRACT CANYON GATE SUBDIVISION NO. 4 SECOND AMENDMENT, AND HEREBY DEDICATE, GRANT AND CONVEY TO PERRY CITY ALL THOSE PARTS OR PORTIONS DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO DEDICATE, GRANT AND CONVEY THOSE CERTAIN STRIPS OF LAND SHOWN AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY PERRY CITY.

IN WITNESS WE HAVE HEREUNTO SET OUR SIGNATURE THIS _____ DAY OF _____, 2024.

AUTHORIZED AGENT OF
CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF)

ON THIS _____ DAY OF _____, 2024, PERSONALLY APPEARED BEFORE ME,

_____, WHO BEING BY ME DULY SWORN DID SAY AND ACKNOWLEDGE THAT HE/SHE IS AN AUTHORIZED AGENT OF THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, A CORPORATION SOLE, AND THAT THE SEAL IMPRESS ON THE WITHIN INSTRUMENT IS THE SEAL OF SAID CORPORATION AND THAT SAID INSTRUMENT IS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE SAID INSTRUMENT ON BEHALF OF SAID CORPORATION AND THAT SAID CORPORATION EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL.

STATE OF UTAH NOTARY PUBLIC _____

COMMISSION NUMBER _____

NOTARY PRINTED NAME _____

MY COMMISSION EXPIRES _____

COUNTY RECORDER'S NO. _____

NOTE:

PLAT NOTES:
1 - ALL PUBLIC UTILITY
EASEMENTS ARE 10' WIDE
UNLESS OTHERWISE NOTED.

STATE OF UTAH, COUNTY OF BOX ELDER, RECORDED AND
FILED AT THE REQUEST OF _____
DATE _____ TIME _____ FEE _____
ABSTRACTED _____

INDEX _____
FILED IN: _____ FILE OF PLATS

COUNTY RECORDER

PRELIMINARY SITE DEVELOPMENT LAYOUT

**50'-0" CITY OF PERRY ROW
CONSTRUCTED AS PER PERRY CITY
CORPORATION PUBLIC WORKS STANDARDS**

S 00.90.0 W
(S) 014.40" E

PERRY UT WELFARE COMPLEX

1" = 30'

S 89°34'39" E (N 89°55'19" W)

Staff Report

Oct 3, 2024

Perry City Planning Commission



Zone Change Request: Development Overlay Zoning District with a development agreement.

Applicant – Lync Construction. Property located at approximately 1100 W 3600 S

UPDATE

An updated concept plan has been submitted and is included with this packet. The applicant has addressed most of the comments from the work session. I have provided an updated comparison table as well. Some utility issues are still up in the air. It is up to planning commission and city council regarding how much detail and certainty is needed for utilities at this stage and what can wait for the future subdivision application.

Work session comments:

- 10,000 sf average lot size
- 75 townhomes max
- Townhome buffer along Hwy 89
- Landscape buffer along 3600 S
- No live/work units
- Clear proposal for parks (developer will build what is shown. No cash allowance is proposed)
- Phasing plan

	Preliminary	Previous DA	Proposed DA 1.0	Proposed DA 2.0	Proposed DA 3.0
Acres	57	57	69	63	63
Total Units/Lots	147	212	257	234	208
SF	103	38	151	120	133
SF (Patio)	0	82	0	0	0
MF	44	92	106*	114*	75
Homes per Acre	2.58	3.7	3.7	3.7	3.3
SF Lot Size	15,000 - 22,031	8,700 - 15,456	6,355 - 24,241	6,239 - 15,670	10,550 avg
Improved Open Space	NA	14.25*	10.16	11.78**	15.22**
		<i>*Includes 4 acres wetlands</i>	<i>* Includes 32 'Flex' units that could be residential or commercial</i>	<i>* Includes 32 'Flex' units that could be residential or commercial</i>	<i>**Includes wetlands/natural areas</i>
				<i>**Includes wetlands/natural areas and landscaping around townhomes??</i>	

If Planning Commission supports the overall concept the next step will be to determine many of the details. This could include baseline models for the playground and site furnishings, landscape buffer details, trail construction, pickleball construction, etc.

Summary

This zone change request involves several properties totaling approximately 69 acres. The request is to apply the overlay district on the existing R1/3 zoning and would include a development agreement. A development concept is attached that would form the basis of the development agreement. This development, known as Olsen Orchards, received preliminary approval in 2022. The approved preliminary plans represent what is allowed by default in our code. Previously a development agreement was proposed for the area, but was not approved. I have included a brief comparison table to show the differences between the current proposal, the previous development agreement proposal, and the approved preliminary subdivision plan.

