

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, April 24, 2013, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman John Spence, Ruth P. Maughan, M. Kent Larsen, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, Councilwoman Glenna Petersen, Councilmen Ron Case, and 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 19, 2013. The meeting was called to order at 6:00 p.m. by Chairman John Spence.

<u>Others Present:</u>	Jennifer Leishman	Luella Anderson	Jerry Cokely
	Barbara Cokely	Rock Davidson	Blaine Anderson
	Joyce Anderson	Marcene Parker	Jackie Anderson
	Will Phillips	Deb Phillips	Kevin Maughan
	Kody Maughan	Dale Lindley	Jonathan Marchant
	Ruth Hall	Wilma Hall	Rose Branch
	William Everitt	Cody Anhder	Peter Milligan
	Matt McBride	Dale Anderson	Jan Anderson
	Paula Murray	Darrin Hall	Brian Cannell
	Frank Lamb	Donnel Lamb	Lorin Leishman
	Jimmie Leishman	David Whitman	Kolby Rowser
	Mike O'Reilly	Ron Jensen	Avis Richards
	Ken Richmond	Jonathan Cook	Rachel Fry

Opening Ceremony: William Everitt

Planning Commission member Paul Egbert was excused from this meeting due to vacation.

John Spence reviewed the agenda with the Commission. After discussion, M. Kent Larsen made a motion, seconded by Ruth P. Maughan, that the agenda be approved as presented.

<u>YEA 4</u>	<u>NAY 0</u>
M. Kent Larsen	
Ruth P. Maughan	
Brian Pattee	
John Spence	

The Commission reviewed the minutes for the Commission meeting which was held April 10, 2013. After review, Ruth P. Maughan made a motion, seconded by Brian Pattee, to approve the minutes of the April 10, 2013 meeting as presented.

<u>YEA 4</u>	<u>NAY 0</u>
M. Kent Larsen	
Ruth P. Maughan	
Brian Pattee	
John Spence	

Chairman John Spence reviewed the public hearing rules and procedures with those in attendance.

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

First, received public input, then consider for approval a request from Shana Murray for a conditional use for a 3 dog kennel at her home at 99 East 500 North. Ms. Murray stated that she has 2 miniature Australian Shepherds and 1 house dog. John Spence asked if they were inside dogs. Ms. Murray stated that they are inside and outside dogs. Ms. Murray stated that they own 1 acre of property. Ms. Murray stated that they still need to put a fence up. Ruth P. Maughan asked about barking. William Everitt, who is a neighbor, stated that there has been no barking. Mr. Spence stated that if there are any complaints, the Planning Commission will ask Ms. Murray to come back to a future Planning Commission meeting. M. Kent Larsen

reminded Ms. Murray that dogs are to be leashed or fenced in. After discussion, M. Kent Larsen made a motion, seconded by Brian Pattee, to approve a request from Shana Murray for a conditional use for a 3 dog kennel at her home at 99 East 500 North.

