

1 MINUTES of the Wellsville City Planning Commission meeting held Wednesday, July 8, 2009 at the
2 Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal
3 Green, Russell Glenn, Jaye Colling, and Carl Leatham. Also present were City Manager/Recorder Don
4 Hartle, City Councilman Jackie D. Orton, and City Planner Jay Nielson. A copy of the Notice and
5 Agenda was faxed and emailed to the Herald Journal and mailed to the Planning Commission on July 2,
6 2009. The meeting was called to order at 6:00 p.m.
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8 Others Present: Jennifer Leishman Rees J. Roundy
9 Joy Duque Eric Hunsaker
10 Danielle White Peggy Cooper
11 Leta Allen
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13 Opening Ceremony: Loyal Green
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15 Loyal Green reviewed the agenda with the Commission. Don Hartle stated that he had 3 items that he
16 needed some guidance from the Planning Commission on. After review, Jaye Colling made a motion,
17 seconded by Carl Leatham, that the agenda be approved with the addition.
18

19 Yea 4 Nav 0
20 Russell Glenn
21 Jaye Colling
22 Loyal Green
23 Carl Leatham
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25 At 6:05 p.m., the Planning Commission conducted the following public hearings:
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27 First, receive public input and consider for approval an application from Joy Duque for Honeybee
28 Property Maintenance for a conditional use for a "Home Occupation" to operate said business from their
29 home at 581 South Center. Loyal Green asked if this is a level 1 or level 2. Don Hartle asked if the
30 business is done inside of the home. Ms. Duque stated that it is. Mr. Hartle stated that it would be a level
31 1. Ms. Duque stated that her husband and she would like to start a business for home/business repair.
32 Ms. Duque stated that it would consist of anything from small interior to landscape items. There would
33 be no new construction. Mr. Green asked if there would be any outside storage. Ms. Duque stated no, it
34 would all be inside of the garage. Mr. Green asked if the garage was attached to the home. Ms. Duque
35 stated that the garage is detached from the home. Jaye Colling asked about the snow plow and 2 trailers
36 shown on the map. Ms. Duque stated that the snow plow is stored inside of the garage, 1 trailer is always
37 with her husband, and the other trailer is parked on the west side of the garage. Mr. Green stated that this
38 borders on a level 2 because the materials are being stored in a detached garage, and the business is using
39 the property instead of just being inside of the home. Mr. Hartle stated that he would change the
40 application to a level 2. Mr. Green asked if the fees are the same for a level 2 versus a level 1. Mr. Hartle
41 stated yes. Carl Leatham stated that the second trailer needs to be parked behind the front line of the
42 garage. Ms. Duque stated that it would need to be moved back a little bit, which is not a problem. After
43 discussion, Carl Leatham made a motion, seconded by Russell Glenn, to approve the application from Joy
44 Duque for Honeybee Property Maintenance for a conditional use for a Level 2 "Home Occupation" to
45 operate said business from their home at 581 South Center.
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47 Yea 4 Nav 0
48 Russell Glenn
49 Jaye Colling
50 Loyal Green
51 Carl Leatham
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57 Second, receive public input and consider for approval an application from Eric Hunsaker for a
58 conditional use for a Level 1 “Home Occupation” at 273 North Red Slide Drive to operate a consulting
59 business from said address. Mr. Hunsaker stated that he would like to start a business doing computer
60 database consulting out of his home. He would be soliciting contract, and then traveling out-of-state to
61 the business to perform the work. Mr. Hunsaker stated that there would be an office in the home for
62 phone calls and paperwork. Russell Glenn asked if the business is within the home. Mr. Hunsaker stated
63 yes. Mr. Glenn asked if customer would come to the home. Mr. Hunsaker stated no. After discussion,
64 Russell Glenn made a motion, seconded by Jaye Colling, to approve the application from Eric Hunsaker
65 for a conditional use for a Level 1 “Home Occupation” at 273 North Red Slide Drive to operate a
66 consulting business from said address.

