

PERRY CITY PLANNING COMMISSION

REGULAR MEETING AGENDA

November 7, 2019
7:00 pm regular meeting
3005 S 1200 W Perry, UT

Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration. Action on public hearing(s) will be later in the same meeting or at a subsequent meeting.

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

- A. Thought, Reading, or Invocation**-Tresa Peterson
- B. Pledge of Allegiance to the U.S.A.**-Robert Barnhill
- C. Declare Conflicts of Interest, If any**

2. Public Hearings

Rules:

- (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 may not be taken during this meeting if the item is not specifically on the agenda.

- A. Public Hearing for the design standards for Multi-family housing, apartments, and neighborhood commercial (NC) zone.**

3. Land Use Applications

- A. Concept Approval for Vintage Farms eight-unit town home development, location: Hwy 89 & 1550 South. Applicant: Kevin & Rachelle Pebley.**
- B. Conditional Use Permit, for Vehicle Sales (Trailers), Location: 2765 South Hwy 89, Applicant: Ed & Marie Christensen.**
- C. Preliminary approval and recommendation for JJTL Properties Subdivision, Applicant; Justin James, Location; 2780 South Hwy 89, Perry UT 84302.**
- D. Final Approval and Recommendation for Leading Tech Site Plan, Location; 1835 89; Applicant; Ryan Forsyth.**

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

- A. Discussion/Action and recommendation for the design standards for Multi-Family Housing, apartments, and neighborhood commercial (NC) zone.**

5. Approval of the Minutes

- A. October 3, 2019 Regular Meeting Minutes**
- B. Report from Commissioner regarding last Council Meeting.**

- C. Make Assignments for Representative to Attend City Council Meetings.
(November 14, 2019)

6. Discussion

- A. Future Projects
- B. Report on past-approved Planning Commission Agenda Items.

7. Training

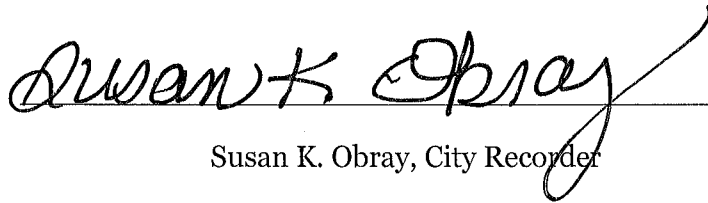
- A. Staff

8. Review Next Agenda and Adjourn

- A. Items for December agenda (next meeting December 5, 2019)
- 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 three locations: The Perry City Offices, Centennial Park, Perry City Park; and faxed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Website; on this 1st day of November, 2019. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).


Susan K. O'Bray, City Recorder

NOTICE OF PUBLIC HEARINGS
PERRY CITY PLANNING COMMISSION

Notice is hereby given that the Perry City Planning Commission will hold, in the City Council Chambers at 3005 South 1200 West in Perry, as part of its regular meeting which starts at 7:00 p.m. on Thursday, November 7, 2019 a public hearing to receive public comments regarding the design standards for multi-family housing, apartments, and the neighborhood commercial (NC) zone. All interested persons shall be given the opportunity to be heard. Written concerns are welcome. Any individuals requiring auxiliary services should contact the City offices at least 3 days in advance (435-723-6461). By: Susan K. Obray, City Recorder.

Please publish October 30, 2019

1 October 3, 2019
2 Planning Commission Meeting
3 3005 South 1200 West Perry UT 84302
4 7:00 p.m.
5
6

7 **Commissioners Present:** Vice Chairman Michelle Drago, Commissioner Nicole Butler, Commissioner Tresa
8 Peterson, and Commissioner Jan Kerr
9

10 **Commissioner Excused:** Stuart Grover
11

12 **City Staff Present:** Bob Barnhill: City Planner
13 Chris Crockett: City Attorney
14
15

16 **Others Present:** Michelle Scadden, Rick Scadeen, Tyler Lackugh, and Ryan Foster
17

18 **1. 7:00 p.m. - Call to Order and Opening Ceremonies**
19

20 **A. Invocation or thought-**

21 Commissioner Kerr shared a thought.

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

23 Commissioner Butler led the Pledge of Allegiance.

24 **C. Declare Conflict of Interest, if any-**

25 None.
26

27 **2. Public Hearings**

28 **A. None**
29

30 **3. Land Use Applications**

31 **A. Concept Approval for Perry Canyon Subdivision Phase 1, Applicant: Rick Scadden, Location;**
32 **1571 S HWY 89 Perry UT**

