

WILLARD CITY CORPORATION PC111915

DATE: November 19, 2015
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Terry Ross
Commissioners: Sidney Bodily, Leslie Meyer, Chandler Bingham, John Seamons
Bryce Wheelwright - City Planner (non-voting member)
Gaylene Nebeker - Planning Commission Secretary
EXCUSED: Gary Hart, Michelle Mund City Council member (non-voting member)
CITIZENS: See attached sheet

1. **Prayer** – John Seamons
2. **Pledge of Allegiance** – Leslie Meyer
3. **General Public Comment (Input for items not on the agenda)**
4. **Public Hearing to take public comment on proposed changes to the Future Land Use Map to incorporate a Commercial Neighborhood Zone along Hwy 89 from 1450 North to the south city limits and 220 ft. east and west.**

A motion was made by Commissioner Bodily to open the public hearing at 6:35 p.m. The motion was seconded by Commissioner Meyer. The motion carried.

Joel Murray 1025 South 105 East asked about the proposed commercial zone and asked what the intention was when they put zone back 220 ft. He felt that the commercial zone should be more than 220 ft. back. He was in favor of the commercial zone along the highway. Joel Murray asked if the zone could go back further than the 220 ft. with a special request. City Planner Wheelwright said it depended on where it was at but most likely would require additional requirements.

City Planner Wheelwright showed on the Land Use Map the different zones and explained the reason they went back 220 ft. was to keep in line with 100 West and in the R ½ zone. He explained Commercial Neighborhood is light commercial (mom and pop type businesses) no big box stores such as Walmart or Cabelas. If Willard wants industry to come in along Hwy 89 would be the best place for it.

Joel Murray also asked if the property taxes would remain the same. City Planner Wheelwright stated nothing changes. If someone wants to come in with a re-zone request this zone would allow them to apply.

Christi Mitchell asked if it would prevent additional residential from coming in. City Planner Wheelwright stated residential is allowed in the Commercial Neighborhood zone.

Helen Jane Lemon said along Hwy 89 in Perry City is zoned Commercial Neighborhood and has residential throughout for several years.

Carl Olsen asked about houses located in the Stated Historical Registry. City Planner Wheelwright said this would fall under the State Preservation Society and would be protected.

Commissioner Bingham explained that nothing changes unless someone applies to have their

Pat Bender 730 North Main asked if a lot of commercial come in is the speed limit going to be lowered and will there be traffic lights or signals put in. She said with the fruit stands and other commercial along Hwy 89 the speed limit needed to be lower throughout the town.

City Planner Wheelwright said you could petition UDOT but Willard City has no control. Pat Bender stated it would be safer for everyone. She went on to explain that when she is trying to turn off the Hwy at her house drivers will honk and give obscene jesters. She suggested a petition be circulated to get the speed limit lowered, she has already seen someone die and does not want to see that happen again.

Rew Wiley – 825 North 75 West said with UDOT putting in this zone when it comes into putting in residential sections are they going to limit how residents get on and off the Hwy because driveways will be limited and with developments going in how will it affect this. City Planner Wheelwright stated Willard City is putting in the Commercial Neighborhood Zone not UDOT. UDOT would like to see 5-6 stores with curb and gutter and turn out lane rather than a lot of driveways along the Hwy. He did say it is difficult to get driveways on Hwy 89.

Robert Hatton – 165 East 1650 North stated he has property on the north end of town and felt it was asinine to do the whole corridor with the exception of the last 2 ½ blocks and say it is not commercial. He has had a fruit stand in the area for the last 20 years and come before the city with a plan for a nice fruit stand and dental lab and was denied by the city because it was not in a commercial zone and stated that decision cost him \$150,000. If it is zoned commercial all the way through Perry and then through most of Willard why are they excluding the last 2 1/2 blocks in Willard. He asked what the reason was behind the decision. City Planner Wheelwright said in discussion with the Police Chief he was told it was a dangerous area and was asked that they not make that area commercial. Robert Hatton said he has had a fruit stand in that area for 20+ years and there has never been an accident or problem and felt it was no different than anywhere else in town. When he comes down his driveway he has plenty of vision going south. The bus stops just north of the boundary and felt the UTA feels it ok and the same on the Perry side. The school bus pulls in front of his fruit stand and does a u-turn and does not see why the police feel this is a problem. Susan Wiled stated there was a winter when the school bus came off the hill and ended up in a barn. Robert Hatton said there was a fatal accident in front of Greys Fruit Stand (Dave Call's) and that area will be in the commercial zone. He felt to take the last 2 1/2 blocks and say your highway frontage property is not as valuable as the rest of the highway property is a slap in the face not to have it all zoned commercial.

