

WILLARD CITY CORPORATION PC111920

DATE: November 19, 2020
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Sid Bodily
Commissioners: Chandler Bingham, Alex Dubovik, Diana Baker,
Bryce Wheelwright - 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)

Travis Mote – 455 South 200 West He is very concerned the Planning Commission is going to alter from the planning map of half acre especially in the area he resides in. He stated in looking at 200 West there is a lot of area that could be developed. The area was designed for ½ acre and larger lots. He has concerns about the amount of traffic that will be funneled through the older part of Willard. He asked if they knew the amount of trips per day the Willard City roads could handle safely. He said 200 South is the road he is most concerned about stating there are currently 53 houses in the area and each house makes approximately 9.7 trips per day. He asked when planning do they look at the number of cars that can safely run off a single road. Chairperson Bodily stated they have never looked into the number of cars on a road per day. Commissioner Dubovik felt there should have been standard traffic studies done. Mr. Mote asked who pays to have the traffic study done, the developer. It was stated yes. City Planner Wheelwright reported UDOT has said 200 West is a north/south corridor to Hwy. 89 in the event of an emergency. He stated the road could be widened if necessary. Mr. Mote asked if the city had funds available to widen the road. City Planner Wheelwright stated not at this time. Mr. Mote explained the city has almost a 2 lane road with no curb and gutter and they cannot tell him the number of cars on the road per day. It will be the only road out of the subdivision. He felt there were only a few roads that can be used to get to the hwy. He stated the city needs to look at this prior to more houses going in. Chairperson Bodily asked if 200 West was a State Road. It was stated no. Mr. Mote was not so concerned about 200 West as much as 200 South.

a. Lot-line adjustment submitted by Kirk Braegger for the property located at 304 South Main – Parcel #02-051-0078 and 02-051-0174

City Planner Wheelwright showed on the map what the new lot line would look like if approved. The Braeggers are not creating a new parcel only expanding the one lot. It meets all the requirements of the ordinance. Chairperson Bodily asked for any comments and a motion.

A motion was made by Commissioner Bingham to approve the Kirk Braegger Lot-line Adjustment for the property located at 304 South Main – Parcel #02-051-0078 and 02-051-0174. The motion was seconded by Commissioner Dubovik. The motion carried with a unanimous vote.

b. Conditional Use Permit for Matthew Francom for the property located at 432 North Main Parcel #02-046-0086 to change the zoning from R-1/2 to C-N (Commercial Neighborhood)

City Planner Wheelwright presented a draft copy of a Conditional Use Permit for Matthew Francom. During the last meeting discussion was held on Mr. Francom having to get architectural comments and they have not been received at the time of the meeting. Mr. Francom reported he talked with him and the only issues he could see was an ADA bathroom and asked if this would require a drawing or if he could build per code and have it inspected that way. It was stated he would need to have an engineered drawing. The other issue was the storm water drain off would need to be engineered. Chairperson Bodily asked about hazardous waste disposal. Mr. Francom stated he would be getting the MSDS data sheets for the powder coating and wash and would submit them. He discussed powder coating is fairly mild and could be dumped into the sewer system. City Planner Wheelwright asked about the new excavation on the south side of the building. Mr. Francom said this was for the driveway. Commissioner Dubovik asked if any welding would be done. Mr. Francom reported only mig welding and there would be no slag only dust and what was gathered would be taken to a recycling business. City Planner Wheelwright talked with Jeff Hollingsworth at the sewer facility and suggested he install a catch system for the heavy metal particulates. Commissioner Bingham asked if they would be washing any metal down the drain. Mr. Francom stated there is only one drain he would use for pressure washing and that would be done outside. Commissioner Dubovik asked about traffic and parking and if we were covered under the city ordinances. City Planner Wheelwright stated the city ordinance requires a certain amount of stalls per sq. ft. of building. Discussion was held on limiting the quantity per acre. City Planner Wheelwright felt we cannot be too restrictive. Commissioner Dubovik asked Mr. Francom how many cars he could safely allow. Mr. Francom said the building is on a 1/2 acre and could probably have 10 cars safely. Chairperson Bodily felt as the business grows they would be able to adjust or revisit the Conditional Use Permit. City Manager Davis stated the items they would need to have or include on the Conditional Use Permit are: site plan with parking designation, ADA bathrooms, landscaping, EPA filtering system approved by the sewer plant manager. Commissioner Dubovik suggested Mr. Francom be given a list of items and table this item until the list is complete. Chairperson Bodily asked for a motion to table.

