

PERRY CITY PLANNING COMMISSION

REGULAR MEETING AGENDA

September 3, 2020

7:00 pm regular meeting

3005 S 1200 W Perry, UT

This is an "Electronic Meeting" Web/Teleconferencing will be used to Participate go to www.perrycity.org for meeting access instructions.

The Perry City Planning Commission will hold an electronic meeting on the Thursday identified above, starting at approximately 7:00 PM, via web/teleconference. Go to perrycity.org for 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. Public Hearings

A. Public Hearing for a zone change. Parcel 03-159-0175 from "C" to "R1". Location: approximately 1625 South 350 West Perry. Applicant: Dennis R. Hirschi.

3. Action Items

A. Approving the zone change from "C" to "R1" at approximately 1625 South 350 West Perry. Applicant: Dennis R. Hirschi.

B. Amending Title 15 of the Perry Municipal Code regarding signs.

C. Amending Title 15 of the Perry Municipal Code regarding the land use chart and associated regulations.

4. Discussion Items

A. Code Amendments & Projects

5. Approval of the Minutes

A. June 4, 2020 Regular Meeting Minutes

B. August 6, 2020 Regular Meeting Minutes

6. Discussion

A. Future Projects

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

C. Report from Commissioner regarding last Council Meeting.

D. Make Assignments for Representative to Attend City Council Meetings.

(September 10, 2020 and September 24, 2020, these will be Electronic Meetings)

7. Training

A. Staff

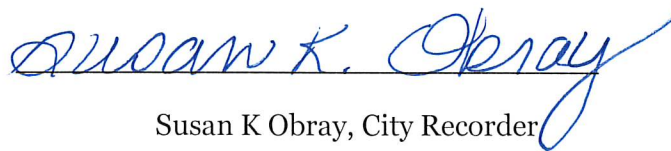
8. Review Next Agenda and Adjourn

A. Items for October agenda (next meeting October 1, 2020)

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; Box Elder News Journal; Perry City Website; and State Website; on this 24th day of July 2020. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).


Susan K Obray, City Recorder

Rules for Public Hearings:

- (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.

“The Centers for Disease Control and Utah Department of Health have declared a national and state pandemic for COVID-19 where social distancing and other requirements are in place to prevent the spread of this infectious disease.”

Members of the public at the Public Meeting may view the meeting by via Zoom using a link on the web page at: <https://www.perrycity.org/whats-new.htm.htm>. Comments on appropriate agenda items may be emailed to susan.obray@perrycity.org.

NOTICE OF PUBLIC HEARING FOR A ZONE CHANGE PERRY CITY PLANNING COMMISSION

Notice is hereby given that on September 3, 2020 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 approx. 7:00 p.m.) a public hearing to receive public comment regarding an Application for a zone change Parcel No. 03-159-0175 from "C" to "R1". Approximately 1625 South 350 West in Perry. Applicant: Dennis R. Hirschi. Any individual requiring auxiliary services should contact the City office at least 3 days in advance (1-435-723-6461) for other questions please contact Susan K. Obray, City Recorder.

Please publish in the Box Elder News Journal on August 19, 2020

Dennis R Hirschi

08/11/2020 - 08/10/2021

6076685

Zone Change Application

Zone Change

b2ea3bd0-dc24-11ea-9f57-f96f485b0081

New

Active

Application Review Status

Pre-Review Not Reviewed

Final-Review Not Reviewed

08/11/2020

Fees

Zone Change \$400.00

Total Fees \$400.00**Amount Paid \$0.00**

Payments

There are no payments

Application Form Data

(Empty fields are not included)

Name

Dennis R Hirschi

Phone Number

(435) 730-3114

Email

tdkhirschi@comcast.net

Mailing Address

610 w liberty circle Perry Utah 84302

Interest in Property

Owner

Property Address

1625 s 350 west Perry Utah

Property Serial #

03-159-0175

Current Zoning Designation

c1

Proposed Zoning Designation

r1

Purpose of Request

I would like to build a home on the property

Conformance with the Perry City General Plan

This property is south of and adjacent to Vintage Farms subdivision which is also zoned R1

Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Dennis R. Hirschi - 08/11/2020 4:47 pm

PERRY CITY

3005 SOUTH 1200 WEST • PERRY, UTAH 84302
OFFICE • (435) 723•6461
FAX • (435) 723•8584

**Re: Notice of Planning Commission Public Hearing on Thursday, September 3, 2020:
Application for a Zone Change from C to R1. Applicant: Dennis R Hirschi. Parcel # 03-159-0175.**

