

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, August 14, 2013, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Ruth P. Maughan, M. Kent Larsen, Paul Egbert, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielsen, 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 August 9, 2013. The meeting was called to order at 6:00 p.m. by Vice Chairman M. Kent Larsen.

<u>Others Present:</u>	Jennifer Leishman	Shaari Young	Cole Young
	Kaycee Young	Rebecca Belka	Brent Benson
	Jacob Howard	Tim Parkinson	Joshua Francis
	Sandra Francis	Tayson Hall	Ethan Gunnell
	Jonathan Cook		

Opening Ceremony: Brian Pattee

Planning Commission Chairman John Spence was excused from this meeting.

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

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

The Commission reviewed the minutes for the Commission meeting which was held July 23, 2013. There were word changes on lines 1, 47, and 55. After discussion, it was decided that because M. Kent Larsen and Ruth P. Maughan didn't attend the meeting held July 23, 2013, and because Chairman John Spence was excused from this meeting, there was not a full quorum and the minutes will be approved at a later date.

At 6:05 p.m., Vice Chairperson M. Kent Larsen conducted the following public hearings:

First, receive public input, then consider for approval a request from Shaari Lyn Young for a conditional use for a Level 1 "Home Occupation" for a cleaning business to be operated from her home at 112 South 300 East. Shaari Young stated that she would like to start a cleaning business. There will be no traffic to her home. She will use her cell phone to make appointments. M. Kent Larsen asked about the disposal of cleaning chemicals. Ms. Young stated that it is nothing harmful, mostly vinegar-based cleaning agents. Mr. Larsen asked about signage. Ms. Young stated that she will have no signage. Ruth P. Maughan asked if Ms. Young had a business card. Ms. Young stated yes. After discussion, Brian Pattee made a motion, seconded by Ruth P. Maughan, to approve a request from Shaari Lyn Young for a conditional use for a Level 1 "Home Occupation" for a cleaning business to be operated from her home at 112 South 300 East.

<u>YEA 4</u>	<u>NAY 0</u>
Paul Egbert	
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Brian Pattee	

Second, receive public input, then consider for approval a request from William and Rebecca Belka at 193 East 100 South, for a conditional use to have their home declared a multi-family dwelling (duplex). Becky Belka stated that they have a studio apartment above their garage that they would like to rent out. M. Kent Larsen stated that this apartment is above a detached garage. Mr. Larsen asked if the apartment is connected to water and sewer. Ms. Belka stated yes. Mr. Larsen asked if the utilities are separate from the main house. Ms. Belka stated no. All of the utilities go through the main house to the apartment. Don Hartle handed out a drawing of all the multi-family dwellings in the area. Mr. Hartle stated that the Belka

home faces south, and the detached garage that is behind the home faces east. Mr. Hartle stated that there is a 4-plex across the street and 2 4-plexes by the elementary school. Currently, there are no multi-family dwellings that Mr. Hartle is aware of on this block. Mr. Hartle stated that when the room above the garage was built, there was a lot of discussion that it was a family room and there was no interest in using it as a multi-family dwelling. Mr. Larsen asked if there was any public input. Carl Leatham asked if the garage is free-standing, would the apartment have a separate address. Mr. Hartle stated no because it is above the detached garage. Mr. Leatham stated that he remembers the discussion, and if this is approved, it would be considered a separate residence. Mr. Hartle stated no because there would be 2 dwelling units on 1 lot, which is illegal. Mr. Leatham stated that if this is approved, the entrance is facing 200 East which there would be 2 multi-family dwelling units on the same block. City Planner Jay Nielson stated that he agrees with everything that Mr. Hartle has said. Mr. Hartle stated that he has thought a lot about this issue. There is an item that is later on the agenda concerning a discussion on multi-family dwellings. Mr. Hartle stated that it is the intent of the Wellsville City, and no one has a problem with it, that a child, married or single can live at home for a period of time. Mr. Hartle asked how long a period of time should be. Mr. Hartle asked what the differences are between a child living in the home or living in an apartment. Mr. Hartle stated that he has several scenarios that all tie into this issue. Paul Egbert stated that the definition in 10-6C-3 states that there can't be 2 structures on the same lot. Mr. Larsen stated that it is a family member versus a rental unit. Mr. Hartle stated that residents need to be fair with Wellsville City just like Wellsville City is fair with the residents. Jacob Howard asked for how long has the studio apartment been rented. Ms. Belka stated never. Mr. Howard asked how long Ms. Belka has lived at the residence. Ms. Belka stated 8 ½ years. Mr. Nielson stated that he is not convinced that this request should even be considered. In 10-11-16 item E, there is a whole list of requirements to be met in order to convert a single-family dwelling to the multi-family dwelling. Mr. Nielson stated that a resident can't make an additional dwelling that is detached from the main dwelling. Mr. Nielson stated that an individual will sell the detached unit as a dwelling on its own lot, and then everything will be non-conforming. Mr. Egbert asked if this can be approved if the items in 10-11-16 item E be met, or if it is non-applicable because the apartment will be detached from the main dwelling. Mr. Nielson stated that it is non-applicable because there are 2 dwellings on the same lot. Ruth P. Maughan asked if the detached garage will still be used as a garage. Ms. Belka stated yes. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to deny the request from William and Rebecca Belka at 193 East 100 South, for a conditional use to have their home declared a multi-family dwelling (duplex).

