

WILLARD CITY CORPORATION PC050219

DATE: May 2, 2019
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Sid Bodily
Commissioner: John Seamons, Chandler Bingham, Alex Dubovik
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** – Chandler Bingham
2. **Pledge of Allegiance led by** Alex Dubovik
3. **Roll Call**

Chairperson Bodily was absent from the last meeting and welcomed Alex Dubovik to the Planning Commission and thanked Commissioner Meyer for fill in as Chairperson.

4. **General Public Comment (Input for items not on the agenda)**
5. **Discussion Item**

a. Discussion/Action on proposed revisions to Section 12-400-10-10 and Section 12-102-18 of the Willard City Zoning Ordinance to address curb, gutter and sidewalk requirements with possible recommendation to the City Council and set for a possible public hearing for Section 12-102-18 of the Willard City Zoning Ordinance

City Planner Wheelwright reported the Planning Commission held a public hearing on Section 12-400-10-10 but they had some issues with Section 12-102-18. They felt there may be some discrepancies between the two sections. After some discussions with Attorney McGaha it was determined there were no discrepancies. Attorney McGaha was present at the meeting to answer any questions the Planning Commission has. City Planner Wheelwright stated they incorporated into the ordinance the same verbiage as the Old Town Willard Ordinance to go along with the Subdivision Ordinance. City Attorney McGaha felt that Section 12-102-18 could be repealed to the City Council with a recommendation to remove that section from the ordinance. He felt in the past there has been some ambiguity and by removing would eliminate any issues with other sections of the ordinance and would be consistent with newer versions within the Zoning Ordinance. Commissioner Dubovik stated Section 12-400 would cover the requirements and cover any conflict without having to update each section when needed.

A motion was made by Commissioner Seamons to forward Section 12-400-

10-10 to the City Council with a recommendation to repeal Section 12-102-18. The motion was seconded by Commission Bingham. The motion carried with a unanimous vote.

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

City Planner Wheelwright reported at the last meeting there was discussion held on drafting a document that would do away with the tables. During that discussion it was determined another zone for Commercial Neighborhood be added to cover smaller businesses along Hwy 89. He presented the draft document and Commissioner Dubovik presented additional information – He added a “*business in a Commercial Residential Zone will have no more impact on the neighborhood that the average household with regards to traffic, parking, parking, noise etc.*” Chairperson Bodily questioned the wording “no more” and suggested changing it to “little impact” because it will have more impact in the neighborhood. Commissioner Bingham suggested the wording “minimal impact.” Chairperson Bodily questioned the number of employees. City Planner Wheelwright explained the average household has between 4-8 individuals living there. Commissioner Bingham stated he was not in favor of the list but felt there needed to be some type of list. He went on to say a homebased business could have hundreds of employees that will never be seen at the house. He stated Amazon was started out of someone’s neighborhood garage and would never have been allowed in Willard because Willard Ordinance does not allow warehouses. He felt there needs to be Conditional Use Permits so limits can be set for the size of business coming in. Commissioner Dubovik asked as we insert the Neighborhood Zone would this take care of some of the issues. Is there an ultra-restrictive commercial residential zone for in homes business such as Mary Kay, internet services? The commercial neighborhood would then give you more flexibility for employees and parking and no more impact than a small business. Could there be balance by adding the 4th zone. Commissioner Seamons stated Section 12-105 of the Willard City Zoning Ordinance is the Conditional Use Permit Ordinance and there is nothing that states what we are currently working on can be supersede with a Conditional Use. He felt Commissioner Bingham was trying to do was identify when you need to have a conditional use or not. Discussion was held on whether to add the table back into the ordinance and can the ordinance be defensible. City Attorney McGaha stated if the business met all the requirements and does not have any more impact in those areas they would be allowed without a Conditional Use Permit. He asked if they want to retain control of the Conditional Use Application. Chairperson Bodily felt we want to have less but know that that some will be needed and will still need some control. Attorney McGaha stated you would still retain control. City Planner Wheelwright said under State Law most businesses under the Commercial Residential are not required to have a business license. When a business license application comes into the city he will look at the table to see if they meet the criteria for that zone and if they do not they would need to come before the Planning Commission.

Discussion was held on the table Commissioner Bingham presented at the meeting. He wants to see it more of a guideline rather than be limited only to the items on the list. Commissioner Dubovik said the table is not an exhaustive list and if something is not on the list it would be up to the Planning Commission to approve or not approve and make the distinction this is not an exhaustive list. Commissioner Seamons asked

City Planner Wheelwright if they approved the proposed ordinance would his job become easier. City Planner Wheelwright was not sure. Attorney McGaha suggested they keep in mind that if it is not prohibited it would be allowed. City Planner Wheelwright read from the proposed ordinance *"the City does not pre-endorse any specific categories but will consider all enterprise proposals."* City Planner Wheelwright asked Attorney McGaha if the ordinance needs to incorporate tables. Commissioner Dubovik has only recently looked at the list to get familiar with the ordinance and stated it gave him a pretty good idea of where certain things could or could not be put. Attorney McGaha stated he was looking at an older version of the proposed ordinance and Chairperson Bodily suggested Attorney McGaha and City Planner Wheelwright get together and review what Commissioner Dubovik presented at tonight's meeting and discuss at the next meeting. Commissioner Seamons felt in the Commercial General Zone section the wording need to change from shopping center development to something more than shopping because there could be other businesses in this zone other than shopping centers. It was suggested change it to commercial zone. He also suggested adding the Nuisance Ordinance at the end of document. Chairperson Bodily asked for a motion to table this item until the next meeting.

A motion was made by Commissioner Dubovik to table the discussion on Section 12-112 pending discussion between the City Attorney and City Planner. The motion was seconded by Commissioner Seamons. The motion carried with a unanimous vote.

c. Report on Capital Facilities Plan for Storm Drain

City Planner Wheelwright reported the Flood Control and Engineer are working on it.

6. Approval of Minutes

A motion was made by Commissioner Seamons to approve the April 18, 2019 Planning Commission minutes with changes. The motion was seconded by Commissioner Bingham. The motion carried with a unanimous vote.

7. Commissioner Comments/Staff Comments

City Planner reported on a pre-construction meeting for the storage tank, they will begin the middle of May and will be done by fall. Approval was given for Phase 1 Part 1 of Deer Run.

Commissioner Bingham asked about the spring. Planner Wheelwright reported they will be looking at it after the spring runoff.

Commissioner Seamons asked why they were putting a gas line down the middle of the hwy. It was reported they wanted it off the mountain to protect it from earthquakes. He reported he would not be at the next meeting. He also asked if there was new information from Blue Ox. City Planner Wheelwright stated not at this time.

City Council member Fredde would like the Planning Commission to finish up the Conditional Use Permit Ordinance and move on to other items.

Chairperson Bodily asked why nothing was being built in the Braegger Subdivision.

City Planner Wheelwright reported it is builder exclusive and takes time. Chairperson

Bodily also stated there has been a lot of cars parked at the automotive shop on Main Street and if they are going to make rules for the number of cars that can be parked they need to enforce. City Planner Wheelwright said under their Conditional Use Permit they are allowed to have 7 cars parked there and has not received any complaints.

8. Adjourn

A motion was made by Commissioner Bingham to adjourn the May 2, 2019 Planning Commission meeting. The motion was seconded by Commissioner Dubovik. The motion carried. The meeting adjourned at 7:25 p.m.

Minutes were read individually and approved on May 16, 2019

Planning Commission Chair Person
Sid Bodily

Planning Commission Secretary
Gaylene Nebeker