YEA 4

NAY 0

M. Kent Larsen
Ruth P. Maughan
Brian Pattee
John Spence

Second, receive public input, then consider for approval a request from Gary Hansen for a conditional use to allow the removal of the existing buildings, then subdividing said property and building 52 townhomes on property at 196 East 300 North, which is in the M-1, Manufacturing zone. Mr. Hansen created a power point presentation. The cheese plant was built in 1928 and ceased operation in 2008. Mr. Hansen looked into purchasing the property in 2008 for many different projects. They include storage units, charter school, new city office complex, manufacturing, strip mall, small commercial facility, and mixed use. Mr. Hansen felt that these projects were less than desirable. Mr. Hansen proposed Briar Rose Village, A Wellsville Town Home Community. Mr. Hansen listed all of the steps that would be included in this project, such as, removing the old building which includes \$75,000 worth of environmental clean-up, railroad property and easement included, the stream cleaned up, new ponds, approximately 4.95 acres, area that will be landscaped is approximately 6.45 acres, 4,000 feet or ¾ mile of new sidewalks and trails. The build out is 3 years. There will be approximately 180 new residents, which is 1% to 1.6% growth rate. The town homes will consist of 3 bedrooms, 2 ½ bathroom. No garages will face public streets. The town homes will be built “green”. They will be energy efficient and utilize the existing utilities. Mr. Hansen stated he is developing a “brownfield” site. There will be a private road, which will require no city maintenance. There will be approximately 200 new trees and shrubs with 27 new parking stalls. Mr. Hansen claims that Wellsville City will benefit as well from this project. Mr. Hansen wants to market this project to retired couples and new families. This will preserve critical areas of the community. Mr. Hansen requested that he be allowed to respond to questions or concerns. William Everitt asked about extermination of rodents, a complex for assisted living, and if this project will fit into this community. Mr. Hansen stated that it fits because Wellsville City is starving for affordable housing. The rodents will go away. Mr. Hansen stated that he will do what he can to exterminate the rodents. Mr. Hansen stated that an assisted living facility didn’t pencil. Jerry Cokely stated that the current ordinance maintain a rural feel. Any change to those ordinances will have a drastic impact on the city. Mr. Cokely stated that infrastructure, traffic, and a busy 400 south intersection are his concerns. Mr. Cokely stated that it is too much too soon. Mr. Cokely stated that in 3 city blocks, there are 48 homes. Mr. Hansen is asking for 52 homes within a ½ block. Mr. Cokely read a letter that had 121 signatures attached. Mr. Cokely stated that this project would destroy the community. Peter Milligan prepared a letter which he read from. Mr. Milligan stated that he was relieved when the new ordinance that was proposed to the Planning Commission was voted down. Mr. Milligan stated that his original concerns remain the same. Mr. Milligan stated that the sewer system is at or near capacity. Mr. Milligan recommended that a traffic study be completed. Mr. Milligan stated that he and his neighbors recommend that this request be denied. David Whitman stated that he moved to Wellsville in July of 2012 because of the small town feel. Mr. Whitman stated that this is an apartment complex. This project will be across the street for his home, which he feels the value of his home will decrease. Mr. Whitman stated that he came from the building industry. Mr. Whitman stated that he built these kinds of projects. Mr. Whitman stated that if there was a potential for this type of facility across the street from his home, he wouldn’t have purchased his home. Kody Maughan stated that he lives in this type of facility in Hyrum. Mr. Maughan stated that improvements that were promised to them when they purchased is projected out 20 years. Mr. Maughan has had water damage. Mr. Maughan stated that he pushes his own snow. Mr. Maughan stated that there isn’t much of a backyard. Mr. Maughan feels that the ponds are a danger for kids. Mr. Maughan stated that he is trying to move to Wellsville because it is awful. Mr. Maughan is against this type of project. Shana Murray stated that she purchased a home in Wellsville just a few months ago. Ms. Murray stated that if she had known that this type of project was a possibility, she wouldn’t have purchased her home. Ms. Murray stated that her husband’s fabrication shop is located across the street from this type of project and it is a nightmare. Ms. Murray stated that it isn’t a great idea. Jan Anderson stated that she sat on the committee that created the multi-family ordinance. Ms. Anderson stated

that Mr. Hansen didn't use any of the ideas that were suggested to him. Ms. Anderson asked if this is a new ordinance or a variance. Ms. Anderson stated that she is against this project because it is too many homes at one time. Kolby Rowser stated that he lives across the street from the proposed site. Mr. Rowser echoed what has already been said. It doesn't fit in Wellsville City. Mr. Rowser doesn't want any more traffic. Mr. Rowser stated that the developer doesn't want this type of project in his backyard. Mr. Rowser is against this project. Donnel Lamb stated that she moved to Wellsville from Black Hawk in Logan. Ms. Lamb stated that Cache County School District is looking to make Willow Valley a new elementary school. Ms. Lamb is concerned about the traffic. Ms. Lamb stated that it is too many homes. Darrin Hall stated that he lives on Center Street. Mr. Hall agrees with what has been said. Mr. Hall stated that if Wellsville Elementary is moved to Willow Valley, the current elementary school will be vacant. Mr. Hall is concerned with setting a precedence. Mr. Hall stated that it leaves Wellsville City very vulnerable. Blaine Anderson stated that he lives on 300 North. Mr. Anderson stated that putting retired people and new families together won't work. Mr. Anderson stated that Mr. Hansen can't use the water for the 2 ponds because it is irrigation water. Wellsville City is not structured for this type of development. There is no public transportation, no grocery store. Mr. Anderson stated that he is strongly against it. Frank Lamb stated that he is concerned about the traffic situation. Mr. Lamb stated that 3 people were pulled over for missing the stop sign within 25 minutes. Mr. Lamb stated adding children walking to school and a railroad; someone is going to get hurt. Joyce Anderson stated that she agrees with all that has been said. Ms. Anderson stated that it is too many homes in one area. Barbara Cokely asked if the zoning change had been voted down. John Spence stated yes. Ruth Hall stated that she agrees with everything that has been said. Ms. Hall is against this project. Jonathan Cook stated that he grew up in this area. There are a lot of people against this project. Mr. Cook asked how many people wanted the cheese plant gone. Mr. Cook asked if the neighbors would be willing to start a fund to remove the cheese plant. No one commented.

