

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, June 13, 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, 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 June 8, 2012. The meeting was called to order at 6:00 p.m.

Others Present:

Jennifer Leishman	Janna Anderson	DeVon Anderson
Aleena Winward	Tom Horlacher	Corry Hubbard
Charee Villinga	Alison Ewing	Candy Sorensen
Garyn Perrett	Debbie Perrett	Kristine Bolton
Marcene Parker	Jonathan Cook	Kate DuHadway

Opening Ceremony: Loyal Green

Loyal Green reviewed the agenda with the Commission. After discussion, John Spence made a motion, seconded by Paul Egbert, that the agenda be approved as presented.

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

The Commission reviewed the minutes for the Commission meeting which was held May 23, 2012. After review, John Spence made a motion, seconded by M. Kent Larsen, that the minutes of the May 23, 2012 meeting be approved as presented.

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

At 6:05, the Planning Commission conducted the following public hearings in order:

First, receive public input and consider for approval a request from Janna Anderson for a conditional use for a Level 1 "Home Occupation" for a preschool to be operated from her home at 101 South 450 East. Janna Anderson stated that she would like to start a preschool in the fall, a couple of days per week, with morning and afternoon sessions. She has a circular driveway. The children will come in through the garage and down the stairs into the basement. Paul Egbert asked if this is a newer home so that if there is an emergency, the children can exit through the windows. DeVon Anderson stated that there are 2 staircases into the basement and 2 windows that are large enough for the children to exit. M. Kent Larsen asked how many students in each session. Ms. Anderson stated that she would like to start with 10 students in each session, but have no more than 15 in each session. Loyal Green asked if there is any special licensing through the State that Ms. Anderson is required to have. Ms. Anderson stated no, just a business license. Mr. Larsen asked if there are a maximum number of students that someone can have in a preschool. Ms. Anderson stated not that she is aware of. Mr. Larsen asked the ages of the students. Ms. Anderson stated age 3 to age 5. John Spence asked about installing a fence or ditches in the area. Ms. Anderson stated that school will be held for 2 hours, and she doesn't plan on taking them outside. Mr. Egbert asked about signage or advertising. Ms. Anderson stated that she may have a sign in her front yard and hand out flyers. Mr. Green stated that Ms. Anderson will have to have a permit to have a sign in her front yard, and will need approval for the sign permit. After discussion, John Spence made a motion, seconded by M. Kent Larsen to approve a request from Janna Anderson for a conditional use for a Level 1 "Home Occupation"

for a preschool to be operated from her home at 101 South 450 East.

YEA 5

NAY 0

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

Second, receive public input and consider for approval a request from Aleena Winward for a conditional use for a Level 1 “Home Occupation” for a quilting service business to be operated from her home at 245 North 390 West. Aleena Winward asked if she could have approval for both addresses. Ms. Winward rents a home and owns a lot. Don Hartle stated that approval goes with the property. Ms. Winward owns a 12-foot by 5-foot quilting machine that she uses to quilt the tops of quilts. She also has a binding service. Parking will not be an issue because people will come and drop off or pick up their quilt tops. Ms. Winward will have no signs at the present time. Loyal Green asked if Ms. Winward will be making and selling quilts. Ms. Winward stated that she will make and sell quilts, but it will be at fairs and internet sales. Ms. Winward stated that she will have batting, some quilt backs, and quilting products for sale. M. Kent Larsen asked what lot number in the Red Slide subdivision was Ms. Winward renting. Ms. Winward stated that they are currently in lot #45. Alison Ewing asked if Ms. Winward would quilt the quilt top or if an individual could do it themselves. Ms. Winward stated that she will quilt the quilt top because she doesn’t want to rent out her machine. Ms. Ewing asked what size of quilt the quilting machine could handle. Ms. Winward stated that she can quilt baby all the way to king size quilts. Mr. Hartle stated that both addresses are on the application. Mr. Green stated that the future address, or empty lot, would need to be eliminated from the application. After discussion, M. Kent Larsen made a motion, seconded by John Spence, to approve a request from Aleena Winward for a conditional use for a Level 1 “Home Occupation” for a quilting service business to be operated from her home at 245 North 390 West.