67
68 Yea 4

Nay 0

69 Russell Glenn

70 Jaye Colling

71 Loyal Green

72 Carl Leatham

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74 Third, receive public input and consider for approval a request from Rees and Marylyn Roundy at 305
75 East 100 North for a conditional use for a “Health Caregiver Dwelling Unit” at said address. Rees
76 Roundy stated that their daughter was in an accident about 8 years ago. She has returned to live with
77 them. To accommodate her needs, he is going to have to build onto their home. Mr. Roundy stated that
78 they have healthcare providers come into the home 5 nights a week, for 3 hours a night to help take care
79 of her. Mr. Roundy stated that they need the facilities for a healthcare provider to possibly stay overnight.
80 Mr. Roundy stated that after reading the code, he understands that there will be no separate water meter,
81 gas meter, or electricity meter. Mr. Roundy stated that his concern is that there can be no exterior entry,
82 which he must have. Mr. Roundy stated that in the garage, there will be a ramp into the facility, and there
83 will also be a concrete ramp on the outside going into the facility. Don Hartle stated that this is not a
84 simple issue. In the RA-1 zone, it stated that if you have 1 ½ acres, you can divide the property into 2
85 equal lots. Mr. Roundy’s son built on the second lot. In order to build the addition onto Mr. Roundy’s
86 home, he will need property from his son. If Mr. Roundy takes the property from his son, both lots
87 become restricted lots. Mr. Roundy’s daughter and husband purchased the old Roundy home, went
88 through a subdivision, and it is zoned R-1-12. Because that home is adjacent to the current Roundy
89 home, City Attorney Bruce Jorgensen thinks that the property should be rezoned to R-1-12 and then
90 neither lot would be restricted. Each home is sitting on about .8 acres. Both lots would be legal if they
91 are rezoned. Mr. Hartle stated that the land use maps states that this property can be rezoned to R-1-12.
92 Loyal Green asked if there were any problems to rezoning the property to R-1-12. Mr. Hartle stated that
93 he doesn’t believe that there are any problems. Carl Leatham asked if there are homes on the same block
94 that are on smaller lots. Mr. Hartle stated that some are and some aren’t. Mr. Roundy stated that his
95 concern is with the exterior entrance. Mr. Green asked Mr. Roundy to describe the addition to the home.
96 Mr. Roundy showed a plan of the additional. It is approximately 900 square feet. There will be a
97 kitchenette and an elevator in the addition. Jay Nielson stated that the definition of healthcare giver is in
98 the code under 10-2-1, and it is allowed in the R-1-12 zone as a conditional use. Mr. Hartle stated that
99 they are going about this backwards. This issue had already been advertized, so it should be continued
100 until after the Planning Commission conducts the public hearing concerning the rezone. Peggy Cooper
101 stated that she is not oppose to what Mr. Roundy is trying to do, but would like to know what it means to
102 her and how it will change her situation. Mr. Hartle stated that it will not change her situation at all. Ms.
103 Cooper asked what R-1-12 means. Mr. Hartle stated that R-1-12 means that it is residential and a home
104 can be built on 12,000 square feet lots. Mr. Hartle stated that the Roundy’s can’t build any more homes,
105 but they will be able to have legal lots and build the addition onto the home. Ms. Cooper stated that she
106 wanted to be educated on the issue. Mr. Green stated that there are 2 issues: 1) re-zone the property, and
107 2) amending the code. Mr. Nielson suggests that Mr. Hartle file an occupancy restriction on Mr.
108 Roundy’s home so that when it is sold, it can’t be turned into a duplex. Mr. Roundy stated that the
109 conditional use terminates when the healthcare unit is gone. Mr. Roundy asked if on a regular home,
110 there is a restriction to the number of entrances a resident can have. Mr. Green stated no, but the job of
111 the Planning Commission is put uphold the code. Mr. Green stated that he thinks that code should be
112 amended to delete exterior entrance. Mr. Green asked for some guidance from City Planner Jay Nielson.

113 Mr. Nielson stated that he has a conflict of interest because Mr. Roundy is a very close friend. Mr.
114 Nielson stated that he recommends filing an occupancy restriction to advert the property from occurring
115 despite the exterior entrance. A condition of the occupancy restriction is that the owner of the property
116 has to sign it, which several individuals will not sign. Mr. Hartle suggested continuing this discussion
117 until after the public hearing for the re-zone, and then approving the conditional use subject to Rees and
118 Marylyn Roundy signing the occupancy restriction. Mr. Green stated that he can't ignore the code about
119 a separate exterior entrance. Mr. Nielson stated that there is enough protection if the code is amended.
120 Russell Glenn stated that a separate exterior entrance is not a practical restriction. Mr. Hartle stated that
121 the earliest date for amending the code would be August 12, 2009 for the Planning Commission, with a
122 recommendation going to the City Council on August 19, 2009. Mr. Hartle and Mr. Nielson discussed a
123 time line for the re-zone, the amendment, and the conditional use. Mr. Nielson stated that 10-2-1 under
124 health caregiver dwelling unit needs to have "or a separate exterior entrance" removed from the code.
125 Mr. Hartle suggested that Mr. Roundy begin with his building permit. After discussion, Carl Leatham
126 made a motion, seconded by Russell Glenn, to continue this discussion until after the rezoning questions
127 have been resolved.

