

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, April 8, 2009 at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Russell Glenn, and Jaye Colling. Also present were 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 April 3, 2009. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Brent Tubbs
Michelle Tubbs J.T. Smith
Tom Smith

Opening Ceremony: Brent Tubbs

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

Yea 3 Nav 0
Russell Glenn
Jaye Colling
Loyal Green

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

First, receive public input and consider for approval a request from Brent Tubbs at 46 West Main for a conditional use for a Level 1 "Home Occupation" for Tubbs Technology & Construction LLC at said address. Mr. Tubbs stated that he installs project interactive boards at schools and businesses, and uses his home office for billing and working on the computer. Loyal Green asked about storage of the interactive boards. Mr. Tubbs stated that he has a 10' enclose trailer that he uses for storage, and it is parked behind his home. Mr. Tubbs stated that he has a gravel driveway to the back of his home that is the length of his property. Jaye Colling asked on what side of the home is the gravel driveway. Mr. Tubbs stated that it is on the west side of his home. Russell Glenn asked if the gravel driveway was wide enough that he was still able to have access to his shop. Mr. Tubbs stated yes. Mr. Glenn asked about employees. Mr. Tubbs stated that his daughter is 16 and that she helps after school and during the summer. Mr. Glenn asked if Mr. Tubbs would expand his business to hire employees. Mr. Tubbs stated that he wanted to keep the business small. After discussion, Russell Glenn made a motion, seconded by Jaye Colling, to approve the request from Brent Tubbs at 46 West Main for a conditional use for a Level 1 "Home Occupation" for Tubbs Technology & Construction LLC at said address.

Yea 3 Nav 0
Russell Glenn
Jaye Colling
Loyal Green

Second, receive public input and consider for approval a request from Brent Tubbs at 46 West Main for a conditional use for a 3 dog kennel at said address. Mr. Tubbs stated that he had 2 dogs, and that a co-worker was trying to get rid of a dog, so Mr. Tubbs took the dog and said that he would sell it for the person. Mr. Tubbs stated that his daughter fell in love with the dog, so that is why he is applying for the dog kennel license. Mr. Tubbs stated that there is a dog run, the dogs live in the garage, and they have bark collars on. Loyal Green asked if he had any complaints from neighbors. Mr. Tubbs stated that he did not know of any complaints. Russell Glenn asked if the dogs ever go outside. Mr. Tubbs stated that the dog run is outside, or they are with him on a leash. Mr. Green asked how often Mr. Tubbs cleans his dog run. Mr. Tubbs stated that he cleans it all the time. Ron Case asked what breeds of dogs Mr. Tubbs has. Mr. Tubbs stated that he has a collie, a blue heeler, and a corky. After discussion, Jaye Colling made a motion to approve the request from Brent Tubbs at 46 West Main for a conditional use for a 3 dog kennel at said address.

Yea 3

Russell Glenn

Jaye Colling

Loyal Green

Nav 0

Planning Commission member Carl Leatham arrived at the meeting at 6:10 p.m.

Third, receive public input and consider for approval the concept plan for the Smith subdivision at 111 South 450 East containing a total of 3 lots (2 additional building lots). Mr. Smith stated that he owns a home that sits on 5 acres along 450 East. Mr. Smith stated that with the way the economy is, no one wants to purchase the entire package, so that is why he wants to subdivide the property. Mr. Smith stated that the existing home would sit on 1 acre, a lot that is not quite 3 acres, and then another lot that is 1 acre. Mr. Smith stated that he is renting the home for 1 year and that when the economy improves, he will put it up for sale. Jay Nielson stated that the engineer has shown that the 2 1-acre lots are under an acre. Mr. Smith stated that he is aware that it is zoned 1 acre lots, but he didn't notice the mistake. Loyal Green stated that lots 1 and 3 are the problem. Mr. Smith stated that he would return to his engineer to fix the mistakes. Mr. Green stated that there is enough frontage on lot 2 to make all 3 lots work. Mr. Green asked about open space in the subdivision and stated that there is enough property on lot 2 to build a home as well as have open space. This subdivision is required to have 86,597 square feet of open space. Mr. Nielson stated that the open space requirement should be transferred to the larger lot, and put in the back. Mr. Smith stated that he would contact his engineer tomorrow to have it all fixed. Jaye Colling asked about sidewalks and water requirements. Ron Case stated that the City Council is still discussing sidewalks and how they want to handle them. Mr. Green stated that as for water rights, Wellsville City requires 3 acre feet of water per buildable acre. Mr. Smith stated that this property has secondary water, and that it would be divided up according to the size of the lot. Mr. Smith stated that he was sent a notice to attend the City Council meeting which will be held on April 15, 2009. Mr. Nielson stated that the concept plan doesn't go to the City Council, and that the City Council is involved starting with the preliminary plat. Mr. Nielson stated that Mr. Smith should attend the City Council meeting which will be held on April 15, 2009. Mr. Smith stated that he has no problem with that, and that he will have the engineer correct the square footage on the concept plan. Russell Glenn stated that the current code requires sidewalk. Mr. Smith stated that he has met with the City Council previously about this property and sidewalks, and that there is no sidewalk fund to pay into. Mr. Case stated that at this point, there is no policy for resident to pay into a sidewalk fund. Mr. Case stated that the City Council is still discussing this issue. Mr. Smith stated that there is no plan for sidewalks along 450 East, and that there are no current resident that have sidewalks along 450 East. Mr. Case stated that that is true for today, but there are cases where the City Council has required an individual to install sidewalk for their subdivision and there is no other sidewalk around. Mr. Case stated that the City Council needs to discuss this issue. Mr. Smith asked if the City Council would be discussing this issue on April 15, 2009. Mr. Case hopes that they do. Mr. Smith asked if he still needed to attend City Council meeting on April 15, 2009. Mr. Case advised Mr. Smith to attend. Mr. Smith stated that the notice appeared in last Sunday's paper. Mr. Case stated that Mr. Smith could call Don Hartle on Monday for clarification. Mr. Green stated that section 16.08.185 states that the City Council is left out of the concept plan. After discussion, Russell Glenn made a motion, seconded by Carl Leatham, to approve the concept plan for the Smith subdivision at 111 South 450 East containing a total of 3 lots (2 additional building lots), contingent upon the correct 1-acre lot sizes, and that Mr. Smith refer to the City Council for a judgment on sidewalks.

Yea 4

Russell Glenn

Jaye Colling

Loyal Green

Carl Leatham

Nav 0

Ron Case updated the Planning Commission on the motions approved by the City Council. Mr. Case stated that the last City Council meeting was not pleasant. It was discussed that the City use impact fees to cover the difference in the sewer depth. There was a different group of people that showed up for the City Council meeting than the Planning Commission meeting. The concerns were the width of the street, safety, and sewer. Jay Nielson asked if there was a proposal for the in lieu fees. Mr. Case stated that there was. Mr. Nielson asked if an appraisal had been completed. Mr. Case stated that there has not been an appraisal completed. Mr. Case stated that the City Council received copies of the new ordinance books. The ordinances are now out on the internet. Mr. Case stated that the new books are very nice. They are easy to read, and that they are full pages instead of columns. Mr. Case stated that the City will receive quarterly updates for the books. The web page for Wellsville City is www.wellsvillecity.org.

At 6:37 p.m., Jaye Colling made a motion, seconded by Russell Glenn, to adjourn the meeting.

Yea 4

Russell Glenn
Jaye Colling
Loyal Green
Carl Leatham

Nay 0

Loyal Green
Chairman