

CITY OF WILLARD
PLANNING & ZONING
MARCH 27TH, 2007
7:00 P.M.

Board present: Mayor, Thomas J. Keltner; Chairmen, Dale Duvall; Vice Chairmen, Jeff Bowers; Executive Secretary, Lucille Murray; Aldermen Charles Whitehead; Bradley Dalton, and Charles Gugel.

Also in attendance: City Administrator, Fred Gress; City Clerk, Kathy Blakemore; Director of Development, Randy Brown; Director of Public Works, Charlie Jones; Aldermen Gordon O'Quinn; Board of Adjustments member, Carl Montgomery; and City Attorney representative, Sam Coring.

Guest present: Evans Ross, Dee Snoddy, Ira Henley, Steve Peterson, Fonda Montgomery, Marsha Randles, Rich Krammer, Pete Talboys, Andy Lokie, Frank Blakemore, Tricia Haviland, Esther Peterson, Doug Rayl, Rich Hime, Valorie Onstott, and Martin Gugel.

City Attorney representative, Sam Coring stated that that this matter has been previously considered by the commission and public comment has been heard. The reason for this additional hearing is a procedural matter. No vote was made, therefore P&Z didn't recommend approval or denial to the Board of Aldermen.

City Attorney representative, Sam Coring opened the PUBLIC HEARING TO CONSIDER THE REQUEST FOR ZONING CHANGE (REZONING) FOR JOSEPH M. HESTAND, 818 S. MILLER ROAD, TO REZONE FROM R-1 TO R-2 CLASSIFICATION.

Sam asked if anyone wished to speak in favor or opposition.

Dee Snoddy: Dee Snoddy. I'm here tonight to represent James and Peggy Fox who own the two properties at the corner of Race Road and Miller Road. Their big concerns adding multi family to this area as we already have drainage issues in this subdivision. And we have a tenant who basically has half of a backyard that she can use anytime it rains. She has small children and pets. The house next door also has young children and pets. So to us the drainage problem is already a concern to us and we deal with that. But also the thing that they were concerned about is that when they bought the properties there this was really set up to be a single family housing area and the concern is also of course for property values. So they are very opposed to rezoning this property. Thank you.

Sam asked if anyone else would like to speak.

Carl Montgomery: My name is Carl Montgomery. I live at 830 Miller Road. And I speak in opposition to the rezoning for a couple of reasons. For one I think it is an intrusion of multi family housing into single family housing that has existed for many, many years. The other thing I feel like Miller road is carrying all the traffic that it can bear and then some. I just feel for those two reasons that it is not a good thing for the community. Thank you.

Sam asked if anyone else would like to speak.

Esther Peterson: Hi I'm at 817 Miller Road. And I thought that maybe we had cleared this us last month Mayor but apparently we didn't. But I'm just really concerned because I bought the house right across the street from that and I've put a lot of money into it. And we start putting spot zoning there it's not going to help the property of anybody that's there in that particular area. It's going to put a lot of traffic on that road even though there is so much now it's unbelievable. I have talked about also last month about the pedophilias that are in the area. We start putting in little duplexes and all that in there we're going to have the backyards of those filled with garage cans. And the front is just going to be a lot of people. And a lot of you don't know what's going to come in when you get a lot in there like that. And here we are setting in that wonderful, marvelous small little community right there and it would be a shame to go in there and ruin that. Because the minute that something like that comes in and we start getting a headache from that then what's going to happen is we're going to start selling our homes even though they have depreciated somewhat at that particular time. Then we're going to start moving out and then what's going to happen is other things and people is going to move into the whole area. Then you're going to have a disaster throughout that whole little community there. And I think it would just be a disaster if we let spot zoning go in there especially right there in that area. So that's how I feel about that. Thank you so much.

Valorie Onstott: Valorie Onstott. I also speak in opposition to it. And I agree with everybody here. And she brought up a good point about the traffic situation. When we moved here, it would be six years ago, we bought our home as a single residential area and that's the way we would like it to stay. I mean for, to multi zone it we don't think is right. So in addition like you said with the traffic being heavy anyway. So we speak in opposition.

Sam asked if there were any other comments.

Ira Henley: Henley. I think I have the most to lose in the deal. My property joins this property. And when I built I was the first building on that block. And I understood there was five nice homes going in on that block. And I've checked with four people in the know and they all say that automatically if this is put in my property will devalue between \$20,000 and \$25,000 immediately. Plus my line there, I'm more apt to be effected by what's going on there to, and I'm getting old and I don't necessarily need anymore anxieties for people there. So I would be highly disappointed that I've built there and bought there with them not going ahead with a residential block. Thank you.

