

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, April 22, 2015, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairwoman Ruth P. Maughan, Chris Clark, Paul Egbert, Jerald Leishman, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, Mayor Thomas G. Bailey, and Councilman Carl Leatham. A copy of the Notice and Agenda was posted, faxed and emailed to the Herald Journal, and mailed to the Planning Commission on April 17, 2015. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

<u>Others Present:</u>	Jennifer Leishman	Bo Sharp	Bailey Sharp
	Monte Williams	Stephanie Williams	Brian Burbank
	Dale Bankhead	Sherry Edwards	Adam Edwards
	David Owen	Brett Davis	Larry Stewart
	Rene Roderer	Jay Davis	Brian Leishman
	Glenda Tripp	Bruce Hall	Janie Isaacson
	Kendall Leishman	Scott Gary	

Opening Ceremony: Chris Clark

Ruth P. Maughan reviewed the agenda with the Commission. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, that the agenda be approved as presented.

<u>YEA 5</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	
Ruth P. Maughan	
Brian Pattee	

The Commission reviewed the minutes for the Commission meeting which was held April 8, 2015. After review, Brian Pattee made a motion, seconded by Chris Clark, to approve the minutes of the April 8, 2015 meeting as presented.

<u>YEA 5</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	
Ruth P. Maughan	
Brian Pattee	

At 6:05 p.m., conduct the following public hearing:

First, receive public input, then consider for approval a request from Steven Bo Sharp for a conditional use to allow him to operate a part-time business of hauling cars based on property owned by Sharp Transportation at 390 North 900 East, which is in the C-3 zone. Bo Sharp stated that he would like to start a business of hauling cars from Salt Lake City to Las Vegas and back for dealerships. There would be no storage of any kind, just loading and unloading cars. The trailer will be parked along with the other trailers at Sharp Transportation.

At 6:06 p.m., the public hearing was closed.

Paul Egbert stated that this is a general highway zone. It is nothing different than what is taking place now. After discussion, Brian Pattee made a motion, seconded by Jerald Leishman, to approve a request from Steven Bo Sharp for a conditional use to allow him to operate a part-time business of hauling cars based on property owned by Sharp Transportation at 390 North 900 East, which is in the C-3 zone.

YEA 5

NAY 0

Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

At 6:07 p.m., conduct the following public hearing:

Second, receive public input, then consider making a recommendation to the City Council on a request from Monte Williams, that the code be amended to allow "Auctions" as a "Home Occupation" as a conditional use in an existing building in the RA-1 zone. Monte Williams stated that he would like to conduct auctions out of the existing barn located on his property. Mr. Williams stated that he is willing to conduct an auction for Founder's Day. The auctions will be held once a month. Mr. Williams stated that he has room on his property for parking, as well as storage of the items. Mr. Williams stated that his neighbors have offered their 2 acres of property if he needs additional parking. Mr. Williams stated that he has over 50 signatures from his neighbors that signed a petition in his favor. Brian Pattee asked if Mr. Williams would have any type of signage. Mr. Williams stated that on auction day, he would roll out a sign on a flatbed trailer, and then roll it back up. The signage would be temporary and only during the auction. Mr. Williams stated that he would like to begin the auctions at 10:00 a.m. and that they would last a couple of hours. Ruth P. Maughan asked if the auctions would be consignment-type items. Mr. Williams stated yes. Mr. Williams stated that he would also do livestock auctions, farm equipment, and estates. Paul Egbert asked how many people it took to run an auction. Mr. Williams stated that he, his wife, and children can run the auction. David Owen stated that he is in attendance to support Mr. Williams. Mr. Owen stated that the business would be run well and it would be a credit to the community. Brett Davis stated that Mr. Williams would run a professional business. It would be an asset to the community. Mr. David stated that Mr. Williams also has the support of his neighbors. Dale Bankhead stated that he is in support of Mr. Williams. Mr. Bankhead believes that it is a great idea. Mr. Bankhead stated that the previous objection was because the code didn't specifically say that "auctions" were allowed. Mr. Bankhead stated that Founder's Day isn't cancelled because of a parking problem. Brian Burbank stated that he has watched Mr. Williams conduct an auction. Mr. Williams is very professional and the paperwork is completed correctly. Rene Roderer stated that Mr. Williams has conducted auctions for free for church functions, and people love it. Mr. Roderer stated that he is in attendance to support Mr. Williams. Larry Stewart stated that he is in attendance to support Mr. Williams. Mr. Stewart stated that he doesn't see this as a business, but as a service to the community.

