

Staff Report

April 4, 2019

Perry City Planning Commission



ZONE CHANGE

1. **Mark Mackley, Request for Zone Change on property located at approximately 3820 S Hwy 89, from NC3 to MU-C.**

Summary

The applicant is proposing a zone change for three contiguous parcels located between Hargus Hill Rd and Hwy 89 on the south end of Perry City. The parcels total approximately 3.5 acres and currently contain a single family home, a duplex, and some accessory buildings.

The properties are zoned almost entirely NC3 with a small portion on the west being zoned R1/3. The surrounding uses are mainly agricultural with some scattered residential development.

The applicant has stated their intent is to develop the property with multi-family housing. The applicant's narrative and images are included below in Additional Information. The current zoning of the property focuses on retail commercial and professional office space. Residential development is not permitted except for In-fill development under very strict regulations. The proposed zone does not allow for single family residences, however it does allow for all types of multi-family development including townhomes, condos, and apartments. There is not limit on the number of units in an apartment building.



Considerations and Conformance with General Plan

Our current General Plan does not support the rezone. The properties are shown on the future land use map to be R1/3. However the current zoning of NC3 is also not shown on the future land use map.

The applicant has proposed townhome type development on this property, however without a Development Agreement a zone change cannot be made based on a promise for a certain type of development. All potential uses within the proposed zone should be considered.

The water and sewer utilities are lacking in this area and may not be suited for the proposed zoning, however the same assessment could be made for the current zoning of the property as well.

Consideration should also be given to the precedent set by the decision on this application. Many individuals have expressed a desire to develop residential units along the highway. As you consider a decision on this application, thought should also be given to future applications and the pending General Plan Update.

2. Mark Mackley, Request for Zone Change on property located at approximately 2535 S Hwy 89, from NC2 to MU-C.

Summary

The applicant is proposing a zone change for two contiguous parcels along Hwy 89. The parcels total approximately 1.2 acres. Currently the parcels are partially developed with parking for Perry Dental. The remainder of the area is undeveloped.

The properties are zoned almost entirely NC3 with a very small portion on the east being zoned R1. The surrounding uses are predominately single family residential (mostly to the east off the highway) and light commercial (medical offices, Heritage Theater). There is some agricultural properties still in the area as well as Perry Park.

The applicant has stated their intent is to develop the property with multi-family housing and light commercial. The proposed zone does not allow for single family residences, however it does allow for all types of multi-family development including townhomes, condos, and apartments. There is not limit on the number of units in an apartment building. The main difference between the current zoning and the proposed zoning is the addition of multi-family housing.



Considerations and Conformance with General Plan

Our current General Plan does not support the rezone. The properties are shown on the future land use map to be NC2.

All potential uses within the proposed zone should be considered. Consideration should also be given to the precedent set by the decision on this application. Many individuals have expressed a desire to develop residential units along the highway. As you consider a decision on this application, thought should also be given to future applications and the pending General Plan Update.

SUBDIVISION

- 3. Paul Nelson, Preliminary and Final Subdivision with Flag Lot**, located at 1476 W 2950 S (02:034:0041 and 02:034:0101).

Summary

The applicant is proposing the creation of a flag lot for residential development. The flag lot would be approximately 0.5 acres with the remainder parcel being approximately 3 acres. The flag lot access will come through another lot with an existing home on it.

Planning Commission approved the Concept application for this subdivision. The current zoning is RE 1/2 and requires 20,000 sf lots.

The flag lot access comes from 2950 South, which is a paved City Street. The nearest curb, gutter, and sidewalk improvements are about 1000' to the east of the proposed subdivision. The applicant has requested a deferral for 187 lineal feet of sidewalk, and curb and gutter, as well as 2,550 square feet of asphalt.

Code Compliance

The proposed subdivision appears to meet the lot requirements of the code. The City engineer and Fire Marshall have reviewed the drawings and do not have any corrections to be made. Previous comments have been addressed.

Considerations and Recommendations

The application appears ready for a positive recommendation. If deferred improvements are recommended a formal agreement should be executed along with the recording of the plat.

SITE PLAN

- 4. Maverik site expansion**, located at 1674 W 1100 S (03:236:0033, 03:236:0018, and 03:236:0019).

Summary

This site plan application addresses proposed site improvements and expansions for Maverik located west of the I-15 interchange. The applicant is proposing to extend the canopy and fill-up

stations on the north side of the facility. This expansion would necessitate an updated storm water management plan, additional landscaping, and extension of the sidewalk.

The proposed expansion will include asphalt, six fuel dispensers, a scale, and landscaping.

Code Compliance

The applicant has responded to staff and engineering comments. There are no outstanding issues in this regard.

Considerations and Recommendations

It appears the application meets the requirements of our code and warrants a recommendation of approval.

