

June 2, 2022
Planning Commission Meeting
Virtual Meeting
7:04 p.m.

Commissioners Present: Chairman Julie Jones, Vice Chairman Marcus Wager, Commissioner Jan Kerr, Commissioner Stephan Moss, Commissioner Beth Thompson, Commissioner Blake Broadhead, Commissioner Ryan Vaughn

Commissioners Absent: None.

City Staff Present: Robert Barnhill: City Administrator
Tyra Bischoff: Deputy Recorder
Chris Crockett: City Attorney
Mayor Kevin Jepps (on-line)

Others Present: Wes Frampton, Diane Frampton, Jeannine Jensen, George Stauffer, Trek Loveridge, Michael Sumko (left before meeting started), Sasha Clark, Lynn Wilson, Jordan Riley, Chris Olsen, Ryan Forseth, Peggy Chandlers

Others On-line: Jim Ames, Melanie Barnhill, Todd Eskelson, Sara Martin, Austin, Brandon, Kerry Thompson, Barney Olsen, Jon, Danny Lange, Ryan C, Martin, Heather, Bryan Loveless, Kimberly Durrans

1. 6:00 p.m. - Work Session

A. Training for new Planning Commission Members

2. 7:00 p.m. - Call to Order and Opening Ceremonies

Chairman Julie Jones called the meeting to order at 7:04 pm

A. Declare Conflict of Interest, if any

Commissioner Jan Kerr has a conflict of interest on Action Item B the Preliminary Subdivision Application. She said it pertained to the lease on the sale of the property and a billboard parcel.

3. Action Items

A. Preliminary Subdivision Application – Apple Ridge located at 2055 South US-89 Parcels #03-158-0032, 03-158-0033, 03-159-0025, 03-159-0027 Applicant: Phil Holland

City Administrator Barnhill welcomed the public in attendance along with the written comments previously received by the public. He said they had good points and that he forwarded them on to the commissioners. He noted that the first four action items on the agenda are administrative items. He said that the role of the commissioners is to review these applications and make sure they comply with codes and ordinances.

Apple Ridge Estates was established in the R1 zone between fifteen to twenty years ago. This zone allows for a 10,000 square foot lots. This property has had agricultural, residential single and multi-family with some commercial uses. The submitted plans show 57 single family lots with most being close to the 10,000 square foot minimum requirement. He noted that Lot 51 needs to be adjusted to meet the minimum size and that maybe a review on the lot frontages needs to be addressed.

He then showed and reviewed the preliminary plat map. He mentioned a concern for access to the subdivision has already be expressed. He said for access the city follows the fire code and it is not set up for convenience but for health safety welfare. The code says that thirty units per access and after that a secondary road needs to be done. He noted that Eskelsen Lane (100 West) is a historic right of way that the city maintains but not a full width road. The developer would have to improve their half of the road, in addition they would have to pave a minimum of twenty-six feet. However, to make a functional road on this existing road they can only improve on their property and not expand the road on the private property to the east. He reminded the commissioners that this is a preliminary phase but the next phase would have to get into the engineering details for this subdivision.

Mr. Barnhill said there have been comments made about the concern of having enough water for these additional houses in the city. He noted that the engineer has shown the city has adequate supply for this and other proposed developments. Also mentioned was that the water delivery system in this area was good. He explained that all developers pay an impact fee that goes to pay for new park and open space projects.

Mr. Barnhill discussed that the roads will have a sixty-foot right of way which is standard in Perry city. He noted that the layout of the cross sections on the roads in Perry have changed over time. This change allowed for one-foot wider sidewalks and park strips. He mentioned that the engineer reviewed the stub roads on the preliminary plat with other existing roads in the area and they will match with future connections in the south and align with the stub roads there.

Commissioner Broadhead said he is concerned about the power lines along Eskelsen Lane and that they have not been addressed. He suggested to the developer that they might consider a larger lot size.

Chairman Jones commented on the dirt road accessibility and the responsibility the city might have to claim its use as an access road. Mr. Barnhill said that they are on private property and there are laws that address those scenarios but it will be handled through the legal system.