33 Bob Barnhill reviewed this concept application with the Commission (see attached Planning
34 Commission Packet). He explained the applicant is desiring feedback on this concept to allow them
35 to move forward to the next application for the proposed subdivision.
36

37 Mr. Barnhill reviewed the location, with its current surrounding land uses and zoning. He said that
38 he and the City Engineer have reviewed the property and stated where their comments could be
39 found regarding the property.
40

41 He said that the neighborhood commercial zone does overlap the proposed single-family housing,
42 which are not allowed in this zone. He reviewed the proposed storm water plans and the things
43 which would need to be incorporated into the storm water plans for the next application.
44

45 The Commission reviewed with the applicant some of their questions and concerns with the
46 current proposed application (rentals/owned townhomes, parking clarifications, open space plans,
47 UDOT requirements, lot sizes, zoning options, curb, gutter, and sidewalk on the highway, fencing
48 etc.).
49

Rick Scadden addressed the Commission's questions and concerns (townhomes would not be rentals but individually owned, there will be three parking spaces per unit, 34% proposed open space, curb, gutter, and sidewalk already installed, etc.).

The Commission expressed their support of this development and looked forward to seeing the preliminary application.

The Commission discussed options for the area that overlaps onto the neighborhood commercial zone.

MOTION: Commissioner Kerr made a motion to approve concept approval subject to review of the zone change for the two single family lots to meet code and other comments from Staff and the City Engineer and UDOT. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Butler Yes

Commissioner Peterson Yes

Motion Approved: 4 Yes 0 No

B. Preliminary approval for JJTL Properties, Applicant: JJTL Properties, LLC, Location 2780 S Hwy 89, Perry UT 84302.

Mr. Barnhill stated the applicant has met with UDOT and the City Engineer and reviewed the most recent drawing they have for this application.

Vice Chairman Drago noted that the City Engineer's comments are not in the packet.

Mr. Barnhill said the drawings are similar to last time and so he did not feel the application was ready for approval at this time.

Ryan Forsyth stated they had some written documents from UDOT regarding their application.

Tyler Lackugh reviewed they have met with UDOT and the City Engineer and that the challenge they are having is, UDOT not wanting to give them approval until the City does and the City doesn't want to give approval until UDOT does. He continued, the comments from the City Engineer seem to be geared towards the final approval and they aren't sure what things to incorporate for the preliminary. He asked for clarification on the difference between preliminary and final approval.

He explained they are desperately needing to know if this application is going to move forward or not, so they can plan accordingly financially.

Mr. Forsyth said that there are a lot of moving pieces with this application and they have incorporated changes from the feedback received.

Justin James said Mr. Barnhill has been excellent to work with through this process and reiterated they needed to move forward with this project to preliminary, to feel like it is worth investing more time and money into this project.

Mr. Barnhill reviewed the process of concept, preliminary, and final approval with the applicant. He reviewed the two sections of comments from the City Engineer and himself for preliminary and final approval.

The Commission reviewed their concerns regarding this application's current design (road alignment concern and number of units to compensate road alignment area).

Mr. James, Mr. Forsyth, and Mr. Lackugh explained this area is owned by the City, they clarified they are proposing to fix the UDOT issue for the City with the road alignment, in exchange for the City allowing them to have the area used to compensate the road alignment area.

Mr. Barnhill reviewed and clarified what is allowable regarding the proposal, especially vacating a road and suggested focusing on the northern area at this time. He also advised reviewing this again with the City Engineer to look for the best option moving forward.

Mr. James, Mr. Forsyth and Mr. Lackugh expressed concerns about spending a lot of money to redo the design and then taking it before the City Council and having them want a redesign. They requested having final approval contingent upon meeting the City Engineer's comments so that they can take this before the City Council and get their feedback on the design.

Mr. Barnhill stated he would get the process moving forward for the vacating of the road to help them moving forward on that side of the application. He stated with the current application it should only be voted on as preliminary because that's what is listed on the agenda.

The Commission and Staff discussed with the applicant options regarding the seven units placed to compensate for the road alignment area.

It was clarified that the applicant will be able to do preliminary and final approval at the next meeting if the drawings are completed and the comments met from the City Engineer.

The Commission and Staff discussed and clarified a few more areas with the applicant on the application (utilities, curb and gutter, landscaping, etc.).