128
129 Yea 4

Nay 0

130 Russell Glenn

131 Jaye Colling

132 Loyal Green

133 Carl Leatham

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135 Fourth, receive public input and consider for approval an application from Bryant T White for a
136 conditional use for a Level 1 "Home Occupation" at 265 North 390 West to operate a marketing company
137 from said address. Danielle White stated that her husband travels setting up contracts for different
138 companies. All of the work is completed by the company. Ms. White stated that they will use their home
139 for an office for records and phone calls. After discussion, Carl Leatham made a motion, seconds by Jaye
140 Colling, to approve the application from Bryant T White for a conditional use for a Level 1 "Home
141 Occupation" at 265 North 390 West to operate a marketing company from said address.

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143 Yea 4

Nay 0

144 Russell Glenn

145 Jaye Colling

146 Loyal Green

147 Carl Leatham

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149 Fifth, receive public input and consider making a recommendation to the City Council on a request from
150 Dale McBride, agent for Ida Hill, that the zoning map be amended to rezone property at 685 East Main
151 from RA-1 to CH Highway Commercial. Don Hartle stated that it has been difficult to work with Mr.
152 McBride. Mr. Hartle stated that he told Mr. McBride that he had to be to this meeting, and he sent him an
153 agenda. Loyal Green stated that unless there is a representative of the issue present at the meeting, the
154 Planning Commission can't act upon the issue. Mr. Green stated that he would like to see a more
155 descriptive map of boundary lines instead of the generic map that is in front of the Planning Commission.
156 Mr. Green stated that the railroad owns about 2 ½ acres of the property that has been outlined on the map.
157 Mr. Hartle stated that he sent the railroad a notice concerning the issue. Mr. Hartle stated that when the
158 land use map was amended, all of this property was shown to be CH, Highway Commercial, but it hasn't
159 been rezoned yet. Mr. Hartle suggested finishing the public hearing, and then he will call Mr. McBride.
160 Jay Nielson suggests continuing this for 30 days, and that Mr. McBride attend or send a representative to
161 the meeting, or it will be denied. After discussion, Jaye Colling made a motion, seconded by Russell
162 Glenn, that Mr. McBride or a representative attends a meeting before August 13, 2009, or this application
163 will be denied.

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Yea 4
Russell Glenn
Jaye Colling
Loyal Green
Carl Leatham

Nav 0

Don Hartle handed out a copy of 1 page of the minutes of the June 24, 2009 meeting. They contain the conditions imposed by the Planning Commission on the Sterling Ridge subdivision. Mr. Hartle asked that the Planning Commission read through them and make sure they were accurate. Travis Taylor representing Westates Development sent Mr. Hartle an email stating that they were in the process of setting up their financing. Mr. Hartle passed out a copy of that email. Mr. Hartle stated that last week at City Council meeting, Mr. Taylor stated that they didn't want to bond, and that all of the improvements for the subdivision will be installed. Mr. Hartle asked if there were any concern about the conditions. Jay Nielson made some corrections to the minutes. Loyal Green stated that now Wellsville City needs to make sure that they follow through and comply with the conditions.

Don Hartle handed out a copy of a letter from Zan Murray representing JUB Engineering addressing the concerns with the Sterling Ridge subdivision down stream drainage that was one of the conditions to the approval given on June 24, 2009.

Don Hartle stated that he received some calls at the beginning of the week concerning property at about 50 East 200 North. In March 1993, Allen Lyle owned 11-082-0019, which was 132 feet x 330 feet. See map #1. In April 1993, Allen Lyle applied for a conditional use for a duplex on 11-082-0019 and showed the lot dimensions to be 132 feet x 165 feet which equals 21,780 square feet. In June 1993, a conditional use for the duplex was approved. See map #2. In September 1999, unknown to Wellsville City, the back 132 feet x 165 feet, 11-082-0054, was divided off of 11-082-0019. Thus, 11-082-0054 became a "restricted lot" as it has no frontage on a public street. See map #3. Mr. Hartle stated that his phone call was about building a pole barn on tax id #11-082-0054. This is an illegal subdivision and a restricted lot. Carl Leatham suggested a lot line adjustment, and then the pole barn could be built. Mr. Hartle will relay the information.

Jay Nielson handed out copies of the land use tables and asked that the Planning Commission review them, and then have some dialogue concerning them at the next Planning Commission meeting. Don Hartle added this issue to the agenda of the July 22, 2009 Planning Commission meeting.

At 7:30 p.m., Russell Glenn made a motion, seconded by Jaye Colling, to adjourn the meeting.

Yea 4
Russell Glenn
Jaye Colling
Loyal Green
Carl Leatham

Nav 0

Loyal Green
Chairman