

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, March 25, 2009 at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Russell Glenn, Jaye Colling, Carl Leatham, and Richard Rawlinson. Also present were City Manager/Recorder Don Hartle, City Councilman Ron Case, and City Planner Jay Nielson. A copy of the Notice and Agenda was faxed to the Herald Journal and mailed to the Planning Commission on March 20, 2009. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Karen Nicholes  
Dale Cooper Linda Cooper  
Chris Gibbs Jodi Gibbs  
Curtis Thompson Sharen Thompson  
Shawn Smith Mike Jensen  
Stan Rowlan Travis Taylor  
Brandon Jenks Bert Watson  
Darrell Watson Ray Bankhead  
Ty Rogers

Opening Ceremony: Dale Cooper

Loyal Green reviewed the agenda with the Commission. After review, Jaye Colling made a motion, seconded by Carl Leatham, that the agenda be approved as presented.

Yea 5 Nay 0  
Russell Glenn  
Jaye Colling  
Loyal Green  
Carl Leatham  
Richard Rawlinson

The Commission reviewed the minutes for the Commission meeting which was held on March 11, 2009. There were word changes on lines 69, 72, 78, 83, 95, 108, 170, 171, and 173. There was a sentence addition on line 184. After review, Richard Rawlinson made a motion, seconded by Russell Glenn, that the minutes of the March 11, 2009 meeting be approved with the corrections and addition.

Yea 5 Nay 0  
Russell Glenn  
Jaye Colling  
Loyal Green  
Carl Leatham  
Richard Rawlinson

At 6:05 p.m., the Planning Commission conducted the following public hearings:

First, receive public input and consider for approval a request from Bert Linn Watson at 74 West 200 South for a conditional use for a Level 1 "Home Occupation" for a full service salon from said address. Ms. Watson stated that she has turned the upstairs front room into a salon, and has built a wall so that it is private from the rest of the home. Ms. Watson stated that she does hair, nails, and facials. She doesn't have any employees at this time. Ms. Watson stated that she has 1 salon chair, 1 nail station, and 1 facial bed. The hours of operation are from 9 a.m. to 6 p.m. Ms. Watson stated that she has a cement pad in front of her 2-car garage, as well as gravel on the side of the home. Ms. Watson stated that she will schedule clients by appointment only. Richard Rawlinson asked what a full service salon was. Ms. Watson stated that she does hair, nails, and facials, but no massages. Russell Glenn asked if Ms. Watson owns the gravel parking to the west side of the driveway. Ms. Watson stated that yes that is part of her property. Loyal Green stated that Ms. Watson would have only 2 cars parked at her residence at one time. Ms. Watson stated exactly. One vehicle would be for a customer that is leaving, and another vehicle for the customer that has just arrived. After discussion, Russell Glenn made a motion, seconds by Jaye

Colling, to approve the request from Bert Linn Watson at 74 West 200 South for a conditional use for a Level 1 “Home Occupation” for a full service salon from said address.

