

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, August 10, 2016, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairwoman Ruth P. Maughan, Chris Clark, Marcene Parker, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, Councilmen Carl Leatham, Gary Bates, and Councilwoman Karen Higley. A copy of the Notice and Agenda was posted, faxed, and emailed to the Herald Journal, and mailed to the Planning Commission on August 5, 2016. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

Others Present: Jennifer Leishman Scot Weaver Lisa Weaver  
DeVon Parkinson Dora Parkinson Jeremy Woodward  
Jonathan Cook

Opening Ceremony: Marcene Parker

Planning Commission member Paul Egbert was excused from this meeting.

Ruth P. Maughan reviewed the agenda with the Commission. After discussion, Chris Clark made a motion, seconded by Brain Pattee to approve the agenda as presented.

YEA 4 NAY 0  
Chris Clark  
Ruth P. Maughan  
Marcene Parker  
Brian Pattee

The Commission reviewed the minutes for the Commission meeting which was held July 27, 2016. There was a word change on line 57. After review, Marcene Parker a motion, seconded by Brian Pattee, to approve the minutes of the July 27, 2016 with the change.

YEA 4 NAY 0  
Chris Clark  
Ruth P. Maughan  
Marcene Parker  
Brian Pattee

At 6:05 p.m., conduct a public hearing to receive public input, then consider for approval a request from Scot Weaver at 205 North Red Slide Drive for a conditional use for a Level 1 "Home Occupation" to operate a photograph business out of his home at said address. Scot Weaver stated that he would like to operate a photograph business from his home. Mr. Weaver stated that he takes pictures and tries to sell them. Ruth P. Maughan asked if any customers would come to his home. Mr. Weaver stated no. Marcene Parker asked how Mr. Weaver sells his pictures. Mr. Weaver stated that he sells his pictures online. Ms. Maughan asked what type of pictures Mr. Weaver takes. Mr. Weaver stated that he takes pictures of landscape and architecture.

At 6:08 p.m., the public hearing was closed.

After discussion, Brian Pattee made a motion, seconded by Chris Clark, to approve a request from Scot Weaver at 205 North Red Slide Drive for a conditional use for a Level 1 "Home Occupation" to operate a photograph business out of his home at said address.

YEA 4 NAY 0  
Chris Clark  
Ruth P. Maughan  
Marcene Parker  
Brian Pattee

The Planning Commission reviewed for approval the Preliminary Plat for the Parkinson Acres Subdivision consisting of a total of 3 lots on property on the west side of 200 East from 1135 South to approximately 1249 South. Ruth P. Maughan asked what the City Council decided concerning the road. Carl Leatham stated that the 66-foot road-right-of-way was approved. Ms. Maughan asked about the irrigation ditch leak. DeVon Parkinson stated that the irrigation company took care of it. Don Hartle stated that the sidewalk requirement was waived, septic tanks were approved, and swales with culverts were approved. Mr. Leatham stated that the water line jogs from the east side to the west side along 200 East. Mr. Leatham stated that if the water line is on the east side of 200 East in front of this property, the road will have to be bored, and each home will have to have its own service line. Brian Pattee stated that is correct. Mr. Leatham stated that septic tanks are allowed, but encouraged Mr. Parkinson to install them in the front because of a future sewer line along 200 East. Mr. Pattee asked if all requirements from City Engineer Chris Breinholt had been met. Mr. Hartle stated yes. After discussion, Marcene Parker made a motion, seconded by Chris Clark, to approve the Preliminary Plat for the Parkinson Acres Subdivision consisting of a total of 3 lots on property on the west side of 200 East from 1135 South to approximately 1249 South.

