

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, August 28, 2013, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman John Spence, 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 23, 2013. The meeting was called to order at 6:00 p.m. by Chairman John Spence.

Others Present: Jennifer Leishman Janie Isaacson Kendall Leishman
Barbara Swanson David Swanson Candy Sorensen
Rachel Fry Jonathan Cook

Opening Ceremony: Ruth P. Maughan

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

YEA 5 NAY 0
Paul Egbert
M. Kent Larsen
Ruth P. Maughan
Brian Pattee
John Spence

The Commission reviewed the minutes for the Commission meeting which was held July 23, 2013. After review, Brian Pattee made a motion, seconded by M. Kent Larsen, to approve the minutes of the July 23, 2013 meeting as presented.

YEA 3 NAY 0 ABSTAIN 2
Paul Egbert Ruth P. Maughan
M. Kent Larsen John Spence
Brian Pattee

The Commission reviewed the minutes for the Commission meeting which was held August 14, 2013. There were word corrections on lines 98 and 126. After review, Ruth P. Maughan made a motion, seconded by M. Kent Larsen, to approve the minutes of the August 14, 2013 meeting with the corrections.

YEA 5 NAY 0
Paul Egbert
M. Kent Larsen
Ruth P. Maughan
Brian Pattee
John Spence

Wayne McKay met with the Planning Commission to discuss the Highway Commercial zone. Wayne McKay stated that he is interested in the property on the southeast corner of the road that goes back to the Caine Dairy. Mr. McKay stated that he has a music show that is similar to what is shown in Branson, Missouri. He would like to build a facility that has 3,000 to 5,000 seats. This type of building would require utilities, as well as parking and traffic flow. Mr. McKay stated that he is aware that a traffic light is planned for this intersection, which would be a great asset to his facility. John Spence asked if the facility would be back off the road or right out in front. Mr. McKay stated that he would want frontage. Mr. McKay stated that it would be built in harmony with the American West Heritage Center. Mr. McKay stated that he didn't know what the code is concerning the number of cars per seat. He would have to find out more about that code. Mr. McKay stated that he would require rolling tour buses in and out of the facility. Ruth P. Maughan stated that the Planning Commission needs to determine if this type of facility fits in the Highway Commercial zone. Mr. Spence reviewed the list of conditional uses in the Highway Commercial zone. Mr. Spence read the purpose of the Highway Commercial zone. Paul Egbert stated that

this type of facility would be similar to a drive-in theatre. Mr. McKay stated that it would be a live production and would be considered recreational space. Mr. McKay stated that the production would be contained inside of the building. Mr. Spence asked if this was a year-around or just during the summer month's type of production. Mr. McKay stated that the season runs from April through September and special holidays. Ms. Maughan stated that the traffic light is planned for the future. Paul Egbert stated that he works for UDOT, and the traffic light is planned for the future based on when traffic warrants it. Mr. McKay asked about installing a turn lane. Mr. Egbert stated that the master road plan was updated recently. Mr. Egbert suggested that Mr. McKay meet with UDOT concerning the improvements that may or may not be needed. Mr. Egbert stated that traffic impact studies will define those improvements. Mr. Spence stated that Wellsville City would require more detail for the conditional use. City Planner Jay Nielson stated that a conditional use could be added or an interpretation of the code similar to the drive-in could be used. Mr. Nielson stated that it would be safer to add some type of commercial entertainment to the code. M. Kent Larsen asked how many acres are required for this type of facility. Mr. McKay stated that there is 9 to 10 acres for sale, which is more than sufficient. Mr. McKay stated that it depends on the size of building and the ability to move traffic and buses. Mr. Larsen asked if Mr. McKay has access to enough acreage to accomplish this task. Mr. McKay stated that he was told by the real estate agent that there was about 18 acres for sale. Mr. Egbert asked about what type of experience Mr. McKay has. Mr. McKay stated that he ran a show in Arkansas until 1986. Mr. McKay stated that he and his wife perform at the American West Heritage Center while guests eat dinner. Mr. McKay stated that this type of facility is capable of generating a lot of money and traffic. Mr. McKay stated that in the off season, the community would be able to utilize the theatre. Mr. McKay stated that this type of project does have potential. Mr. Spence asked what Mr. McKay's plans were. Mr. McKay stated that he is in the general and exploratory stage. Mr. Spence stated that he believes this type of facility fits the purpose of the ordinance, and that the ordinance may have to be modified some. Mr. Nielson stated that the door is opened as far as what is known. As the Planning Commission learns more based on further information, if the project doesn't fit, the ordinance may need to be modified. Mr. Spence stated that the project looks and sounds good, and asked that Mr. McKay return with a plan. Mr. McKay thanked the Planning Commission for their time.

The Planning Commission held a workshop, then considered making a recommendation to the City Council to amend the City Code to clarify a conflict in the code 10-6C-3 and 10-11-16-A as it relates to Multi-Family dwellings. Paul Egbert stated that he reviewed the proposed code and that City Planner Jay Nielson did a fine job. Mr. Egbert asked that on page 2, paragraph C, that "permitted use" be changed to "non-conforming use". City Planner Jay Nielson stated that the use would be permitted because it was established before the City code was. Don Hartle asked if Lamar Wright's home should be added to the code because it has had multiple families living in it at the same time for a number of years. Brian Pattee stated that if the use is permitted, it goes with the land, even if the ownership changes. Mr. Nielson stated that there should be some history to back this code up. Mr. Hartle stated that the first zoning to take place in Wellsville City was April 15, 1972. Mr. Hartle asked if Lamar Wright's home should be addressed separately. Mr. Egbert stated that the code should be worded as of this date; it is grandfathered in as a non-conforming use. Mr. Nielson stated that the definition of grandfathering is that it is a permitted use. Mr. Pattee suggested sending a letter to Lamar Wright's family to address the issue. Ruth P. Maughan stated that when this issue was discussed at the last Planning Commission meeting, Don Hartle stated that he had 6 possible scenarios. Mr. Hartle stated that they are possibilities, but are not being rented out at this time. Mr. Egbert stated that the code should address the Bradshaw apartments and clarify the issue with the Wright's. Mr. Egbert stated that he likes how the code was written. Mr. Pattee agreed. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to recommend to the City Council to amend the City Code to clarify a conflict in the code 10-6C-3 and 10-11-16-A as it relates to Multi-Family dwellings.