	Preliminary	Previous DA	Proposed DA
Acres	57	57	69
Total Units/Lots	147	212	257
Single Family	103	38	151
Single Family (Patio)	0	82	0
Multi-Family	44	92	106*
Homes per Acre	2.58	3.7	3.7
SF Lot Size	15,000 - 22,031	8,700 - 15,456	6,355 - 24,241
Improved Open Space	NA	14.25*	10.16
		<i>*Includes 4 acres wetlands</i>	<i>* Includes 32 'Flex' units that could be residential or commercial</i>

You can see that the overall density is the same as the previously rejected development agreement. In addition the overall open space is less, although the quality of open space is to be determined. Certainly density and the number of townhomes will be a significant discussion point. The quality and size of open space enhancements will determine how the scales balance in terms of density bonus allowed by the city.

Staff recommends clarity on certain details be obtained. These could include:

1. Determination of what the 'Flex' area will be. Our general plan and current zoning supports residential development. If commercial is considered it should be considered in the context of future surrounding uses and design details should be provided.
2. Details for open space – trail construction, planting/landscaping, streetscape plan including street trees, private streets, and treatment along hwy 89. A landscape architect should create the landscape plan.
3. The developer has verbally indicated that they could pay a cash allowance per lot/unit above the number permitted in the preliminary plans. This fund would be used by the city for playground equipment, pavilions, etc. They have not formally proposed what this would be.
4. Details regarding how the wetlands will be mitigated and improved.

5. Phasing plan.

This particular development will require significant utility improvements. A preliminary plan for the following utilities should be part of the development agreement.

1. The culinary water line in 1200 W must be upsized from 6" to 10". The upsized line could benefit other nearby properties and a reimbursement agreement for this could be authorized by the development agreement.
2. A connection to the sewer main line to the west is required.
3. Pineview secondary water, or an acceptable alternative source, is required.
4. A preliminary storm water collection plan should be indicated on the concept plan.

Code Compliance

Zone changes and development agreements are legislative decisions. City Council will be the final land use authority and any information and opinion can be considered when making the decision. Development agreements are completely voluntary for both the applicant and the city. An agreement should be crafted that is beneficial for all parties. The city is under no obligation to approve a proposed agreement. There are many details to finalize with a development agreement of the proposed scope and it is anticipated multiple meetings will be required to come to terms.

Development agreements are outlined in section 15.02 of our municipal code. The concept plan and a draft agreement are attached to this staff report. Our Municipal Code says the following regarding Development Agreements:

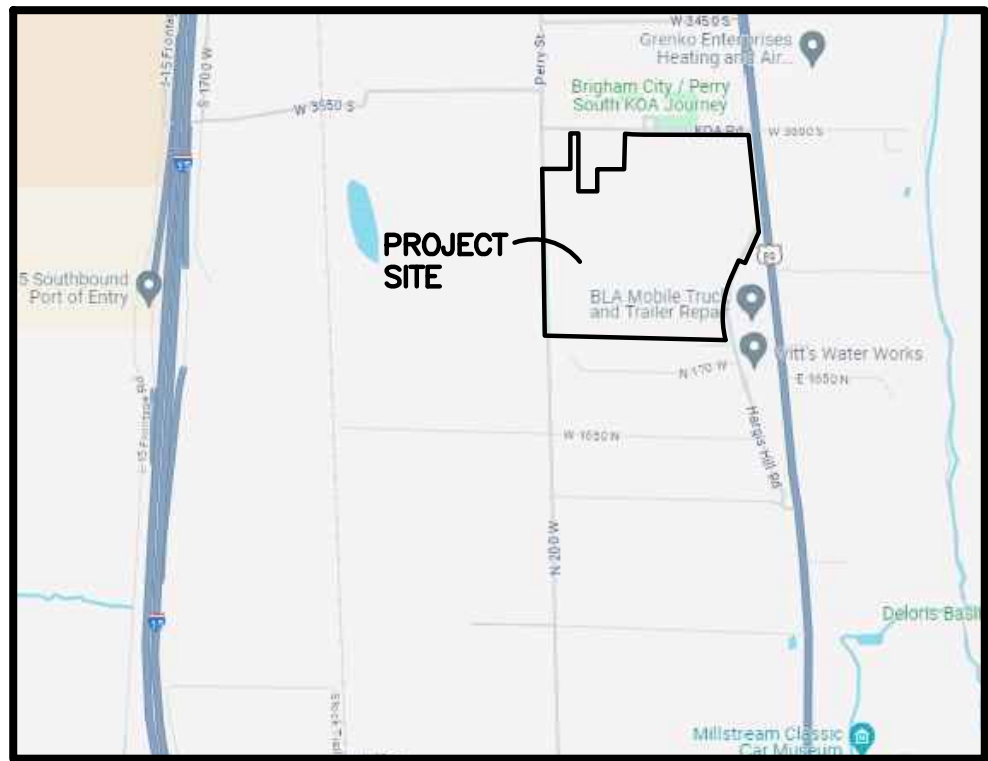
The purpose of this chapter is to provide procedures and minimum standards for the review, consideration, and possible approval of development agreements by the City Council. The purpose of development agreements is to allow exceptions or changes to the current code for a specific development, respond to unique aspects of a property or development, further city priorities, bind the Subdivider to agreed upon Improvements and Infrastructure and other development parameters, and above all, create better developments than what could be had without a development agreement. A development agreement may only be approved, if in the opinion of the City Council, such agreement is found:

