

PERRY CITY PLANNING COMMISSION MEETING
PERRY CITY OFFICES
September 3, 2026

7:00 PM

COMMISSIONERS PRESENT: Chairman Paul White, Vice Chairman Stephan Moss, Commissioner Beth Thompson and Commissioner Travis Moesser

COMMISSIONERS ABSENT: Commissioner Marcus Wager and Commissioner Jan Kerr

CITY STAFF PRESENT: City Administrator Bob Barnhill, Attorney Chris Crockett, Planning Secretary Tyra Bischoff and Deputy Recorder Misty Moesser

OTHERS PRESENT: Rolin Hinrichsen, Ronda Hinrichsen, James Settlemyre, Pat Burns and Alex Owens

ONLINE: None

ITEM 1: CALL TO ORDER AND OPENING CEREMONIES

Chairman White called the meeting to order at 7:00 PM.

- A. Declare Conflict of Interest, if any**
None.

ITEM 2: ACTION ITEMS

- A. Ordinance 26-N Zone Change to Add Development Overlay Zone to Existing R ½ located at approximately 3700 S Perry St, Parcel #s: 02-035-0090, 02-035-0094 & 02-035-0091; Applicant: LYNC Construction**

City Administrator Bob Barnhill provided an update on the development agreement proposal for approximately 3700 South Perry Street. He reviewed the baseline plan, which would allow 50 lots under the existing R½ zoning, the previous proposal of 74 lots, and the updated proposal of 60 lots. The revised plan removed the townhome units and instead proposed 18 smaller homes arranged in three groups of six, referred to as “6-packs.” The applicant also offered a \$100,000 contribution toward city park improvements for the 10 lots above the baseline.

The Commission discussed the proposed lot sizes, road layout, wetlands, and the required land swap with the neighboring property. They discussed whether the 18 6-pack units provided an appropriate increase in density. Chair White supported the baseline plan but suggested reducing the 6-packs from 18 to 12 units and using the remaining area for traditional single-family lots. Other commissioners were comfortable with the proposed 18 units or were generally open to either option. The Commission also discussed potentially allowing animal-keeping rights on some of the larger western lots. Members agreed that the park contribution should be available for citywide park improvements rather than being limited to a specific park.

A neighboring property owner, Rolin Hinrichsen raised concerns regarding flooding near the pond, access to his property, impacts to his farming operation, and potential dust, noise, and property-value concerns. He also informed the Commission of a private airstrip on his property and requested that the required FAA setbacks be considered when locating homes.

The Commission requested that the airstrip and applicable setbacks be identified on the development plans and that City staff will seek additional guidance from the City Attorney before the development agreement returns to the Commission.

Directions to Applicant Included:

- Reduce 6-pack units from 18 to 12 (three groups of 6 to two groups of 6), with the removed 6-pack area converted to standard single-family lots.
- Investigate the registered private airstrip and show setback distances on the plans.
- Retain the larger western lots at or above 0.5 acres; apply RE zone regulations to those lots to permit animal-keeping rights.
- The park/amenity contribution need not be restricted to the Olsen Orchards park and may be directed to any Perry City park.
- Consider pedestrian connectivity from the subdivision to the pond and to the existing Orchard Trail system.

It was also discussed that staff will begin drafting the formal development agreement for the next review and will consult with the City Attorney regarding the applicant's six-month application expiration provision and the airstrip overlay question.

MOTION: Commissioner Thompson made a motion to table Ordinance 26-N Zone Change to Add a Development Overlay. Commissioner Moesser seconded the motion.

Roll Call Vote:

Commissioner Moesser, Yes
Commissioner White, Yes
Commissioner Moss, Yes
Commissioner Thompson, Yes
Commissioner Kerr, ABSENT
Commissioner Wager, ABSENT

Motion Approved. 4 Yes, 0 No

ITEM 3: APPROVAL OF THE MINUTES

A. August 6, 2026, Regular Planning Meeting

Commissioner Moss pointed out the misspelling of his first name. No other errors were noted.

MOTION: Commissioner Moesser made a motion to approve the minutes for the August 6, 2026 Planning Commission meeting with the spelling correction. Commissioner Moss seconded.

Roll Call Vote:

Commissioner Moesser, Yes
Commissioner White, Yes
Commissioner Moss, Yes
Commissioner Thompson, Yes
Commissioner Kerr, ABSENT
Commissioner Wager, ABSENT

Motion Approved. 4 Yes, 0 No

ITEM 4: DISCUSSION

A. Future Projects

Mr. Barnhill advised the Commission that he is preparing a code amendment addressing several sections of the municipal code that are outdated, undefined. The amendment proposes edits to 5 sections and deletion of 17 sections. The item will be presented at the next meeting.

Commissioner Moesser invoked the principle of Chesterton's Fence, urging that before any code sections are deleted, staff should research the original intent and history of those provisions to ensure no substantive protections are inadvertently removed.

Mr. Barnhill also noted his intention to revisit, in coordination with the city attorney, a subdivision code provision requiring applications to expire if approval is not obtained within 6 months — a provision that has not been enforced due to concerns about its enforceability under state law.

B. Report on past-approved Planning Commission Items

Mr. Barnhill reported on recent City Council action regarding items previously reviewed by the Planning Commission. Both zone changes were approved, and the development agreement policies and priorities were also approved and are now in effect. The water-wise landscaping ordinance was not approved, as the Council expressed concerns about regulating private landscaping choices.

C. Report from Commissioners regarding previous Council Meetings

Commissioner Moesser reported on the August 13th City Council meeting, at which the sole action item was approval of the vacation of Hargis Hill Road adjacent to Olsen Orchards.

Chair White reported that he listened to the August 31st meeting in its entirety and noted that council members expressed appreciation for the Commission's work on development agreement policies, with discussion emphasizing the use of development agreements to achieve higher-quality outcomes for the city.

D. Make assignments for representative(s) to attend City Council (April 16th)

- September 10th- Likely canceled
- September 24th- Commissioner White

ITEM 5: TRAINING

A. Staff

City Attorney Chris Crockett provided training on zoning estoppel, a legal doctrine that may prevent a local government from changing its position when a property owner has reasonably relied on governmental action. He reviewed the three elements required to establish zoning estoppel: good-faith reliance, a substantial change in position or expenses, and significant inequity if the owner is prevented from proceeding. Mr. Crockett discussed recent cases illustrating the doctrine and noted that informal staff statements generally do not establish reliance, while formal approvals may. He also reviewed the Governmental Immunity Act and confirmed that Planning Commissioners are generally protected from damages when acting within their authority.

ITEM 6: REVIEW NEXT ADGENDA AND ADJOURN

A. Items for September agenda (September 3rd)

Mr. Barnhill noted that the 3700 South Perry Street development agreement item will return for a revised plan review. Additionally, a development agreement proposal from Lync Development pertaining to a site near 3 Mile Creek and Promontory School is expected to be submitted in revised form for the next meeting, having previously been returned to the applicant for density reductions.

B. Motion to Adjourn

MOTION: Commissioner Moss made a motion to adjourn the meeting. Commissioner Thompson Seconded.

All In Favor

The meeting was adjourned at 8:37PM.