

WILLARD CITY CORPORATION PC110719

DATE: November 7, 2019
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Sid Bodily
Commissioner: Chandler Bingham, Gary Hart, Alex Dubovik
Del Fredde – City Council member (non-voting member)
Bryce Wheelwright - City Planner (non-voting member)
Gaylene Nebeker - Planning Commission Secretary
EXCUSED: John Seamons
CITIZENS: See attached sheet

1. **Prayer – Chandler Bingham**
2. **Pledge of Allegiance led by Gary Hart**
3. **Roll Call**
4. **General Public Comment (Input for items not on the agenda)**
 - a. **Re-Zone Request for Romero Construction – Abelardo Sergio Romero for the property located on the south side of 750 North between Main Street and 200 West – Parcel #02-046-0094 to change the zoning from A-5 to Commercial General and set for a possible public hearing.**

City Planner Wheelwright gave an overview of the proposed rezone. He state the proposed area is located on the south side of 750 North between Main Street and 200 West. Mr. Romero is requesting the zone be changed from A-5 to Commercial. The request fit the current Land Use Map for commercial and meets all the requirements for that zone. The Planning Commission decides if it meets all the requirements and set it for a public hearing.

Abe Romero – stated he has a construction shop in Perry City and is looking to move to the property he purchased on 750 North. They will be fencing the property and City Planner Wheelwright stated they have met with UDOT and have the required UDOT access permit.

Chairperson Bodily stated the plan fits our current Land Use Map for what is proposed in that area and asked for a motion to schedule a public hearing.

A motion was made by Commissioner Bingham to set a public hearing for December 5, 2019 to take public comment on the proposed Re-zone request for Romero Construction – Abelardo Sergio Romero for the property located on the south side of 750 North between Main Street and 200 West – Parcel #02-046-0094 to change the zoning from A-5 to Commercial General. The motion was seconded by Commissioner Dubovik. The motion carried with a unanimous vote.

Chairperson Bodily asked City Planner Wheelwright for an update on the formatting of the Curb and Gutter Ordinance. City Planner Wheelwright reported it will be heard at the next City Council

meeting. After discussion with the City Attorney they are holding off on formatting the ordinance until the review by the City Council.

b. Discussion/Action on revisions to Section 12-105 Conditional Use Ordinance and Section 12-112 Commercial and Manufacturing Zones with a possible recommendation to the City Council

Commissioner Dubovik asked for clarification on the review of a Conditional Use Permit. Upon yearly review would the Conditional Use Permit automatically be renewed if there were no discrepancies or complaints? City Planner Wheelwright explained it would depend on the conditions within the permit. He went on to say that when the Planning Commission started looking at this ordinance they wanted to have a basic table with a few items not a complete table of all businesses. The Planning Commission continued to review the handout. Commissioner Hart asked if we wanted the comprehensive list or come up with 7-8 categories they would all fit within. He felt when an individual brings in a request they would look at what is proposed and decide if this is something they want in that area. Commissioner Dubovik liked the idea of the categories and suggested adding another category if there were areas that would not require a conditional use. City Planner Wheelwright suggested categories such as service, restaurants, construction, retail and recreation. Commissioner Hart suggested going back through the list and classifying them into the listed categories. City Planner Wheelwright read from the proposed ordinance that states *"the listing of a conditional use in any district does not constitute an assurance that the conditional use shall be approved by the Planning Commission or Zoning Administrator. Each conditional use application shall be evaluated individually to determine compliance with the standards set forth in this chapter, the standards of the district where the proposed use shall be located and any standards applicable to the conditional use."*

Discussion was held on how to break up each category. Commissioner Dubovik suggested having a few Planning Commission members come up with a revised ordinance that address those categories. City Planner Wheelwright will talk with Willard City Attorney Colt Mund to come up with a revised shorter ordinance that would be defensible in court. He suggested having Commissioner Dubovik come up with the same type document and then compare the two. It was determined if the attorney feels they need to continue on they can always start again at the next meeting. Commissioner Dubovik stated in Section 12-112-3 Attorney Mund added *"The table in this section is not comprehensive. In the event a sought after use is not listed the Zoning Administrator is empowered to interpret the list and determine the unlisted use is substantially similar in character, origin and impact to a listed use."*

