

May 3, 2019
Planning Commission Meeting
3005 South 1200 West Perry UT 84302
7:00 p.m.

Commissioners Present: Vice Chairman Michelle Drago, Commissioner Tresa Peterson, Commissioner Nicole Butler and Commissioner Jan Kerr

Commissioners Excused- Chairman Stuart Grover

City Staff Present: Susan K. Obray: City Recorder
Bob Barnhill: City Planner

Others Present: Carol Billings, Jane Gomez, Jessica Gomez, Shelley Braithwaite, Rex Gomez, Brett Parker, Sherry Parker, Justin James, Tyler Lackey, Jerry Capener, Nathan Wheeler, Melba Wheeler, Mr. and Mrs. Mark Mackley, Mike Jensen, Doug Wheeler, Leticia Perez, and Ittai Perez

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

A. Invocation-

Commissioner Peterson gave the invocation.

B. Pledge of Allegiance to the U.S.A-

Commissioner Butler led the Pledge of Allegiance.

C. Declare Conflict of Interest, if any-

None.

2. Public Hearings

A. Public Hearing to receive public comment regarding amending regulations regarding Apartments, the Land Use Chart, and Lot Requirements

Robert Barnhill reviewed the requested changes from the City Council to the current Land Use Chart regarding allowable zoning regarding housing in Perry City. He stated this request came from an application regarding installing apartments, which brought to light some concerns with the current regulations regarding apartments and similar housing.

Mr. Barnhill then reviewed the proposed amendments regarding regulations to apartments and similar housing developments (mostly regarding regulating the allowable density).

Mark Mackley requested that the Planning Commission be respectful to property owners and their desires on how to use their property.

B. Public Hearing for a zone change from NC2 to R1A or AL. The request is to use the property for grazing and raising goats and piglets for food sale.

Mr. Barnhill reviewed this application and stated agricultural use properties and multiple zones currently surround the property. He explained the rezone would allow for grazing for domestic animals.

Mr. Barnhill reviewed some options for sectioning the zoning for this property.

Jan Gomez stated she is the property owner adjacent to the application property. She expressed her concerns regarding the proposed agricultural use around their property (lowering their property value, where will items for maintaining these animals be stored, fencing, waste removal for these animals, etc.).

Jessica Gomez reviewed her concerns regarding this application (having animals close to the highway with possible escape, will property be adequate for these animals as they mature, smell concerns, etc.).

Carole Billings stated she is also a neighbor to this property. She stated she has experience with pigs and goats, and both grow quickly, especially pigs. She stated pigs bring bugs and require a lot of water. She expressed her concern with this property not being ideal or realistic for this purpose.

Brett Parker stated he is the applicant. He clarified they have a boar and sow which they breed, and raise the piglets until 8 weeks and then sell. He stated their goats are Nigerian dwarfs, which they sell. He said their proposal is on the back section of the property, which is away from the neighbors. He said they have neighbors, which are directly by the highway who have horses. He stated they are not looking to disturb any neighbors but seeking a supplemental income.

Sherry Parker stated they do not intend to use this as a feedlot but simply will be breeding and selling these animals.

C. Public Hearing for a zone change from NC2 to R2. It is currently a mobile home park with the intent of putting in townhomes. Applicant, JJTL Properties LLC.

Mr. Barnhill reviewed this zone change application and reviewed the current surrounding Land Uses. He stated the applicant is open to a development agreement with the City.

D. Public Hearing for Suncrest Phase 4 Preliminary & Final. Located at 50 W 1925 S in Perry. Applicant Randy Matthews.

Mr. Barnhill reviewed this application, which will be the final development of this subdivision. He reviewed the updates from the City Engineer, none of which he felt were large enough to stop the Final Approval from moving forward.

Jerry Capener expressed his concern regarding the secondary access not being done before the houses are installed.

Mr. Barnhill stated the funding for that project is in place and is now the City's responsibility.

Mike Jensen stated he works for Hansen and Associates and that he is the designer on the project and if they need him to answer any questions, he is most willing to do so. He said the City Engineer's concerns have all been addressed.