To recognize the intended character of the subject property by tailoring development standards and requirements that provide more desirable land use planning and regulatory standards than would be possible under the city's existing ordinances: and

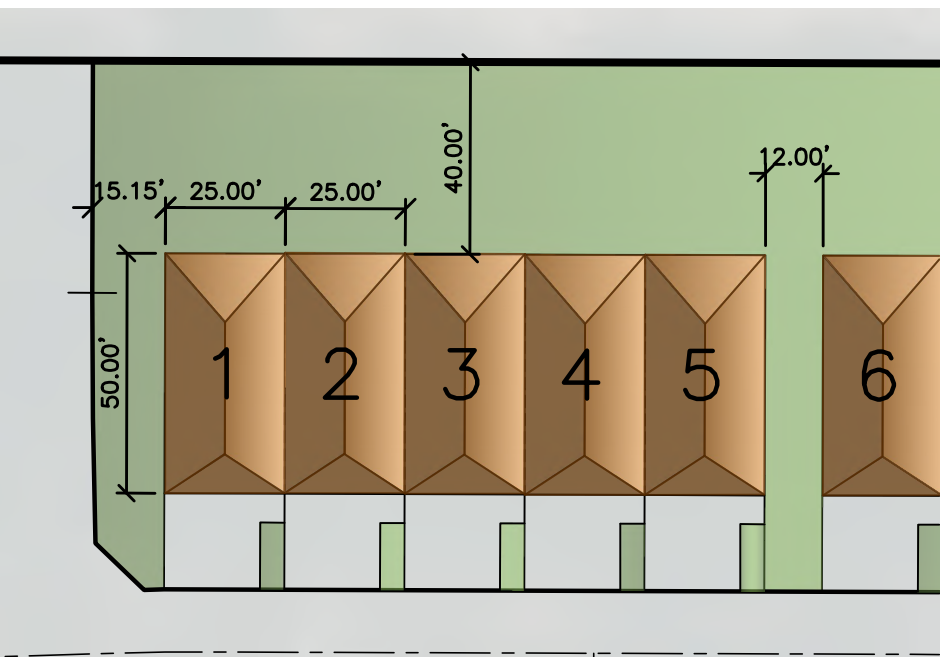
To advance the policies and adopted plans of the City.

Considerations and Recommendations

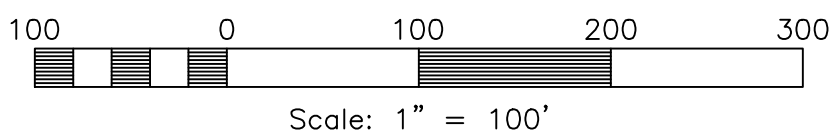
As a legislative item, Planning Commission is not obligated to approve the overlay zone or the development agreement. Both items should be recommended for approval if they are deemed beneficial and desirable.



Vicinity Map
(NOT TO SCALE)



Townhomes (Typ.)
(SCALE: 1"=40'-0")



Density Calculations

Total Combined Project Area..... 63.23 ac.
Townhome Units.....75
Single Fam Lots.....133 @10,550 S.F. Avg.

Open Space
Community Park.....5.09 ac. (8.1%)
Natural Open Space.....10.13 ac. (16%)
Total Open Space.....15.22 ac. (24.1%)

Total Units.....208 (3.29 units/ac.)