Commissioner Kerr expressed a public concern that this development might encroach on their neighboring property boundaries. Vice Chairman Wager wondered if there is enough room on their property to meet the twenty-six feet requirement and match the existing road. Mr. Barnhill said that these things issues will be scrutinized by the engineers in the next phase of the application. He said for this action item that Lot 51 would need to meet 10,000 square foot and a verification for the 80 foot frontage requirements on the lots.

MOTION: Commissioner Kerr made a motion for preliminary approval subject to Lot 51 being at least 10,000 square feet and addressing the issues from the engineer going forward as well as the frontage on the cul-de-sacs lots meeting the 80-foot regulation. Commissioner Wager seconded the motion.

Jim Ames was concerned that there is no recourse to have the developer redesign even though all concerns expressed besides addressing Lot 51 and fixing the road at the top. He expressed that the city should change the laws to slow the growth in this rural area.

Chairman Jones said that the city does need to allow growth and development. She understands that it is hard to accept but we need to follow the law in place at the time of the application.

Wes Frampton said the letter initially stated fifty-five lots and at the meeting it was mentioned fifty-seven lots and he asked for explanation of the difference. Mr. Barnhill answered by stating the lot numbering was incorrect and a letter was sent out before the information was updated.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes
Commissioner Thompson, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes

Motion Approved: 7 Yes 0 No

B. Preliminary Subdivision Application – The Mark at Lake Pointe located at 2925 S US-89 Parcel #02-029-0120 Applicant: Andrew Mecham

Mr. Barnhill explained this proposed subdivision is close to 3000 S and along Highway 89. The surrounding zones are Residential Commercial, and some Agricultural use. He said that the property to be developed is approximately 1 acre in size and is zoned NC2. The submitted plans show 19 townhome units. The access for these units will be from Highway 89. UDOT has reviewed their proposal and has been involved in planning the location of the access. Our engineer has reviewed the plans and his required corrections have been made (Staff Report Preliminary Subdivision – The Mark at Lake Pointe).

Mr. Barnhill mentioned that the multi-family density map for this district only allows 18 units. If the developers want 19 units, they will need to request a code amendment to allow for the additional unit. Mr. Barnhill explained to the Planning Commission that this approval would be for the 18 units only. The developers have already requested the code amendment for the next meeting.

Mr. Barnhill showed a copy of the architectural drawings and mentioned that they meet the city design standards. He said, for example, to have differentiation between units they are using a variety of brick and different color of siding between each unit. He mentioned that there is not a storm water pond so the storm water will be collected in tanks under the asphalt parking. He noted that the city engineers have verified the storm water plan. He pointed out that the layout shows at least 2.5 required parking spot with two car garages for each unit plus extra parking. He added that to fulfill the city code, what is lacking on this preliminary plan are sidewalks along Highway 89 and the access path to them.

Commissioner Kerr mentioned that the right of way access to the already established billboard will be taken away with this subdivision plan. She recommending reviewing this issue first. Mr. Barnhill put the county plat mat up for view and they discussed the property lines and if it is a private or

public access road. He said it looks like the access from the highway could not be blocked and the issue might need further deliberation.

Mr. Barnhill mentioned the city code requires a solid fence between the multi and single family buildings. He said if it is an existing fence they can negotiate with the neighboring property owners or build a solid fence near that existing fence. The commissioners then reviewed the submitted architectural design drawings and discussed other possible issues that might need to be addressed. For example, Commissioner Moss asked about the maximum height requirement for the three level units and was told it is 35 feet.

MOTION: Commissioner Broadhead made a motion for a preliminary plan to approve the 18 units contingent upon a code amendment to allow for 19 units with addressing the billboard easement, frontage, sidewalk, and trees providing a line of site. Commissioner Moss seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes
Commissioner Thompson, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes

Motion Approved: 7 Yes 0 No

C. Subdivision Amendment Pointe Perry – Point Perry Phase 6 located at approximately 1100 S 1600 W Parcels #03-155-0064, 03-236-0040, 03-236-0013 Applicant: Jon Weese

Mr. Barnhill explained this is a request for a subdivision plot amendment. The applicant is asking to combine three lots into one property. He mentioned that a deferral agreement may be appropriate because this property is commercial in nature. The deferral agreement lists the required improvements if developed and will stay with the property if it is sold. He read the following from the Staff Report (Staff Report Subdivision Amendment – Pointe Perry Subdivision Amendment).