At 6:45 p.m., the public hearing was closed.

John Spence stated that the Planning Commission did receive letters that were against this project. Ruth P. Maughan stated that she was concerned why Gary Hansen is asking for a conditional use permit. Ms. Maughan read the purpose of the manufacturing zone from the code. Gary Hansen stated that families are the biggest industry Wellsville City has. Mr. Hansen stated that there is no manufacturing, so he doesn't understand what Wellsville City is trying to preserve. Mr. Hansen stated that this project fits in the adjacent area. The code states that all uses for the zone would be considered. Don Hartle explained where Wellsville City has been and where they are coming from. Mr. Hartle stated that the first application submitted by Mr. Hansen was to amend the code to allow a zone for high density. Wellsville City went through the procedure and it was objected. Mr. Hartle stated that everything in the manufacture zone is by conditional use. Mr. Hansen is asking for a conditional use in the M-1 zone. Ms. Maughan stated that she thinks it is stretching to think that a housing development would fit in the manufacturing zone. Mr. Hansen stated that he is allowed to bring this project to Wellsville City under a conditional use. It is an administrative action by the Planning Commission. Mr. Hansen asked that the rules of conditional use be reviewed before making a decision. M. Kent Larsen stated that he did review the rules of the conditional use. Mr. Larsen read from the conditional use code. The manufacturing zone, as defined in the master plan, is for building or producing a product. The high density code was not approved. Mr. Larsen stated that the committee did an outstanding job on the multi-family ordinance. The ordinance was turned down. The public doesn't want this type of project. It doesn't fit in Wellsville City. Brian Pattee reviewed this project. Mr. Pattee stated that it has been well said by Ms. Maughan and Mr. Larsen. If residential is wanted in the manufacturing zone, then the zoning needs to be changed that the process needs to be followed. John Spence stated that he echoes what has been said by the Planning Commission. There are ordinances for a reason, and he feels that this project is trying to skirt around the ordinance. City Planner Jay Nielson stated that because of the language in the M-1 zone, the Planning Commission has to consider this request, but it doesn't have to approve the request. Mr. Nielson stated that the Planning Commission needs to make a decision based on specific findings that relate to the code. Mr. Nielson stated that the Planning Commission has an obligation to follow the code. Mr. Nielson stated that these are the recommended findings for denial of the application as submitted: 1) The proposed use does not meet the intended purpose of the M-1 Manufacturing zone which states that: "The purpose of the M-1 zone is to provide areas where industries necessary and beneficial to the local economy may locate and operate. The regulations of the zone are designed to protect and preserve the environment of the zone, [and] adjacent

areas...” (Wellsville Code 10-10-1), 2) The proposed project is not compatible with the surrounding single family residential neighborhood which is adjacent and surrounding the subject property. The proposed density is 10.65 dwellings per acre, whereas the allowed density in the adjacent residential zone may not exceed 2.85 dwellings per acre, except when multifamily dwellings have been approved as defined in Chapter 10-11-16, 3) The project, as proposed, does not meet the requirements set forth in Chapter 10-11-16 Multifamily Dwellings that establishes that the City desires, “to avoid concentrations of large number of multifamily dwelling...”, 4) The project, as proposed, does not meet the requirements for multifamily dwellings as set forth in the General Plan and the City Code. The General Plan gives adequate guidance concerning the appearance of multifamily dwellings; 5) The proposed does not meet the purpose set forth in the General Plan, in that, the historical pattern of mixing multiple family dwellings within single family neighborhoods has been successful and concentrating multifamily dwellings has been less successful. The intent in the General Plan is to allow a limited number of multifamily dwellings within existing single family areas. Mr. Spence stated that his concern is that it doesn’t fit within the code and the neighbors are not in favor of it. After discussion, Ruth P. Maughan made a motion, seconded by Brian Pattee, to deny the request from Gary Hansen for a conditional use to allow the removal of the existing buildings, then subdividing said property and building 52 townhomes on property at 196 East 300 North, which is in the M-1, Manufacturing zone due to the following: 1) The proposed use does not meet the intended purposed of the M-1 Manufacturing zone which states that: “The purpose of the M-1 zone is to provide areas where industries necessary and beneficial to the local economy may locate and operate. The regulations of the zone are designed to protect and preserve the environment of the zone, [and] adjacent areas...” (Wellsville Code 10-10-1), 2) The proposed project is not compatible with the surrounding single family residential neighborhood which is adjacent and surrounding the subject property. The proposed density is 10.65 dwellings per acre, whereas the allowed density in the adjacent residential zone may not exceed 2.85 dwellings per acre, except when multifamily dwellings have been approved as defined in Chapter 10-11-16, 3) The project, as proposed, does not meet the requirements set forth in Chapter 10-11-16 Multifamily Dwellings that establishes that the City desires, “to avoid concentrations of large number of multifamily dwelling...”, 4) The project, as proposed, does not meet the requirements for multifamily dwellings as set forth in the General Plan and the City Code. The General Plan gives adequate guidance concerning the appearance of multifamily dwellings; 5) The proposed does not meet the purpose set forth in the General Plan, in that, the historical pattern of mixing multiple family dwellings within single family neighborhoods has been successful and concentrating multifamily dwellings has been less successful. The intent in the General Plan is to allow a limited number of multifamily dwellings within existing single family areas.

