

**WILLARD CITY CORPORATION PC052115**

DATE: May 21, 2015  
TIME: 6:30 p.m.  
PLACE: Willard City Hall  
ATTENDANCE: Chairperson – Terry Ross  
Commissioners: Sidney Bodily, Leslie Meyer, Jasmine Baker, Gary Hart, Chandler Bingham  
Bryce Wheelwright - City Planner (non-voting member)  
Gaylene Nebeker - Planning Commission Secretary  
EXCUSED: Michelle Mund –City Council member (non-voting member)  
CITIZENS: See attached sheet

**1. Prayer – Leslie Meyer**

**2. Pledge of Allegiance – Gary Hart**

**3. General Public Comment (Input for items not on the agenda)**

Jim Wells – 125 N 300 E – has concerns about the new subdivision that is being put in. He has concerns about the open space by the freeway and the property that the Well’s owns. The open space is still there and they have designed a sewer system on 200 West and stated the open space will not flow to the sewer line because of the terrain. He stated if there is another developer look at the property they will not look at the property because it will not flow. He spoke with Ryan Tingey after the last meeting and was told if they put the church in they would be putting a lift station in and would take care of all their problems. He does not know how that is going to happen and would like something in writing stating when and how fast that is going to be done. If they have a buyer for their property they would like to be able to sell it and it will not sell under those conditions.

Chairperson Ross asked where there property was located. Jim Wells stated it is right in the middle of Doug’s development. City Planner Wheelwright showed in the plans where the Wells and Watkins properties were located and stated with what Doug is proposing it would eliminate them out of the plan. Before they put a sewer line done proposed 200 West so the area at the bottom cannot be tied into because of the elevation is too high.

Jim Wells stated the property is in a trust at this time and they would like to sell to distribute the money and asked how they could do that.

Chairperson Ross stated on the original proposal the area was all covered in homes and asked how he could design the proposal if he did not own all the land. Jim said he was not sure how it happened and stated what he was doing was considered fraud.

Jean Loveland stated in 2010 it was proposed that way with all the property owners being notified and signing in on the development.

Robert Beebe stated in 2010 a presentation was made to the City Council that all the property owners were on board and part of the main design plan and had gone over the information with the previous city planner. He also stated the Wells had not been approached and Doug had possibly approached them about buying the property. Commissioner Bodily stated Doug told everyone he was going to purchase the

property. Jim Wells stated Doug told his dad he was going to buy the property and that shortly after his dad passed away he ran into Doug down by Harvey Braegger's corral and was told he was going to purchase the property but he wanted to hold off for a while. He asked if Doug has talked to the church about putting the church in. Chairperson Ross stated only what they have been told by Doug and Ryan. Jim Wells stated at this time there is not enough people to fill a new church house. He felt he should not have to wait until church and lift station goes in to sell the property. He is asking for advice on what can be done. He also thanked the Planning Commission for all they do and that they should not have been treated the way they were treated at the last meeting.

Chairperson Ross said he has not talked to the church and it only going by what he has been told is if they build a church they would want it to be located along Hwy 89. He asked Mr. Wells if he had ever been approached by Doug. Mr. Wells stated the only time they had been approached is when they submitted the plan with the Walmart. Mrs. Wells asked if the plan Doug is proposing goes through would the city require him to purchase the properties prior the plan being finalized. City Planner Wheelwright stated the plan that is being proposed is a smaller development and will only include the lots that he owns and would not have anything to do with their property. Mrs. Wells asked about the 1 ft. holding strip around the property and would it be removed. City Planner Wheelwright stated it would be required to be removed. Mrs. Wells stated there are rumors about the 1 ft. holding strip land locking their property and there is no way it can land lock their property if he does not own all the way around the property. She was concerned if this was a way to not get individual to not purchase the property. City Planner Wheelwright stated it was one of the concerns from Willard City Engineer Jones and Associates that it would have to be removed.

Jean Loveland – 105 South 100 East stated she has concerns about what is being proposed. It is being proposed as Phase 1 of a subdivision and stated there is a big difference between a subdivision and a planned development according to the Zoning Ordinance. It is also being submitted as a final plat that needed to be submitted to the Planning Commission. This planned development was first heard in 2010 with the understanding if the property owners were on board with it and signatures were never acquired from those property owners. She does not believe the development was ever recorded with the county. She also felt the Zoning Ordinance allows the Planning Commission and City Council can ask for an injunction until the other property owners and their rights can be protected along with the rights of the citizens of the community. The Planned Development also requires the land to be contiguous with there being two separate subdivisions. If a planned unit development is approved they cannot keep changing it without surrounding landowners being notified. The developers are considering the sidewalks as open space and under section 12-100 of the Zoning Ordinance it stated "*open space is considered the area reserved in parks, courts, playgrounds, golf courses and other similar open space to meet the density requirements of planned unit developments*" and it does not address sidewalks and frontage as open space. A lot of the lots do not meet the standards required of a subdivision ½ acre parcels and frontages. None of the drainage is addressed as far as putting in curb and gutter and roads and asked is storm drains will be put in and if not where will the water go. The plan does not address the irrigation ditches in the area and how are the landowners to get their irrigation water. She also addressed 12-100-2 Purpose and felt that if they do not follow the rules there are misdemeanor penalties if they do not. She understands the

Planning Commission is a recommending body and like Mr. Wells stated she appreciates all they do and as a former Mayor she relied on the Planning Commission because they represent the citizens of the community and not the developers. She was able to read some of the minutes from the last meeting and felt that Ryan Tingey owes the Planning Commission an apology. Under Section 12-110-4 of the Zoning Ordinance the developer needs to follow the rules and submit a complete application and reapply.