■■■■■■■■ = LOCATION OF PROPOSED 6' PATHWAY

Developer:

Lync Development
Pat Burns
1946 W 5600 S
Roy, UT. 84067
(801) 710-2234



REVISIONS	DESCRIPTION
DATE	

Olsen Orchards
PART OF THE SE 1/4 OF SECTION 10 T.8N., R.2W., S.LB & M., U.S. SURVEY
PERRY, BOX ELDER COUNTY, UTAH

Concept Plan

Revised: Sept. 19, 2024

Project Info.	
Engineer:	J. NATE REEVE, P.E.
Planner:	C. CAVE
Designer:	S. SIMRAYH
Date:	9-16-24
Name:	OLSEN ORCHARDS
Number:	6298-35

Sheet	1
1	Sheets

[illegible]

Row												
Residential: Multi-family Dwelling Units17			P	P	P	P	P	P				
	P											
Row												
Residential: Single-family	P	P	P	P	P	P	P	P	P			
Row												
Retail8										P	P	
	P	P		P	P							

...

SECTION 3: Amendment. Section "15.07.110 " is hereby amended as follows.

...

c. Any measurement is ... to the residential property.

8. Setbacks shall be ... its successor statute.

9. Height shall be measured from the highest point of the structure to the lowest adjacent grade.

a. NC2 and NC3 Zones: The height for structures constructed on the east side of highway 89 and within fifty feet (50) of highway 89 shall be measured from the highest point of the building to the adjacent crown of the road in Highway 89.

b. Multi-family Dwellings not located in a commercial zone shall be limited to thirty (30) feet in height.

HISTORY

...

SECTION 4: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 5: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall go into effect at the expiration of the 20th day after publication or posting or the 30th

day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

****Signatures On Next Page****

DRAFT

PASSED AND ADOPTED by Perry City Council this _____.

KEVIN JEPPSEN, Mayor
Perry City

Attest:

SHANNA JOHNSON, City Recorder
Perry City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Nathan Tueller	_____	_____	_____	_____
Toby Wright	_____	_____	_____	_____
Blake Ostler	_____	_____	_____	_____
Ashley Young	_____	_____	_____	_____
Dave Walker	_____	_____	_____	_____

RECORDED this _____.
PUBLISHED OR POSTED this _____.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Perry City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

- 1. City Hall
- 2. Perry City Website
- 3. Utah Public Notice Website

on the above referenced dates.

SHANNA JOHNSON, City Recorder
Perry City

NOTICE OF PERRY PLANNING COMMISSION PUBLIC HEARING

Notice is hereby given that the Perry Planning Commission will hold, in the City Council Chambers at 1950 S Hwy 89 in Perry a public hearing to receive public comment regarding Ordinance 24-J Amending IC Zone/Density Map. Members of the public may view the meeting via Zoom using a link upon request 48 hours prior to the meeting or attend in person. The public hearing will be held in conjunction with the Perry City Planning Commission Meeting, which starts at 7:00 p.m. on Thursday, October 3, 2024. All interested persons shall be given the opportunity to be heard. Written concerns are welcome. Any Individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461). By: Tyra Bischoff, Planning Secretary.

Staff Report

October 3, 2024

Perry City Planning Commission



Ordinance 24-J

Summary

The Bear River Landing apartments were approved about three years ago. This development included 240 apartments units. The project is being sold and the new developers desire to change from apartments to townhomes. This proposed ordinance would amend our code to re-introduce multi-family dwellings into the Interstate Commercial Zone and amend the density map to align with the new proposal.

This legislative decision will be a recommendation to city council. A copy of the proposed development plan is included in this packet, however it is for reference only and no decisions are being made regarding the development specifically. If this ordinance is approved it would allow the property owner the opportunity to submit a new development plan for consideration.

ZONING AMENDMENTS

WHEREAS, Utah Code Annotated 10-9a authorizes Perry City to regulate the subdividing of land; and,

SECTION 1: Repealer. If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

...
Uses not shown in ... similar use is permitted.

[illegible]

Row												
Residential: Multi-family Dwelling Units17			P	P	P	P	P	P				
P	P											
Row												
Residential: Single-family	P	P	P	P	P	P	P	P	P			
Row												
Retail8										P	P	
P	P		P	P								

...

SECTION 3: The Multi-family Dwelling and Apartment Density Map found in 15.06.010 #17 shall be amended as shown in Exhibit A.

SECTION 4: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 5: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

****Signatures On Next Page****

PASSED AND ADOPTED by Perry City Council this _____.

