

WILLARD CITY CORPORATION PC022119

DATE: February 21, 2019
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Terry Ross
Commissioner: Sidney Bodily, John Seamons, Chandler Bingham,
Del Fredde – City Council member (non-voting member)
Bryce Wheelwright - City Planner (non-voting member)
Gaylene Nebeker - Planning Commission Secretary
EXCUSED: Leslie Meyer, Gary Hart
CITIZENS: See attached sheet

- 1. Prayer – Terry Ross**
- 2. Pledge of Allegiance led by Sid Bodily**
- 3. Roll Call**
- 4. General Public Comment (Input for items not on the agenda)**
- 5. Discussion Item**

a. Discussion/Action on revisions to Section 12-105 Conditional Use Ordinance and Section 12-112 Commercial and Manufacturing Zones

Chairperson Ross stated he had been reviewing to determine if each business should be a permitted or conditional use. He came up with a simplistic approach that states

1. Delete the table list
2. Businesses will be allowed as long as they meet the requirements and standards for the zone in which they wish to reside in; this includes State laws and requirements.
 - a. A Residential Zone will require a business to have no more impact on a neighborhood than the average household in addressing issues of traffic flow, pedestrian interaction, building size, lighting, noise, hours of operation, hazardous material, storage, landscape, household members/employees, environmental effects, parking, garbage, water, gas and power usage, acreage etc. i.e. if a business wants to buy and remodel an old house or build a new one and remain as quiet and unassuming as a residential home let them go for it.
 - b. A Residential Commercial Zone will require a business to meet the requirements and standards (including State laws) defined for that zone. If the business is willing to meet those standards and operate within those acceptable parameters, then the business is allowed.
 - c. Obviously this will require a detailed definition of what of what a business will look like in each zone. Once this definitions is finalized, all businesses desiring to locate in that zone will have to conform.
 - d. Any business that does not conform to the zone standard, at any part of the business tenure, will have their business license revoked and face possible legal penalties charged and accrued against it until the business falls back into conformity or moves to an acceptable zone.

A discussion was held on defining the criteria each zone, general and specific requirements for each zone and define what type businesses should be allowed in the zone and what impact

would it have on each zone.

Chairperson Ross asked each Planning Commission member to take a zone and come up with information for the next meeting. Chairperson Ross will address the Neighborhood Commercial Zone, Commissioner Bingham would address Commercial General, Commissioner Bodily would address Manufacturing and Commissioner Seamons will address Neighborhood.

b. Discussion/Action on proposed revisions to Section 12-400-10-10 and Section 12-102-118 of the Willard City Zoning Ordinance to address curb, gutter and sidewalk requirements

City Planner Wheelwright stated at the last meeting they were presented with the proposed revisions addressing waivers for curb, gutter and sidewalks. The Planning Commission will be required to hold a public hearing before it is recommended to City Council. He stated it will also affect the Section 12-102 Supplemental and Qualify Requirement and Section 12-116 Street Ordinance. Commissioner Seamons asked how it would affect these sections. City Planner Wheelwright in talking with Attorney McGaha it will supersede what else is in the book. It was suggested getting the verbage into each of those sections prior to the next meeting for review and then schedule a public hearing for the whole thing.

A motion was made by Commissioner Bingham to table this item until the next meeting to allow for the other two ordinances to get updated. The motion was seconded by Commissioner Seamons. The motion carried with a unanimous vote.

c. Discussion/Action on revisions to Section 12-116-5 of the Willard City Zoning Ordinance addressing the number of residences allowed before a second access is required

City Planner Wheelwright reported in January of 2018 a discussion was held on the number of homes that will be allowed on a single access with the current ordinance allowing 10 homes. During that meeting it was decided the city maintenance and police should have a say in how many homes and was also being reviewed by the City Attorney at that time and was put on the back burner and forgotten. The Planning Commission recommendation was to go with the International Fire Code which allows for 30 homes. Chairperson Ross said in reading through the ordinance there was no reference to the current International Fire Code and felt that needed to be added for clarification on where it came from.