YEA 4

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Ruth P. Maughan
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John Spence

NAY 0

At 6:56 p.m., receive public input, then consider for approval a request from Sherwood Hills Recovery Resort for a “Recovery Resort Treatment Facility” (RRTF) at 7877 South Highway 89/91 which is in the Recreational Planned Development (RPD) zone. Mike O’Reilly stated that the State of Utah inspected the facility yesterday and it was approved for 97 beds. Don Hartle stated that the Cache County Building Inspector was in his office yesterday on an unrelated matter. Mr. Hartle stated that because it is a commercial change of use, a letter from the building inspector should be issued approving it. Mr. Hartle stated that if this is approved, they will not be allowed to open until all of the conditions have been met. Ron Jensen stated that the state inspection was completed yesterday and the fire inspection will be completed on Monday. Mr. Hartle stated that copies of the inspections need to be provided to Wellsville City. Glenna Petersen asked about signage. Mr. O’Reilly stated that the brunch sign will be removed and another sign at the bend as you head west along the driveway will be removed.

At 7:07 p.m., the public hearing was closed.

Brian Pattee stated that his concern is staff and the ratio to clients. Mike O’Reilly stated that during the day, the ratio is approximately 4 to 1. At night, they are not staffed as heavily. The ratio will be 7 to 1 up to 10 to 1. Mr. O’Reilly stated that they will need 15 to 16 staff members just to open the doors. John

Spence stated that they will come in every 6 months to review and report. Mr. O'Reilly stated yes. Mr. Spence stated that if there is any new construction or remodeling, they will come to the Planning Commission to share. Mr. O'Reilly stated absolutely. Ruth P. Maughan stated that it needs to be decided how many beds Wellsville City will allow them to have. Mr. Spence stated that Ms. Maughan mentioned 50 and he was thinking 15. M. Kent Larsen stated that there has been trust built between them and Wellsville City. Mr. Larsen stated that he can assure there will be compliance with the expectations. Mr. O'Reilly asked if they can back to the Planning Commission and request more beds if needed before the 6-month review. Mr. Spence stated sure. Mr. Hartle stated that asking for more beds requires a public hearing and to go through the process again. Ron Jensen asked if he could request that they be allowed to have 65 beds. Mr. Spence stated that they have been very fair and very professional with Wellsville City. Ms. Maughan asked the opinion of City Planner Jay Nielson. Mr. Nielson asked what the capacity of the hotel was. Mr. O'Reilly stated that it was 107. Mr. Spence stated that the Planning Commission feels comfortable with 65 beds. Mr. Larsen asked when the opening date is. Mr. O'Reilly stated that they hope to open May 5 or May 6. They have 5 to 6 clients on a waiting list. Ms. Maughan asked if they had checked with UDOT. Cody Anhder stated that he called and the gentleman he spoke with stated yes. Ron Jensen stated that he called and the gentleman he spoke with stated yes. Mr. Nielson stated that because it is a change of use, there needs to be a clear understanding. A letter from UDOT should be provided. Mr. Hartle stated that he has made a list of the following criteria that should be met before the doors are opened: 65 beds approved, business license, State Fire report, building inspection, state license, 6-month report, meet with the Planning Commission to review any building changes, City Fire Department approval, ratio of staff to clients, UDOT approval, no sex offenders, water shut-off, and liquor license. Mr. Hartle stated that Sherwood Hills does have a liquor license and he has monies from Richard Knapp on deposit for that license. Ron Jensen stated that they will need to resend it. Avis Richards stated that she will contact the State about it. Mr. Hartle stated that he will need something in writing about the liquor license. M. Kent Larsen asked about food service. Mr. O'Reilly stated that they had a health inspection and had to redo the floor in the kitchen. Mr. O'Reilly stated that they are trying to keep on as many staff members as possible. Ms. Maughan asked about criminal history. Mr. O'Reilly stated that some clients will have a criminal history, but no violent criminal history will be allowed. Mr. Jensen stated that they will screen out the aggressive acts. There will be no sex offenders. After discussion, M. Kent Larsen made a motion, seconded by Brian Pattee, to approve a request from Sherwood Hills Recovery Resort for a "Recovery Resort Treatment Facility" (RRTF) at 7877 South Highway 89/91 which is in the Recreational Planned Development (RPD) zone with the following conditions: 65 beds approved, business license, State Fire report, building inspection, state license, 6-month report, meet with the Planning Commission to review any building changes, City Fire Department approval, ratio of staff to clients, UDOT approval, no sex offenders, water shut-off, and liquor license.

