

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, October 22, 2014, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairwoman Ruth P. Maughan, Chris Clark, Brian Pattee, Paul Egbert, and Jerald Leishman. Also present were City Manager/Recorder Don Hartle 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 October 17, 2014. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

<u>Others Present:</u>	Jennifer Leishman	Kathryn Broughton	Suzanne Parker
	Clair Gunnell	Paulette Gunnell	Keri Pattee
	Kent Bankhead	Elizabeth Davis	Wesley Davis
	Robyn Bankhead	Phil Bankhead	Patty Bankhead
	Evan Bankhead	Laird Hartman	Karma Leatham
	Jonathan Cook	Scott Gary	

Opening Ceremony: Paul Egbert

Ruth P. Maughan reviewed the agenda with the Commission. Item #7, Consider for approval the preliminary plat for the Murray Creek Subdivision, consisting of a total of 2 lots on property at 88 West 500 South has been removed. After discussion, Chris Clark made a motion, seconded by Brian Pattee, that the agenda be approved with the change.

<u>YEA 5</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	
Ruth P. Maughan	
Brian Pattee	

The Commission reviewed the minutes for the Commission meeting which was held October 8, 2014. There was a word change on line 63. After review, Jerald Leishman made a motion, seconded by Paul Egbert, to approve the minutes of the October 8, 2014 meeting with the change.

<u>YEA 5</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	
Ruth P. Maughan	
Brian Pattee	

At 6:05 p.m., the Planning Commission conducted a public hearing to receive public input, then consider making a recommendation to the City Council on a request from Mark and Kathryn Broughton that the code and Land Use map be amended to allow their property at 185 East 800 South to be rezoned from RA-1 to R-1-12. Kathryn Broughton stated that she would like to ask that the code and the Land Use map be amended to allow their property at 185 East 800 South to be rezoned from RA-1 to R-1-12. A discussion was held to clarify the boundary lines. Wesley Davis stated that his home is across the street from the pasture. He stated that spot zoning comes to mind concerning this request. Mr. Davis stated that he hates to see the property rezoned, and stated that he is against it. Ruth P. Maughan stated that City Planner Jay Nielson has researched spot zoning. Ms. Maughan read from the comments of Mr. Nielson concerning spot zoning. Robyn Bankhead asked if the property is contiguous, does the rezone happen automatically without being approved. Brian Pattee stated that the letter that the Planning Commission received from City Planner Jay Nielson stated that the property doesn't have to be contiguous to be rezoned, but property is not automatically rezoned because it is contiguous. Paul Egbert stated that a rezone doesn't happen automatically because the property is not contiguous, but it does help if the property is contiguous. Mr. Egbert stated that the General Plan identifies this property as R-1-12, which helps support the idea of rezoning the property. Ms. Bankhead stated that she has many concerns about rezoning the property, such as sewer, a domino effect of other properties, and the commercial area not getting any bigger. Ms. Bankhead stated

that the business in the area is already using residential property as commercial property. The business was allowed 5 trailers, and they have 20 to 25 trailers on the property. There was to be no repairs done along the roadside, yet it is happening. The conditions of the business are not being enforced now. Ms. Bankhead stated that she is also concerned about safety in the area. Phil Bankhead stated that this situation could all be avoided if Mr. and Mrs. Broughton stayed. Phil Bankhead asked about the sewer, a pump station in the area, and who will be responsible for payment of it. Mr. Egbert stated that if the property is rezoned and subdivided, the sewer would be required. Don Hartle stated that Wellsville City could force Wesley Davis to connect now to the sewer because his property line is within 300 feet of the sewer. Phil Bankhead asked if Wellsville City would pay for the pump station. Ms. Maughan stated that Wellsville City wouldn't pay for the pump station. It would be an expense to the developer. Kent Bankhead stated that because of the situation, a developer will not touch this property because of the expense. Kent Bankhead stated that he is support of amending the code and Land Use map if it will help Mr. and Mrs. Broughton. Clair Gunnell stated that his property adjoins Mr. and Mrs. Broughton to the north. Mr. Gunnell stated that his was the first home built in the area, and had to beg for property to have the 1 acre to build. This is before zoning was established. Wellsville City is a rural type of atmosphere. Mr. Gunnell stated that water has been an issue in the area, and he has had water in his basement. He doesn't want water in his basement again, and asked that the request to rezone the property be denied. Keri Pattee stated that the area is made up of large lots and open space, which all those who live in the area have. There is a potential for 3 lots if the rezone is approved. The rezone will have a negative impact on the neighboring properties. Ms. Pattee stated that she is against this rezone.