Dear Property Owner:

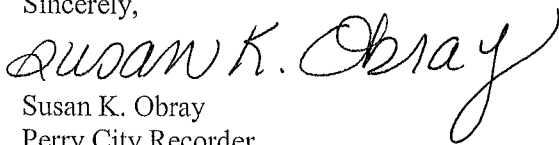
As required by ordinance, all property owners within 300 feet are being notified regarding a pending land use application. The following proposed Zone Change Application is located in close geographic proximity to your land: Approx. 1625 South 350 West Perry UT. 84302. Applicant: Dennis R Hirschi.

(1) An Application to change the current zone from C to R1.

Interested persons are invited to attend the upcoming Planning Commission Meeting, and to give public comment during the public hearing. The public hearing will be held in conjunction with the Perry City Planning Commission meeting, which starts at 7:00 p.m. on Thursday, September 3, 2020. This application will eventually require City Council approval.

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

Sincerely,



Susan K. O'Bray
Perry City Recorder

“The Centers for Disease Control and Utah Department of Health have declared a national and state pandemic for COVID-19 where social distancing and other requirements are in place to prevent the spread of this infectious disease.”

Members of the public at the Public Meeting may participate in the meeting via Zoom using a link on the web page at: <https://www.perrycity.org/whats-new.htm.htm>

Staff Report

August 03, 2020

Perry City Planning Commission



Zone Change Request, C and NC2 to R1 – Dennis Hirschi, located at 1625 S 350 W, 03:159:0175

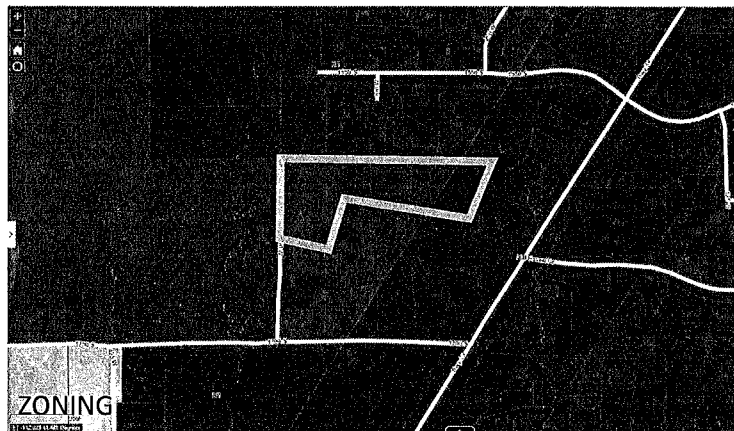
Summary

The property is approximately 2.7 acres, most of which is zoned C – Commercial and a portion on the east being zoned NC2 – Neighborhood Commercial. The property is currently being used for agriculture. Most of the surrounding properties are being used for agriculture with some residential and commercial development in the area as well. The property does not have frontage on the highway and is currently accessed by a prescriptive public road with a gravel surface.

The applicant has indicated that they would like to build a single family residence on the property. They also pointed out that the property to the north is zoned R1 and has been developed with single family homes. The zoning around the property includes C, NC2, and R1.

Conformance to General Plan

The Future Land Use Map shows the property to mostly be Mixed Use. The General Plan says the following regarding the Mixed Use Area: *Mixed Use areas may be zoned and developed for commercial, residential, or a combination of commercial and residential. Zone changes in these areas should be considered on a case by case basis with priority given to commercial development in areas prime for such. Areas prime for commercial development may include land along primary transportation corridors. Land uses should be compatible with adjacent development and the outlook of certain properties in these areas will likely evolve over time.*



Considerations and Recommendations

As a legislative item Planning Commission can take any information or opinion into consideration when making a decision on this zone change. Staff recommends support of the zone change request as it would fit in with the surrounding uses, the property does not have frontage on the highway for commercial development, and it therefore complies with the General Plan.

June 4, 2020
Planning Commission Meeting
Virtual Meeting
7:00 p.m.