Yea 5

Russell Glenn

Jaye Colling

Loyal Green

Carl Leatham

Richard Rawlinson

Nay 0

Second, receive public input and consider for approval the preliminary plat for the Sterling Ridge subdivision consisting of a total of 36 lots on property on the west side of Center Street from approximately 1400 South to 1600 South. Travis Taylor stated that nothing had changed since the last time he met with the Planning Commission. Mr. Taylor stated that they agreed with the City Council that they would install a 12-inch water line from Aspen Way to their subdivision on 1600 South. A future sewer line will run along 1600 South also, but the public works department would like the sewer line on one side of the road and the water line on the other side of the road. Mr. Taylor stated that on the north side of 1600 South, there are some trees that are very close to the road. Mr. Taylor stated that on the south side, he would run the water line to the entrance of the subdivision. Mr. Taylor stated that he would run the water line all the way on the north side, and would work around the area where the trees are. Don Hartle stated that Mr. Taylor could work with the property owners where the trees are because they would like a fire hydrant installed and are willing to pay to have the fire hydrant installed. Mr. Taylor stated that they are waiting for the green light on the preliminary plat, and then would dive in to work on the issues that need to be resolved. Mr. Taylor stated that they are excited to being working on the project. Mr. Hartle stated that Zan Murray representing JUB Engineering who represents Wellsville City issued a memo concerning the 100-year storm retention pond. Mr. Hartle stated that Mr. Murray had spoken with the design engineer, and suggested that JUB Engineering, Wellsville City, and Mr. Taylor’s engineer meet to discuss the issues. Mr. Hartle stated that since the subdivision code has been changed, the issues that need to be discussed were usually seen on the preliminary plat, and now they are not. Mr. Taylor stated that there are only minor issues that need to be resolved. Richard Rawlinson stated that in the past, the storm retention pond has been referred to as being a 3-year storm retention pond, and now a 100-year storm retention pond. Mr. Rawlinson stated that the Planning Commission needs to understand this issue. Mr. Taylor stated that it is detention versus retention and the rate at which the water leaves the pond. Mike Jensen representing Hansen and Associates explained that they use an equation with a storm every 100 years lasting for 24 hours, 12 hours, 6 hours, and so on. Mr. Taylor stated that the lot designated for storm water is big enough. Carl Leatham asked if the retention pond also allows for the water from the church parking lot. Mr. Jensen stated that he will work with the church concerning the storm water from the parking lot. As it gets closer, the church may decide to install a retention pond on their property. Mr. Rawlinson stated that church may not purchase the property to build a church house. Mr. Taylor stated that the church can’t purchase the property until the final plat is filed. Dale Cooper asked how big the lot is for the retention pond. Mr. Jensen stated that it is roughly 16,000 square feet. Chris Gibbs asked what is the size of the lots in the subdivision are. Mr. Taylor stated that the average size is ½ acre. Jodi Gibbs stated that there is a private road running east and west along the north side of the subdivision. Ms. Gibbs asked if there would be a fence installed so that people could not use the private road. Mr. Taylor stated that there has never been any discussion concerning a fence along the north side of the subdivision. Mr. Taylor stated that there will be a fence along Center Street and 1600 South. Shawn Smith asked what kind of fence it would be. Mr. Taylor stated that it has to be a 40-foot buffer strip which could include a burm, fence, or plantings, or a combination. Russell Glenn stated that he suggests requiring a fence along the north side of the subdivision. Jay Nielson stated that he will look in the code, but he doesn’t think that it can be require. It was discussed installing some kind of a private property sign. Mr. Glenn stated that he thinks that this is a reasonable request. Mr. Taylor stated that he would be willing to install some kind of private property sign. Mr. Glenn stated that the owners of the lots along the north side of the subdivision may put up their own fence. Mr. Glenn stated that he can see the concern of using the private road for access to their backyards. Loyal Green stated that the same type of issue is going on in his neighborhood. Mr. Cooper asked if there is development on the other side of the road, and with no cul-de-sacs, has there been any consideration for an exit somewhere. Mr. Taylor stated that he did do away

with the cul-de-sacs in his subdivision, and that the streets are stub streets. Mr. Leatham stated that the plan that was settled on shows the streets parallel to Mt. Sterling road so that it will tie in, and the City is not creating islands. Mr. Gibbs asked what the City's plan was for Center Street. He stated that Center Street is in bad shape and very narrow, and if there are any plans to improve it. Mr. Gibbs is also concerned with the speed on the road, and the additional traffic that this subdivision will bring. Mr. Hartle stated that the condition of Center Street has nothing to do with this subdivision. Mr. Hartle stated that the City Council has approved of 6 speed limit signs to be installed throughout the city limits that state that unless otherwise posted, the speed limit is 25 miles per hour. One of the signs is to be installed at 1600 South and Center Street. As for paving Center Street, the City Council has not made any decision as to when that will take place. Mr. Gibbs asked if most of the traffic would be on Center Street or 1600 South. Mr. Taylor stated that the first phase of the project focuses on traffic being on Center Street, and that the second phase of the project focuses traffic onto 1600 South. Karen Nicholes stated that she is also concerned with the traffic on Center Street. Ms. Nicholes stated that with 35 additional homes, Center Street is too narrow for this kind of development. Ms. Nicholes stated that during the winter, there are times when only 1 car can get up and down Center Street. Ms. Nicholes stated that the roads in the Wellsville Ranches subdivision are very wide, and that the developer and owners had to pay for it. Mr. Smith stated that Center Street is very scary for children to cross. Mr. Smith asked if sidewalks will be installed along Center Street for families to walk on. Mr. Taylor stated that sidewalks will be installed in the subdivision. Mr. Rawlinson asked how wide Center Street is. Mr. Hartle stated that he didn't know. Mr. Glenn asked how the City plans on dealing with this issue. Mr. Hartle stated that the same issue has been discussed when other subdivisions have been built. Mr. Hartle stated that Mr. Taylor owns the property, and as long as he abides by the code, he has a right to build whatever it is he wants to build. Mr. Smith stated that the City could use the impact fees from this subdivision to improve Center Street. Mr. Hartle stated that the City does not qualify for road impact fees. Mr. Gibbs stated that he would be hesitant to purchase a home in this subdivision until Center Street is improved and made safer for all. Mr. Glenn stated that there is a list of streets that need work, and Wellsville City takes care of each street as the funds become available. Mr. Smith stated that the sewer line will be installed on the west side of Center Street, and then asked how deep the trench for the sewer line will be. Mr. Jensen stated that the preliminary design shows that the sewer line will be 12 feet deep. Mr. Taylor stated that this issue will be addressed when they draw the final plat. Mr. Taylor stated that if the sewer line needs to be deeper, Wellsville City would need to be responsible for the cost of the extra depth. Mr. Green stated that the sewer line needs to service all of the residents along Center Street, as well as the residents of the new subdivision. Mr. Smith asked if the developer would stub the sewer line for each house. Mr. Hartle stated that the developer would run the main sewer line and each home would be responsible to bear the road to get to the sewer. Mr. Green asked if resident could hook onto the sewer while the main line is being dug. Mr. Hartle stated that they would do testing after the sewer is live, so the resident can't hook onto the sewer line while it is being dug. Mr. Green stated that some issues are outside of Mr. Taylor's request, but the Planning Commission needs to understand before they can move forward. Mr. Hartle stated that some issues used to be required with the preliminary plat, but with the change in the code, it is part of the final plat. The sewer line issue will be addressed by the public works department and the City Engineer. Mr. Leatham asked what the time line is for resident to hook onto the sewer that is within the required 300 feet. Mr. Hartle stated that it is 1 year. Mr. Hartle suggests calling a contractor for an estimate. There is also the sewer hook-up and impact fees that need to be paid to Wellsville City. Mr. Smith stated that Wellsville City raised the impact fees last April, and is wondering if Wellsville City would allow him to pay the reduced fee. Mr. Green stated that that is a question for the City Council. Linda Cooper asked if residents could make payments on the sewer hook-up and impact fees. Mr. Green stated that that is another question for the City Council. Mr. Glenn asked if the developer would be willing to see if the 12-foot deep sewer is adequate for the residents on Center Street. Mr. Green stated that the sewer line would have to be adequate from the residents of Center Street before the City Engineer would sign off on it. Mr. Hartle stated that the sewer service will meet the needs of the residents of Center Street. Mr. Hartle discussed fire flows and currently, the flow that comes from the fire hydrant is 650 gallons per minute. With the new 12-inch water line, the flow from the fire hydrant is 3,000 gallons per minute. Mr. Hartle stated that it will cost the developer at least \$80,000 to bear under Highway 89/91 with the 12-inch water line. Curtis Thompson asked where the fire hydrant along 1600 South would be located. Mr. Hartle stated that one will be located close to Mr. Thompson's existing driveway. Mr. Thompson stated that they could install it next to the culvert so that the snowplows do not hit it. Sharen

