

Staff Report

May 5, 2022

Perry City Planning Commission



Zone Change request with Development Agreement – Jim Flint/Gene Stephens, located at approximately 1100 W 3600 S

Update

While we have been expecting updates to this project, we have not received those updates at the time of this staff report.

Summary

This application is a request for the Development Overlay zoning district to be applied to the subject properties along with a development agreement. The properties total approximately 50 acres. The current proposal includes 46 single family lots, 89 patio homes, and 68 townhomes. The current zoning is R1/3 and NC3. The properties are included in four districts of the multi-family density map and could currently receive approval for 38 multi-family dwelling units. The surrounding properties include agricultural lands, the KOA campground, a storage unit facility, and scattered single family residences.

There are certain challenges regarding utilities for this development. While culinary water is available, the water liens are undersized, which results in flows that do not meet the fire requirements. The developer is required to upsize the mainline in 1200 W and is seeking a reimbursement agreement for this. In addition, a gravity sewer main is required to be taken west to the city mainline along I-15. The developer also desires a reimbursement agreement for this improvement. Lastly, there is not pressurized irrigation water from Pineview Irrigation in this area. The developer is proposing an HOA owned and operated secondary water system.

A development agreement is a voluntary tool the city and developer may use to negotiate aspects of a development. In this case the developer is requesting housing types and densities beyond what is currently allowed. In exchange for the increased density, the developer is offering certain open space properties and improvements.

Considerations and Recommendations

Planning Commission has given feedback to the developer on their current proposal. Feedback touched on many items from open space details to road sections, to density. At the time of this staff report, the applicant has not provided any updates to their proposal. Members of Planning differed on their feedback regarding density. Otherwise many of the details desired for the plan received general consensus feedback from the members. These feedback topics are included below for reference.

Our Municipal Code says the following regarding Development Agreements:

The purpose of this chapter is to provide procedures and minimum standards for the review, consideration, and possible approval of development agreements by the City Council. The purpose of development agreements is to allow exceptions or changes to the current code for a specific development, respond to unique aspects of a property or development, further city priorities, bind the Subdivider to agreed upon Improvements and Infrastructure and other development parameters, and above all, create better developments than what could be had without a development agreement. A development agreement may only be approved, if in the opinion of the City Council, such agreement is found:

To recognize the intended character of the subject property by tailoring development standards and requirements that provide more desirable land use planning and regulatory standards than would be possible under the city's existing ordinances: and

To advance the policies and adopted plans of the City.

Staff has received some feedback from one neighbor to the south. They have some concerns about the townhomes proposed to be next door to their property. A fence and/or landscape buffering may be appropriate in this location. They also have concerns about the narrow nature of Hargis Hill road. While the developer is responsible to make some improvements to this road, the Willard City section will not be improved with this development. Some of these items could be addressed by the development agreement. Personal site visits may also provide additional insight into these and other concerns associated with the proposal.

Feedback Topics

- Wetland delineation and cleanup
- Trail details – material, width, construction, transition to sidewalk and implementation with parking areas, crossing to Historic Orchard Pathway and other public streets, stub into Trease property, easements over trails in HOA, how does sidewalk navigate around parking areas, lighting, etc.
- Small parks – HOA, Large park – Public
- Bowery detail, Additional bowery and Restroom
- Playground details, perhaps move one playground to southern park, add dog parks
- Landscape plan – trees, shrubs, street trees, etc. by landscape architect
- Stub road across Wood property
- Reimbursement – sewer, water, 1130 W
- Hwy 89 improvements – curb, gutter, sidewalk
- Patio home setbacks
- Private road section – both to city standard, consider smaller sections
- Phasing plan

As a legislative item, Planning Commission is not obligated to approve the overlay zone or the development agreement. Both items should be recommended for approval if they are deemed beneficial and desirable.