

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, May 13, 2015, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Pro-tem Paul Egbert, Chris Clark, and Jerald Leishman. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, 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 May 8, 2015. The meeting was called to order at 6:00 p.m. by Chairman Pro-tem Paul Egbert.

<u>Others Present:</u>	Jennifer Leishman	David Kurek	Sandra Kurek
	Liz Davis	Robyn Bankhead	Zan Sharp
	Vivian Sharp	Bo Sharp	Jason Lundahl
	Mark Bryner	Sam Winward	Janie Isaacson
	Kendall Leishman	Jonathan Cook	

Opening Ceremony: Jerald Leishman

Planning Commission members Ruth P. Maughan and Brian Pattee were excused from this meeting.

Paul Egbert reviewed the agenda with the Commission. After discussion, Jerald Leishman made a motion, seconded by Chris Clark, that the agenda be approved as presented.

<u>YEA 3</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	

The Commission reviewed the minutes for the Commission meeting which was held April 22, 2015. There was a word change on line 131. After review, Chris Clark made a motion, seconded by Jerald Leishman, to approve the minutes of the April 22, 2015 meeting with the change.

<u>YEA 3</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	

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

First, receive public input, then consider making a recommendation to the City Council on a request from David Kurek that the land use map and the zoning map be amended to rezone additional property he is currently using for South Valley R.V. Repair to be rezoned from RA-1 to CH, Highway Commercial, on said property at 252 East 760 South. Paul Egbert reviewed the rules of public hearings with those in attendance. David Kurek stated that he is making this request so that he is in compliance with the zoning map. Don Hartle stated that there are 2 legal descriptions. The smaller description is the way it used to be, which is already in the CH, Highway Commercial zone. The larger description is new, and it is to the fence line. The smaller description is part of the larger description. Mr. Kurek stated that is correct. Mr. Hartle stated that the previous amount of property was .37 acres. The expansion is a total of .59 acres, with a difference of .22 acres. Liz Davis stated that she lives across the street of this business. Ms. Davis stated that at the last meeting, it was closed to public comment. An issue was discussed concerning Mr. Kurek not being in compliance. Ms. Davis asked if the Planning Commission was giving Mr. Kurek suggestions to help him become compliant, or telling him he wasn't in compliance and asking him what he was going to do about it. Mr. Egbert stated that the last time Mr. Kurek met with the Planning Commission, it was for a lot line adjustment and it is not up for public comment. Mr. Egbert stated that suggestions were made to help Mr. Kurek go through the proper process to clean up and fix the issues. Robyn Bankhead asked if the landowner needs to be present for a rezone. Mr. Hartle stated no, not if Mr. Kurek is acting as an agent. Ms. Bankhead thought the landowner had to request a rezone, not the person renting from the landowner. Mr. Hartle stated that the applicant is South Valley R.V., and the agent is David Kurek. Ms. Bankhead stated that Lance Gunnell is the property owner, and that he should request a rezone. Mr. Hartle reviewed