At 6:16 p.m., the public hearing was closed.

Paul Egbert stated that he appreciated the support of the neighbors. This is a balancing act. The Planning Commission is not questioning how well of a business Mr. Williams can run. The question is if this type of business is appropriate in a residential neighborhood. If this type of business was proposed in a different neighborhood without the support of the neighbors, would the answer still be yes. The basis of a home occupation is that it is a secondary use, not the primary use. The code states that only 25% of the property is to be used for the business. It is difficult to control this type of business in a residential neighborhood. Brian Pattee stated that he likes the idea. Mr. Pattee stated that he doesn't think this type of business should be allowed in a zone smaller than RA-1. The business can be controlled by conditions that are placed on the business, and the business license can be revoked if needs be. There are plenty of checks and balances. Chris Clark stated that this type of business would be an addition to the community to help with clean-up. City Planner Jay Nielson stated that items that he would comment on have already been mentioned. Mr. Nielson stated that the frequency of the auctions could be problematic, but is also something that could be limited by the conditions placed on the business. Ruth P. Maughan stated that her concern is that the code states that no more than 25% of the property be used for the business, and it is obvious that more than 25% of the property is being used for this business. Mr. Nielson stated that the code could be modified to increase the percentage of use of the property, but he wouldn't recommend it. Ms. Maughan reviewed the Level 2 "Home Occupation" section of the code. After discussion, Brian Pattee made a motion, seconded by Chris Clark, to recommend to the City Council on a request from Monte Williams, that the code be

amended to allow “Auctions” as a “Home Occupation” as a conditional use in the RA-1 zone.

YEA 4
Chris Clark
Jerald Leishman
Ruth P. Maughan
Brian Pattee

NAY 1
Paul Egbert

At 6:30 p.m., conduct the following public hearing:

Third, receive public input, then consider for approval a request from Wellsville City for a conditional use to allow for the construction of a City Office building at 75 East Main, which is in the CH, Neighborhood Commercial zone, and allowed as a professional office per 10-9A-3 of the City code. Don Hartle stated that the public hearing is being held to keep this project going. There is no design yet. The new City Office building will be built where the existing building and cinderblock building is now. Mr. Hartle stated that the building meets the code and that Wellsville City receives public input. Paul Egbert stated that there is no site plan, no parking shown, and no setback shown. Mr. Egbert stated that 10-9A-5 requires a 20-foot front setback. City Planner Jay Nielson stated that it should be 0. Mr. Egbert stated that the side and rear setbacks give the option of 0, but not the front setback. Kendall Leishman stated that the Planning Commission should review the plans of the project before it is approved. Brian Pattee asked if there are any plans for the City Office building. Mr. Hartle stated that the City Council is in the process of releasing an RFP for the project. Mr. Egbert asked about the height of the building. Mr. Nielson stated that if Wellsville City decides to build a 2-story building, it will need to be reviewed. Mr. Hartle stated that he will prepare a code amendment for the front setback. Mr. Pattee asked about landscape requirements in this zone. Mr. Hartle stated that there no none. Mr. Egbert stated that Wellsville City would need UDOT approval since they are building along a state road. Glenda Tripp stated that if Wellsville City builds a 2-story building, having a floor plan is critical.

At 6:41 p.m., the public hearing was closed.

After discussion, Paul Egbert made a motion, seconded by Jerald Leishman, to continue this discussion at a future Planning Commission meeting.

YEA 5
Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

NAY 0

At 6:42 p.m., conduct the following public hearing:

Fourth, receive public input, then consider for approval a request from Wellsville City for a conditional use to allow the construction of a Public Works buildings and facilities at approximately 325 West 200 South (commonly known as the City gravel pit). Said property is in the RA-1 zone, and public buildings and public utilities are allowed by conditional use per 10-6B-3. Don Hartle stated that he retrieved some concept plans from the archives, but didn't send copies to the Planning Commission because the location and what is wanted has changed. Paul Egbert asked if the outline of the property on the map should be squared up. Mr. Hartle stated no, it is angled. Mr. Egbert asked what the planned access is. Mr. Hartle stated 200 South. Mr. Egbert asked if there is a plan to extend 100 West, 200 West, and 300 West. Mr. Hartle stated that 200 South ends at the gravel pit. The half-block of road is owned by the Kerr family. Mr. Egbert suggested that as Wellsville City plans these Public Works buildings and facilities, to be sensitive to the zones that are around it. City Planner Jay Nielson stated that the code requires an extension of the grid. Mr. Hartle stated that if the Public Works buildings and facilities are allowed, there is a plan for 200 South to extend. Mr. Egbert stated that public facilities are allowed, but to be sensitive to the area around the buildings and facilities. Mr. Egbert suggested using landscaping and a fence for security. Brian Pattee