5. Leading Tech shop addition – Chris Forsyth, located at 1835 S Hwy 89 (03:159:0057).

Summary

The applicant is proposing a commercial storage building on a site with an existing office and storage space. The new site development would necessitate an updated storm water management plan, additional landscaping, and possibly review of utilities.

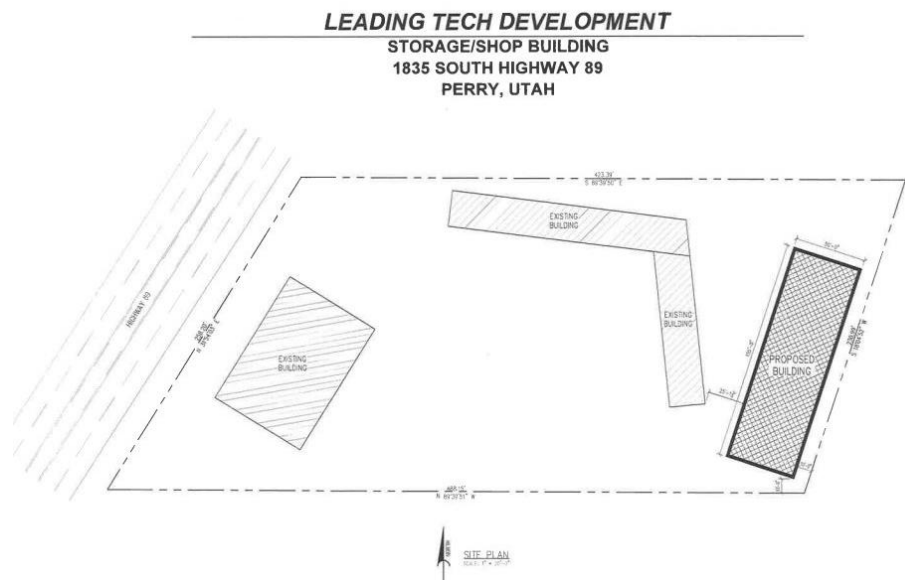
The proposed building is 7,750 square feet and would include a concrete apron along the front of the building.

Code Compliance

Perry City staff and engineer are waiting for updated drawings and have communicated to the applicant the items general items needed on the site plan for a thorough review. (There has been no change since our previous meeting)

Considerations and Recommendations

If the site plan is updated to address the corrections required from staff and the City Engineer, the application should be ready for approval.



ADDITIONAL INFORMATION

1 – Mark Mackley Narrative and Images

Date: March 13, 2019
From: Mark Mackley
Address: 131 E 300 N Liberty Way
Willard, UT 84340
801-458-6923

Dear Planning Commissioners and Chairman,

Thank you for your time on behalf of the residents and businesses of Perry City. I would like to briefly introduce myself and explain the conceptual plans for this development. My name is Mark Mackley. I have been a small business owner here in Perry for the last 12 years and currently reside in Willard.

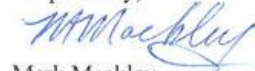
The Witt family has listed their approximately 4 acres of property on the south end of Perry City for sale for some time. On one parcel there is an existing duplex in need of significant repair and upgrade. On another parcel there is an existing home and shed which are also in need of significant repair. Recently I made an offer on these parcels contingent to them being rezoned to a zone that would allow additional multi-housing units besides the one that is already present. Development plans are still very preliminary and the project may take several years to complete, but eventually would include 8-12 residential buildings. The design would be somewhat similar to the townhouses at the Pleasant View Station, or the condominiums behind the Sublime salon at 2360 S. Hwy. 89 here in Perry. The zone change that I am requesting is to change from the NC3 to the MU-C.

From my review it appears that the zone change to MU-C will:

1. Lose some AG uses
2. Add residential uses
3. Lose some commercial uses including large retail
4. Maintain light commercial uses

If this rezone is accepted, I would also like to request the rezone of a smaller piece of property next to Perry Dental that I currently own for similar use. It would likely be 3-4 residential buildings.

Respectfully,



Mark Mackley

Zone Change Application
Submitted by Mark Mackley 3-14-2019

These are current photos of the property in south Perry as viewed from Highway 89 at 3820 S



These are conceptual ideas from existing multi-housing buildings in Pleasant View and in Perry



2 – Procedure for Zone Change

15.07.080.6 Procedure For Zone Change Amendment

1. *The Planning Commission shall recommend adoption of a proposed zone change amendment where the following findings are made:*
 1. *The proposed amendment is in accord with the goals of the General Plan of Perry City, including the Transportation Master Plan and other elements of the General Plan and the Capital Facilities Plan.*
 2. *A concept plan is submitted with the application/petition indicating the proposed use of the property. This plan shall be regarded as a Concept Plan only with more specific development plans to be reviewed with the Subdivision or Design Review process. Approval of the Zone Change Amendment shall not constitute approval of the concept plan for a particular proposed development.*
 3. *The proposed amendment will provide a significant benefit to Perry City, said benefit being something other than just additional housing.*