the list of those that notices were sent to concerning this issue. Lance Gunnell was sent a notice of the meeting. City Planner Jay Nielson stated that Wellsville City should confirm with Lance Gunnell that Mr. Kurek is an agent. Mr. Hartle stated that he will contact Lance Gunnell and have him sign the document. Ms. Bankhead stated that her concern is not what business is there, or who owns the property, but that the commercial zone doesn't get any bigger than it already is. Ms. Bankhead stated that there has been an effort made by Wellsville City, and that they have been sensitive to the existing residents that live around the commercial property. Ms. Bankhead read from the General Plan and the Land Use code. Ms. Bankhead also read from the minutes of past meetings. Ms. Bankhead stated that this same request was denied in April of 2012. Ms. Bankhead stated that the difference between now and then is that Mr. Gunnell and Mr. Kurek have acquired more property. Ms. Bankhead stated that the Planning Commission needs to follow the master plans. Ms. Bankhead stated that no one knows what the future holds for this business or the landowner. Sam Winward stated that there are 2 true principals that are in conflict. Wellsville City needs to think to the future, but there are a few viable businesses in Wellsville City. Mr. Winward stated that Wellsville City needs to work with these businesses so that they remain in Wellsville, and Wellsville City should do what they can to be friendly to businesses. Ms. Davis stated that has a resident living close to this business, Wellsville City should ask how it will impact those lives that were there before the business was established. Ms. Davis stated that as this business continues to grow, it will affect the property values. City Planner Jay Nielson stated that the expansion is almost 25%. This rezone will expand the existing commercial use. Mr. Nielson stated that the location has a difficult access. Development should be encouraged at major intersections. Mr. Nielson stated that a 25% increase of the commercial zone weighs heavily on a neighborhood. Jerald Leishman stated that he has no problem with the business, but is concerned with what happens in the future. Mr. Leishman stated that he doesn't know how it can be allowed now, and then try to put restrictions in the future. Chris Clark stated that he has the same concern. Mr. Leishman stated that he is in support of businesses, but doesn't understand how to allow someone to do something, and restrict someone else. Carl Leatham stated that it is all done by conditional use. Mr. Leatham stated that he agrees with Ms. Bankhead. Mr. Leatham stated that Ms. Bankhead stated that the same thing was requested in 2012 and denied, but it is not the same thing now. In 2012, Lance Gunnell wanted to purchase property and rezone the entire corner. The difference is that there is existing residential in place. Ms. Bankhead stated that it is the same because the commercial zone is getting bigger. Mr. Egbert stated that there are safeguards in place. The commercial zone in this area is as big as it is going to get without rezoning. Wellsville City does have the ability to control expansion. Mr. Leishman stated that the property has been acquired, and asked if the landscape code should be followed because the expansion is greater than 10%. Mr. Nielson stated that right now, all commercial and industry is by conditional use. Mr. Nielson stated that this is not a good position for a city to be in. Mr. Nielson stated that the new code will show commercial and industry by right. Mr. Leishman asked if the new Land Use code will fix these issues so there won't be a problem in the future. Mr. Nielson stated no. Mr. Nielson stated that this can't be denied, but conditions can be added to it. Mr. Egbert stated that there are different requirements based on neighboring zones. Ms. Davis asked about the amount of RV's that are allowed. Mr. Hartle stated that all the RV's had to fit behind the enclosed area. Mr. Egbert asked if this property was commercial when zoning was created. Mr. Hartle stated no. Mr. Leatham stated it was a home business that a family built the building and duplex. Mr. Nielson stated that it is not a good practice for a community to have all of its uses as conditional. Mr. Nielson stated that Wellsville City is trying to fix it. Mr. Egbert stated that the safeguard is that the neighboring property is 1 acre. It can't become smaller because the zone is RA-1. Mr. Egbert stated that he is in favor of allowing this because it will be controlled by conditions. Mr. Hartle stated that per his calculations, there is approximately 9,500 square feet increase. Mr. Leishman asked how much of the property is Mr. Kurek using. Mr. Hartle stated that Mr. Kurek is using all of the property. Mr. Nielson read from 10-39-040D concerning the landscape requirements. Mr. Egbert stated that the Planning Commission can look at additional landscape requirements. Mr. Nielson stated that if landscaping is physically impossible, there are 3 other options that were reviewed with Mr. Kurek. Mr. Clark asked if the new area is gravel. Mr. Kurek stated yes. Ms. Bankhead asked if this could be approved legally without Mr. Gunnell's authority. Mr. Nielson stated that the decision could be contingent upon the documentation from the property owner allowing him to be the agent. Ms. Bankhead asked if the Planning Commission is going to throw out the General Plan and Land Use code and approve this because the property can't get any bigger. Ms. Davis stated that the residents will just have to deal with it. Mr. Egbert stated that the Planning Commission needs to deal with current situations.

At 6:47 p.m., the public hearing was closed.

After discussion, Jerald Leishman made a motion, seconded by Chris Clark, to continue this discussion after the following items have been addressed, 1) owner's authorization, 2) entrance/exit on north side, 3) landscape plan, and 4) future growth.

YEA 3

Chris Clark
Paul Egbert
Jerald Leishman

NAY 0

At 6:55 p.m., conduct the following public hearing:

Second, receive public input, then consider for approval a request from Sharp Trucking for a conditional use to expand his existing business at 390 North 900 East. Zan Sharp stated that he is building an office building on the north side of the existing shop. The existing building is 120 feet by 72 feet. The new building will be 50 feet by 60 feet. City Planner Jay Nielson asked if the building is 1 or 2 stories. Mr. Sharp stated that the building will be 2 stories. The concept plan shows sidewalks, asphalt, grass, and a retention pond. Mark Bryner stated that he is the engineer on this project. Mr. Bryner referred to Mr. Nielson's comments concerning the project. Mr. Bryner stated that they will add curbing in front of the parking stalls on the west side and add dips in the pavement for the water to run off into the retention pond. Paul Egbert stated that in the past year, the Planning Commission has been reviewing the Wellsville City code and updating it. Mr. Egbert stated that the current setback is 0 feet unless it abuts a residential zone. Mr. Egbert asked which street, 400 South or 990 East, does Sharp Transportation use to calculate the frontage. Don Hartle stated that Sharp Transportation uses 900 East as the front street. Mr. Egbert stated that the property abuts a railroad, and asked what zone a railroad fits in. Mr. Hartle stated that in his opinion, a railroad is just like a road. Roads don't affect zoning. Jerald Leishman stated that his concern is the right-of-way and width of the road. Mr. Egbert stated that he has the same concern. Mr. Egbert stated that Sharp Transportation would need to dedicate at least half of the right-of-way width of the road. Mr. Egbert stated that the pavement width is different than the right-of-way width. There is approximately 44 feet of pavement width. Mr. Nielson suggested that City Engineer Chris Breinholt may give a similar report concerning this building, and that both reports can be reviewed all at once. Mr. Nielson stated that he doesn't think the Planning Commission can make a decision without Mr. Breinholt's comments. Mr. Egbert stated that this does fit the zone, and it has been a successful business. Chris Clark stated that he would like to see a detailed drawing of the building. Mr. Egbert asked if there were any questions concerning the comments from Mr. Nielson. The comments from Mr. Nielson were reviewed.

At 7:20 p.m., the public hearing was closed.

After discussion, Chris Clark made a motion, Jerald Leishman, to continue this discussion after the following items have been addressed, 1) coordinate City Engineer Chris Breinholt's comments with City Planner Jay Nielson's comments, 2) roadway width, and 3) construction of utilities.

YEA 3

Chris Clark
Paul Egbert
Jerald Leishman

NAY 0

At 7:27 p.m., conduct the following public hearing:

Third, receive public input, then consider making a recommendation to the City Council on whether to reduce the required front setback in the CN, Neighborhood Commercial zone from 20 feet to 0 feet. Sam Winward stated that this makes sense, and shouldn't be controversial.

At 7:29 p.m., the public hearing was closed.

Paul Egbert stated that he has no problem with this change. Mr. Egbert stated that a setback of 0 feet eliminate roadway expansion. After discussion, Chris Clark made a motion, seconded by Jerald Leishman, to recommend to the City Council on whether to reduce the required front setback in the CN, Neighborhood Commercial zone from 20 feet to 0 feet.

YEA 3

Chris Clark
Paul Egbert
Jerald Leishman

NAY 0

City Planner Jay Nielson stated that in light of a major business making an application, he would like to propose reducing the setbacks at the lighted intersections. Mr. Nielson stated that Wellsville City has 2 major intersections that are planned lighted intersections. The new landscape code has no incentives for people to develop near the lighted intersections. Mr. Nielson stated that he is proposing under the landscape setback section, reducing the setbacks at lighted intersections and requiring larger setbacks in areas that are not by intersections that can't get highway access. Mr. Nielson stated that the setbacks will be reduced to 40 feet on properties that are adjacent to Highway 89/91. Mr. Nielson stated that he then listed the parcel numbers. Mr. Nielson also stated that under the compliance section, he has listed a 4th option for landscaping. The Planning Commission agreed. These items will be added to a future Planning Commission agenda as code amendments.

Carl Leatham stated that he received a letter from Steve Kyriopoulos. The letter is concerning the cost of landscaping next to Highway 89/91 in the CH, Highway Commercial zone. Mr. Leatham read from the letter. Mr. Leatham stated that he forwarded the letter to Paul Egbert and the City Council. Mr. Leatham stated that he did respond back to Mr. Kyriopoulos. Mr. Leatham stated that Wellsville City's code book is so thick and has so many recommendations, that he is wondering if Wellsville City is not shooting themselves in the foot.

Carl Leatham stated that the Public Works building was discussed at the last Planning Commission meeting. The Planning Commission wanted Wellsville City to continue the grid system for the roads. Mr. Leatham stated that on page 25 of the General Plan, it discusses superblocks. Paul Egbert stated that it is the burden of the City to make that case.

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

YEA 3

Chris Clark
Paul Egbert
Jerald Leishman

NAY 0

Paul Egbert
Chairperson Pro-tem