YEA 4

Paul Egbert
M. Kent Larsen
Ruth P. Maughan
Brian Pattee

NAY 0

Third, receive public input, then consider making a recommendation to the City Council, on a request that the CN, Neighborhood Commercial zone, be amended to allow "Heating and Air Conditioning" businesses as a conditional use in said zone. Brent Benson stated that he is looking as a building that resides on commercial-zoned property, but it is not zoned for a HVAC business. M. Kent Larsen asked if he will be renting or purchasing the building. Mr. Benson stated that he would be purchasing the building. Mr. Larsen asked that Mr. Benson tell the Planning Commission about his business. Mr. Benson stated that he has about 12 employees. It is a contracting business, so that average is 12 employees. He has 3 trailers that will be mostly on jobsites and 3 service vans that are used mostly by the service technicians. He will use the building for some storage. Some employees will use the parking at the building, but they require most of the employees to meet at the jobsite. Mr. Benson stated that they work with sheet metal. Paul Egbert asked if he would own the parking lot. Mr. Benson stated no, it is shared with other businesses. Brian Pattee asked how many apartments are in the top of the building. Mr. Benson stated 2. A neighbor asked about noise impact. Mr. Benson stated that the business doesn't produce a lot of noise. Most of the noise is on the jobsite. The neighbors will not hear anything unless the doors are opened. Ruth P. Maughan asked if there would be anything stored that is harmful to the residents of the apartments. Mr. Benson stated no. Mr. Egbert stated that there are many commercial zones in the downtown area such as; C1, C2, C3, and CN. Mr. Egbert stated that the CN zone is for shopping conveniences. Mr. Egbert gave some examples that are listed in the code as shopping conveniences. Mr. Egbert states that he believes this business would fit

in the same area. Mr. Egbert asked why so many zones and what is unique or different about each zone. Ms. Maughan stated that this business would fit in the C3 zone, but the C3 zone would not fit in this area. Jacob Howard stated that he has worked with Mr. Benson, and that Mr. Benson likes the Wellsville location. Mr. Howard stated that the building is approximately 8,000 square feet. Mr. Larsen stated that the request is to allow a type of business in a zone, if it fits in the zone. Mr. Egbert stated that his concern is how the business will fit in the area. Ms. Maughan stated that it would fit because the building was used as a machine shop and a tire shop before. The building would be used as it was used before. City Planner Jay Nielson stated that if the Planning Commission would like to approve this, he would suggest that they rezone the property to the most compatible zone for this business. Mr. Nielson stated that the General Plan and the zoning would have to be modified. Mr. Hartle stated that a public hearing would need to be held to modify the land use and zoning maps. Mr. Hartle stated that it would take about 1 month. Mr. Larsen stated that he hopes this time frame would work with their schedule. Mr. Larsen stated that they welcome business on the street and welcome the business that has been described. Mr. Egbert suggested rezoning the property to C2, which allows HVAC businesses. Mr. Hartle stated that he will advertise the public hearing. Mr. Benson asked if he would be allowed to have a small retail shop in the front of the building if the property is rezoned. Mr. Egbert stated yes. Mr. Egbert asked if the property or the block will be rezoned to C2. Mr. Hartle stated that the decision is up to the Planning Commission. Mr. Egbert suggested rezoning the block to C2. Mr. Hartle recommended only rezoning the parcel of property where the building resides until Mr. Nielson has completed the rewrite of the land use code. Mr. Nielson stated that it would be the most conservative thing to do. After discussion, Ruth P. Maughan made a motion, seconded by Brian Pattee, to deny the request that the CN, Neighborhood Commercial zone, be amended to allow "Heating and Air Conditioning" businesses as a conditional use in said zone, but put into the action the process to rezone said parcel to C2 and that the General Plan be amended.