Two of these properties are lots within the Pointe Perry Subdivision, one is a parcel outside of the subdivision boundaries. This amendment would combine the properties and extend the subdivision boundaries to include this whole area.

Subdivisions require the installation of roadways, utilities, and other improvements. In this case you can see that the improvements on 1600 W end at the subdivision boundaries. If the subdivision boundaries are extended the subdivider should install these improvements. Staff recommends a deferral agreement be considered where the property owner would be responsible for these improvements at the time a commercial site plan is approved to develop the property.

This is an administrative application and appears ready for approval with a deferral agreement. Without a deferral agreement additional information would be needed. If

the motion includes a deferral agreement it should be made clear that water, sewer, storm water, asphalt, curb, gutter, and sidewalk would all be part of the deferral agreement (approximately 775'). The asphalt width would need to be a minimum of half of the road cross section and meet the fire marshal requirements.

Commissioner Kerr said she was curious to what they are developing this land. Mr. Barnhill said that the city has not received a proposal for this property.

MOTION: Commissioner Broadhead made a motion to approve the Subdivision Amendment with deferral agreement as described in Staff Report. Commissioner Kerr seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes
Commissioner Thompson, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes

Motion Approved: 7 Yes 0 No

D. Subdivision Amendment City Center – Perry City Phase 1 located at 2500 S 900 W Parcel #02-028-0154 Applicant: Lee Gunther

Mr. Barnhill said with this amendment all the improvements are in place. The property is on 900 West near the elementary school and Perry Park. The purpose of this amendment is to adjust the boundaries between lot owners. The two property owners are in negation to adjust these two lot lines on the subdivision plat. They want lot 17 to be smaller (.342 acres) and lot 18 will be larger (.80 acres). This lot line adjustment is within our zoning requirements. The existing home will still meet setback requirements.

MOTION: Commissioner Kerr made a motion for approval for Subdivision Amendment City Center at 2500 S 900 W. Commissioner Thompson seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes
Commissioner Thompson, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes

E. Ordinance 22-D Zone Change from R1/3 and NC3 to DO (Development Overlay) Zone with a Development Agreement located at approximately 1100 W 3600 S Parcels #02-038-0069; 02-038-004; 02-038-0005; 02-038-0010 Applicant: Jim Flint/Gene Stephens

Mr. Barnhill recapped that this was a legislative item and a public hearing was held previously. This Ordinance would be proposing an overlay zone and development agreement. The development agreement creates custom standards and regulations to apply to this development. Everything is up for negotiation as the developer is asking for additional lots in exchange for something else that is beneficial to the city. He said that the developers would need to make several improvements with the water and sewer lines. He also noted that this area does not have Pineview secondary water but they do have water rights. They will collect the water from the high side of the property and have an HOA manage this pressurized secondary water system within the development. He said the proposed development has 205 single, patio, and town home residential units. He pointed out the proposed wetland, green space, and park areas shown on the proposed map.

Commissioner Jones said they received and updated proposed development map at the beginning of the Work Session Meeting. She mentioned some of the issues the commissioner discussed after reviewing the updated version. These discussion were as follows:

- The study showed the wetland areas were larger than anticipated
- 3825 South was moved further north
- Lack of green space perhaps removing nine units on the south end of the development
- Potentially taking 3700 S to Hwy 89 but would have to talk to UDOT
- A playground was taken out and/or possibly moving it be more accessible for a bike path
- Bowery moved to the west and put by two playgrounds
- Parking for the park and visitors

Mr. Barnhill asked about the setback feet on the town homes and stated that the current standard is 25 feet. The commissioners will need to review these footages for parking.

Commissioner Wager asked about street frontage and they discussed the sidewalks in the subdivision as they pertain to private and public roads. Mr. Barnhill said that they asked the developers to put in sidewalks on both sides of the private road and they have complied with that request.