KEVIN JEPPSEN, Mayor
Perry City

Attest:

SHANNA JOHNSON, City Recorder
Perry City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Nathan Tueller	___	___	___	___
Toby Wright	___	___	___	___
Blake Ostler	___	___	___	___
Ashley Young	___	___	___	___
Dave Walker	___	___	___	___

RECORDED this _____.
PUBLISHED OR POSTED this _____.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Perry City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

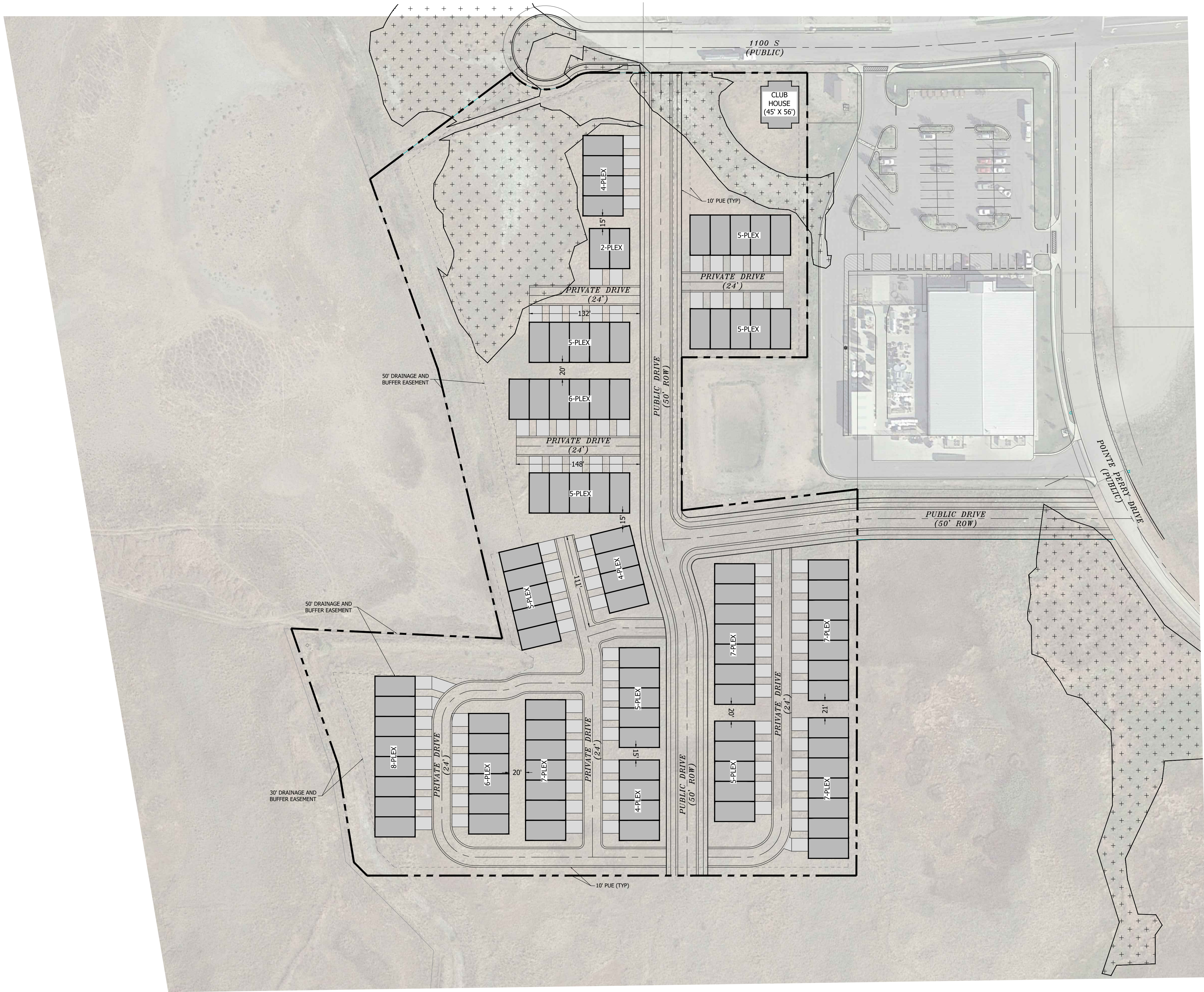
- 1. City Hall
- 2. Perry City Website
- 3. Utah Public Notice Website

on the above referenced dates.

