

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, July 8, 2015, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairwoman Ruth P. Maughan, Chris Clark, Paul Egbert, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, Mayor Thomas G. Bailey, 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 July 2, 2015. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

Others Present: Jennifer Leishman Marcene Parker Zan Sharp
Jason Lundahl Scott Gary Rick Stednitz
Cindy Stednitz Jonathan Cook

Opening Ceremony: Paul Egbert

Ruth P. Maughan reviewed the agenda with the Commission. Don Hartle added a discussion concerning Maverik. After discussion, Brian Pattee made a motion, seconded by Paul Egbert, that the agenda be approved with the addition.

YEA 4 NAY 0
Chris Clark
Paul Egbert
Ruth P. Maughan
Brian Pattee

The Commission reviewed the minutes for the Commission meeting which was held June 24, 2015. There was a word change on line 37. After review, Paul Egbert made a motion, seconded by Chris Clark, to approve the minutes of the June 24, 2015 meeting with the change.

YEA 4 NAY 0
Chris Clark
Paul Egbert
Ruth P. Maughan
Brian Pattee

Mayor Thomas G. Bailey met with the Planning Commission to appoint a new Planning Commissioner. Mayor Bailey thanked the Planning Commission for all of their work and serving on the Planning Commission. It is very much appreciated. Mayor Bailey stated that Jerald Leishman has resigned. Mayor Bailey thanked Mr. Leishman for the time that he served on the Planning Commission. Mayor Bailey stated that with the approval of the City Council, he has asked Marcene Parker to serve as a Planning Commissioner. Mayor Bailey stated that Ms. Parker has a wealth of knowledge of Wellsville City, and has served on the Planning Commission and the City Council. Mayor Bailey stated that he appreciates Ms. Parker's willingness to serve. The Planning Commission welcomed Marcene Parker. Ruth P. Maughan thanked Mayor Bailey to attending.

The Planning Commission reviewed 10-9D-5 of the Wellsville City code for clarification. Ruth P. Maughan stated that the yards in feet table for the front, side, and rear yards needs clarification. Ms. Maughan read the table from 10-9D-5. It states: Front; None, except when abutting an R zone, then 25 feet. Side; None, except when abutting an R zone, then 10 and 20 feet when abutting a street, Rear; None, except when abutting an R zone, then 10 feet. Paul Egbert stated that the front and rear setbacks are understood. It is the side yard that is in question. Mr. Egbert stated that he understands it as no setbacks at all, then if it is next to an R zone, it is 10 feet, and if it is next to a street, it is 20 feet. Zan Sharp stated that there is some confusion. Mr. Sharp read from the Planning Commission meeting minutes of May 13, 2015. Mr. Sharp stated that it is the north side of the property that is in question. Jason Lundahl stated that he reads it as there are no side yard setbacks, and when it abuts to an R zone, then the two items apply. Mr. Sharp stated that his property doesn't abut to an R zone. Brian Pattee stated that he agrees with Mr. Lundahl. Mr. Egbert stated that there are two numbers, and asked what those two numbers are associated with. Mr.