YEA 5

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

NAY 0

John Spence

The Planning Commission discussed sidewalks being required in front of a new home on an existing lot, if sidewalks are in the area. Don Hartle stated that this issue was discussed last week at City Council meeting. It was Glenna Petersen who brought up the issue. There is a new home being built on the northwest corner of 200 South 200 East. Mr. Hartle stated that the lot has been there for as long as he remembers. There is no subdivision, so Mr. Hartle gave the individual zoning clearance to build a home. There is sidewalk reasonable close to this new home. Mr. Hartle stated that he would like the input of the Planning Commission concerning this issue. Mr. Hartle stated that in the past 5 to 7 years, he guesses that there have been 80% of the sidewalks waived except for major subdivisions. Brian Pattee asked if Wellsville City collects a fee for sidewalks. Mr. Hartle stated no. Paul Egbert stated that they need to figure a way to capture those improvements because they are lost opportunities for Wellsville City. Mr. Hartle stated that he will not make a determination concerning the sidewalk. The individual will have to come before the Planning Commission and the City Council for approval of the home. Mr. Hartle stated that improvement districts have been discussed in the past. John Spence stated that there is an issue with moving the elementary school to Willow Valley Middle School, and there are no sidewalks around for the children to walk on. Mr. Egbert stated that Glenna Petersen has inventoried all of the sidewalks. There needs to be an organized method to improving and installing sidewalks. Mr. Egbert stated that monies in a fund for sidewalks will not sit long because there are unlimited places to spend it. Mr. Egbert stated that he is not sure of the legalities concerning charging a citizen twice for sidewalks. Mr. Egbert doesn't want to see Wellsville City fall further behind with sidewalks. Mr. Hartle stated that the Planning Commission and City Council will review every plan that comes to Wellsville City. Mr. Egbert stated that the citizen can pay now for the installation of sidewalks in front of the home, or pay a set fee. Ruth P. Maughan stated that she doesn't think a sidewalk fund is a good idea. The sidewalk should be installed when the home is built or not. Ms. Maughan stated that the Planning Commission and City Council will have to determine when a home is being built on an existing lot and a sidewalk is already in place, the sidewalk should be installed as the home is built. Mr. Egbert stated that a sidewalk improves a lot and increases public use. Mr. Spence asked about the side of the street that requires sidewalk, but the other side doesn't. Mr. Hartle stated that sidewalk is only required on one side of the street. Mr. Egbert asked if the cross sections require it to have sidewalk on both sides. Mr. Hartle stated no. Mr. Hartle stated that all major subdivisions only have sidewalk on 1 side of the road. Ms. Maughan stated that it is too late to require sidewalk on the lot that is being discussed. Ms. Maughan stated that if sidewalk would have been required, the drop off is quite steep. Mr. Pattee stated that when a sidewalk is completed, Wellsville City owns that sidewalk and everything that happens on it. Mr. Pattee stated that sidewalks would require inspections and follow up. Mr. Hartle stated that on an approved subdivision, City Engineer Chris Breinholt does the inspections. On an individual lot, the building, water, and sewer are all that is inspected. Mr. Nielson stated that it is difficult to see when there is an existing lot and sidewalk is on either side of the lot, that sidewalk isn't required. Mr. Nielson stated that there should be a policy that if installing sidewalk can be attached to existing sidewalk, then sidewalk is required. Mr. Pattee stated that he agrees with that concept. Mr. Pattee doesn't agree with having bits and pieces of sidewalk all over Wellsville City. Mr. Hartle stated that when an issue like this is put on the agenda, the members of the Planning Commission and City Council need to review the area. Mr. Hartle asked if the Planning Commission would require sidewalk both along the frontage of the property and the side yard of the property on the lot that is being discussed. Mr. Egbert stated yes. Mr. Pattee stated that it is reasonable. Mr. Hartle suggested that the Planning Commission review the lot in question and continue this discussion in 2 weeks. Mr. Egbert stated that there would have to be exceptions for extreme circumstances. Mr. Spence stated that years ago, he was not sold on sidewalks. As he watches his grandchildren, he now believes in sidewalks and it needs to start somewhere. City Planner Jay Nielson stated that a thoughtful effort needs to be put in to identify from point A to point B, and how to get there safely. Mr. Hartle stated that Glenna Petersen did apply for a UDOT sidewalk grant, and Wellsville City did receive it. There will be sidewalks installed this fall. After discussion, Brian Pattee made a motion, seconded by Paul Egbert, to continue this discussion.

YEA 5
Paul Egbert
M. Kent Larsen
Ruth P. Maughan
Brian Pattee
John Spence

NAY 0

At 7:02 p.m., M. Kent Larsen made a motion, seconded by Paul Egbert, to adjourn the meeting.

YEA 5

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

NAY 0

John Spence
Chairman