6. Approval of Minutes

A motion was made by Commissioner Bingham to approve the October 17, 2019 Planning Commission minutes with changes. The motion was seconded by Commissioner Hart. 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 with a possible recommendation to the City Council

Willard City Attorney Colt Mund arrived at the meeting and discussion continued on the Conditional Use Ordinance. They asked City Attorney Mund if he could come up with a document

that has 7-8 major categories (retail, sales and service, restaurants etc.) and then have subcategories the rest of the items would fit in. They want a document that would be defensible in court. Attorney Mund stated if the item is not on the list and is challenged felt as long as the commission can make findings as to why they are denying it he would be able to defend. He stated he has looked at several cities ordinances and stated some are only 2 pages where others are several pages. He would put together a couple of different documents to see what they like the best. Commissioner Dubovik stated he would also continue to look at options and felt that if there was a condensed version as long as the wording was in place that if it is not listed it will be up to the discretion of the Planning Commission to decide.

Chairperson Bodily asked if there was anything that needed to be heard at the next meeting and suggested that meeting be cancelled because of the holiday. City Planner Wheelwright reported the only item on the agenda was another re-zone request that could be pushed to the December meeting. Attorney Mund stated he would not be at the next meeting and would have the document for the December meeting.

A motion was made by Commissioner Dubovik to table the discussion on revisions to Section 12-105 Conditional Use Ordinance and Section 12-112 Commercial and Manufacturing Zones to allow Willard City Attorney Colt Mund time to present additional options. The motion was second by Commissioner Hart. The motion carried with a unanimous vote.

c. Report on Capital Facilities Plan for Storm Drain

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

7. Commissioner Comments/Staff Comments

City Planner Wheelwright reported on upcoming work-session on November 14th with Blue Ox Development. This meeting will be for the Planning Commission and City Council and will last approximately 1½ hours to discuss the benefits of annexation. He stated there has been discussion with another developer further south who would also like to come in with a development.

Commissioner Bingham stated he stopped by a couple of proposed developments to look at the open space. He felt the open space could become an issue for Willard City because of the location of the property and the maintenance of property. He felt that the city could become full of PUDs with lots of open space that will or could not be maintained by the city. Does the Planning Commission want to review the PUD Ordinance to limit the number of PUDs allowed or change the zoning to R ½? What is the city going to do with a large amount of open space by the railroad tracks? Where other developments have plans for trails and parks in their open space. Developers put as many houses as they can and then give the open space to the city. We need to address where the open space is within the development so it is not in an area where no one would be going.

Commissioner Harts agreed with Commissioner Bingham about developers signing over the open space to the city because it is a swamp and costs too much for mitigation. Chairperson Bodily asked as part of the final plan could we require them to do something with the open space. City Planner Wheelwright felt it could be addressed in the development agreement. Commissioner Hart said it is up to the developer to do something with the open space but asked 20 years down the road

who will taking care of property. Commissioner Bingham felt we may want to limit the number of PUDs that are allowed in the city or change lot sizes. Chairperson Bodily stated that ½ acre lots with a house is still a lot of property to take care of and you would not convince the citizens to go any smaller. Commissioner Dubovik asked if a PUD Ordinance could be written that limits the amount of open space in one area. Attorney Mund felt that you could put in the ordinance something that states it must be incorporated throughout the whole development. Commissioner Hart asked if a PUD has to have an HOA that would charge fees to take care of the open space. Attorney Mund said the city can negotiate with an HOA. Discussion was held on lot sizes and changing the density in a PUD. Commissioner Hart asked why the city has PUDs if the city has to take care of the open space. City Council member Fredde felt the city needs to have HOAs that function and work. He went on to say that having half acre lots does not generate enough taxes for the city. Discussion was held on taxes, infrastructure and density.

Chairperson Bodily asked for update on water storage tank. City Planner Wheelwright reported the walls have been formed and poured and they are working on the lid.

City Council member Fredde suggested the Planning Commission needs to address commercial along with development to help with maintaining the city.

8. Adjourn

A motion was made by Commissioner Hart to adjourn the November 7, 2019 Planning Commission meeting. The motion was seconded by Commissioner Bingham. The motion carried. The meeting adjourned at 7:30 p.m.

Minutes were read individually and approved on December 5, 2019

Planning Commission Chair Person
Sid Bodily

Planning Commission Secretary
Gaylene Nebeker