Ron Burningham 1710 North Main said he is supporting Robert Hatton. He had talked to former Willard resident Brent Braegger (deceased) who was a police officer at the time and was told the last accident he had seen was in 1975. Ron said there has been no accidents not even deer being hit on Hargis Hill. He applied for a Bed and Breakfast seven years ago and the city and Planning Commission gave him the run around for about 8 months although he had signatures from all his neighbors saying they were in favor. He had heard through the grapevine that the Mayor was trying every way he could not to make it happen. He was told it was a flag lot and could not be done and have the police officers say it was a dangerous intersection and the Bed and Breakfast would only have one extra vehicle weekly. He does not see the issues with it being a dangerous intersection. He said his has vision going north and does not see a problem getting on and off the highway and said there are issues all along the highway. He feels frustrated that he was trying to build something nice for the community and then to hear others were trying to keep him from doing it. He was told that growth needs to start from the center of the city outwards and said under that philosophy he would never be able to build because growth would never make it out north. He felt that he was discriminate against because it is said that it could be a dangerous spot not that it is a dangerous spot.

Rew Wiley 825 North 75 West felt that Willard is better off being a bedroom community and by making Hwy 89 commercial property would behoove us as a bedroom community. He said he

ok with industrial coming in on the west end of town but not along the hwy.

City Planner Wheelwright received a phone call from Fred Barker 901 North Main who did not want his property surrounded by commercial.

Chairperson Ross said that Alberta Ross stating she was in full support of commercial along Hwy 89.

Commissioner Bingham felt there is a misconception of what commercial neighborhood is and went on to explain it would be small mom and pop type businesses nothing like big box type stores. He did not feel these types of shops would change the look of the community.

Pat Bender said there was commercial next to them and it was a junky yard and felt the junk needed to be cleaned up along Hwy 89 and asked if there was anything that could be done. Chairperson Ross stated there is a Nuisance Ordinance the city was working on that would allow the city some teeth when dealing with nuisances.

Chairperson Ross asked for a motion to close the public hearing. Commissioner Seamons asked with the items discussed during the public hearing what the next steps would be. Chairperson Ross stated after the motion was made the Planning Commission would discuss it.

Robert Hatton stated he had three additional neighbors who have property along Hwy 89 who felt the same way.

Robert Krum 301 South Main stated he was in favor of putting in clusters of business rather than spread out along the hwy. It would be better to drive and park once and visit multiple businesses. Chairperson Ross asked for a motion to close the public hearing.

A motion was made by Commissioner Bingham to close the public hearing at 6:58 p.m. The motion was seconded by Commissioner Seamons. The motion carried.

5. Discussion Items

a. Proposed changes to the Future Land Use Map to incorporate a Commercial Neighborhood Zone along Hwy 89 from 1450 North to the south city limits and 220 ft. east and west

Chairperson Ross felt the Planning Commission needed to readdress that section of Hargis Hill and visit with the Police Chief on her concerns. City Planner Wheelwright stated it was originally from border to border and had gone before the City Council and after discussion asked that moved back and stated it could be put back on the map and resent back to the City Council. Chairperson Ross stated when businesses go in signs could be put along the highway that cars are entering and exiting the highway. City Planner Wheelwright stated it would be UDOTs call. Doug Thompson Willard City Maintenance Department stated any sign along the highway would be the responsibility of UDOT to install and maintain. City Planner Wheelwright suggested UDOT be contacted about doing a traffic study.

