

WILLARD CITY CORPORATION PC071620

DATE: July 16, 2020
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Sid Bodily
Commissioners: Chandler Bingham, Gary Hart, Alex Dubovik, Diana Baker
Chris Davis – Willard City Manager
Colt Mund – Willard City Attorney
Bryce Wheelwright – Willard City Planner (non-voting member)
Gaylene Nebeker - Planning Commission Secretary
EXCUSED: Blake Harrop
CITIZENS: See attached sheet

- 1. Prayer – Chandler Bingham**
- 2. Pledge of Allegiance led by Diana Baker**
- 3. Roll Call –**
- 4. General Public Comment (Input for items not on the agenda)**
- 5. Discussion Item**

a. Discussion on proposed design to meet the Planned Development requirements for possible Annexation for Valley Estates Investments located at approximately 8500 South Highway for Parcels #01-045-0118, 0031, 0015, 0047, 0016

City Planner Wheelwright reported this development is located in the southernmost part of Box Elder County. There are 2 developers that are looking at annexation into Willard City and Mike Bastian would like to join them with his proposed development.

Mike Bastian – stated his development is in the south end of Box Elder County. With the PD Zone it allows 4 units per acre, 30% open space on 70 acres. This plan was approved by the county several years ago but has taken longer than expected to get sewer to the property. Under county ordinance the zoning no longer exists to do this development so they are approaching Willard City to see about putting in the PD. The plan includes a mixture of town homes, single family dwellings and patio homes. The plan includes walking trails, open space and area for a future park. They are looking for direction from the Planning Commission to see if it meets the requirements of the PD Zone and are also looking at annexation into Willard City. Commissioner Dubovik asked if they area to the west of the railroad tracks is part of the 30% open space. It was stated yes they own the property and are looking at putting in a park. Mr. Basiten stated when he first approached the Planning Commission a few years back there was discussion on the annexation creating an island and said there was a house bill 359 passed this year that would allow cities to annex a piece of property.

Commissioner Bingham asked if the plan was for the property west of the railroad tracks was for an improved park. Mr. Bastien stated the property would be left as is so the city could do what they wanted with it. Commissioner Bingham's biggest issue with open space is the maintenance and felt there was not a lot that could be done with the property. Mr. Bastien talked about a plan to put in a detention pond but stated it would be full of water most of the year.

Commissioner Dubovik asked if the intent of the PD Ordinance was to allow someone to take open space and place it across the street or across the tracks to allow higher density in the development. He has issues with open space not being on developable property. He also felt the development was really congested. Discussion was held on access to the property and open space requirements allowing someone to take a chunk from living space and count it as open space. Attorney Colt Mund said Willard City Ordinance only addresses preserving the rural feel of the city. Willard City Manager Chris Davis reported during the last City Council meeting they discussed amending the Planned Development Ordinance to address open space requirements and also the type of amenities that can go in. Incentives to developers to put in something besides open space. He went on to say Mr. Bastien will be putting in a sewer line all the way to his property at a cost of \$1,000,000. This will open up the potential for future development along the Hwy 89 corridor. They will be reimbursed as impact fees are paid back and will not be a cost to Willard City. Individuals involved would be UDOT, UTA and the three developers.

Commissioner Baker asked if there would be commercial in the development. Mr. Bastien reported he has no plans at this time for commercial it would only be residential. Commissioner Baker also asked about Willard City paying the cost of additional police officers, maintenance personnel and equipment. Mr. Bastien stated it would be serviced by the city.

City Manager Davis reported there would be a feasibility study done within the next few weeks by Lewis, Young, Robertson and Burningham that will be addressing these issues.

Chairperson Bodily felt if they fill the area with houses there will be no room for commercial. He stated you need commercial rather than houses to pay the bills. He also asked what would happen if South Willard decided they wanted to be their own community. City Planner Wheelwright stated they could re-annex. Discussion was held on having little areas of Willard and South Willard along the way. Commissioner Bingham said this opens up the potential for commercial with the sewer going all the way down to his property. Having the sewer go all the way down would open it up for Marriot's development which could be commercial.

Commercial Baker asked what the smallest lot would be. Mr. Bastien said 10,000 sq. ft.

Discussion was held on streets and accesses. There will be 2 east/west accesses and one going to the north.

Mr. Bastien asked the Planning Commission members if he met the Planned Development requirements.

Commissioner Bakers only concern was the maintenance personnel having to run all the way to the south end of the county. She also asked about where the 4 plex dead ends what they are going to do for parking. Mr. Bastien stated they would be putting in a hammerhead turnaround as required by the fire department and a place to push snow.

Commissioner Bingham felt it met the requirement and the only concern he sees is the city's ability to maintain the open space. He said open space is hard for a city to maintain. He does not want to see a PD where the developer puts in houses and then puts open space on unusable property. Mr. Bastien suggested the possibility of an HOA to take care of the property so it would not be a burden on the city.

Chairman Bodily suggested they need to leave some space for commercial. Commissioner Bingham stated they need roof tops in order to get commercial and felt the Marriot development across the Hwy could be the place for commercial.

Commissioner Dubovik asked what the intent of open space ordinance is. He felt it was not to overcrowd. Attorney Colt Mund and City Manager Chris Davis both stated they are working on a change to the open space requirements.

Mr. Bastien thanked the Planning Commission for their comments.

b. Re-Zone request submitted by Vern and Catherine Price for the property located at approximately 412 West Center – Parcel 02-057-0011 and 0020 to change the zoning from A-5 to R1/2 with a possible recommendation to set for a public hearing

City Planner Wheelwright showed on the Zoning Map the location of the property owned by the Price's. There is a 5 acre and 1 acre parcel and they are looking to build a retirement home and are requesting a zone change to R ½ on the A-5 parcel. It meets the requirements of the zoning ordinance and stated the issue is the access. There is currently 35 homes on one access.