E. Public Hearing for a Conditional Use Permit for XLRS Motors, Located at 2600 S Hwy 89 in Perry. Applicant, Aaron Lee.

Mr. Barnhill reviewed this application and stated this is an existing building, which the applicant would like to use as an office space for the car dealership. He stated this building has been used as such in the past and that the applicant has stated that no public will be coming to this building.

3. Land Use Applications

A. An application and a recommendation to City Council to amend the regulations regarding Apartments, the Land Use Chart.

The Commission and Staff reviewed and clarified the proposed amendments to the regulations regarding apartments in the Land Use Chart.

Mr. Barnhill reviewed allowable density number options with the Commission and how those would affect the City, especially in regards to the current application this evening.

The Commission and Staff discussed the suggestion from the City Council to strike the word apartments in the current Land Use Chart, and the suggestion from Chairman Grover in allowing multifamily in the NC2 and possibly in the NC3.

The Commission and Staff discussed and clarified these two suggestions and which they felt would be the best option for the City.

The Commission and Staff discussed waiting to take action on this item until they had further researched options in amending the regulations regarding apartments in the Land Use Chart.

MOTION: Commissioner Peterson moved to delay action on the amendments to the regulations regarding apartments in the Land Use Chart for further discussion. Commissioner Butler seconded the motion. Roll call vote.

Commissioner Peterson Yes
Commissioner Drago Yes
Commissioner Butler Yes

Commissioner Kerr Yes

Motion Approved: 4 Yes 0 No

DISCUSSION: The Commission and Staff agreed to discuss this item at the upcoming Work Session.

B. An application and a recommendation to City Council for a zone change from NC2 to R1A or AL. The request is to use the property for grazing and raising goats and piglets for food sale.

The Commission and Staff defined and clarified the R1A zone and the allowable animals in this zone. It was established that the R1A zone does not include pigs and so that would limit the applicant to the AL zone.

The Commission discussed their concerns with spot zoning this area, splitting the property into two zones, and having this zone by the highway.

Commissioner Kerr stated based on what has been presented by the applicant she is not concerned about splitting the property into two zones. She said she is inclined to allow property owners to utilize their property how they choose, if it is in line with City Codes.

The Commission and Staff further discussed and clarified the regulations for the R1A and AL zones, and if either support this rezone, as well as, the General Plan.

MOTION: Commissioner Peterson moved to recommend to the City Council a denial for the Zone Change on the property located at 2050 S Hwy 89. Commissioner Butler seconded the motion. Roll call vote.

Commissioner Peterson Yes
Commissioner Drago Yes
Commissioner Butler Yes

Commissioner Kerr Yes

Motion Approved: 4 Yes 0 No

C. An application and recommendation to City Council for a zone change from NC2 to R2. It is currently a mobile home park with the intent of putting in townhomes. Applicant, JJTL Properties LLC.

Justin James reviewed with the Council their plans regarding this property, which center on installing townhomes if a zone change is allowed for the area.

The Staff and Commission discussed and clarified the access to these proposed townhomes with Tyler Lackey (current property owner).

Vice Chairman Drago noted that if the Commission follows Chairman Grover's suggestion regarding item 3A the applicant will not need to rezone this property.

The Commission and Staff discussed and clarified the R2 zone and how it states in the zone that they will no longer add more R2 zones to the City.

Mr. James stated that the current mobile homes are in disrepair and if they use the money towards fixing them, there will be less incentive to replace them with townhomes. He asked the Commission to not table this item because it is not something they can sit on financially.

Mr. Lackey stated both he and the City would prefer to install townhomes but if this option does not work, the area will stay in mobile homes for the near future.

The Commission, Staff, and Applicants discussed and clarified if it was an option to do a Developmental Agreement without the zone change or utilizing the design review for density on item 3A.

The Commission, Staff, and Applicants further discussed and clarified the R2 zone.

Vice Chairman Drago stated she felt the best option would be to table this item so that it can be approved with action being taken on item 3A.

The Commission and Staff discussed and agreed to the option of having an emergency Planning Commission Meeting session on the 13th so that they can take action on item 3A, so that this application can move forward more quickly.