Sam asked if there were any other comments.

Martin Gugel: Martin Gugel. As the engineer that the property owner first contacted to look at this potential development I just felt I needed to go ahead and just of course be available to answer any questions that would be brought up and also to respond to some of those issues that have been brought up. As this property is currently zoned the property, or developer could go through there and based on the current city standards could build six or seven homes within that, if they are able to get the road network to work with that six or seven homes within that property. Duplexes because of the width of the different homes because of larger square footage for the buildings they were looking at ten units for this development with the addition to being able to help out with some of the drainage problems that do exist and that they are aware exist. They looked at R-2 and duplexes mainly because they thought that was a good fit with the neighborhood and not asking for an R-3 which would not be a good fit in this area which is primarily single family homes. Duplexes being the fact that there just two, you would be looking at two units per structure other than just the one. So if you look at the difference between single family and multi family yes there will be a few more units in there under a duplex but you're going to have the same traffic concerns with the single family as you're going to with the duplex. And there is no assurance that if single family homes are built that they won't be rental houses. So the same problems, it's kind of unfair that my opinion to pidgin hole people that are renting duplexes or renting those types of units any different from what could potentially come through and rent a house. You can't replace restrictions on what, you know on property owners to prevent them from renting houses or duplexes. The neighborhood is nice enough it's going to also drive the cost of the rent for those units. Which are going to draw a certain type of person to that house. There not going to because of the nice homes that are in that area there not going to be coming through and putting rentals in. There going to be at well market value. There going to charge the most they can for those rentals, if they do decide to do rentals and not sell them outright. And because of that it's going to be, you're going to have some of the same types of economic, or people in the same economics statistics living in those duplexes as you would in the surrounding neighborhood. I understand everybody's dislike for the multi family but if you look at the differences in this case between the single family density and the multi family because the way the property lays there's not a whole lot of difference in this case.

Sam asked if there were any other comments.

Pete Talboys: Pete Talboys. Now that that feller spoke I've got a question. How many lots are involved in this? Do we know that?

City Administrator Fred Gress: It depends on how it is developed. The site plan would determine that. The real discussion tonight is the appropriate use of the land.

Pete Talboys: I mean, I interested on how you figure on getting six or seven houses on that little piece of property.

Martin Gugel: Based on the square footage of, the minimum required.

Sam Coring: I think what's before the board is what is the proper use for this land? What is it going to be zoned for? Then there is a whole nothing question that might come before the board, or be another issue as to how much is going to fit in there and so forth.

Pete Talboys: So I'm going on and on here?

Sam Coring: Well it's a reasonable question to wonder about. But all the board has to decide tonight and what they need comment on, and guidance on from the public is whether this should be rezoned from R-1 to R-2 classification.

Pete Talboys: Alright, I live at 840 Miller Road and I just want to go on and I'm opposed to it for traffic reasons and everything on that road is single family. And when I bought there that's what I was assuming it would all be. That's all I got to say about that. Thank you.

Sam asked if there were any other comments.

Rich Hime: My name is Rich Hime. I live right behind the property. I was told when we bought our home there that there was nobody that was going to build there. So, that was one of the reasons that we bought. Raised our kids, went to Willard High School and all that. We've been there six years. The points that the other people made about the property going down, my question is, you can build how many units, six? Or how many families, how many people are going to be in that little piece of ground? We're talking about the use of the land. Well if they do build it how many people are going to live in there and wanting to come out on Miller? You know there is enough traffic there now, it's real narrow. I go down that way to work everyday. But if you're going to put, what did he say, six building duplexes in there and how ten families or whatever? You know what is that twenty cars going to come out of there? What kind of impacts is it going to have on the area? It just doesn't seem right to me. And if it's going to devalue the property I think we ought to say something about it. Thank you.

Sam asked if there were any other comments.