Pat Bender again asked about getting a petition put together for UDOT and stated with the amount of truck that will be coming down the highway with the I-15 project there needs to be something done.

Helen Jane Lemon asked if she could speak. She stated she has watched Perry City grow throughout the years and commercial has not hurt them and felt the businesses were an asset to the city and felt that Willard City needs a tax base. Commercial is not a big thing but the possibility of commercial is a big deal. She would like to see commercial go from end to end. Doug Thompson 1370 North Main felt it would not be a big deal to go from city limit to city limit because UDOT will require businesses to put in deceleration/acceleration lanes and would be the same requirements as they would have in town. He also stated they could make it so that they only turn right.

Susan Wiley stated when Perry City put in their commercial zone UDOT dropped the speed limit to 50 mph and felt if a commercial zone was put in through Willard UDOT should consider

dropping the speed limit to 45-50 mph all along Hwy 89.

Commissioner Bodily did not have a problem with extending to the city limits. The only issue he could see was cars trying to cross Hwy 89 or turning off of Hargis Hill and can see safety issues and the speed limit may need to be reduced to 45 mph.

Commissioner Bingham felt if Chief Loveland sees an issues he would go with her advice. He would like to see the commercial in the 45 mph zone for safety reasons. He said he was coming over Hargis Hill today pulling a trailer and someone pulled out in front of him and he had to slam on his breaks to avoid an accident. Robert Hatton said the same issues happen on Main Street. Commissioner Bingham said in town you can usually see them coming.

Kristi Mitchell stated after clarification was given she if a zone was put in it did not mean something was going to go in and if a business wants to come in they would need to apply for a rezone and UDOT would make a determination on if a business can go in.

Commissioner Meyer felt we need to look at the issues and the police have a reason for the issues they have given. She likes the idea of grouping businesses rather than having them spread out. She would like to see a turn out lane for several businesses including turning off into homes.

Commissioner Seamons stated tonight the Planning Commission is making a recommendation and rezoning will happen when someone comes in with a plan and then UDOT will determine if the business can go in how many accesses and parking spaces will be allowed. We are taking the first step to determine if this is something the city wants and also felt the speed limit needs to be lowered.

Chairperson Ross felt we need to go to the city limits and let everything else happen when businesses come in. City Planner Wheelwright felt the citizens have a valid point and we should recommend to the City Council they zone be put from end to end.

Robert Hatton said he has had a business license in the area for 27 years and felt it was discrimination to him. Chairperson Ross suggested this item be tabled until the next meeting to allow the Planning Commission members time to look at Hargis Hill and talk to the Police Chief about her concerns.

A motion was made by Commissioner Bingham to table the proposed changes to the Future Land Use Map to incorporate a Commercial Neighborhood Zone along Hwy 89 from 1450 North to the south city limits and 220 ft. east and west until the next meeting to allow Planning Commission members time to review. The motion was seconded by Commissioner Meyer. The motion carried.

A questions was asked by Pat Bender about the status of the Nuisance Ordinance. City Planner Wheelwright stated the Police Chief and the Attorney have reviewed and have turned it over to the City Council for review.

b. Review of Draft Ordinance for Non-Motorized Trails

City Planner Wheelwright asked for any recommendations for the ordinance. The Planning Commission stated it was well written. Commissioner Seamons asked for a definition of a trail and motorized trail. City Planner Wheelwright stated that would come with a sign. Commissioner Seamons stated unless you have a sign that states non-motorized vehicles not allowed you are going to have 4 wheelers etc. on the trail. Chairperson Ross stated the reason for the ordinance was to keep motorized vehicles off the new trail along 200 West from 750 North to Perry City limits. The police are not able to enforce because there is no ordinance. Commissioner Bingham asked how law enforcement would patrol. City Planner Wheelwright stated there is a 60 ft. right of way along the side of the trail. Commissioner Meyer stated there is a big investment in the trail and has been a benefit to the city and the citizen. Chairperson Ross read through the ordinance and asked for any additional changes. Commissioner Meyer asked that signage be put in clarifying paved and right of way. City Planner Wheelwright stated this ordinance would

