

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, May 9, 2012, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Russell Glenn, Paul Egbert, John Spence, and M. Kent Larsen. Also present were City Manager/Recorder Don Hartle, Councilman Carl Leatham, and Councilwoman Glenna Petersen. A copy of the Notice and Agenda was posted, faxed and emailed to the Herald Journal, and mailed to the Planning Commission on May 4, 2012. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Karen Nicholes Bart Nicholes
Candice Sorensen Garyn Perrett Debbie Perrett
Jonathan Cook Ann Bell

Opening Ceremony: Russell Glenn

Loyal Green reviewed the agenda with the Commission. Don Hartle added a discussion about clarification of the code in the neighborhood commercial zone. After discussion, Russell Glenn made a motion, seconded by John Spence, that the agenda be approved with the changes.

YEA 5 NAY 0
Russell Glenn
Paul Egbert
Loyal Green
John Spence
M. Kent Larsen

The Commission reviewed the minutes for the Commission meeting which was held April 25, 2012. There were word changes on lines 117, 157, 159, 161, 217, and 218. After review, M. Kent Larsen made a motion, seconded by John Spence, that the minutes of the April 25, 2012 meeting be approved with the corrections.

YEA 5 NAY 0
Russell Glenn
Paul Egbert
Loyal Green
John Spence
M. Kent Larsen

The Planning Commission reviewed for approval the final plat for the Nicholes Subdivision consisting of a total of 2 lots (1 additional building lot) on the west side of Center Street at 1261 South Center. Ms. Nicholes stated that she is here tonight for approval of the final plat of the subdivision. Don Hartle asked if Ms. Nicholes had received a copy of the memorandum from Wellsville City Engineer Chris Breinholt. The memorandum is dated May 4, 2012, and states the following: Our office has completed a review of the Final Plat for the above mentioned subdivision. Prior to granting approval to this project, we recommend the following issues be addressed. 1) The Preliminary Plat needs to be corrected as per the memo dated April 9, 2012 and submitted. This plat will be signed and kept on record at the City Office. 2) The stream dividing Lots 1 and 2 should be shown and labeled as such on the plat. 3) The barn/shed shown in the open space should be shown as "to be removed". 4) There is a rounding error in the distance along the lot frontages. The individual lot lengths do not equal the overall length as shown. 5) A Lot Line Adjustment # is referenced in the written Subdivision Boundary, but the number is not given. The number needs to be given. 6) Lot 37 of the Wellsville Ranch Estates Subdivision is referenced in the Subdivision Boundary. This lot needs to be labeled on the drawing. 7) A "high ground water" warning note needs to be added to the plat. The working should be as follows: "High ground water levels may be present in the area. Wellsville City's approval of this development does not constitute any assumption of liability for high water table issues. The buyer of each individual lot is solely responsible for all risks involved in purchasing and building on these lots." Mr. Hartle gave Ms. Nicholes a copy of the memorandum. Mr. Hartle stated that he has spoke to Jeff. Jeff will correct the final plat and get it to Wellsville City by the end of the week. Mr. Hartle stated that he needs to receive it before the City Council meeting scheduled for May 16, 2012.

Loyal Green asked if approval could be given based on the time table. Mr. Hartle stated yes. The final plat is not filed until Wellsville City Engineer Chris Breinholt reviews the corrections. Russell Glenn asked if this subdivision meets the zoning code. Mr. Hartle stated yes. John Spence asked about item #7 concerning high ground water. Mr. Hartle stated that the high ground water is a statement that is standard on every subdivision plat now. After discussion, Paul Egbert made a motion, seconded by John Spence, to approve the final plat for the Nicholes Subdivision consisting of a total of 2 lots (1 additional building lot) on the west side of Center Street at 1261 South Center with the condition that all of the conditions in the memorandum from Wellsville City Engineer Chris Breinholt be completed.