The Planning Commission discussed and reviewed any need to revise the General Plan. Don Hartle stated that several individuals have asked for copies of the General Plan. Mr. Hartle asked if the Planning Commission feels there is a need to review the General Plan before he makes more copies of it. Ruth P. Maughan asked when it was last revised. Mr. Hartle stated July 2010. Ms. Maughan stated that she can't think of any reason why it needs to be reviewed. John Spence stated that it is good to review the General Plan ever so often. City Planner Jay Nielson stated that the General Plan should be reviewed every 5 years. Mr. Spence suggested that the Planning Commission wait a couple of years before they review the General Plan. The Planning Commission agreed.

Carl Leatham asked for direction from the Planning Commission on the need for a buffer zone in the CH, Highway Commercial zone. As the highway commercial committee met, they discussed a buffer zone behind the highway commercial frontage. It would be a general commercial zone with a permitted use. As a committee, they reviewed the land use tables that were created by City Planner Jay Nielson. Mr. Leatham asked how the committee should proceed. Ruth P. Maughan suggested that plan come to the Planning Commission first before it is given to City Planner Jay Nielson. Ms. Maughan thinks that the buffer zone is a good idea. John Spence stated that by giving any plan to the Planning Commission first, it will save time and money. Mr. Leatham stated that the committee is ready to present their plan to the Planning Commission. Jay Nielson stated that the committee should consider a statement that is in the General Plan on page 13. Mr. Leatham stated a concern is property owned by Loyal Green.

Carl Leatham stated that there is a situation where an individual can build a home on an hourglass-shaped lot in a cul-de-sac. This issue has been discussed in City Council meetings. It was discussed to require 82 ½ feet be continued to the rear line requirement. John Spence stated that there should be some verbiage in the code that doesn't allow a home behind a home. Don Hartle stated that some situation would have to be grandfathered in.

Carl Leatham discussed a 10-foot public utility easement around the entire lot. Mr. Leatham would like to require the 10-foot PUE on 1 side and the back of the lot. City Planner Jay Nielson stated that Wellsville City should be advised by the City Engineer. Don Hartle stated that the City Engineer is neutral. Mr. Leatham stated that this issue has been discussed in City Council meetings. Mr. Leatham stated that Mr. Hartle has showed him both sides of this issue. Ruth P. Maughan stated that most of the utilities are in the front of the home. Mr. Hartle stated that there may come a time when a secondary water system is installed. Brian Pattee asked about reducing the 10-foot PUE to a 5-foot PUE on each side. Mr. Leatham stated that he has had the same thought. M. Kent Larsen stated that an individual can't build on a PUE. Mr. Leatham stated that an individual is not supposed to build on a PUE, but they do. Mr. Larsen stated that there should be a design as to why there is a need for an easement. Mr. Pattee stated that 10 feet has been the standard forever. Mr. Leatham asked that the Planning Commission give this issue some thought.

Don Hartle stated that City Planner Jay Nielson and Mayor Thomas G. Bailey have found a conflict in the code. Code 10-11-16A states 2 4-plexes are allowed. Code 10-6C-3 under conditional uses for R-1-12 states 1 4-plex is allowed. Mr. Hartle stated that it needs to be resolved and asked the Planning Commission how they would like him to proceed. After discussion, the Planning Commission would like to amend 10-11-16A to read 1 4-plex is allowed. Mr. Hartle will proceed in that direction.

Don Hartle asked what workshops should be on the next agenda. The Planning Commission decided that a workshop concerning the public utility easement should be discussed. John Spence stated that he would like to review the South Valley RV business. They have moved the fence and made changes. Don Hartle stated that they have done an illegal lot line adjustment.

John Spence thanked everyone for their help.

At 8:07 p.m., M. Kent Larsen made a motion, seconded by Brian Pattee, to adjourn the meeting.

YEA 4
M. Kent Larsen
Ruth P. Maughan
Brian Pattee
John Spence

NAY 0

John Spence
Chairman