Commissioner Bingham asked where this was an established lot would they be able to rezone it to a half acre because it being a separate lot they would be able to build.

Mr. Price said they purchase the 5 acre lot 20 years ago. They had plans that would help them supplement retirement and hoped one of their 4 daughters would be able to build on the property. He purchased the one acre property from Angus Ward specifically for that reason. At that time it was a buildable lot and was not sure why currently it is not buildable. He has had discussion with City Planner Wheelwright and many road blocks have been thrown up in front of them. Mrs. Price stated when the city put the easement in for sewer Mayor Tingey gave them an impact fee waiver for the 1 acre parcel for a building lot and now it is not a buildable lot. She asked where they go from here. When the houses were built across the road they were told by Dell Braegger an access road would be built at the end of 400 West and come out at 250 West. They put the utilities from the 3 way stop to their property and was told they would have some of their utilities would get paid back.

Chairperson Bodily asked what they were promised by Mayor Tingey and the city. Mrs. Price said she has a letter that she can bring to the city showing the impact fees being waived. Commissioner Bingham felt as long as the property was zoned A-5 it was never a buildable lot and if the zoning was changed they should be able to build on because the lot has been there for a long time and would be considered grandfathered. The Dearden property to the east had to have gone through the same process and they were approved for a home. The issue stands that there is only one access in and out. Mrs. Price stated when they started the process of building their home they were told by Leland Jacobson (the City Planner at that time) there could only be three homes built on the north side of road regardless of the access. Commissioner Dubovik asked if this was prior to the subdivision going in. It was stated yes. City Planner Wheelwright said he can only go by what the current ordinance states. Mrs. Price stated she would be willing to go home and get the letter.

Attorney Colt Mund stated he would like to see the letter but was not sure the Mayor has the authority to pick and choose which ordinances he is going to apply this would be a decision of the City Council. He stated as far as it being grandfathered it would stay the same until they change the use of the property then it goes away. He is willing to look into and get back with the Planning Commission and suggested this item be tabled until he has time to review.

A motion was made by Commissioner Bingham to table the rezone request for Vern and Catherine Price to allow the City Attorney time to review. The motion was seconded by Commissioner Dubovik. The motion carried with a unanimous vote.

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

Discussion was held on the updated version and the Planning Commission was ok with it being forwarded to the City Council.

A motion was made by Commissioner Bingham to recommend the revisions to Section 12-105 Conditional Use Ordinance and Section 12-112 Commercial and Manufacturing Zones. The motion was seconded by Commissioner Baker. The motion carried with a unanimous vote.

d. Report on Capital Facilities Plan for Storm Drain

City Planner Wheelwright reported the Flood Control and Engineer are still reviewing.

6. Approval of Minutes

The minutes of the June 18, 2020 Planning Commissioner were individually read and reviewed. A motion was made by Commissioner Baker to approve the minutes as written. The motion was seconded by Commissioner Dubovik. The motion carried with a unanimous vote.

7. Commissioner Comments/Staff Comments

City Council member John Seamons thanked the Planning Commission for their hard work.

City Planner Wheelwright reported on upcoming projects

Plans submitted for a possible subdivision for 53 acres of the Helen Jane Lemon property.

Commissioner Dubovik asked for an update on the 300 East pipeline extension. City Manager Chris Davis reported their temporary easement expires in September and they are hoping to be done by then but may need to be extended.

Commissioner Bingham stated in conversation on open space he suggested the Planning Commission needs to look at decreasing the open space and increasing the lot sizes. He liked the larger lots in the Bailey proposal and would be open to something like that. It may solve some of the problems/maintenance with open space and would help with developers using undevelopable property as open space.

Chairman Bodily asked where the 30% open space came from. City Planner Wheelwright said it was copied from another cities ordinance because they felt the purpose was to keep a rural feel. Commissioner Bingham also talked about developers and road issues that prevent other individuals from developing.

Commissioner Baker discussed Willard Peak RV Park. She said they are packed in their like sardines and said the neighbor to the north complaining it was becoming a Mobile Home Park. She felt there needed to be clarification on the definition of Mobile Home Park and RV Park. Those living there are under the impression they can live there for 18 months. Chairman Bodily stated when the owner approached the city they were given 18 months to clean up the mess and could stay for 90 days in a calendar year. He stated the city needs to follow through when the time comes and they are only staying for 90 days. Commissioner Baker said the gravel area to the west is starting to fill in with junky vehicles etc. City Planner Wheelwright stated it is owned by the Neff's. Commissioner Baker has heard there are issues with some of the individuals living there and word has gotten out they can stay for 18 months. Chairman Bodily asked if they are submitting the monthly logs of who is staying there. City Planner Wheelwright reported he has requested those monthly logs.

Commissioner Dubovik asked if they were in violation of their Conditional Use Permit. Chairman Bodily felt there may be violations because of the length of stay for some of them. There was no additional comments and Chairman Bodily asked for a motion to close the meeting.

8. Adjourn

A motion was made by Commissioner Baker to adjourn the July 16, 2020 Planning Commission meeting. The motion was seconded by Commissioner Dubovik. The motion carried. The meeting adjourned at 7:40 p.m.

Minutes were read individually and approved on August 20, 2020

Planning Commission Chair Person
Sid Bodily

Planning Commission Secretary
Gaylene Nebeker