At 6:50 p.m., the public hearing was closed.

Paul Egbert stated that change is hard, uncomfortable, and painful to neighbors. There have been some good points to this discussion. The sewer will be an expense. Mr. Egbert stated that he would like some more clarification concerning the sewer plans in the area. Don Hartle stated that if the property is sold and subdivided, the sewer would be addressed on the plat. Mr. Hartle stated that last summer, there were 17 homes along Center Street that were required to connect to the sewer. Jerald Leishman stated that because of the concerns expressed during the discussion, he doesn't support the idea of rezoning the property. Brian Pattee stated that he is not a fan of small lots. Mr. Pattee has never supported the R-1-12 zone. Mr. Pattee read from the General Plan. This rezone meets the requirements in the General Plan, but a majority of the neighbors are not in favor of it. Chris Clark stated that because of what has been said, he is against the rezone. Mr. Egbert stated that the bulk of the block is R-1-12 now. Mr. Egbert is a fan of big lots. He is also concerned about personal property rights. Mr. Egbert would like to see the sewer more thoroughly validated. Ruth P. Maughan stated that the sewer is a big issue. It seems that the rezone is now creating a problem for everyone in the neighborhood. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to recommend to the City Council on a request from Mark and Kathryn Broughton that the code and Land Use map be amended to allow their property at 185 East 800 South to be rezoned from RA-1 to R-1-12 not be approved.

YEA 5
Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

NAY 0

The Planning Commission reviewed to make a recommendation to the City Council on the revised “Affordable Housing Plan”. Ruth P. Maughan asked if there were any additional comments. Don Hartle stated that the issues that are circled are changes that have been recommended and changes made by City Planner Jay Nielson. After discussion, Jerald Leishman made a motion, seconded by Paul Egbert, to recommend to the City Council approval of the “Moderate Income Housing Plan”.

YEA 5

NAY 0

Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

Don Hartle stated that Tom Bunn has made an application to the Board of Adjustments concerning the shop/garage. The meeting will take place on November 4, 2014 at 6:00 p.m.

Ruth P. Maughan asked about the status of South Valley RV. A discussion was held. It was determined to be added to the agenda for December 10, 2014.

Ruth P. Maughan stated that Maughanconcrete has another trailer parked on the City right-of-way. Don Hartle stated that they were allowed to park a trailer on the property behind the home. Ms. Maughan asked that Wellsville City keep an eye on this situation.

Ruth P. Maughan stated that along 200 West, just south of her home, is a motor/generator that is on the City right-of-way. Ms. Maughan asked if it could be moved. Don Hartle will review the issue.

Ruth P. Maughan asked about the diesel truck parked at the tabernacle. Don Hartle stated that it is broke down. Paul Egbert suggested giving the driver a time frame to have it removed or it will be towed away at his expense.

Ruth P. Maughan asked about the trucks and trailers that are parked on Center Street at 400 South. Don Hartle stated that they are parked on private property.

Paul Egbert stated that the Planning Commission has had several discussions concerning the setback rule. Mr. Egbert asked if the Planning Commission would like to act on creating a code. Ruth P. Maughan asked Mr. Egbert to author the code.

At 7:17 p.m., Brian Pattee made a motion, seconded by Chris Clark, to adjourn the meeting.

YEA 5

NAY 0

Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

Ruth P. Maughan
Chairperson