YEA 5

NAY 0

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

Third, receive public input, and then consider making a recommendation to the City Council on a request from Tom Horlacher that the City Code be amended to allow multi-family dwellings in the RA-1 zone. Mr. Horlacher stated that he has considered the situation he is in, and doesn’t feel that it is a unique situation. Mr. Horlacher feels that Wellsville City has a very strict code. Mr. Horlacher would like to be allowed to have an apartment in his home. Mr. Horlacher believes that an apartment in the basement or over-the-garage, such as a mother-in-law apartment, but no duplexes should be allowed in the RA-1 zone. Both families would have off-street parking. The home would maintain the appearance of a single-family dwelling. The home will be owner-occupied, with the exception that the home may be non owner-occupied for a period of 2 years. Mr. Horlacher stated that he and his wife chose to have a large family, and chose Wellsville as the place to raise their family. He added onto his home, and now his children have all moved away. The home is built for a family of 10, but is too big for 2 people. Mr. Horlacher stated that he has 2 options, 1) rent out a portion of his home, or 2) sell his home and buy a smaller home. Mr. Horlacher stated that before he requests a variance, he would like to suggest an amendment to the code. Loyal Green asked where Mr. Horlacher currently lives. Mr. Horlacher stated that his address is 257 West 400 South. Mr. Horlacher stated that he would like to suggest this amendment not only to the RA-1 zone, but apply it to any other zone that currently doesn’t allow multi-family dwellings. Mr. Horlacher stated that other conditions would apply. He would like to maintain the rural, smaller, individual home setting. Mr. Horlacher stated that both families would share the garbage and utilities. John Spence asked if the home has 2 kitchens. Mr. Horlacher stated yes. When the home was appraised, it was appraised as a multi-family home because it has 2 kitchens and separate living conditions. Mr. Spence stated that if the home has 2 kitchens and 2 separate entrances, it is different than renting out a bedroom in a home. Mr. Horlacher stated that it is.