MOTION: Commissioner Peterson tabled this item. Commissioner Butler seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Drago Yes

Commissioner Butler Yes

Commissioner Peterson Yes

Motion Approved: 4 Yes 0 No

C. Final Approval and Recommendation for Leading Tech, Location: 1835 S Hwy 89, Applicant: Ryan Forsyth.

Tabled.

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

147 **A. Discussion/Action to recommend the Multi-Family Dwelling Units in the IC Zone.**

148 Mr. Barnhill reviewed the request from some developers to build 160 apartment units at Pointe
149 Perry. He stated some changes they would need to make to allow this (height allowance, update
150 land use chart, update overlay zone, etc.). He reviewed the idea of sending this onto the Council
151 as a conceptual idea to get feedback from the City Council on if they would like the Planning
152 Commission to move forward with this idea.

153
154 Mr. Barnhill reviewed some feedback received from the Council regarding the Multi-family
155 updates, which was tabled due to two City Council Members being absent and some concerns on
156 design standards.

157
158 The Commission and Staff discussed and reviewed whether it would be better to focus on the
159 design standards, or to pass this idea along and receive feedback from the Council on what to
160 focus on first.

161
162 **MOTION:** Commissioner Kerr made a motion to recommend to the City Council to allow large multi-
163 family housing in the Commercial area of Pointe Perry according to the parameters outlined in the Staff
164 report. Commissioner Butler seconded the motion. Roll call vote.

165
166 Commissioner Kerr Yes

Commissioner Drago Yes

167 Commissioner Butler Yes

168 Commissioner Peterson Yes

169
170 **Motion Approved:** 4 Yes 0 No

171
172 **5. Approval of the Minutes**

173 **A. September 5, 2019 Regular Meeting Minutes**

174 Commissioner Drago and Kerr noted some grammatical changes already addressed.

175
176 **MOTION:** Commissioner Peterson made a motion to approve the September 5, 2019 Regular Meeting
177 Minutes subject to the changes. Commissioner Kerr seconded the motion. Roll call vote.

178
179 Commissioner Kerr Yes

Commissioner Drago Yes

180 Commissioner Butler Yes

181 Commissioner Peterson Yes

182
183 **Motion Approved:** 4 Yes 0 No

184
185 **C. Report by Commissioner regarding last Council Meeting**

186 Council Member Peterson said she missed the meeting.

187
188 Mr. Barnhill stated the Bowden Subdivision was approved, the Lot requirements and Multi-
189 Family housing were both tabled.

190
191 He said a new Planning Commissioner named Marcus Wagner was appointed.

193 **D. Make Assignments for Representative to Attend City Council Meetings (October 10, 2019 and**
194 **October 24, 2019)**

195 Vice Chairman Drago stated she would attend the October 10th and Commissioner Kerr stated
196 she would attend the October 24th meeting.

197
198 **6. Discussion**

199 **A. Future Projects**

200 The Commission and Staff discussed and clarified their assignments for future projects and what
201 they had done thus far.

202
203 Mr. Barnhill reviewed some legislation which is currently being proposed that would help
204 streamline the concept, preliminary, and final approval process.

205
206 Commissioner Kerr reviewed and discussed the Wasatch Choice Meeting she attended with Vice
207 Chairman Drago, Mayor Jeppsen, and Mr. Barnhill with the Commission and Staff. She said that
208 Wasatch Choice would willingly come in and do a presentation if the Commission desires.

209
210 **B. Report on past approved Planning Commission Agenda Items.**

211 None.

212
213 **7. Training**

214 **A. Staff**

215 The Commission and Staff discussed the training for the next meeting.

216
217 **8. Review Next Agenda and Adjourn**

218 **A. Items for next agenda**

- 219
 - Townhome application
 - JJTL preliminary and final

220
221
222 **B. Motion to Adjourn**

223
224 **Motion:** Commissioner Peterson moved to adjourn. All commissioners were in favor.