Commissioners Present: Chairman Michelle Drago, Vice Chairman Jan Kerr, Commissioner Tresa Peterson, Commissioner Marcus Wager and Commissioner Julie Jones

City Staff Present: Bob Barnhill: City Planner
Susan Obray: City Recorder
Christ Crockett: City Attorney (left meeting at 7:35)

Others Present: Rick Scadden, Bryan Loveless, Blake Hazen, and Eric Hazen

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

A. Declare Conflict of Interest, if any-
None

2. Action Items

A. Final Approval for Mount Pleasant Estates Phase 1. Location 2045 South 150 West, #03-159-0026.
Applicant: Bryan Loveless

Bob Barnhill reviewed the Final Approval for Mount Pleasant Estates Phase 1 with the Commission. He discussed the plans for the pre-existing home and the rest of the development. He stated the applicant has asked for a deferred agreement of the sidewalk for the existing home until phase 2 is recorded or when the City says it's time to put sidewalk in. He reviewed the comments from the City Engineer with the Commission. He reviewed the plans for the existing easement being kept open for fire safety reasons.

Bryan Loveless (applicant) reviewed with the Commission as a heads up some future plans for the development for the next phase of development (especially regarding the road for this area and an extension to the plat). Mr. Barnhill explained this information would not be part of tonight's action item.

The Commission and Staff discussed if the deferral agreement would be in the best interest of the City. The Commission agreed the deferral agreement would be appropriate for this application.

MOTION: Commissioner Peterson made a motion to recommend approval to the City Council of the Final Approval for Mount Pleasant Estates Phase 1 with the contingency of the deferral agreement regarding the sidewalk being addressed in Phase 2, as well as, the setbacks being taken care of on the plat. Commissioner Jones seconded the motion. Roll call vote.

Commissioner Kerr Yes
Commissioner Jones Yes
Commissioner Drago Yes

Commissioner Peterson Yes
Commissioner Wager Yes

Motion Approved: 5 Yes 0 No

51 **B. Final Approval for Perry Canyon Subdivision Phase 1- 1st Amendment. Applicant: Rick Scadden,**
52 **Location: 143 West 1550 South, #03-159-0130**

53 Mr. Barnhill reviewed the final approval for Perry Canyon Subdivision Phase 1- 1st Amendment with
54 the Commission. He stated the applicant sent updated plans yesterday which have not been fully
55 reviewed by himself or the City Engineer. He reviewed the City Engineer's comments from a month
56 ago. He said overall he would like to have the updated plans be fully reviewed by himself and the
57 City Engineer before approving the application but there are no major red flags so it could be
58 passed onto the Council if the Commission feels it is appropriate.

59
60 The Commission and Staff discussed and clarified the preliminary application and the items which
61 were supposed to be addressed from that approval.

62
63 The Commission and Staff discussed and clarified the ownership and upkeep of the detention pond
64 being with the development (HOA) versus the City, but the City will maintain the piping.

65
66 The Commission and Staff discussed if it would appropriate to pass this item onto the City Council in
67 its current state.

68
69 Rick Scadden (applicant) reviewed and clarified some of the updates from the new plans (recently
70 submitted) with the Commission.

71
72 **MOTION:** Commissioner Wager made a motion to recommend approval to the City Council of the Final
73 Approval for Perry Canyon Subdivision Phase 1- 1st Amendment with the contingency the detention
74 basin be part of the rest of the common area, with an easement provided for the City, and all the
75 comments addressed by staff will be completed before this item is placed on the City Council's agenda.
76 Commissioner Kerr seconded the motion. Roll call vote.

77
78 Commissioner Kerr Yes Commissioner Peterson Yes
79 Commissioner Jones Yes Commissioner Wager Yes
80 Commissioner Drago Yes

81
82 **Motion Approved: 5 Yes 0 No**

83
84 **C. Plat Amendment for Davis Creek Estates. Location 2200 South Hwy 89. Applicant Blake Hazen.**

85 Mr. Barnhill reviewed the plat amendment for Davis Creek Estates with the Commission. He stated
86 this development was approved awhile ago but has not yet been developed. He stated there is an
87 opportunity for development but the two roads in the area do not quite line up. He said UDOT has
88 required either medians or realigning the access, so the roads align. He stated this proposed
89 amendment realigns the access to align the roads and meet this requirement.

90
91 Mr. Barnhill reviewed the comments from the City Engineer regarding this application regarding
92 leftover spaces from the realignment and having those be combined with the lots.

93
94 He said this application will have the Commission as the final Land Use authority so they may want
95 to table it until all the Engineer's comments are addressed.

