

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, February 11, 2015, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman pro-tem Paul Egbert, Chris Clark, Jerald Leishman, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, 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 February 6, 2015. The meeting was called to order at 6:00 p.m. by Chairman Pro-tem Paul Egbert.

<u>Others Present:</u>	Jennifer Leishman	Jaimilyn Anderton	Jeff Jackson
	Brian Webster	Melissa Webster	Kris Line
	Garity Line	Brian Chambers	Fred Brasfield
	Jane Brasfield	Chris Breinholt	Josh Breinholt
	Jonathan Cook		

Opening Ceremony: Jerald Leishman

Planning Commission member Ruth P. Maughan was excused from this meeting.

Paul Egbert 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	
Paul Egbert	
Jerald Leishman	
Brian Pattee	

The Commission reviewed the minutes for the Commission meeting which was held January 28, 2015. There was a word change on line 40. After review, Chris Clark made a motion, seconded by Brian Pattee, to approve the minutes of the January 28, 2015 meeting as with the change.

<u>YEA 4</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	
Brian Pattee	

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

First, receive public input, then consider for approval a request from Jaimilyn Anderton for a conditional use for a Level 1 "Home Occupation" for a nail technician out of her home at 1565 South 150 West. Ms. Anderton stated that she does nails out of her home. The client does come to her home. There will be 1 client at a time. Ms. Anderton does have a professional license to do nails. Ms. Anderton stated that there is a separate entrance from the outside of her home to her salon. Chris Clark asked about signage. Ms. Anderton stated that there would be no signs.

At 6:06 p.m., the public hearing was closed.

After discussion, Brian Pattee made a motion, seconded by Jerald Leishman, to approve a request from Jaimilyn Anderton for a conditional use for a Level 1 "Home Occupation" for a nail technician out of her home at 1565 South 150 West.