Thompson asked if the ball fields that the church will install is the open space for this subdivision. Mr. Hartle stated that for the last 1 ½ years, Wellsville City has been working on a program concerning open space. Wellsville City has required open space in all of the subdivision for the last 8 years, but the open space has not always been practical. Mr. Hartle stated that Wellsville City went through the process and held public hearings in order for a developer to purchase the open space in lieu of cash, development rights, or open space in another area. Mr. Hartle used the example of a 100-acre subdivision. Mr. Hartle stated that the developer can purchase increased density after the value of the open space has been determined. Jay Nielson stated that this allows Wellsville City to preserve land that they would not otherwise be able to preserve. Mr. Nielson stated that there is some pioneering with this issue because it is not done a lot in other cities and towns, but it allows the City to set aside some critical areas. Mr. Cooper asked to address the fence issue along his property line. Mr. Green stated that the Planning Commission has not been able to enforce this in the past, but that Mr. Nielson was still looking in the code. Mr. Smith asked if the detention pond would be landscaped and maintained. Mr. Taylor stated that by who has not been decided yet. Mr. Nielson suggests that it be landscaped and maintained by the HOA. The 40-foot buffer along Center Street and 1600 South was discussed, is not located on the preliminary plat. Mr. Nielson stated that the screening strip was included on the final plat. Mr. Taylor stated that the screening strip was left off of the concept plan, but was added to the preliminary plat. Mr. Nielson stated that there is a difference between common maintenance on common land and common maintenance on private land. There should be an easement so that the HOA can maintain the 40-foot buffer strip. Mr. Glenn stated that the detention pond in the Wellsville Ranches subdivision is gravel, and that the detention pond in this subdivision should be landscaped like the detention pond is at the church on Center Street and 200 South. Mr. Green stated that he has 4 concerns that need to be finalized with the final plat, and they are: 1) sewer line, 2) safety of Center Street, 3) screening strip and easement, and 4) the look of the detention pond. Mr. Glenn stated that lot 21, which is a corner lot, sits on top of the Hawbush drainage. Mr. Taylor stated that this has been discussed. Mr. Glenn asked what the resolution was. Mr. Taylor stated that the back part of the lot cannot be built on, but the front part of the lot can be. Mr. Glenn asked if the retention pond has been planned around a 100-year storm. Mr. Taylor stated that the engineer will show more information on the final plat. Mr. Rawlinson stated that his concern is that the preliminary plat only shows part of the information, which all of the issues should be addressed, and then move forward to the final plat. Once the final drawing is completed, the developer will not want to spend any more money to revise the final drawings. Mr. Glenn stated that the preliminary plat doesn't address in detail what is wanted in the screening strip. Mr. Leatham stated that there has been no final conclusion. Mr. Nielson stated that there is a requirement for a screening strip, but the berm is not required. It can be a berm, a fence, or increased planting material. Mr. Leatham stated that there has been no final resolution as to what will be in the 40-foot screening strip. Mr. Nielson stated that that is correct. Mr. Green stated that it is the responsibility of the City Engineer to see that the plat matches the city's code. Mr. Hartle stated that Mr. Taylor has supplied everything that the code requires for the preliminary plat. Mr. Green stated that some of the issues have been met, but that another meeting should be held to go through each issue in detail. Mr. Hartle stated that the City Engineer doesn't sign the preliminary plat. Mr. Hartle stated that the concerns will be addressed and taken care of. Mr. Nielson stated that a technical review will be completed by the City Engineer. Mr. Green stated that this presents a problem for the Planning Commission because they don't know if the city's code has been met without going through each item individually. Mr. Hartle stated that it is the responsibility of the City Engineer to see that the preliminary plat meets the code and the design specifications. Mr. Leatham stated that when the code was revised, this path was taken so that it would avoid added cost to the developer. The preliminary plat needs to be done only once, but then the City needs to leave a window so that the Planning Commission can review the preliminary plat so they know what is still needed on the final plat. Mr. Green stated that all of the issues that have been discussed need to be addressed before the final plat is completed. Mr. Hartle stated that all of the issues have to be addressed before the final plat because the code requires that it is. Mr. Rawlinson stated that part of the trail system includes Center Street, and asked if a sidewalk will be installed along Center Street. Mr. Nielson stated that Mr. Taylor will be required to make the improvements on his property. Mr. Rawlinson stated that the City Engineer states that in the future, an additional water storage tank may be needed. Mr. Glenn stated that he would like to know the details of the 40-foot buffer zone, and to see that an agreement is reached. Mr. Taylor stated that he will provide 3 different options for the 40-foot buffer zone with the final plat. Mr. Nielson stated that Mr. Taylor is motivated to have all of the issues addressed so that this project can move forward. Mr. Leatham asked