A motion was made by Commissioner Bingham to table the Conditional Use Permit for Matthew Francom until the list is complete with the items listed above. The motion was seconded by Commissioner Dubovik. The motion carried with a unanimous vote.

c. Discussion/Decision on re-zone request submitted by Vern and Catherine Price for the property located at approximately 412 West Center – Parcel 02-057-0011 and 0020

Chairperson Bodily stated during a previous meeting this item was denied. City Attorney Colt Mund said he recommended the item be denied but no formal denial was given. Commissioner Baker asked when they count the allowed 30 homes on a single access where did they start the count from. It was stated at the intersection of 250 West Center. She stated there are 33 houses already built and asked how the one house on 400 West Center Street was allowed to build. City Planner Wheelwright explained it was already a subdivision so they were allowed to build because they owned a 5 acre parcel and built on the 5 acres. He said there is one other lot in the Mountain Shadows Subdivision that will be able to be built on. Commissioner Dubovik

asked if the Price's had taken the steps for approval prior to the subdivision ordinance they would be allowed to do what they are requesting. It was stated because of the number of houses in the subdivision the Prices would not be able to build until a second access is put in.

City Attorney Mund stated he had done research on a document that had been provided by Mayor Tingey pertaining to a free sewer connection. The city cannot grant the rezone request because it would be a violation of the Subdivision Ordinance. Commissioner Dubovik stated they would need to have an east/west road on the south side of the current subdivision or a north/south road to the west they would be allowed the rezone. All they would need would be a secondary access. Discussion was held on why no one has put in 300 West. Chairperson Bodily said he has talked with an individual who is wanting to build west of 250 West and would be willing to look at putting in a road. Commissioner Dubovik asked what the definition of a legal road was. City Planner Wheelwright stated when Three Peaks Subdivision was put in the City Council allowed a road that was half paved and half dirt as the secondary emergency access. It would have to be an approved all weather surface road. Commissioner Dubovik felt as a safety issue of 33 homes on one access the city should look at options for putting in a second access not only for this area but for other areas.

A motion was made by Commissioner Bingham to deny the re-zone request for Vern and Catherine Price for the property located at 412 West Center – Parcel 02-057-0011 and 0020. The motion was seconded by Commissioner Dubovik. The voting was as follows:

Commissioner Dubovik – yea

Commissioner Bingham – yea

Commissioner Baker – nay

Chairperson Bodily broke the tie with a yea vote and the motion carried.

d. Discussion on Planned Development Ordinance and Open Space Requirements

City Planner Wheelwright reported that the City Council has asked the Planning Commission to look at the Planned Development. Issues that come up when an individual applies are the definition of open space, frontage and density. He asked if this was something the Planning Commission wanted to continue on with. The Planning Commission thought this ordinance needed to be addressed. Commissioner Dubovik asked if the discussion items could be put into a document for review at the next meeting. He also came up with the following proposed changes:

3. A minimum of thirty percent of land in a Residential PD development will be set aside under a protected conservation easement on part of the same DEVELOPABLE property. THE CONTRACTOR SHALL IMPROVE THE CONSERVATION EASEMENT WITH A MINIMUM OF PREPARED SOD AND PROGRAMMABLE IRRIGATION SYSTEM TO BE MAINTAINED BY EITHER A HOMEOWNERS ASSOCIATION OR TURNED OVER IN SERVICEABLE CONDITION, AS DETERMINED BY WILLARD CITY MAINTENANCE OFFICIALS, TO WILLARD CITY UPON DEVELOPMENT COMPLETION. THE INTENT OF THE CONSERVATION EASEMENT IS TO PRESENT A RURAL SETTING FOR FUTURE DEVELOPMENT AND MAY NOT BE SEPARATED FROM THE CONTIGUOUS DEVELOPED PROPERTY.

4. The maximum overall density of dwelling units in a Residential PD is THREE units per acre. MULTI-FAMILY UNITS MAY NOT EXCEED 10% OF THE TOTAL NUMBER OF DWELLINGS IN A GIVEN PUD...

Commissioner Harrop also submitted proposed changes that include: 1/3 acre density with 10,000 sq. ft. min. 90-100 ft. frontage. 5' sidewalk up against back of curb and side yard on corner lots have 20'.