Robert Beebe- 1000 North 80 West – this development has been going on for 6 years and stated every 2 years they come in waving a check to help with impact fees asking for a couple of changes. He stated at some point the City Council did not put a time limit on the development and strongly suggested the Planning Commission put a 2 year time limit on the development. Commissioner Bodily stated the Planning Commission did put a time limit on it but the City Council decided to take it off. Robert Beebe stated it was a poor decision by the City Council. The first plan was also to have an elementary school. He also felt they needed to start over from square one.

Chairperson Ross thanked the public for their comments and to make them aware of some issues.

#### **4. Discussion Item**

##### **a. Review of a new Planned Development submitted by Ryan Tingey representing Doug Young. The new development will be called Elk Run at Willard Bay located at 825 South Main for Parcels #02-052-0017 and 0018 this new plan will replace the previously approved Willard Bay Estates Development**

City Planner Wheelwright stated Ryan Tingey was absent at this meeting due to the birth of his grandchild. Commissioner Bodily asked where we are legally on this issue. He stated the Planning Commission has never done anything as a subdivision it has always been a planned development and is not sure where the subdivision has come into it. City Planner Wheelwright stated the developer has always referred to it a planned development and is not sure if it is a typo on the plans. Commissioner Meyer stated the word subdivision is repeated in the plans in several places. City Planner Wheelwright stated Jones and Associates have submitted a review of the plan and asked Chairperson Ross to go over the list.

Commissioner Hart asked if the Planning Commission first needed was to have clarification on if it is a subdivision or a planned development. Commissioner Meyer stated there are different rules for each type of development. Jean Loveland stated if it was anything other than a planned development they would be required to start over. There was discussion held on the frontage requirement and it was stated as a subdivision it is illegal but if they are continuing as a planned development the plan would be considered a preliminary plan review.

Robert Beebe stated there are two distinct properties that are not contiguous and asked if we are dealing with two planned developments or subdivisions. How is it going to work out if they are not connected? City Planner Wheelwright stated they are only developing the one at this time. Chairperson Ross felt they were considering them both because the drawings show entrances to both developments. Jean Loveland asked with the planned development if they choose not to connect the adjoining properties it would appear the Well's are going to donate all their property to build a church. If they do not purchase the properties with the planned development how can they expect them to dedicate their properties as the church properties as open space if he is not willing to work with them.

Chairperson Ross stated in the master plan it talks about leap frogging and felt this was a leap frog operation. He understood it to be that all the property was included but now there is a section down the middle that he does not own or been talked about. He reviewed the list from Jones and Associates. City Planner Wheelwright felt until it is clarified whether it is a subdivision or a planned development we not discuss it further. Commissioner Bodily asked if the item can be tabled with what is already approved. Commissioner Hart stated what had been approved is

totally different than the present plan. Chairperson Ross stated as a Planning Commission we need to make sure everything is done right and they needed to go back to the drawing board.

**A motion was made by Commissioner Meyer to reject this item until all items listed from Jones and Associates are addressed and a determination is made weather it is a subdivision or planned development. The motion was seconded by Commissioner Bodily. Chairperson Ross asked for a roll call vote.**

**Commissioner Bodily – yea  
Commissioner Meyer – yea  
Commissioner Hart – yea  
The motion carried.**

**Commissioner Bingham – yea  
Commissioner Baker – yea**

Chairperson Ross stated he would like to read item #9 from Jones and Associates "*Open space has not been quantified on the plans, it does not appear that the open space requirement has been met. It is my understanding that the developer would like to count the park strip as open space. In my opinion park strips should not be considered open space as every development is required to have sidewalks and park strips as part of the standard city street. Open space requirement are typically meant to provide undeveloped land beyond the standard street section.*" Commissioner Hart suggest the handout from Jones and Associates be forwarded to the developer. Commissioner Meyer talked about an article that Chairperson Ross sent out on how Salt Lake is looking for open space because developers did not put in open space. It was suggested the staff review and engineering report be sent to the developer.