96
97 The Commission and Staff discussed and clarified the leftover spaces and the best options for
98 combining them with other lots.

The Commission and Staff discussed and clarified the current split zoning of this property and how that would impact development.

Eric Hazen (applicant) addressed the realignment of the road and that they will work out how best to use the leftover spaces from the alignment. He noted that this subdivision was already recorded, and their hand is being forced to adjust things. He asked for approval based on them having these small parcels being taken care of.

Mr. Barnhill reviewed the process of deeding these parcels over to property owners so that they are taken care of.

The Commission and Staff further discussed and clarified the appropriate use of these parcels and if it would be appropriate to approve this item with the unassigned parcels.

MOTION: Commissioner Jones made a motion to table this item. Commissioner Kerr seconded the motion. Roll call vote.

DISCUSSION: Blake Hazen said that the property to the north belongs to the City and they need to do the negotiating with the neighboring property owners. He said they are under a timeline crunch and that the buyer is willing to work with the City as well. He expressed his frustration because the City allowed these developments to be approved without the roads being aligned and now, they are having to fix that mistake.

The Commission and Staff discussed the vacating of the City owned property to accommodate the road and that needing to be updated on the plat.

Commissioner Kerr Yes

Commissioner Peterson Yes

Commissioner Jones Yes

Commissioner Wager Abstain

Commissioner Drago Abstain

Motion Approved: 3 Yes 2 No

3. Discussion Items

A. Discussion on Title 15 Land Use

Mr. Barnhill reviewed the assignments given to each Commissioner regarding updating Title 15.

Commissioner Kerr reviewed the things she has left to do before completing her assignment.

Commissioner Wager reviewed with the Commission and Staff his proposed Accessory Dwelling Unit ordinance which he has been working on.

The Commission and Staff discussed and clarified the updates especially regarding utility and impact fees, setbacks, what is and is not in the jurisdiction of the City to regulate (renting property, preventing Airbnb's, utilization of ADU's, etc.).

The Commission and Staff agreed that what Commissioner Wager has proposed is a great start and they would like to do more research and give feedback to Commissioner Wager, in hopes it would be ready to be listed as an action item at the next meeting.

Commissioner Peterson reviewed with the Commission and Staff her proposed Food Truck Ordinance which she has been working on. She asked the Commission for feedback regarding fees and if they want to simply use the State Code or add their own regulations on top of the State Code.

The Commission and Staff gave their feedback regarding the application process, utilization of the State Codes, and thoughts on added regulations.

Commissioner Jones reviewed with the Commission and Staff her proposed Urban Livestock Ordinance which she has been working on. She reviewed the proposed numbers for the allowable animals in these areas.

The Commission and Staff discussed and clarified the proposed Urban Livestock Ordinance, especially regarding the required lot size and adjusting the numbers based on lot size. They also discussed realistic code enforcement in the City and clarifying the allowable numbers of each type of animal.

4. Approval of the Minutes

A. May 7, 2020 Regular Meeting Minutes

The Commission reviewed their corrections of the minutes.

MOTION: Commissioner Kerr made a motion to approve the May 7, 2020 Regular Meeting Minutes subject to changes. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Kerr Yes

Commissioner Peterson Yes

Commissioner Jones Yes

Commissioner Wager Abstain

Commissioner Drago Abstain

Motion Approved: 5 Yes 0 No

6. Discussion

A. Future Projects

Mr. Barnhill stated City Council has requested an ordinance amendment regarding the IC Zone.

B. Report on past approved Planning Commission Agenda Items.

None.

C. Report from Commissioner regarding last Council Meeting

Vice Chairmen Kerr reviewed the City Council meeting she attended with the Commission.

Chairman Drago reviewed the City Council meeting she attended with the Commission.

D. Make Assignments for Representative to attend City Council Meetings. (June 11, 2020 and June 25, 2020, these will be Electronic Meetings).

Commissioner Peterson stated she would attend the June 11th meeting and Vice Chairmen Kerr stated she would attend the June 25th meeting.

7. Training

A. Staff- None.

8. Review Next Agenda and Adjourn

A. Items for next agenda (July 2, 2020)

- Action Item of Accessory Dwelling Unit Ordinance
- Discussion Item Food Truck Ordinance
- Action Item of Urban Livestock Ordinance
- Discussion Item of the rest of the Title 15 assignments
- Plat Amendment for Davis Creek Estates

B. Motion to Adjourn

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