Chairperson Bodily stated the ordinance allows for 10,000 sq. ft. and suggested

15,000 sq. ft. minimum with a frontage of 90 ft. this would allow for more space for extra vehicles or sheds etc. Commissioner Bingham would like to get rid of the ordinance stating open space is hard to maintain. He would like to see everything go to ½ acre but would be willing to go to 1/3 acre lots and keep the 100 ft. frontage. This would allow for individuals to be able to develop their properties. He asked about putting a moratorium in place until the ordinance is figured out with all the interest looking at building in Willard. Commissioner Dubovik asked if the process for deleting the ordinance was the same as modifying the ordinance. City Planner Wheelwright stated he was not sure but if you delete the ordinance you would need to adhere to the requirements of the Subdivision Ordinance of 4 units per acre. He also stated affordable house cannot be done under the Subdivision Ordinance. He also suggested looking at other subdivisions. Discussion was held on doing away with open space, frontage requirements, lot sizes and how to keep the rural feel. What is trending and what does the future hold. When will State/Federal demand space be set aside for affordable housing? Chairperson Bodily asked what the requirements are for affordable housing. City Planner Wheelwright said currently the population of Willard is low enough they are not required but with growth coming the city will be required to have x amount of units per median income. They could be low income housing, rentals, condos or townhouses.

It was suggested holding a work-session with the City Council to discuss some of these issues and where they want us to go with the ordinance. City Council member Brad Robb stated he was hearing some of the same questions the City Council has had and felt having a moratorium would buy the city time to address some of the issues versus having developers come in and get approval under the current ordinance.

City Attorney Mund stated the City Council would need to have a good reason and a public interest/emergency for putting a moratorium in place. He said that not liking the ordinance was not a good enough reason and would not be legal. It was asked if fire safety and traffic issues constituted an emergency. Attorney Mund felt that health and safety could be a factor. It was suggested tabling this item until a work-session with the City Council could be held.

A motion was made by Commissioner Bingham to schedule a work-session with the City Council as soon as possible. The motion was seconded by Commissioner Baker. The motion carried with a unanimous vote.

e. Report on Capital Facilities Plan for Storm Drain

There was nothing new to reports

6. Approval of Minutes

The minutes of the November 5, 2020 Planning Commissioner were individually read and reviewed. A motion was made by Commissioner Dubovik to approve the minutes with changes. The motion was seconded by Commissioner Baker. The motion carried with a unanimous vote.

7. Commissioner Comments/Staff Comments

City Planner Wheelwright reported he applied for and received a \$50,000 grant from UDOT to update our existing ordinances. Perry City received a grant that had additional funds available and asked Willard City if they would want to get the funds for the extension of 200 West to 750 North and will need to be done by June of 2021. The road will not be as wide as 1200 West in Perry because of the funding.

City Manager Davis stated the question of what the road will look like in the future was discussed during a road trip to the property with the city engineer Chris Breinholt on how this road would become a collector road to match 1200 West. He stated there is enough right of way going south on 200 West and talked with the Wasatch Front Regional Council about possible mini grants they have occasionally to extend 200 West continually. The road will be 26-28 ft. wide and will be wide enough for 2 vehicles with swells on either side of the trail. He also stated other cities still have PUD's and make them work.

Commissioner Bingham suggested an agenda item to discuss changing the Campground Ordinance to address what we want to see in the future.

Commissioner Dubovik asked if Dominion Gas was going to come back and smooth out the road before the snowplows come out. City Manager Davis stated they were going to bring up a grader and smooth the roads out but they would not be completed until spring. Commissioner Dubovik asked if there was an ordinance that required individual to clean up after their dogs at the Nature Park. He stated it is becoming a big issue and it was too nice of a place to have this kind of a mess. City Planner Wheelwright said the city looked into installing a doggie cleanup bag container but were really expensive. Commissioner Dubovik also talked about the perceived negativity of high density housing and felt that there are some well-maintained examples where contractors provided a mixture of diverse housing within the same development

8. Adjourn

A motion was made by Commissioner Bingham to adjourn the November 19, 2020 Planning Commission meeting. The motion was seconded by Commissioner Baker. The motion carried. The meeting adjourned at 7:40 p.m.

Minutes were read individually and approved on December 3, 2020

Planning Commission Chair Person
Sid Bodily

Planning Commission Secretary
Gaylene Nebeker