Commissioner Bingham felt unless the road is really long 30 homes were too many on a short street.

Discussion was held on the different road widths in town and if 30 homes could fit on those roads. City Planner Wheelwright stated he would research the IFC for road width requirements. The Planning Commission members felt the roads needed to be city standard road of 60 ft.

Gordon Sleeman asked to speak to commission. He asked if multi developers came in and the first two developers each put in 10 homes but the third developer put in 15 not necessarily in the same development but off the same road would he be required to put in a second access. It was stated the third developer would only be allowed to put in 10 homes or put in the second access. Under the current ordinance that allows 10 homes the next developer would be required to put in the second access.

Commissioner Bodily asked what this does to the Granite Ridge Development. City Planner Wheelwright stated they have an approved development agreement.

Gordon Sleeman stated he attended a HOA meeting the previous night and the Granite Ridge Developers are stating they own the access road that Parsons is using to access the gravel pit. He stated Parsons have a right of way on the road that belongs to Granite Ridge and they felt this would qualify as their second access. He asked them who is maintaining the second

access. City Planner Wheelwright stated there are ownership issues that will be discussed later and will be required to be resolved before Phase III.

Chairperson Ross felt if they added the 60 ft. road width and the International Fire Code reference he would be ok with the document.

Commissioner Seamons asked what the International Fire Code states about the quality of the road should be. City Planner Wheelwright stated an all-weather surface road. Commissioner Seamons felt that should also be added to ordinance.

Commissioner Bingham suggested up to 10 homes will not be required to have a second access 10-30 homes have an emergency access and anything over 30 would need to have a legitimate second access. Commissioner Bodily asked what an emergency access consisted of. It was stated there is no clarification on what it should consist of but it needed to have a base that will hold the weight of a fire truck. Commissioner Seamons stated he has issues with 10 homes because it is not defensible. Commissioner Bingham stated if there is a 60 ft. road it could go up to 30 homes. City Planner Wheelwright felt an all-weather surface needed to be an engineered all-weather surface and something that can be maintained. A discussion was held on secondary accesses.

A motion was made by Commissioner Bingham to table this item so it can be reviewed and scheduled for a public hearing with Item B. The motion was seconded by Commissioner Bodily. The motion carried with a unanimous vote.

d. Report on Capital Facilities Plan for Storm Drain

This item is being reviewed by the City Engineer.

6. Approval of Minutes

The Planning Commission members will approve the January 3rd, February 7th and 21st minutes at the next meeting.

7. Commissioner Comments/Staff Comments

City Planner Wheelwright stated he read the development agreement for Granite Ridge and the second access will be in Phase III not Phase II.

Gordon Sleeman 475 North Main asked if he could make a comment. He asked about the \$500.00 performance bond the city puts on their building permits. If there is damage to the curb, gutter sidewalks during the construction phase the bond is held until the damage is fixed. He stated there is an individual who has applied for a building permit to finish a basement and was told because he did not have a Certificate of Occupancy because of damage to the curb and gutter he would not be issued a permit. The damage was done by the builder and exceeded the \$500.00 bond with the contractor walking away from fixing it. He suggested the city look at increasing the amount stating the \$500.00 is too low. He felt it was unfair to the homeowner to have to deal with the issues left behind by contractors.

Commissioner Bingham suggested the Planning Commission review the Planned Development Ordinance and look at doing ½ acre parcels throughout town.

Commissioner Seamons asked for an update on the storage tank. City Planner Wheelwright stated they are still waiting for funding and the tank design still not approved by the engineer.

Commissioner Seamons thought there was a deal made that the subdivision on 200 West that their second access would be out to 600 South. He said there is asphalt that goes to nowhere. Is there any way to put a road in an emergency access?

8. Adjourn

A motion was made by Commissioner Bodily to adjourn the February 21, 2019 Planning Commission meeting. The motion was seconded by Commissioner Seamons. The motion carried. The meeting adjourned at 8:20 p.m.

Minutes were read individually and approved on March 7, 2019

Planning Commission Chair Person
Terry Ross

Planning Commission Secretary
Gaylene Nebeker