<u>YEA 4</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	
Brian Pattee	

Second, receive public input, then consider for approval a Concept Plan for the Cooper Ridge Subdivision, consisting of a total of 13 lots (12 additional building lots) on property on the west side of Center Street from approximately 1335 South to 1419 South. Jeff Jackson introduced himself as one of the partners of Mount Sterling Custom Homes and Visionary Homes. Mr. Jackson stated that he is here representing Dale and Linda Cooper. Mr. Jackson stated that he understands that the Concept Plan is in very rough form. Mr. Jackson has received a copy of the comments made by City Planner Jay Nielson, and Mr. Jackson echoes what City Engineer Chris Breinholt says in his comments. Mr. Jackson would like to have an open discussion concerning this property. Don Hartle asked if Mr. Jackson received a copy of the Mr. Breinholt's comments. Mr. Jackson stated yes. Mr. Hartle stated that the Planning Commission is just receiving Mr. Nielson's comments now. Mr. Jackson reviewed the Concept Plan with the public. Mr. Jackson stated that one of the challenges is the required size of the street. Mr. Jackson stated that he struggles with the required size of 99 feet. The ordinance gives some flexibility. Mr. Jackson stated that a cul-de-sac would fit much nicer on this property. Mr. Hartle stated that is a decision that the City Council makes. Mr. Jackson asked if the Planning Commission can recommend a cul-de-sac to the City Council. Mr. Hartle stated yes. Mr. Jackson stated that they are will to work with Wellsville City concerning open space and using the "cash in lieu" option. Mr. Jackson stated that drainage is a huge concern. It is their full intension to address the drainage, but can't decide on the drainage issue until there is a decision on the road. Paul Egbert stated that there are challenges of piping 300 feet of canal. Mr. Jackson stated that their preference is to not pipe the canal at all. Jerald Leishman stated that when water comes down in this area, there is a lot that comes down. Mr. Egbert stated that in his experience, which he works for UDOT, there should be minimal impact when crossing a waterway. There is a large risk when covering a waterway. Covering this waterway could go from a state permit to a federal permit because of the length and the higher risk. Mr. Leishman asked where the flood plain comes through this area. Mr. Jackson stated that he didn't know. Mr. Egbert went to the internet and retrieved what is posted as the flood plain in the area, and it is a large area. Mr. Jackson reviewed the picture, and stated that it is about 50 feet on each side of the canal. Mr. Jackson stated that if they are allowed to move forward, a study will be conducted concerning the flood plain. Brian Pattee stated that 99-foot right-of-way is very consistent in Wellsville City. Mr. Pattee asked if Wellsville City allowed cul-de-sacs. Mr. Hartle stated that cul-de-sacs are allowed on a very rare basis. City Planner Jay Nielson stated that there are 2 things in his report that should be a major part of this discussion. The first issue is the allowed density. This property is in the RA-1 zone, so there should only be 11 lots allowed in the 12.4 acres. The sensitive lands should be taken out of the equation to calculate the number of lots allowed. The usable developable land is what should be used in the equation. The second issue is the open space, which Mr. Jackson described as using the "cash in lieu" option, which would work fine. Mr. Nielson stated that the sensitive lands are a very important part of the Concept Plan, which is missing. Mr. Jackson asked if the sensitive lands could be open space. Mr. Nielson state yes. Mr. Jackson asked if the open space could be privately owned. Mr. Nielson stated yes. Mr. Egbert stated that part of the open space needs to be usable open space. Mr. Nielson stated that is correct. Mr. Nielson stated that because Mr. Jackson is considering the "cash in lieu", it is not much of a factor. Mr. Jackson read from the code concerning streets. There are some properties that don't conform to the 99-foot right-of-way. The 99-foot right-of-was is a tradition, but the Planning Commission has the ability to recommend something different. Mr. Jackson asked if a road to nowhere really needs to be 99 feet. Mr. Jackson read from the code concerning cul-de-sacs. They are not allowed, but can be recommended by the Planning Commission. This is an issue that this ordinance would apply to. Kris Line stated that he lives at 1400 South Center Street. Mr. Line stated that he is concerned about the undue hardship that the road to this subdivision would create. The road would come right to his front door. If a person should lose control, the vehicle would end up in his front yard at his front door. Mr. Line stated that Dale Cooper should be allowed to do what he wants with his property, but it should be done within the laws and code of the Wellsville City. Mr. Line stated that if Wellsville City keeps making exceptions and overlooking issues, it will devalue land and impact other land owners. Mr. Line stated that there has been flooding in this area the last 2 years. Mr. Line asked what studies have been completed and what engineering firms have reviewed this plan. Mr. Line stated that this will set precedence and other land owners will want to do the same thing. City Engineer Chris Breinholt stated that he would recommend that the channel remain opened and not piped. The channel collects a lot of storm water and is used for drainage. Fred Brasfield stated that drainage in the area is a big deal. Because of road issues, he has had water in his basement the last 2 years. The drainage issues are a result of poor planning. Mr. Brasfield stated that roofs and roads are all collectors. Melissa Webster stated that the road for the proposed subdivision is next to a third parking spot for the existing

home. Ms. Webster asked if the road is 20 feet from the property line of the existing home. Mr. Jackson stated that the road is 20 feet for the property line of the existing home. Mr. Jackson stated that he miscalculated the number of lots. Mr. Jackson stated that installing that much road, all of the revenue would be used for infrastructure. Mr. Hartle suggested not changing anything until Mr. Jackson meets with the City Council next week. Brian Pattee asked if the Concept Plan has to be approved before it goes before the City Council. Mr. Hartle stated that the problem is time. Mr. Hartle has advertised the public hearing for the City Council so that they didn't lose 2 weeks. Mr. Hartle stated that he will submit a notice that the public hearing for the City Council has been canceled. Garity Line stated that her concern is with increased population, the infrastructure should be more in-line with a rural road. Ms. Line stated that she would like to see the water way remain opened and not piped because piping it would be a safety hazard for children.