APPLICATION FOR SUBDIVISION DEVELOPMENT

STAFF ONLY	Date Application Received: <u>9-17-19</u>	Application Received By:
Concept Fee Amount: <u>50</u>	Date Fee Received: <u>9-17-19</u>	Fee Received By:
Preliminary Fee:	Date Fee Received	Fee Received By:
Final Fee Amount:	Date Fee Received	Fee Received By:
Construction Fee:	Date Fee Received	Fee Received By:
	Public Hearing Date:	

Complete all sections below. Please print legibly

Applicant Information (Property Owner)

Vintage Farms
Name (First and Last)

(801) 564-8528 320 W. 2000 S. Perry 84302
Phone Number Address City Zip Code

faxnotchutah@gmail.com
Email

Authorized Agent Information (Contact Person)

Rachelle / Kevin Peakey
Name (First and Last)

(801) 564-8528 Same as above Perry 84302
Phone Number Address City Zip Code

faxnotchutah@gmail.com
Email

Engineer / Surveyor

Greg Hansen Hansen & Assoc.
Name (First and Last) Company Name

(801) 430-2050 ghansen
Phone Number Fax Number Email

Address City Zip Code

APPLICANT SIGNATURE

I hereby certify that all information provided herein is true and correct. I understand and agree to comply with the rules listed below.

[Signature] 9 / 17 / 2019
Applicant Signature (or Authorized Representative) Date

- (1) All sections of this application must be complete and will not be reviewed until fees have been received.
- (2) The payment of fees does not guarantee a certain result and fees are not refunded due to the lack of favorable results.
- (3) Complete documentation must be submitted to the City 14 days in advance of any meeting.
- (4) The applicant (or a representative) must be present at a meeting for action to be taken.

See Perry Municipal Code 42.07, 43.04.030, 43.04.035, Title 52 and Title 54.

Parcel Number(s) & Address(es) effected by subdivision:

03-245-001 - Vintage Farms

Staff Report

November 7, 2019

Perry City Planning Commission

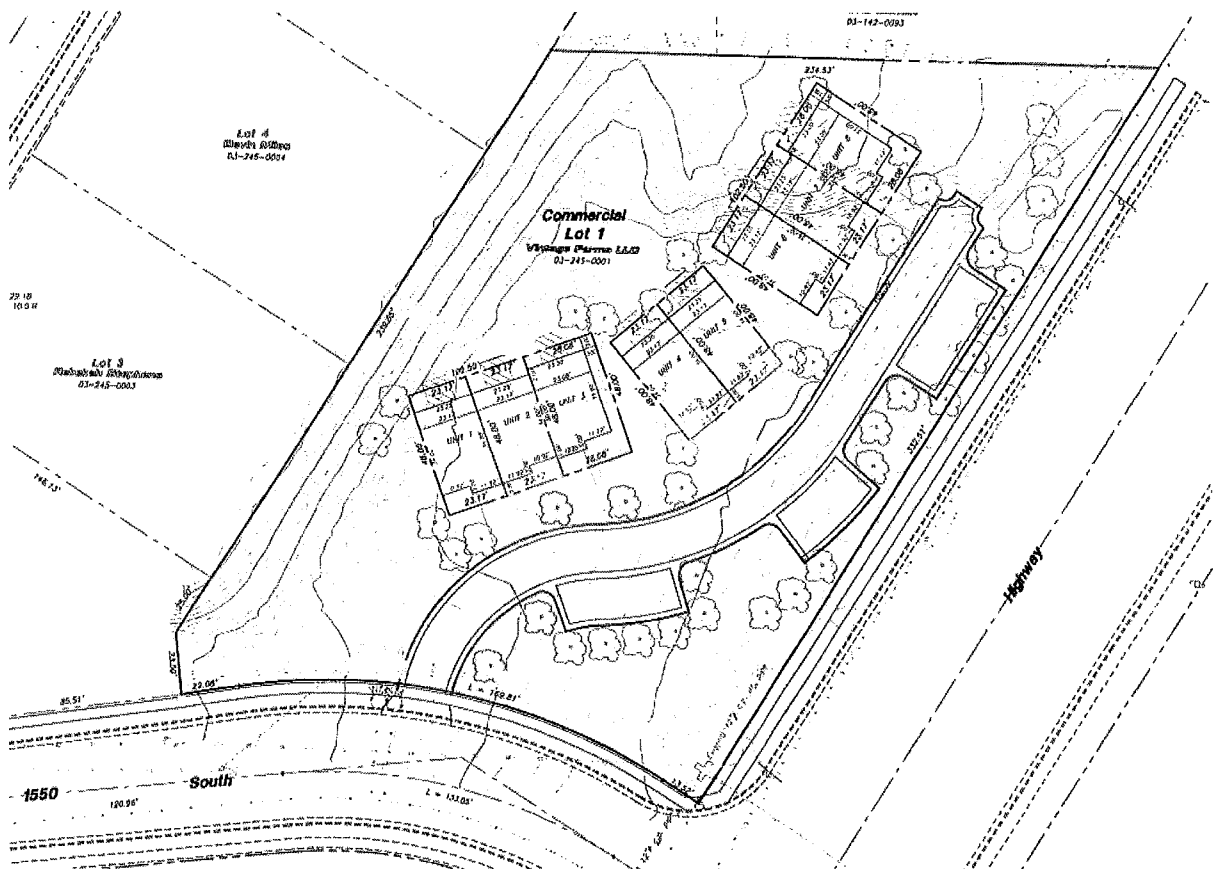


Conceptual Subdivision – Kevin and Rachelle Pebley, located at 1550 S Hwy 89

Summary

The applicant has submitted an application for a Concept Review of an eight lot townhome subdivision. The Concept Application is not a required land use approval, but allows the applicant to receive feedback from the staff and the Planning Commission.

The submitted plans can be seen here, showing eight townhomes. The property is approximately 1.3 acres and is zoned NC2. It is located adjacent to the highway and 1550 S with single family homes surrounding it.



Code Compliance

The NC2 zone allows for townhomes and the number of units complies with what is allowed in code. This application was submitted prior to the Multi-family Housing Density Map being approved.

Additional detail will be needed to determine code compliance regarding landscaping, parking, and engineering. Our engineer is reviewing the plans his comments will be forwarded to the Commission when they are available.

Considerations and Recommendations

Conceptually, it appears this project is feasible. If there are specific concerns or points of information the Commission would like to see with the next application, it is recommended to make this clear to the applicant as part of your motion on this item.



Conditional Use Permit Application Planning Commission

*All sections of this application must be complete and fees paid upon submittal or application will be deemed incomplete.

Project Title: Ed Christensen Address of Property: 2765 So Hwy 89
TaxID/Parcel Number: _____ Current Zoning: _____ Number of Lots: _____ Total Area/Acres/Sq Ft: _____
Existing Use of Property: Trailer parking Proposed Use Of Property: same
Project Description: leveling lot

Name(s) of Applicant(s) or Authorized Agent(s): Ed + Marie Christensen
Mailing Address: 2765 So Hwy 89 City, State, Zip: Perry, UT 84302
Phone: 435-734-2094 Fax: _____ Email: ed.christensenauto@gmail.com
Name(s) of Property Owner(s) (if other than applicant): same
Mailing Address: same City, State, Zip: _____
Phone: _____ Fax: _____ Email: _____
Name of Architect/Engineer: Hansen & Associates Company: _____
Mailing Address: 538 North Main St City, State, Zip: Brigham City, UT 84302
Phone: 435-723-3491 Fax: _____ Email: _____

Applicant Certification:

I certify under penalty of perjury that this application and all information submitted as a part of this application is true, complete, and accurate to the best of my knowledge. I also acknowledge that I have reviewed the Perry City Code regarding this application and that items and checklists contained in this application are basic and minimum requirements only and that the other requirements may be imposed that are unique to individual projects or uses. I agree also to comply with any and all applicable City Ordinances in effect at this time. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Perry City may rescind any approval, or take any other legal or appropriate action. I also agree to allow the Staff or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof. I also understand the property owner or the authorized agent will be billed for engineering fees in excess of one hour and will be responsible for repayment of those fees.

Signature: Marie Christensen Date: 10-16-19

Please note: Attendance at Planning Commission is required by the applicant or a representative. It is the applicant's responsibility to call for meeting dates and times.

Office Use Only

Application# _____ Application Fee \$ 250.00 Date Received 10/16 PC Mtg 11/2/19 Receipt# _____

Staff Report

November 7, 2019

Perry City Planning Commission



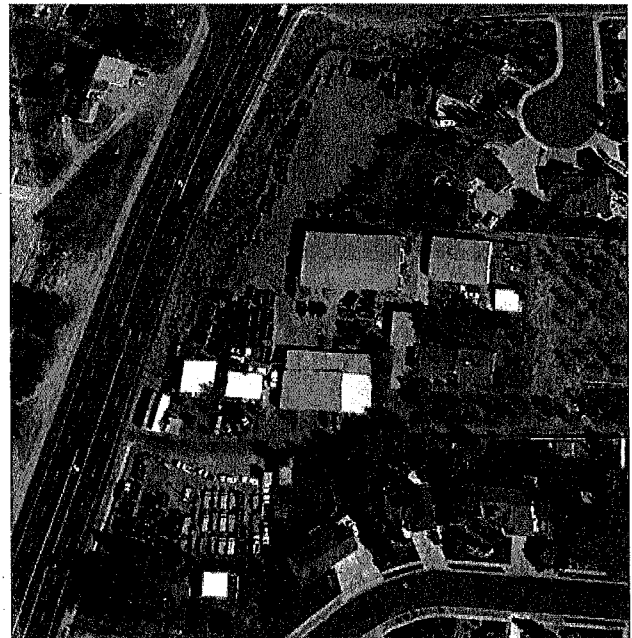
Conditional Use Permit for the sale of trailers – Ed Christensen, located at 2765 S Hwy 89