YEA 5

Russell Glenn
Paul Egbert
Loyal Green
John Spence
M. Kent Larsen

NAY 0

The Planning Commission conducted a workshop on the Land Use and Subdivision Code. Don Hartle stated that he added this item to the agenda to discuss the 70-foot frontage in relation to the 82 ½-foot frontage, and if there was any input before the public hearing is held. John Spence asked Mr. Hartle to review the issue again. Mr. Hartle stated that code 10-1-7 and 10-6C-5 relates to the R-1-12 zone having 70 feet of frontage with open space instead of the required 82 ½ feet of frontage in other zones. Mr. Hartle stated that it was decided that a person can't have open space in a 12,000 square foot lot, so open space is not required. Mr. Hartle asked that the Planning Commission review the code for any other places that refer to this issue. Mr. Hartle stated that the public hearing for the Planning Commission is scheduled for May 23, 2012, and the public hearing for the City Council is scheduled for June 6, 2012. Paul Egbert asked about the chart in code 10-1-7. Mr. Hartle stated that the chart refers to smaller lots in the mountain areas and smaller roads than 99 feet. Mr. Hartle stated that Sherwood Hills is located in this zone. Russell Glenn asked about the table in code 10-6C-5. The top line needs to be removed. Mr. Hartle stated that he will remove it in the code amendment.

Don Hartle gave the Planning Commission an update concerning the truck stop. Mr. Hartle stated that he and Mayor Thomas G. Bailey met with City Attorney Bruce Jorgensen. There was some confusion because the letter from the Ombudsmen stated that the 2 parties must agree on the attorney. Mr. Hartle stated that he didn't know who the 2 parties referred to. Mr. Jorgensen contacted Attorney Bateman, and it was agreed that Attorney Bateman would complete the opinion. There would be input from all 3 parties, Wellsville City, Southwest Heritage Estates HOA, and Steve Kyriopoulos. The issue is in the hands of Attorney Bateman. There will be no public hearing, but a public meeting will be held. Loyal Green asked what the time schedule would be. Mr. Hartle stated that he didn't know, but hopes it would be by the end of May 2012.

Don Hartle discussed with the Planning Commission concerning clarification of the code in the neighborhood commercial zone. A lady contacted Mr. Hartle and would like to open a store with antiques, local products, quilts, art work, and homemade crafts. She would like to know if this type of business is allowed. Mr. Hartle asked if this type of business would fit under a variety store. M. Kent Larsen stated that the purpose of a code supersedes the definitions below. It is what a normal thinking individual would allow. Mr. Larsen stated that convenience is easy to go and get, not hard to do. Shopping would be defined as go and purchase. Residence would be defined as people that live in the neighborhood. Mr. Larsen stated that conditions would apply. This type of business is not defined specifically. Mr. Larsen stated that he personally feels that this type of business is reasonable to have in a business zone. Russell Glenn asked if the business fits under variety. Mr. Larsen stated that it may not fit under variety store, but it fits the purpose of the zone. Mr. Hartle stated that he thought it had to be a line item under the code. Loyal Green stated that the job of the Planning Commission is to ensure compatible integration. Paul Egbert stated that this may be where his profession may come into play. Mr. Egbert stated that nothing is black and white. There needs to be some flexibility and be flexible from black and white. The Planning Commission is allowed to use reasonable judgment. Mr. Larsen stated that it merits the lady to come in and discuss the issue with the Planning Commission. Mr. Hartle stated that an application costs between \$140 and \$200.

Mr. Hartle stated that this lady doesn't want to spend the money if there is no chance. Mr. Glenn stated that it is a reasonable request.

Carl Leatham reminded the Planning Commission that when they are reviewing the minutes of previous meetings and ask for changes, to remember what is said is what is written, not what was intended to be said is written.

At 7:10 p.m., M. Kent Larsen made a motion, seconded by Paul Egbert, to adjourn the meeting.

YEA 5
Russell Glenn
Paul Egbert
Loyal Green
John Spence
M. Kent Larsen

NAY 0

Loyal Green
Chairman