YEA 4

Paul Egbert
M. Kent Larsen
Ruth P. Maughan
Brian Pattee

NAY 0

Fourth, receive public input, then consider making a recommendation to the City Council, to clarify a conflict in the code 10-6C-3 and 10-11-16-A as it relates to multi-family dwellings. Don Hartle reviewed for those in attendance that there is a conflict in the Wellsville City code. In one section, the code states that 1 multi-family dwelling is allowed per block, and in another section, the code states that 2 multi-family dwellings are allowed per block. Mr. Hartle stated that code 10-11-16-A lists those residents that were grandfathered in. Mr. Hartle stated that 3 of the 4 need to be eliminated. They are Kurek, Archibald, and Tingey. Mr. Hartle stated that Mr. Kurek sold the home and moved, Mr. Archibald hasn't used the home as a duplex for many years, and Mr. Tingey requested that his home be declared a single-family dwelling. Mr. Hartle stated that another home that is being rented out as a multi-family dwelling is Lamar Wright's home. It is not a legal duplex. City Planner Jay Nielson stated that when there is a question, Mr. Hartle needs to record a single-family dwelling at the Cache County Recorder's Office. When the home sells, the owner can say that it is zoned as a multi-family dwelling, but a title search will reveal that it is not. Mr. Hartle stated that he has recorded several at the Cache County Recorder's Office. Mr. Nielson suggested that Mr. Hartle send notices concerning the 4 listed in the code and the 1 that is not listed. Mr. Hartle stated that he has a list of 6 possible scenarios concerning this issue that he needs to know how to address. Mr. Hartle stated that 1 issue was discussed tonight and that is if the apartment, or second unit, can be detached for the main dwelling. Paul Egbert suggested moving the information under 10-6C-3 to 10-11-16 and reference 10-11-16. Mr. Nielson suggested moving the information under 10-11-16-A into 10-6C-3. Mr. Hartle suggested changing "two (2)" to "one (1)" under 10-11-16-A. Mr. Nielson stated that having 10-6C-3 reference 10-11-16-A will take some revision to 10-11-16. Mr. Hartle stated that it will take some time to complete this. Mr. Larsen asked if someone could rewrite these 2 sections of code and bring a draft to the next Planning Commission meeting. Mr. Hartle asked if Mr. Nielson would draft something for the next Planning Commission meeting. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to continue this discussion at the next Planning Commission meeting.

YEA 4
Paul Egbert
M. Kent Larsen
Ruth P. Maughan
Brian Pattee

NAY 0

At 7:20 p.m., the public hearings were closed.

The Planning Commission reviewed for approval the Final Plat for the Millicent Parkinson Subdivision, consisting of a total of 2 lots (1 additional building lot) on property at 620 North 200 East. Tim Parkinson stated that he is asking for approval of the Final Plat. Paul Egbert asked what the intent of the 10-foot private easement is. Mr. Parkinson stated that it will be a public sewer line. Don Hartle stated that the size of the pipe hasn't been decided yet. The Final Plat shows 6-inch, but Perry Maughan stated that the code says it has to be an 8-inch line. Mr. Hartle stated that he discussed this issue with City Engineer Chris Breinholt, and he said it needs to be a 6-inch line because the smaller the pipe, the less friction and better flow it would have. Mr. Hartle stated that he isn't sure if they would be better off to install a 4-inch private sewer line and have clean-outs every so often. Mr. Egbert asked what the line between lot 1 and lot 2 is. Mr. Hartle stated that it is an easement between the 2 lots for a driveway. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to approve the Final Plat for the Millicent Parkinson Subdivision, consisting of a total of 2 lots (1 additional building lot) on property at 620 North 200 East subject to final approval from City Engineer Chris Breinholt.

YEA 4
Paul Egbert
M. Kent Larsen
Ruth P. Maughan
Brian Pattee

NAY 0

The Planning Commission was updated on the approval of the Final Plat of the Sterling Ridge Subdivision. Don Hartle stated that the City Council approved the Final Plat. Mr. Hartle stated that Mr. Taylor gave the information concerning the roads. Wellsville City will be getting an additional 7 feet. Mr. Hartle stated that the City Council agreed that because this was missed on the Concept Plan, the square footage of the extra property will be added up and Wellsville City will reduce the cash in lieu of open space fee for the Sterling Ridge Subdivision.

At 7:38 p.m., Paul Egbert made a motion, seconded by Ruth P. Maughan, to adjourn the meeting.

YEA 4
Paul Egbert
M. Kent Larsen
Ruth P. Maughan
Brian Pattee

NAY 0

M. Kent Larsen
Vice Chairman