Commissioner Jones asked about the width of the road on 3600 south. Mr. Barnhill said it is currently 47 feet and the transportation plan says if developed it needs to be 66 feet. This means that the developer is responsible to improve 33 feet from center on their side of the road. They further discussed the road and what the future improvements might be and possible alternative options.

The commissioners then discussed the HOA water and road management. They mentioned the possibility of the city needing to take over maintaining this subdivision including if the city might need to provide city water for the green spaces. It was decided that more research and discussion should be done before approval on the overlay development. Mr. Barnhill suggested the commissioners mark the maps with what needs to be addressed or the changes they want to see. Chairman Jones said they do not want to drag this out but do want to accomplish due diligence on this large development.

MOTION: Commissioner Kerr made a motion to table and have another Work Session Meeting on June 16, 2022 at 6:00 pm. Commissioner Vaughn seconded the motion.

Lyn Wilson commented that she feels the Planning Commission should stick to the laws they already have for this development, by changing them now is only adding problems. She said to keep it zoned as it is – we are supposed to be out in the country. She asked about the city plan and what it looks like. Mr. Barnhill answered that city overall principle plan from City Council is to have more integrated housing types. She then asked what benefits the city gets from this development. Commissioner Jones answered her by stating the city will get a trail way with a park and pavilion.

Brad Johnson asked if it is a forgone conclusion that the city is going to go with ¼ acre lots. He mentioned that he feels it should be against law to have that many people in that space. He does not think we should give up our precious space for affordable housing. Commissioner Jones stated that the state is pushing for cities to allow or have more affordable housing. She said the city needs to find a workable solution within the laws on this request. Mr. Johnson then expressed his concerns about having enough water for everyone.

Jennie Jensen said the action item only shows four parcels, but the update plan has another parcel added.

Peggy Chambers said there is a lot of traffic on 3600 south especially with the KOA Campground. She explained that she lives at the top of 3000 and sees the current traffic. She feels with the large motorhomes going to the established KOA business the road cannot support what is being proposed. She noted that she didn't receive a letter from the city about this.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes
Commissioner Thompson, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes

Motion to table

4. Approval of the Minutes

- A. May 5, 2022 Work Session**
- B. May 5, 2022 Regular Meeting**

Minor corrections found on the minutes as follows: On the Work Session minutes line 26 He said it is (one word) and line 47 plan language should be plain language. Then on the Council Meeting minutes line 82 says Mr. Broadhead which is informal and should be Commissioner Broadhead.

MOTION: Commissioner Moss made a motion to approve the May 5, 2022 meeting minutes with the noted corrections. Commissioner Kerr seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes

Commissioner Jones, Yes
Commissioner Wager, Yes
Commissioner Moss, Yes
Commissioner Thompson, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Yes

Motion Approved: 7 Yes 0 No

5. Discussion

A. Future Projects

Mr. Barnhill said he may have site plan regulations depending upon their work load. Then perhaps look at park strip landscaping and give feedback to City Council.

B. Report on past-approved Planning Commission Agenda Items

Mr. Barnhill said they discussed the Land Use Chart but it was tabled by the City Council.

**C. Report from Commissioner regarding last Council Meeting
(May 21 and 26 Meeting)**

Commissioner Broadhead said he attended the meeting on May 26 and what was discussed was Ordinance 22F Land Use Chart. He said the council members reviewed the layout and wants more time to review it. Commissioner Thompson does not remember what was on the May 12 meeting.

**D. Make Assignments for Representative to Attend City Council Meetings
(June 9 and 23 Meeting)**

Mr. Barnhill said he will be at the on June 9, meeting and can report on it. Commissioner Kerr said she will go to the meeting on June 23

6. Training

A. Staff

None.

7. Public Comment

None.

8. Review Next Agenda and Adjourn

A. Items for July agenda (next meeting July 7, 2022)

Mr. Barnhill referenced to amend density units by one unit for townhouses. He also said there will be a policy for the amendment.

B. Motion to Adjourn

Motion: Commissioner Wager made a motion to adjourn the meeting. Commissioner Kerr seconded the motion.

All Commissioners were in favor. The meeting ended at 9:03 p.m.