

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, November 12, 2014, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairwoman Ruth P. Maughan, Chris Clark, Brian Pattee, and Jerald Leishman. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, Councilmen Carl Leatham, and Perry Maughan. A copy of the Notice and Agenda was posted, faxed and emailed to the Herald Journal, and mailed to the Planning Commission on November 7, 2014. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

<u>Others Present:</u>	Jennifer Leishman	Carolee Hammel	Tom Bunn
	Mark Broughton	Robyn Bankhead	Elizabeth Davis
	Clair Gunnell	Paulette Gunnell	Jonathan Cook

Opening Ceremony: Ruth P. Maughan

Ruth P. Maughan reviewed the agenda with the Commission. After discussion, Brian Pattee made a motion, seconded by Jerald Leishman, that the agenda be approved as presented.

<u>YEA 4</u>	<u>NAY 0</u>
Chris Clark	
Jerald Leishman	
Ruth P. Maughan	
Brian Pattee	

The Commission reviewed the minutes for the Commission meeting which was held October 22, 2014. After review, Jerald Leishman made a motion, seconded by Brian Pattee, to approve the minutes of the October 22, 2014 meeting as presented.

<u>YEA 4</u>	<u>NAY 0</u>
Chris Clark	
Jerald Leishman	
Ruth P. Maughan	
Brian Pattee	

Planning Commission member Paul Egbert arrived at the meeting at 6:06 p.m.

The Planning Commission considered for approval the preliminary plat for the Murray Creek Subdivision, consisting of a total of 2 lots on property at 88 West 500 South. Ruth P. Maughan asked if the corrections were made that was requested at the previous meeting. Don Hartle stated yes. Brian Pattee stated that he wasn't in attendance to the meeting when this subdivision was discussed. Ms. Maughan reviewed the corrections that were requested. Ms. Maughan asked about the use of the shop/garage as a home. Mr. Hartle stated that as application was made to the Board of Adjustments. The Board of Adjustments met, and is waiting for an interpretation of the code from City Attorney Bruce Jorgensen. The Board of Adjustments doesn't believe they have the authority to declare a building a home. Paul Egbert asked if the driveway on the east side is ownership or an easement. Carolee Hammel stated that it is ownership. Mr. Egbert stated that the subdivision code states adequate public utilities such as water and sewer. Mr. Egbert asked how the utilities for the shop/garage will be taken care of. Ms. Hammel stated that the water line has been run back to the shop/garage. The shop/garage will need to connect to the sewer. Mr. Egbert stated that the code says that the improvements will be made at the time of the subdivision. Mr. Hartle stated that the City Council has the authority to have the property owner obtain cost estimates and bond for the improvements. Mr. Egbert asked if the final plat will show a plan of where the improvements will be installed. Mr. Hartle stated correct. Mr. Egbert stated that the address for the new lot is past the access of the new lot. It is about 22 West 500 South. Brian Pattee asked who assigns addresses. Mr. Hartle explained how addresses are assigned. The address is determined by the middle of the garage of the home. With this building, there is no garage. Mr. Egbert stated that the address should be identified based on the driveway. Mr. Hartle stated that he has no problem with changing the address. Ms. Maughan asked if the neighbors use the same driveway. Ms. Hammel stated that the neighbors' driveway is to the west about

25 feet. Mr. Pattee asked if the shop/garage currently has water. Ms. Hammel stated that it doesn't have water yet, but the pipe for water is there. Mr. Egbert stated that the right-of-way shows about 15 ½' wide at the narrowest point. Carl Leatham stated that the existing home is connected to sewer, and asked if another line is stubbed for the shop/garage for sewer. Ms. Hammel stated no. Mr. Leatham stated that 2 neighbors can't share a water or sewer line and 2 homes can't share a connection to water or sewer. Mr. Pattee stated that the utilities to the shop/garage need to be shown on the plat. Mr. Egbert stated that the proposed water and sewer lines need to be shown. The address to the shop/garage also needs to be changed. Mr. Egbert asked about fire access. Ms. Hammel stated that the existing home has a circular driveway for fire access, and asked if the shop/garage needs a circular driveway also. Mr. Hartle stated that because of the slope of the property, he doesn't know if there is enough room for a circular driveway. After discussion, Brian Pattee made a motion, seconded by Paul Egbert, to approve the preliminary plat for the Murray Creek Subdivision, consisting of a total of 2 lots on property at 88 West 500 South with the added changes that have been requested.

YEA 5

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

NAY 0

The Planning Commission reconsidered their previous decision made to the City Council regarding the request made by Mark and Kathryn Broughton that their property at 185 East 800 South be rezoned from RA-1 to R-1-12. Ruth P. Maughan stated that when this issue was discussed, the Planning Commission may have been swayed by what the neighbors had to say about this issue. Ms. Maughan reminded the Planning Commission that their job is to make a decision with what is best for the City in mind. Carl Leatham stated that the reason the City Council returned this issue to the Planning Commission was that they needed to base their decision on the City code, and not get caught up in the emotion of the situation. The denial is not the issue; it is basing the decision off of the City code. If this issue is denied, it should be based on the fact that it doesn't fit the general plan or because of sewer issues, but not because of neighbor comments. Paul Egbert stated that he reviewed the code. Mr. Egbert read from Chapter 11-1-2B. Mr. Egbert stated that his concern is that there hasn't been any work completed for the proper provisions concerning the sewer. Mr. Egbert also read from Chapter 11-1-3I concerning the sewer. Chapter 11-1-3N discusses a premature subdivision, which Mr. Egbert believes that this is. Mr. Egbert stated that Chapter 11-1-3L discussed market demand, which Mr. Egbert feels there is no market demand because of the sewer. Brian Pattee stated that his main concern is spot zoning. Mr. Pattee stated that spot zoning is legal, but he doesn't believe that residential spot zoning is not the right way to further Wellsville City. Mr. Pattee stated that Wellsville City has set a precedence concerning rezoning property. The property should border the same zone or it is in the General Plan. Mr. Pattee stated that in order to be fair to Mr. Broughton, even if the property is rezoned, there are other issues that would have to be dealt with. City Planner Jay Nielson stated that rezoning is to be discretion. A denial can be because of timing or public services. But be very careful not to suggest denial because of spot zoning. That argument will not hold up if the issue is taken to court. After discussion, Paul Egbert made a motion, seconded by Chris Clark, to confirm the previous decision made by the Planning Commission to not rezone the property based on lack of services, i.e., sewer.

YEA 5

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

NAY 0

The Planning Commission considered for approval a lot line adjustment made by Annette J Smith that property she owns at 120 West 400 South and identified by County tax identification numbers 10-029-0003 and 10-029-0024, be consolidated into one lot. Don Hartle stated that the contractor the Ms. Smith came in to obtain a zoning clearance for a garage that is being built on the west side of Ms. Smith's home. There is not adequate side yard for the garage. Ms. Smith owns both parcels of property. After discussion, Jerald Leishman made a motion, seconded by Brian Pattee, to approve a lot line adjustment made by Annette J Smith that property she owns at 120 West 400 South and identified by County tax identification numbers 10-029-0003 and 10-029-0024, be consolidated into one lot.

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

NAY 0

The Planning Commission continued with workshop with City Planner Jay Nielson on the complete rewriting of the Land Use Code. They are working on Article IV – 10.15 through 10.18.

At 8:15 p.m., Jerald Leishman made a motion, seconded by Paul Egbert, to adjourn the meeting.

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

NAY 0

Ruth P. Maughan
Chairperson