At 6:52 p.m., the public hearing was closed.

Brian Pattee stated that he has some concerns with the road and cul-de-sac. The road to the north is a dead end, which is essentially a cul-de-sac. Mr. Pattee stated that he is not opposed to exemptions because the code allows them as long as they are done correctly. The issues from Mr. Breinholt need to be addressed. The channel can be piped, but it will be outrageously expensive if done correctly and safely. Don Hartle stated that Wellsville City is working on a backup source of water for the Mount Sterling area. Currently, the only water source is from the springs. Wellsville City is considering several alternatives. Mr. Pattee asked if there will be sidewalk along Center Street. Mr. Hartle stated that the City Council will make that determination. The City Council can waive the sidewalk requirement. Mr. Pattee stated that the Concept Plan shouldn't be approved as is. Paul Egbert asked about the cul-de-sac. Jeff Jackson stated that there would be 2 lots on the north, and then the cul-de-sac would be to the south. The ravine would be left as open space onsite. Mr. Egbert stated that Wellsville City could allow the cul-de-sac to protect the ravine. Mr. Hartle recommended tabling this issue and canceling the public hearing for the City Council. Mr. Hartle stated that Mr. Jackson shouldn't go to any more additional engineering costs until decisions have been made. City Planner Jay Nielson stated that Mr. Jackson should do enough to show a plan, and it is convincing that it will work. The plan should also show retaining the drainage way. The plan should be given to the Planning Commission and the City Council. The plan should weigh out the difficulties and benefits of retaining the water way. Mr. Hartle stated that Wellsville City has 4 or 5 cul-de-sacs. Mr. Hartle stated that 99% of the complaints about snow removal come from cul-de-sacs. Mr. Pattee stated that if the cul-de-sac is done correctly, there should be no issues. Mr. Pattee stated that these are 1 acre and bigger lots. Mr. Nielson stated that another option which may be more workable is to reduce the standard cross-section to avoid drainage issues and a cul-de-sac. Mr. Pattee is concerned that if the cross-section is reduced, it will have to be reduced for all. Mr. Nielson stated that there is no such thing as zoning precedence. The Planning Commission makes decisions for the best of Wellsville City. Mr. Egbert stated that the Concept Plan should be laid out, what the give and takes are, and enough information that a decision can be made. Mr. Jackson stated that he is willing to do it if they are willing to listen. Mr. Pattee stated that there are some things that are missing for this Concept Plan. Mr. Jackson stated that he will prepare 2 plans. There will be a plan with a cul-de-sac, and a plan with small cross-sections. City Engineer Chris Breinholt stated that the drainage should be left open because there is no curb and gutter. Mr. Pattee stated that allow curb and gutter so that the contractor can direct the water. Mr. Egbert stated that there are pros and cons to both. Mr. Egbert asked why some subdivisions have curb and gutter and some don't. Mr. Hartle stated that curb and gutter was part of the code when those subdivisions were built. Mr. Hartle stated that curb and gutter is not part of the current code. After discussion, Brian Pattee made a motion, seconded by Jerald Leishman, to continue this discussion at a later Planning Commission meeting.

**YEA 4**

Chris Clark

Paul Egbert

Jerald Leishman

Brian Pattee

**NAY 0**

Don Hartle handed out a copy of the letter dated January 28, 2015 that was sent to the American West Heritage Center concerning signage. Don Hartle and City Planner Jay Nielson will set up a time to meet with them concerning this issue.

City Planner Jay Nielson conducted a workshop on Chapters 10.31, 10.34, and 10.35 of the proposed new Land Use code.

At 8:57 p.m., Brian Pattee made a motion, seconded by Jerald Leishman, to adjourn the meeting.

**YEA 4**

Chris Clark

Paul Egbert

Jerald Leishman

Brian Pattee

**NAY 0**

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Paul Egbert

Chairperson Pro-term