Summary

The applicant has operated Christensen Auto in this area for many years selling vehicles and trailers. It is likely that the original location is a legal non-conforming use. However the business has expanded onto adjacent property in recent years and needs to obtain a Conditional Use Permit and show compliance with the site plan requirements.



2014



2018

The expansion of the business covers three parcels in the NC2 zone. Within this zone 'Vehicle Sales' is the closest listed use to Trailer Sales, and is shown in the code as a Conditional Use. The property is adjacent to Highway 89 on the west with single family homes surrounding the remaining sides of the property.

The applicant has submitted a site plan showing the existing grading and rock walls on the site. No new structures are proposed within the expansion area considered with this application.

Code Compliance

The site is required to meet all site plan requirements, which includes the following:

- 15% of the site landscaped with a certain number of trees and shrubs.

- Storm water plan.
- 6' solid fence between the commercial business and residential areas.

The submitted site plan does not show compliance with these requirements. In addition the applicant has indicated they intend to install a new retaining wall on the site that was not shown on the original submittal. The submitted plan does not indicate what areas will be used for trailer display or other business purposes. This additional information may be useful and necessary for the Commission to fully understand the issues on the site and consider potential conditions. The submitted plan does not propose any site lighting.

Considerations and Recommendations

At this time the applicant has not submitted a plan that shows compliance with the code.

Additionally, the Commission should consider if there are any appropriate conditions that should be placed on the permit to mitigate any negative impacts of the proposed use. Some of the issues that could be considered would be the visual appearance of the business from the highway and the impact on adjacent residential areas. Section 15.29 of Perry Municipal Code should be consulted for any proposed conditions on the permit.

Staff Report

November 7, 2019

Perry City Planning Commission



Preliminary Subdivision, 27 townhome units – JJTL Properties, located at 2780 S Hwy 89

Update

There is no new information to provide since our last meeting. The applicant has indicated they would like approval from City Council on the necessary street vacation before proceeding. This application has not yet been received.

Summary

The applicant has submitted a Preliminary Subdivision application for the development of 27 townhome units. The submittal shows one access coming off Highway 89, which would consolidate the multiple access points currently in use on the property. The development does front two Perry City streets which would require improvements as part of the development. The property is zoned NC2.

Code Compliance

There are no existing multi-family units within a quarter mile of this proposed development. According to our code up to sixty units can be developed in this area within the NC2 zone.

The City Engineer's comments and planning review comments are included below. The Fire Marshal has reviewed the submittal and has the following comments, although some of this information will be provided at later stages of the process.

Will need an Engineered water supply analysis to determine fire flow.

- (Fire flow-GPM, available at site, during peak times).
- Fire hydrants (existing location needed).
- I will need the overall square footage of each building to determine both hydrant count and fire flow needed.
- I will also evaluate the fire department access to the site, when it is more complete.

Considerations and Recommendations

At the time of this staff report the application does not appear ready for a recommendation of approval. It is recommended that Planning Commission review the proposal, provide feedback, and request additional information to help the application move forward at the next meeting.

Staff Report

November 7, 2019

Perry City Planning Commission



Leading Tech shop addition – Chris Forsyth, located at 1835 S Hwy 89.

Update

There are no updates to provide since our last meeting.

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 review of utilities.

The proposed building is 7,750 square feet and would include a concrete apron along the front of the building and a large retaining wall on the back side of the building.

Code Compliance

Perry City staff and engineer are waiting for updated drawings and have communicated to the applicant the information needed. Requested information/corrections include:

- Graphically show the area being proposed as the 'site' and used to establish landscape area requirements and storm water calculations.
- Top elevations, and flowlines should be included on all drainage pipes and boxes to ensure adequate conveyance and give the site contractor the information need to construct the improvements.

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.