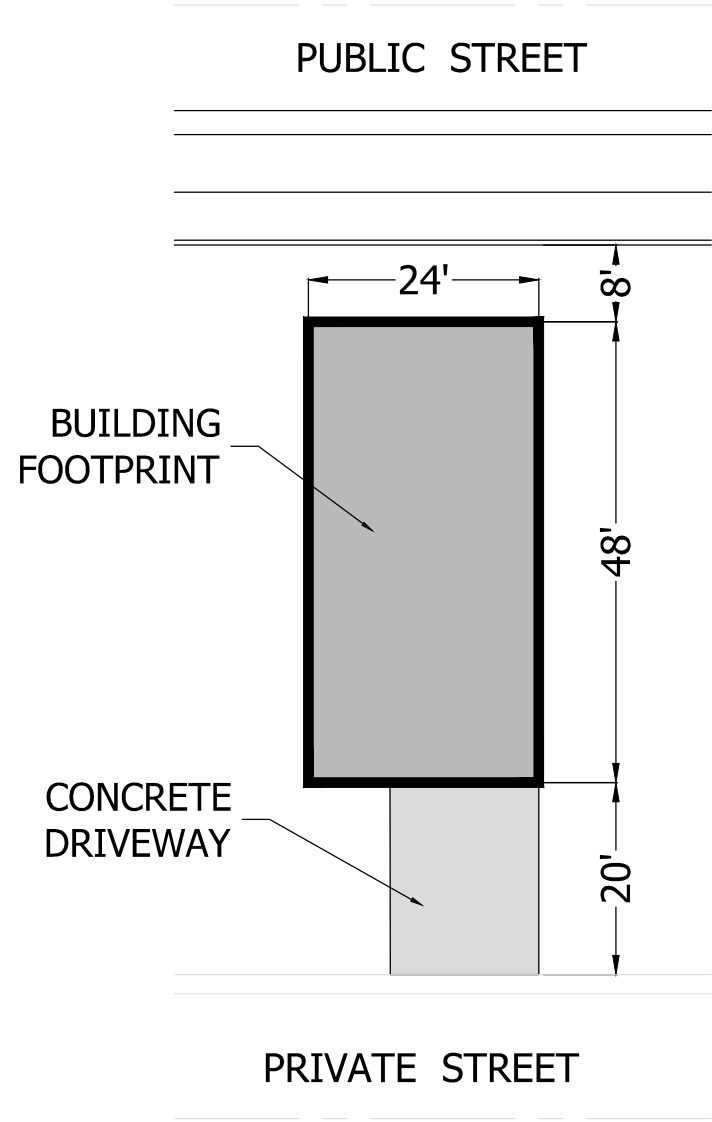
SHANNA JOHNSON, City Recorder
Perry City

EXHIBIT A

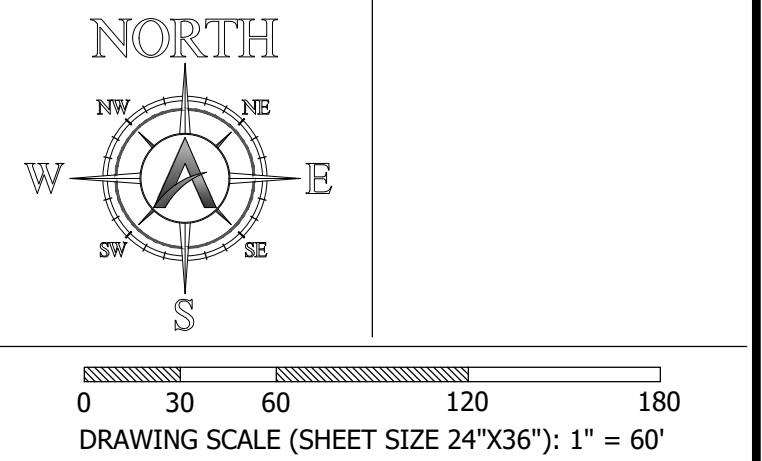




PROJECT TABULATION TABLE	
PARCEL NUMBERS:	03-155-0065, 03-236-0038
TOTAL AREA:	10.50 ACRES
PROPOSED TOWNHOME UNITS:	97



- PROJECT NOTES / LEGEND:
- 1) PROPERTY BOUNDARY DRAWN BY ROUGH DIMENSIONS ONLY. SURVEY RECOMMENDED FOR ACCURACY.
- PROPERTY BOUNDARY LINE
 - EASEMENT LINE
 - SETBACK LINE
 - UTIL
 - EXISTING UTILITY / FEATURE LINE
 - PROPOSED UTILITY / FEATURE LINE
 - PROPOSED CONCRETE
 - PROPOSED BUILDING
 - EXISTING WETLAND AREA
 - EXISTING CONTOURS
 - PROPOSED CONTOURS
 - PARKING STALL COUNT