be for all trails within Willard City. The Mayor has issues because the landowner has concerns about motorized vehicles being on the right of way but they are the ones driving on the right of way and felt if the landowners can do it everyone should be allowed to do it. Farmers need access east and west to access their properties. Questions on if there should be signage declaring what is motorized and no motorized. Also speed limitations were discussed. Would you need to have a motorized ordinance to allow motorized vehicles on the right-of-way. The reason the gates were put in was to limit the trail to non-motorized vehicles. Joel Murray asked who owns the easement. It was stated Willard City does. He felt the city should have the say in what goes on down there. There was discussion on what the select board was and who was on the select board. City Planner Wheelwright stated it could be a trail committee, city employee or law enforcement. Commissioner Seamons asked about access from other trails and would need to be addressed with signage. He would like to see bicyclists moved off of Hwy 89 to this trail. City Planner Wheelwright stated this was one of the reasons for getting the grant was to have another trail for the cyclists to bike. The Master Trails Plan would go south to the Weber County Rails system and north to Brigham City and points beyond either direction. Commissioner Bingham felt the select board needs to be Willard City employees so individuals do not have to wait for several weeks for a board meeting to be held. Robert Krum felt that the 15 mph speed limit is fast except for pedal bikers and felt that with the city streets being 25 mph the trails should also be 25 mph especially for motorized and non-motorized vehicles. There were concerns about 25 mph with the narrowness of the trail. Jim Wells stated he was employed with North Ogden City and they had a trails committee and they had a chairperson that would attend all the preconstruction meetings including City Council and Planning Commission meeting and the committee would also meet once a month to discuss issues addressed at said meetings. The committee was a 5-6 member committee with a chairperson and was a recommending only body. It was stated that Willard City has a trails committee but would need to be downsized in the number of members. Commissioner Seamons asked about the committee would be allowed to enforce rules. It was stated there was nothing in the ordinance about the committee having enforcement rights. Commissioner Bodily felt the trails committee could get themselves in trouble with enforcement and they should only be allowed to regulate or recommend. Chairperson Ross asked for any additional comments. Commissioner Bodily felt the only other issue he has is who is going to enforce the ordinances. Commissioner Meyer felt the wording on the signs is going to be important to make sure it is worded right. It may take 2 signs. Planning Commission Secretary Nebeker will put the ordinance into draft form for the next meeting.

6. Approval of Minutes

The minutes of the October 15, 2015 Planning Commission meeting were reviewed. A motion was made by Commissioner Bodily to approve the above minutes as written. The motion was seconded by Commissioner Seamons. The motion carried.

7. Commissioner Comments/Staff Comments

Commissioner Seamons felt that Pat Benders comments about petitioning UDOT to listen to the citizens. There was also discussion held on the reduction of speed limits. Robert Krum stated he worked for UDOT and they have procedures and criteria they have to meet and if you ask for a speed limit reduction they will put the speed limit on what speed the vehicle is doing. In order to put in a traffic signal there their first criteria is how many deaths they have had and is usually 2-3 deaths before they move to the second criteria which is how many accidents and how sever the accident were. With the I-15 project and the Granite Concrete Batch plant it may be just what UDOT needs to put in a traffic light. There was discussion held on above projects. Commissioner Bingham felt that Chief Loveland was adamant about the traffic issues at previous meetings. He also felt when developers come in Willard needs to do there part in not allowing a lot of accesses off of Hwy 89. There was questions asked on the dike project. City Planner Wheelwright stated they city was still waiting for permits from the State. Chairperson Ross thanked the Planning Commission for all

their hard work. He asked Eddie Wells if the issues with Doug Young have been resolved. Mr. Wells stated not at this time.

8. Adjourn

A motion was made by Commissioner Bodily to adjourn the November 19, 2015 Planning Commission meeting. The motion was seconded by Commissioner Bingham. The motion carried. The meeting adjourned at 8:10 p.m.

Minutes were read individually and approved on _____

Planning Commission Chair Person
Terry Ross

Planning Commission Secretary
Gaylene Nebeker