Mr. Horlacher stated that he wants to maintain the appearance of a single-family dwelling. Paul Egbert stated that it would be difficult for Wellsville City to maintain owner occupancy. Mr. Horlacher stated that it would be hard to regulate. Mr. Egbert stated that the R-1-12 zone allows multi-family dwellings. Mr. Green read for the code under 10-11-16 and 10-6C-3. Mr. Green asked what the interpretation of the code is. Russell Glenn stated that the RA-1 zone prohibits multi-family dwellings because it is not listed as a conditional use within the zone. Don Hartle stated that the intent was that there would be no multi-family dwellings in any zone other than the R-1-12 zone. Mr. Spence asked if both families would use the same water, electricity, and gas. Mr. Glenn stated that it is not permissible in any zone. Mr. Hartle stated that when a developer builds a 4-plex, they have the option of paying for 4 hook-ups or 1 connection. If they pay for 1 connection, the owner is always billed for 4 hook-ups whether the apartment is occupied or not. Mr. Horlacher stated that he understands. Mr. Hartle stated that this is not an issue for just Tom Horlacher, but anyone in the RA-1 zone would be allowed to have a multi-family dwelling. Mr. Glenn stated that this could be added as a conditional use to the RA-1 zone. Mr. Hartle stated that it could be added to all zones. Mr. Horlacher stated that he doesn't want to allow duplexes and 4-plexes in the RA-1 zone. Mr. Egbert stated that this is a separate, almost special issue. Mr. Horlacher believes that it would improve Wellsville City by allowing owner-occupied multi-family dwellings. Mr. Egbert stated that a developer could build 10 homes, all multi-family dwellings, and his sales pitch could be subsidize your mortgage by renting your basement. Mr. Egbert stated that he is concerned with density. Mr. Glenn stated that under 10-11-16 paragraph E, it states a conversion from a single-family to a multi-family dwelling is possible. Multi-family dwellings could be added to the RA-1 zone, with the condition that there can be only 1 conversion per block. Mr. Green stated that multi-family dwellings could be listed under the RA-1 zone, and the Planning Commission could impose other conditions. Mr. Glenn stated that the Planning Commission could invoke 10-11-16 paragraph E because there is nothing similar listed. Mr. Egbert stated that under 10-11-16, there is a list of 4 homes that are allowed to have an apartment. Mr. Egbert asked about the history of these 4 homes. Mr. Glenn stated that the apartments in the homes were in existence before the zoning code was written. They were grandfathered in. Mr. Glenn stated that it doesn't make sense not to allow what is being asked. Mr. Kent Larsen stated that after reading the conversion paragraph, there is more involved than just closing off a section of a home to be rented out. Conversion designs and approvals of the designs from an engineer are required. A building inspector is required to oversee the work on the home. Mr. Larsen stated that each family should have separate utilities. Mr. Egbert asked if the issue is water usage or a separate connection. Mr. Larsen believes that each family should have their own water connection. Mr. Egbert stated that parking is not allowed on the City street, and should be in back of the home. Mr. Hartle stated that there were 3 or 4 homes that were declared multi-family dwellings and were billed double utilities. Mr. Hartle stated that all of them have come into the office and been declared single-family dwellings. Mr. Egbert asked if it is problematic to go back and forth from single-family to multi-family dwellings other than paperwork. Mr. Hartle stated no. Mr. Hartle stated that this is just not for Tom Horlacher, but for everyone that lives in the area that is shaded green on the zoning map. Mr. Egbert stated that he believes Wellsville City has done a good job concerning density, and having multi-family dwellings in the RA-1 zone should have to follow similar rules in the zones where multi-family dwellings are allowed. Mr. Larsen stated that this is a major conversion of a home. Mr. Spence suggested that this issue be continued so that the Planning Commission can think about it and the proposed wording of the amendment. Mr. Green asked who would be responsible to write the amendment. Mr. Larsen stated that the Planning Commission should look at Logan City, their code and the concerns that they have with this issue. Mr. Glenn asked if there is any homes in Wellsville that currently have this situation. Mr. Hartle stated that he is not sure of any at the present time. Mr. Hartle stated that from his observations, there are some dwellings that may have something going on. Mr. Hartle stated that he has filed occupancy restrictions on some homes. Mr. Hartle stated that the comment that is always made is that it is a family member. Mr. Glenn stated that the code does allow for a conversion of an existing dwelling. Carl Leatham gave some addresses of homes that may or may not have an issue. Mr. Hartle stated that as a City, he doesn't know how to control this issue. Mr. Green stated that some qualifiers would be who has the assignment to look into this issue, the details, what the code supports, what has to be done to the code, and the pros and cons to this issue. Mr. Egbert summarized the concerns: 1) parking, 2) density, 3) how to regulate it, and 4) how to enforce it. Mr. Egbert doesn't think that can apply to all areas. An engineer will need to review the plans, and a building inspector will need to review the work on the home. After discussion, Russell Glenn made a motion, seconded by Paul Egbert, that the Planning Commission will write down their concerns and how to address them concerning this issue in the next 2 weeks.

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

NAY 0

At 7:18 p.m., the public hearings were closed.

The Planning Commission reviewed for approval the final plat for the Hubbard Subdivision consisting of a total of 2 lots on the west side of 200 West from 450 South to 475 South. Russell Glenn asked if all of the comments on the memorandum from City Engineer Chris Breinholt had been met. Don Hartle stated that the final plat has been signed by Mr. Breinholt. After discussion, M. Kent Larsen made a motion, seconded by Russell Glenn, to approve the final plat for the Hubbard Subdivision consisting of a total of 2 lots on the west side of 200 West from 450 South to 475 South.

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

NAY 0

The Planning Commission held a workshop on commercial development in the CH, Highway Commercial zone. The members of the Commercial Development committee are: Carl Leatham, Paul Egbert, Jonathan Cook, Marcene Parker, and Jackie D. Orton. The workshop consisted of suggestions for the commercial area. Further workshops and public hearings will be held.

At 8:57 p.m., John Spence 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

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Loyal Green  
Chairman