APEX
Engineering of Utah, Inc.
661 NORTH MAIN STREET SPANISH FORK, UT
apex20.com 801-796-2277

REVISIONS		
MARK	DATE	REMARKS
1	-	-

BEAR RIVER LANDING CONCEPT D.DWG 8/12/24 6:34 PM

PROJECT:

BEAR RIVER LANDING

LOCATION:

PERRY, UT

SUBMITTAL TYPE:

CONCEPT

SHEET:

CONCEPT PLAN

DRAWING:

C-0

1 August 1, 2024

2 Planning Commission Meeting
3 Virtual Meeting
4 7:00 p.m.
5
6

7 Commissioners Present: Chairman Stephen Moss, Commissioner Jan Kerr, Commissioner Beth Thompson
8 and Commissioner Paul White
9

10 Commissioners Absent: Vice-Chairman Ryan Vaughn, Commissioner Marcus Wager, and Commissioner
11 Blake Broadhead
12

13 City Staff Present: City Administrator Bob Barnhill, Planning Secretary Tyra Bischoff, Deputy Recorder
14 Misty Moesser, City Attorney Chris Crockett
15

16 Others Present: Kendall Chambers, Peggy Chambers, James Settlemyre, Jeannine Jensen, Shawn Perry,
17 Alex Owens, Chad Braegger, Pat Burns, and Rolin Hinrichsen
18

19 1. Call to Order and Opening Ceremonies

20 Chairman Stephen Moss called the meeting to order at 7:01 PM.
21

22 A. Declare Conflict of Interest, if any

23 None.
24

25 2. Action Items

26 Action Item B, Public Hearing: Ordinance 24-I was conducted first, before Action Item A.
27

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

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

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

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

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

43 Commissioner White mentioned that they should consider what they want for the future before making
44 the decision.
45

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

47 **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

94 developer coming in knowing that the lots are supposed to be 1/3 acre lots and wanting to change it
95 now. He ended his comment by reminding the commission that they are not required to change it for
96 him.

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

108 Kendall Chambers, resident living on 3600 South, stood before the commission and voiced his
109 agreement with the concerns that Mr. Hinrichsen and Mr. Settlemyre shared. He felt that they both had
110 valid points and that the residents living near the development are opposed to the developer's plans.

111 He mentioned that he had donated property to the city to have the road (3600 South) widened and
112 nothing has been done. He feels like the city has dropped the ball and that the road needs to be
113 widened. He said that he is grateful for the sewer, but they still do not have storm drain or secondary
114 water. He added that he also has concerns about the schools and if there is going to be enough water.

115 Peggy Chambers, also a resident on 3600 South, shared with the commission that she did not feel that
116 townhouses would fit on a country road setting. She was concerned that her road would start to look
117 like 1200 West, which is not well kept. She said that when Cherry Ridge subdivision went in, they were
118 supposed to put in 2 parks, yet there are no parks. She mentioned that she is concerned with traffic on
119 3600 South and all the RVs pulling out. She does not feel that it would be a safe area. She said that she
120 was also concerned with having enough water.

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

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

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

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

135 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.

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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.

DRAFT

1 September 5, 2024
2 Planning Commission Work Session
3 Virtual Meeting
4 7:00 p.m.
5
6

7 **Commissioners Present:** Chairman Stephen Moss, Vice Chairman Ryan Vaughn, Commissioner Blake
8 Broadhead, Commissioner Paul White, Commissioner Beth Thompson,
9 Commissioner Marcus Wager, Commissioner Jan Kerr (arrived at 7:02 p.m.)
10

11 **Commissioners Absent:** None.
12

13 **City Council Present:** None.
14

15 **City Staff Present:** Robert Barnhill; City Administrator
16 Tyra Bischoff; Deputy Recorder
17 Misty Moesser; Deputy Recorder
18

19 **Others Present:** Alex Owens, Pat Burns, Nathan Combs, Jeannine Jensen, Christine Olsen, Rolin
20 Hinrichsen
21

22 **On-line:** Chris Crockett; City Attorney
23
24

25 1. 6:00 p.m. - Work Session

26 A. Discussion on Ordinance 24-I Zone Change request for the Development Overlay Zone for
27 Olson Orchard's located at approximately 1111 W 3600 S Parcel #'s 02-038-0004; 02-
28 038-0010; 02-038-0005; 02-038-0061; 02-038-0069 Applicant; Pat Burns
29