**b. Review of the Willard City Land Use Map and Master Road Plan**

City Planner Wheelwright stated the General Plan was presented at the last City Council meeting and will be reviewed before their next meeting. Chairperson Ross asked when the ordinance is passed we can then discuss rezoning along Hwy 89 with the consideration of the Joel Murray property. City Planner Wheelwright showed the Future Land Use Map the changes that incorporated in January of 2014 showing the Manufacturing Zone. The Land Use Map allows for the city to determine what would best fit for the city. He stated when Helen Jane Lemon was on the commission she talked about Hwy 89 through Perry being zoned commercial and felt that Willard should also be zoned commercial. He stated there are pros and cons one being UDOT access approval. It would need to be determined what type of commercial you would like to see (commercial general, commercial neighborhood or manufacturing). He felt main street was a good place to have commercial because that is where everyone drives through. Commissioner Meyer stated unless you are one on the residents living along the hwy. Chairperson Ross stated it would need to a Commercial Neighborhood type shop. Jean Loveland stated when she was on council there was lots of discussion on if they wanted to have Hwy 89 zoned commercial and there was not a lot of lots that were big enough for commercial so that is when they put commercial out on 750 North because some types of business should not be allowed on mainstreet. City Planner Wheelwright showed on the map the different types of future zoning and said if we zone Hwy 89 commercial we would need to put the Wells and Watkins properties back into R ½ because they are in a PD Zone and they do not have a PD (Planned Development). Chairperson Ross asked if we unzone the Wells and Watkins would we also need to unzone the proposed development on 750 North (Willard Commons). City Planner Wheelwright stated they are still looking at developing the property. Jean Loveland stated if someone wants to put in a subdivision they can apply for a zone change she also stated it does not set everything in stone. It would need to follow the rules of the General Plan requirements with no leap frogging. Craig Wells asked about putting the zone back to what it previously was. City Planner Wheelwright stated it would revert back to the zone it was prior to being zoned PD which was R ½. Chairperson Ross asked if they would be ok leaving it in a PD zone until something comes along. City Planner Wheelwright stated until we know legally we cannot decide. A discussion was held on where they would like to see commercial. Commissioner Bingham felt we should not do anything more than Commercial Neighborhood. He asked if we needed to be the whole corridor. City Planner Wheelwright stated it needs to be contiguous with the something else and stated commercial is different than residential. Commercial Meyer stated

it is also different than manufacturing. She felt Joel Murray was manufacturing and not commercial and felt we needed to do it right. Jean Loveland asked if he needed to follow the rules of mining if he puts in a gravel pit. City Planner Wheelwright stated there are no gravel pits allowed in Willard. Commissioner Bingham stated all Joel Murray is trying to do is level out an area for staging to sell the rock. After the rock is gone he has suggested putting in a sports complex after the rock is gone. Jean Loveland stated with the different types of commercial you need to look at the neighbors and the dust and what is going to be allowed. Commissioner Bingham stated a staging area would not be allowed in a Commercial Neighborhood zone. Commissioner Meyer did not want to discourage commercial from coming in but felt we need to protect the residents that are there. If someone comes in and applies we could determine at that time if it would be allowed. She also asked if there is anything protecting the neighbors that are living next to a proposed development. City Planner Wheelwright stated at the time of application if there are potential problems the neighbors would need to be informed with a possible public hearing. He also stated the staff will issue business licenses that would not come before the Planning Commission. If there are issues with a license then all department heads would need to sign off on it.

There was discussion held on what type of commercial to put along Hwy 89 and a reference was made to the Joel Murray request.

After discussion it was decided that the commercial zone would be a Commercial Neighborhood from 1450 North to the south city limits. Chairperson Ross asked for a motion.

**A motion was made by Commissioner Meyer to recommend a Public Hearing be set for changes to the Future Land Use Map to make both sides of Hwy 89 Commercial Neighborhood from 1450 North to the south city limits and 220 ft. east and west back along Hwy 89.**

**5. Approval of Minutes**

**The minutes of the May 7, 2015 Planning Commission meeting were reviewed. A motion was made by Commissioner Bingham to approve the above minutes as amended with typographical errors. The motion was seconded by Commissioner Hart. Commissioner Baker abstained due to absence from the meeting. The motion carried.**

**6. Commissioner Comments/Staff Comments**

Chairperson Ross felt it was a good thing to reject the Elk Run proposal stating it needed to be done right the first time. The Planning Commissions job is to look out for the future of Willard and surrounding areas.

City Planner Wheelwright stated in Section 12-106-8 it talks about the duties of a Planning Commission member and stated the Planning Commission was doing what they are supposed to do.

Commissioner Bodily stated he did not want to see the city get in trouble with what has currently been approved.

Chairperson Ross said for the next meeting read through the Subdivision and Planned Development Ordinance regarding open space guidelines.

**7. Adjourn**

**A motion was made by Commissioner Bodily to adjourn the May 21, 2015 Planning Commission meeting. The motion was seconded by Commissioner Barker. The motion carried. The meeting adjourned at 8:45 p.m.**

**Minutes were read individually and approved on June 4, 2015**

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Planning Commission Chair Person  
Terry Ross

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Planning Commission Secretary  
Gaylene Nebeker