The Commission and Staff discussed if it was better to table or deny the application.

MOTION: Commissioner Butler moved to table this item with the understanding that the zone change will no longer be needed with the NC2 changes being made on the May 13th meeting. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Peterson Yes
Commissioner Drago Yes
Commissioner Butler Yes

Commissioner Kerr Yes

Motion Approved: 4 Yes 0 No

D. Application for preliminary/final and recommendation to City Council for approval for the Suncrest Phase 4 Subdivision. Located at 50 W 1925 S in Perry. Applicant Randy Matthews.

The Commission and Staff discussed and clarified the access road situation to this subdivision.

Mr. Barnhill stated the City is currently working on getting the second access road installed for this development, which is being funded by both the developer and the City.

The Commission and Staff discussed the curb and gutter and the utilities for this road project.

Mr. Barnhill stated this road project would be taking place immediately.

The Commission reviewed the concerns from the City Engineer, which have been addressed by the applicant.

The Commission and Staff discussed and clarified with the applicant the height of the power lines, if phase 2 had been recorded, details on the plat, etc.

MOTION: Commissioner Peterson moved to approve preliminary and recommend approval to the City Council for the Final Approval of Suncrest Subdivision Phase 4 with the condition that the emergency access road is finished before certificates of occupancy are issued and that the City Engineer's recommendations are completed. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Peterson Yes
Commissioner Drago Yes
Commissioner Butler Yes

Commissioner Kerr Yes

Motion Approved: 4 Yes 0 No

E. Application and recommendation to City Council for approval of a Conditional Use Permit for XLR8 Motors. Located at 2600 S Hwy 89 in Perry. Applicant Aaron Lee.

The Commission and Staff discussed and clarified the application for office space, especially in regards to allowable uses and complying signage.

MOTION: Commissioner Peterson moved to recommend approval to the City Council of the Conditional Use Permit for XLR8 Motors with the following conditions: No vehicles parked outside, no employees or clients on site, no repairs on site, and signage complies with City Codes. Commissioner Kerr seconded the motion. Roll call vote.

Commissioner Peterson Yes
Commissioner Drago Yes
Commissioner Butler Yes

Commissioner Kerr Yes

Motion Approved: 4 Yes 0 No

F. Application for approval of a Site Plan Review for Alpine Gardens Sign.

Mr. Barnhill reviewed the proposal for the new sign that will be the same size but will have an electronic capability. He stated this application meets all City Codes.

It was established that they would need to turn off their sign from 10pm – 6am.

MOTION: Commissioner Kerr moved to approve the sign change to Alpine Gardens. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Peterson Yes
Commissioner Drago Yes
Commissioner Butler Yes

Commissioner Kerr Yes

Motion Approved: 4 Yes 0 No

4. Land Use Ordinance, Zoning, Design Guidelines, General Plan, Etc.

A. None

5. Approval of the Minutes

A. April 4, 2019 Regular Minutes

Tabled.

B. April 18, 2019 Work Session Minutes

Tabled.

C. Report by Commissioner regarding last Council Meeting

Commissioner Kerr reported that the Council wants them to get going on the General Plan because they had to table items due to waiting on that item.

D. Make Assignments for Representative to Attend City Council Meetings (May 9, 2019 and May 23, 2019)

Commissioner Nicole stated she would attend the May 9th meeting and Commissioner Peterson stated she would attend the May 23rd meeting.

6. Discussion

A. Future Projects

The Commission and Staff discussed how to approach their top priority projects, which are as follows:

- General Plan
- Density

B. Report on past-approved Planning Commission Agenda Items.

None

7. Training

A. Staff

The Commission and Staff reviewed the video Mr. Barnhill sent for their training.

8. Review Next Agenda and Adjourn

A. Items for next agenda

- May 13th Work Session and Special Planning Commission Meeting
- Move June 6th meeting to June 20th Work Session and Regular Meeting

B. Motion to Adjourn

Motion: Commissioner Peterson moved to adjourn. All commissioners were in favor.