30 Chairman Moss welcomed the attendees and called the work session to order.
31

32 Bob Barnhill, city administrator, provided background on the Olsen Orchard Subdivision. A new owner,
33 Pat Burns, has proposed adjustments to previously approved plans, and is seeking a development
34 agreement. Bob explained the nature and purpose of a development agreement as a voluntary contract
35 that customizes zoning regulations, beneficial to both the municipality and the community. He shared
36 updates on the development proposal and public comments received during public hearings. Key
37 concerns involved utility details, alignment with current zoning regulations, viability of commercial
38 units, open space details, and potential impact on neighboring properties. He mentioned that public
39 comments also had raised concerns about aspects like flex areas and wetland preservation.
40

41 Mr. Barnhill presented a comparison chart illustrating iterations of the development plans, with key
42 points being consistent overall density and specific changes in townhome quantities. Concerns were
43 raised about the distribution and number of townhomes relative to single-family homes, an unclear
44 breakdown of what would be done with the open areas, boardwalk materials and natural areas. He
45 explained some of the updates that would be needed to address where utility connections could be
46 made. A recommendation that the commission get some clarifying answers to whether the
47 playground/restroom concept that is shown in the plan diagram would be included.
48

49 The planning commission expressed dissatisfaction with the lack of density change and emphasized a
50 desire for a significant adjustment in the allocation of townhomes and single-family lots. The
51 commission preferred keeping townhomes together to prevent segmentation across subdivisions.
52 Several Commissioners critiqued the overly dense development, indicating that it did not align with

Perry City's vision. Suggestions were made regarding re-evaluating the viability of live-work units near highway developments. They expressed concerns that the developer's current plan did not reflect previous discussions.

Feedback highlighted an expectation for more alignment with city planning and suburban characteristics cherished by residents, particularly pointing towards larger lots as culturally preferred in Perry.

The developer, Pat Burns, admitted the plans presented were reflective of the highest allowable density, acknowledging the commission's dissatisfaction and clarifying that the proposed plan was intended as a starting point. Mr. Burns was willing to negotiate to find a workable solution. He also shared that he is willing to develop the subdivision plan that is already approved if the development agreement is not awarded. The developer reiterated the concept of maintaining a mix of housing types to cater to market demands for attainable housing, which currently underlines smaller lot purchases.

Many commissioners liked the proposed park and open space layout with amenities such as pickleball courts and trails while maintaining flexibility for adjustments like play fields and general landscaping. Discussions remained on balancing increased density through open space provisions. They asked for clarification and something in writing on what the "price per door" would be in relation to putting money toward a park. Mr. Burns responded that he would be willing to negotiate on what that price would be. A discussion was held on when to require a park to be finished in the building process and Mr. Burns made a recommendation to require it before moving on from Phase 1. Mr. Barnhill recommended that it be done before releasing the money that is held in escrow.

Mr. Barnhill offered summaries and guided a robust group discussion on achieving consensus on key aspects like density adjustments, open space standards, and feasibility of developer contributions per unit toward a recreation area in the open space. The commission agreed that they would like to see the average lot size come in at 10,000 square feet, bringing down the number of townhomes to 75 units and removing the live/work units. Chairman Moss shared that he would prefer to see a plan for the parks rather than a monetary amount. The commissioners discussed options such as pickleball courts, frisbee golf, baseball/football fields as well as keeping things simple with grass and shade. They ask the developer to come back to the commission with both options (dollar per door and a park concept plan).

Rolin Hinrichson, property owner near the proposed subdivision, spoke briefly of concerns that he had about the new proposal. These concerns included lot sizes being less than half the size of the approved lot sizes, possible traffic on 3600 West, whether a park in a subdivision is necessary in the neighborhood and concerns with the reputation of the developer. He advised the commission to do research on reviews of the developer's former projects.

The developer was tasked with bringing back a revised plan with considerations for a lower density target and revised lot sizes, prepping for a future work session where their revised concept would be discussed, with enhancements based on commission feedback. The commission and developer would jointly address open space and park planning per the guidelines and financial structuring discussed.

A proposal was made by Commissioner Wager to consider another public hearing to allow community input due to the plan's significant alterations since the previous session. Chairman Moss replied with a summary of the concerns brought up in the last 3 Planning Commission public hearings and did not feel that there would be any new concerns to address!

3. Adjourn

Margus Wager made a motion to adjourn the meeting. All commissioners were in favor. Meeting was adjourned at 8:52 PM.