Doug Rayl: Doug Rayl. Yes, just like him I was told when I bought the place there would not be any houses or anything built behind there. The traffic situation is terrible on Miller Road. It is too narrow. There shouldn't be anymore building there until they do something about it and put in sidewalks because some kid is going to get killed there. I know it's kind of off topic but it's just way too much traffic there. The drainage, o.k. they say that they would fix that but I have a hard time believing that because it hasn't been fixed in all these years. And if I have it on my side of the street and their having it on Race Street which is on the opposite side that means there is serious drainage problems all around. The Mayor talked about last time that it's spot zoning and there has been no other spot zoning anywhere else in Willard and sometimes first is good, but in this case I really don't think first is being good. And if they do zone it and keep it as R-1

and they put more houses in there well, regular houses, or R-1 houses you know I would hate to see that but it wouldn't devalue our property as much as the R-2 would. And as people talked about that's going to devalue our property. I don't care how well they're made and nice looking they are, and they probably will be nice looking it's still going to cause all of our property values to go down. And it would just be the ones boarding that area it will be the ones that continue in that neighborhood. That's basically what I have to say.

Sam asked if there were any additional comments.

Andy Lockie: Andy Lockie. I first had a question. Are we to assume all of the comments that were made at the last meeting are all on record and that is going to be considered? So we don't need to kind of repeat all of the same things that we've talked about?

Sam Coring: Your exactly right sir. This meeting is to be held only in an abundance of cautious on a procedural matter because there was no finally disposition, the recommendation reached at the last meeting. And so, record has been kept open for additional comment.

Andy Lockie: The only other thing I'd like to say, and I thought about this at the passed meeting in response to who is representing the developer. Is, cause there was comments made about fixing it up and keeping it nice and trying to attract and making a nice setting. And that's all good but then once that's done then our concern is the loss of control that happens after that, and what happens on a rental. Certainly if you have a single family house it can rent but certainly it's more likely that a duplex is going to be subjected to a rental than a single family home. And then as we all know rentals properties aren't kept up nearly the same as an ownership property. So you know the main issue being an R-1 or an R-2 I think all those kinds of issues are more prevalent on an R-2 issue then they are the R-1. And I think that's what everyone has been echoing in concern, so appreciate it.

Sam Coring asked if there were any additional comments. Sam closed the Public Hearing.

Chairmen Dale Duvall called the meeting to order.

Agenda Amendments/Approval of agenda

Motion made by Mayor Thomas J. Keltner with a second by Charles Gugel to approve the agenda. All votes yes. Motion carried.

Minutes 02/27/07

Motion made by Lucille Murray with second by Charles Gugel to approve the minutes of the Regular Meeting on February 27th, 2007. All votes yes. Motion carried.

Citizens Input

None

Request for rezoning R-1 to R-2 for Joseph M. Hestand

Motion made by Mayor Thomas J. Keltner with second by Bradley Dalton to recommend to the Board of Aldermen to deny the rezoning from R-1 to R-2 for Joseph M. Hestand. Charles Whitehead-yes. Charles Gugel-abstained. Dale Duvall-yes. Mayor Thomas J. Keltner-yes. Lucille Murray-yes. Bradley Dalton-yes. Motion carried.

Cardinal Hills Final Plat

Motion made by Mayor Thomas J. Keltner with second by Lucille Murray to recommend to the Board of Aldermen that Cardinal Hills Final Plat be approved with the following conditions being addressed before presented to the Board of Aldermen: Wording in the Covenants to read if the city has problems with the homeowners association the city can go directly to the property owners with assessments. Need to have the attorney decide if these covenants are subject to this change due to the project was started prior to the Land Development Regulation change. Lots one through four need to have Flood Base Elevations. A cash bond needs to be posted for the Rainer Creek realignment. All votes yes. Motion carried.

Old Business

City Administrator Fred Gress requested that Planning and Zoning Commission set a Public Hearing to amend the Land Development Regulations to require an irrevocable bond, it would require two signatures, one from the city and one from the developer before the bond holder could release. **Motion** made by Mayor Thomas J. Keltner with second by Lucille Murray to set a Public Hearing for the amendment listed above. All votes yes. Motion carried.

City Administrator Fred Gress requested that Planning and Zoning Commission set a Public Hearing to amend the Land Development Regulations to address what a tavern is, where a tavern should be located. Also how adult entertainment should be addressed, and number of liquor licenses in the city. **Motion** made by Mayor Thomas J. Keltner with second by Bradley Dalton to set a Public Hearing for the amendments listed above. All votes yes. Motion carried.

Motion made by Lucille Murray with second by Charles Whitehead to adjourn meeting. All votes yes. Motion carried.

Meeting adjourned.

Kathy Blakemore, City Clerk