stated that the code says that the developer will extend all roads. Mr. Nielson stated that the job of the Planning Commission is to determine if what is being done is sufficient enough. Brian Leishman stated that as a private property owner, the code states that he has to continue the grid and dedicate property for the road. Mr. Leishman stated that if he owns the property, and the grid is not continued, it devalues his property. Mr. Egbert stated that the code is the same whether an individual or Wellsville City approaches the Planning Commission about development. Mr. Egbert stated that continuation of the road plan needs to be addressed. Bruce Hall stated that he predicts the gravel pit will continue to produce gravel for the next 25 to 30 years. Mr. Hall stated that he thinks the RA-1 zone is inappropriate for the area. There are very few people that have interest in the property in the area. Mr. Hall stated that he would love to see a shop built in the area, but thinks Wellsville City is planning for 40 years in advance instead of just 20 to 25 years in advance. This is an industrial area that will be enhanced with the Public Works buildings and facilities. Mr. Hartle asked if 200 West should be extended to go through the property, or to continue the road that gets to the property now. Mr. Hall stated that he would not sell the property for residential use, but for some other use. Mr. Nielson stated that this point puts the responsibility on the Planning Commission and Wellsville City that the use is compatible with the residential zone. Mr. Hall stated that his property should be zoned something else so that the zones fit together and are more compatible. Carl Leatham stated that because of the natural contour of the gravel pit, the gravel pit site lower than the property to the west. Extending 200 South would be problematic because the gravel pit will remain a gravel pit. Mr. Egbert stated that he would like to see some type of proposal. Mr. Hartle stated that a study was completed a few years ago to extend Main Street to 300 West, but they would have to come down to 100 West to get the elevations. The Planning Commission would like to see a proposal, site plan, surveys, preserve a 99-foot right-of-way, a bonding for the road.

At 7:03 p.m., the public hearing was closed.

After discussion, Paul Egbert made a motion, seconded by Jerald Leishman, to continue this discussion at a future Planning Commission meeting.

The Planning Commission reviewed for approval the Pioneer Divide Subdivision Final Plat of 2 residential building lots at approximately 160 East 400 North. Jay Davis stated that he is here seeking approval of the Final Plat of the Pioneer Divide Subdivision. Mr. Davis stated that he is aware that the addresses will need to be modified. Mr. Davis stated that he will try to have the construction drawings for utilities completed, sent to City Engineer Chris Breinholt, signed off, and delivered before the City Council meets in 2 weeks. Don Hartle stated that he hasn't heard anything from Mr. Breinholt. Ruth P. Maughan asked if Mr. Davis has checked with the irrigation company. Mr. Davis stated that he has tried to contact Scott Hendry. Mr. Davis has spoken with Mr. Hendry for a brief minute, but has had no contact since then. Paul Egbert stated that the irrigation company should sign off on what is being done on this property. Mr. Davis asked if the agreement from the irrigation company needs to be in writing. Mr. Hartle stated yes. Mr. Davis stated that he would like to keep this project moving forward. Mr. Hartle stated that the Planning Commission could approve the Final Plat subject to Mr. Breinholt signing off on it. Mr. Hartle stated that the Final Plat doesn't show the high water statement. Mr. Egbert stated that it is standard terminology. Mr. Davis asked if it was part of the code. Mr. Egbert stated yes. City Planner Jay Nielson stated that the Final Plat shows a stream protection easement, but it should be shown as open space because of sensitive lands. After discussion, Brian Pattee made a motion, seconded by Chris Clark, to approve the Pioneer Divide Subdivision Final Plat of 2 residential building lots at approximately 160 East 400 North subject to the recommendations from Mr. Breinholt being completed, the high water statement added to the Final Plat, the stream protection easement modified to open space because of sensitive lands, and the letter of approval from the irrigation company.

YEA 5
Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

NAY 0

City Planner Jay Nielson conducted a workshop on Chapters 10.40, 10.41, and 10.43 of the proposed new Land Use code.

At 7:55 p.m., Jerald Leishman made a motion, seconded by Paul Egbert, to adjourn the meeting.

YEA 5

Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

NAY 0

Ruth P. Maughan
Chairperson