**YEA 4**

**NAY 0**

Chris Clark  
Ruth P. Maughan  
Marcene Parker  
Brian Pattee

The Planning Commission continued consideration from approval of a conditional use for City Public Works facilities on property at 350 West 200 South. Don Hartle stated that the City Council has received the bids for the Public Works buildings, and at last week's City Council meeting, seen for the first time, the bids for the site work. Mr. Hartle stated that there was a discussion held about how much landscape work would be required. Mr. Hartle stated that the City Council asked him to add this item to the agenda for tonight, and sent everyone a copy of the agenda. Ruth P. Maughan asked how the City Council felt about the landscaping. Mr. Hartle stated that there was some concern that Wellsville City shouldn't have to follow the landscaping code. Carl Leatham stated that the concern was that the Public Works buildings will be built in a gravel pit. Mr. Leatham stated that Wellsville City doesn't want to haul in top soil for trees, and also water to water the trees. City Planner Jay Nielson stated that the City Council makes the laws, and they also decide whether or not the City follows those laws. The Planning Commission is empowered by the City Council and the State law to follow the codes. This can and will cause some dilemmas. Mr. Nielson gave the Planning Commission some suggestions to the Planning Commission. Mr. Nielson stated that there could be some landscaping requirement now, and some in the future to meet the code. Mr. Nielson stated that if the City Council decided not to support the decision of the Planning Commission, they can override the decision and waive the landscaping requirements. Mr. Nielson stated that he believes there should be some minimal, reasonable landscaping requirements. Mr. Hartle stated that he anticipated City Engineer Chris Breinholt to have some type of landscaping plan here tonight, but he hasn't seen anything from Mr. Breinholt. Gary Bates stated that from the input at last week's City Council meeting, he thought that Mr. Breinholt had put together some type of landscaping plan. Mr. Nielson stated that what he has outlined may help the Planning Commission and the City Council. Mr. Hartle stated that the Planning Commission has approved the conditional use, subject to Mr. Nielson approved the landscape plan. Marcene Parker asked if this project should be placed on hold until an agreement could be worked out with Bruce Hall for some type of land swap. Mr. Hartle stated that if a land swap was negotiated with Mr. Hall, it would be in the future. Mr. Nielson stated that based on what he has reviewed, he is in support of the Public Works buildings being built in the gravel pit. The area is less visible and less landscaping. Mr. Nielson stated that with the landscaping code and the critical lands compliance, there are findings that could be listed as to why there were exceptions made for Wellsville City. Mr. Nielson stated that it should be crystal clear as to why the exceptions were made. Mr. Nielson believes that there are 3 things that should be required for minimal compliance. They are: 1) landscaping where visible from public roads, i.e., a nice entrance to the facility, 2) future landscaping for screening to future residential development, and 3) landscaping at the public entrance to the building. Mr. Nielson stated that an explanation will be given as to what is not required, such as, parking lot landscaping, perimeter landscaping, and proper tree and shrub compliance. Chris Clark asked if MSHAW has approved the Public Works buildings in the gravel pit. Mr. Nielson stated that he doesn't know. That question would need to be directed to City Engineer Chris

Breinholt. Brian Pattee stated that his feeling is that even though the Public Works buildings are in the gravel pit, there should be some landscaping required. Mr. Nielson stated that the findings will give some basis as to whether or not each part of the landscaping code would be followed. Mr. Pattee stated that Wellsville City has the means to provide good landscaping and to say that Wellsville City can't is ridiculous in his opinion. Mr. Nielson stated that Mr. Breinholt may be putting together some water wise landscaping for the area. Ruth P. Maughan stated that she believes the findings and suggestions from Mr. Nielson are reasonable. Mr. Pattee stated that in conjunction with the rest of the area, some landscaping should be done around the arena. Mr. Pattee stated that Wellsville City should do the best they can to make it look presentable. Mr. Pattee stated that Wellsville City should be proud of what they have put together and built in the area. Ms. Maughan asked where 5400 South is located. Mr. Leatham stated that because the road isn't in the City, it changes back to a county address. Mr. Leatham stated that it is known in Wellsville as Kerr Lane. Ms. Parker asked if the lane isn't in Wellsville, can Wellsville City take it. Mr. Hartle stated no. Ms. Maughan asked if this is something that the City Council could work with. Mr. Bates suggested communicating this with City Engineer Chris Breinholt. Mr. Nielson stated that he will contact Mr. Breinholt.

Don Hartle handed out a letter from the Eastfield Irrigation Company's attorney concerning a ditch on the property that was owned by Steve Kyriopoulos, and now owned by Zan Sharp. Mr. Hartle stated that it is for the Planning Commission's information.

At 6:47 p.m., Marcene Parker made a motion, seconded by Brian Pattee, to adjourn the meeting.

**YEA 4**

Chris Clark  
Ruth P. Maughan  
Marcene Parker  
Brian Pattee

**NAY 0**

---

Ruth P Maughan  
Chairperson