Lundahl stated that the 10 feet is associated with an R zone, and the 20 feet is associated with a street. City Planner Jay Nielson suggested that the Planning Commission interpret the front, side, and rear yard setbacks so that it is clear. Mr. Nielson stated that there are 2 choices. The first choice is to interpret the code as it is written, and the second choice is to change the text, which would require a code amendment. Mr. Egbert stated that the prior code, 10-9C-5, and the following code, 10-9E-5, don't seem to pose a question. Ms. Maughan stated that it looks like it is a typo. Mr. Egbert stated that the intent is to protect the frontage on the street. Mr. Pattee asked what the new code with the new table says. Mr. Nielson stated that because the Planning Commission is considering the code, Mr. Sharp has the option to adhere to the new or old code, but it is his choice. Mr. Nielson stated that the table in the new code shows the side yard is 5 feet, but the parking setback is 30 feet. Mr. Nielson stated that the table in the new code shows corner lots are 15 to 25 feet. Mr. Egbert stated that in this location, the new code shows between 5 and 25 feet. Mr. Pattee stated that he doesn't like 0 feet setbacks, but isn't fond of 20-foot setbacks either. Mr. Pattee stated that the new code gives more flexibility. Mr. Lundahl stated that there is also a 99-foot right-of-way for the road. Mr. Egbert stated that he agrees with Mr. Pattee in the fact that he doesn't like 0 feet setbacks, but isn't fond of 20-foot setbacks either. Marcene Parker suggested 10 feet for the side yard setback. Mr. Nielson stated that Mr. Sharp can use the new code, but there does need to be some interpretation of the old code. Mr. Egbert asked if Mr. Sharp could use bits and pieces of the new code. Mr. Nielson stated that he isn't sure, and would have to look into that option. Mr. Egbert stated that he interprets the old code as the side yard being 10 feet with abutting an R zone, and 20 feet when abutting a street. Mr. Pattee stated that the way he interprets is 0 feet for side yard, except when abutting an R zone or a street. Chris Clark stated that he likes the way the new code reads. Mr. Clark agrees with Mr. Pattee. Mr. Egbert asked how much of a side yard Mr. Sharp could give. Mr. Lundahl replied 10 to 12 feet. Ms. Maughan stated that the way the code reads, it sounds like there is an option to decide which amount to use. Ms. Parker agrees that a 20-foot side yard is too much, and is inclined to go with 10 feet. Mr. Egbert stated that next to an R zone, there needs to be 10 to 20 feet, but next to the 99-foot right-of-way, he wonders if an additional 10 or 20 feet is needed. There should be a buffer between public property and the public street. After discussion, Paul Egbert made a motion, to interpret the setback for the side yard of the Wellsville City code 10-9D-5 as 20 feet for the C3 zone. This motion died for a lack of second. After discussion, Brian Pattee made a motion, seconded by Chris Clark, to interpret the setback for the side yard of the Wellsville City code 10-9D-5 as 0 feet, except when abutting an R zone, which the 10 and 20 feet refer to the R zone. This motion didn't pass. Mr. Egbert asked about the new code. Mr. Nielson stated that the Planning Commission can't make the decision to use the new code. Mr. Nielson advised that the whole section applies. Mr. Egbert stated that the current code could be modified. Mr. Nielson stated that modifying the code won't hold up because there is a pending application. Ms. Maughan stated that she agrees with Mr. Nielson. Don Hartle asked what Mr. Nielson's interpretation of the code is. Mr. Nielson stated that he gave his recommendation to the Planning Commission. Mr. Nielson is concerned that he and the Planning Commission aren't in agreement, and this is ultimately the decision of the Planning Commission. Mr. Nielson stated that he interprets this code the same as Mr. Pattee does. After discussion, Brian Pattee made a motion, seconded by Chris Clark, to interpret the setback for the side yard of the Wellsville City code 10-9D-5 as 0 feet, except when abutting an R zone, which the 10 and 20 feet refer to the R zone.

YEA 4

Chris Clark

Ruth P. Maughan

Marcene Parker

Brian Pattee

NAY 1

Paul Egbert

Don Hartle stated that those representing Maverik came to the office today. Mr. Hartle stated that they are waiting for the final results of the geotechnical tests on soils. The sewer line ends on the Wellcome Mart property, and Maverik has reached an agreement with Wellcome Mart to connect to the sewer line. Mr. Hartle stated that their feeling was that the project was approved by the Planning Commission, and they would like Mr. Hartle to issue them a zoning clearance. Ruth P. Maughan stated that she didn't believe that was correct. Paul Egbert stated that there was a list of conditions that were to be met. City Planner Jay Nielson stated that there should be a review of the conditions to see if they have been met. The Planning Commission reviewed the list of conditions. Mr. Nielson stated that there seems to be some items that need to be checked off before a zoning clearance is issued. Mr. Hartle asked if the Planning Commission would

authorize Mr. Nielson to sign off as the conditions are met. Ms. Maughan stated that she thinks the representatives from Maverik should appear before the Planning Commission. Mr. Nielson stated that there were items from the review of City Engineer Chris Breinholt and items from himself that need to be met. Mr. Hartle stated that the representatives from Maverik wanted the building permit. Mr. Nielson stated that as the review stands, the representatives from Maverik need to submit evidence that all of the conditions have been met in the construction drawings. Mr. Hartle stated that he may need to have the representatives from Maverik contact Mr. Nielson. Mr. Nielson agreed. Mr. Hartle stated that he would proceed on the project.

The Planning Commission held a workshop on the Land Use Code 10.61.

At 7:48 p.m., Marcene Parker made a motion, seconded by Paul Egbert, to adjourn the meeting.

YEA 5

Chris Clark
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

NAY 0

Ruth P. Maughan
Chairperson