where the starting point is that the 40-foot buffer zone is measured from. Mr. Nielson stated that Mr. Taylor will show different grades and the different treatments that are needed for the buffer zone. Mr. Taylor stated that he will see what fits when coming from the south and heading west. Mr. Green asked if the preliminary plat needs to be addressed again before finishing the final plat. Mr. Taylor stated that by not addressing all of the issues that have been discussed, the only person that he is hurting is himself. Mr. Green stated that the 5 main issues are: 1) sewer line, 2) Center Street safety, 3) screening strip and easement, 4) detention pond, and 5) 100-year storm. Mr. Cooper asked about the fence along his private driveway. Mr. Green stated that individuals going onto private property have been an issue, and how does the City go about stopping it. Mr. Leatham stated that everyone's thinking needs to be revised in that this is a private driveway, not a road. The best thing that Mr. Cooper can do is post a sign. Mr. Smith asked what the next step is with the sewer line. Mr. Green stated that the Planning Commission can do nothing until a discussion takes place between the property owners and both of the engineers. Mr. Green stated that the residents of Center Street should be able to hook onto the sewer line without having to pump the sewer. After discussion, Richard Rawlinson made a motion, seconded by Russell Glenn to approve the preliminary plat for the Sterling Ridge subdivision consisting of a total of 36 lots on property on the west side of Center Street from approximately 1400 South to 1600 South with the following conditions on the final plat: 1) sewer depth, 2) 3 detailed options on the screening strip, 3) address the landscaping of the detention pond, 4) review, address, and approve of the action plan for the 100-year storm, 5) resolution to fencing on the north side of the subdivision, and 6) the concern of the Planning Commission and the citizens living on Center Street with the safety and condition of Center Street. Mr. Glenn stated that after the detention pond is installed, no one is allowed to disturb it. The motion also references memos dated March 9, 2009 and March 24, 2009 from JUB Engineering.

**Yea 5**

**Nay 0**

Russell Glenn  
Jaye Colling  
Loyal Green  
Carl Leatham  
Richard Rawlinson

At 7:35 p.m., Jaye Colling made a motion, seconded by Carl Leatham, to adjourn the meeting.

**Yea 5**

**Nay 0**

Russell Glenn  
Jaye Colling  
Loyal Green  
Carl Leatham  
Richard Rawlinson

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Loyal Green  
Chairman