

1 MINUTES of the Wellsville City Planning Commission meeting held Wednesday, August 12, 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 John Spence. Also present were City Manager/Recorder Don  
4 Hartle, Mayor Ruth P. Maughan, City Councilman Ron Case, and City Planner Jay Nielson. A copy of  
5 the Notice and Agenda was faxed and emailed to the Herald Journal and mailed to the Planning  
6 Commission on August 7, 2009. The meeting was called to order at 6:00 p.m.  
7

8 Others Present: Jennifer Leishman Rees J. Roundy  
9 Dale McBride Bill Belka  
10 Jeff Maughan Cindy Maughan  
11 Alex Maughan Colin Harrison  
12 Justin Cooper Angela Cooper  
13 Steve Jenson Nate Plowman  
14 Tracy Bailey Travis Taylor  
15 Stan Rowlan  
16

17 Opening Ceremony: Russell Glenn  
18

19 Loyal Green reviewed the agenda with the Commission. Don Hartle stated that he needed to add the  
20 Sterling Ridge subdivision to the agenda. After review, Jaye Colling made a motion, seconded by Russell  
21 Glenn, that the agenda be approved with the addition.  
22

23 Yea 4 Nay 0  
24 Russell Glenn  
25 Jaye Colling  
26 Loyal Green  
27 John Spence  
28

29 Commission member Carl Leatham arrived at the meeting at 6:07 p.m.  
30

31 The Commission reviewed the minutes for the Commission meeting which was held on July 22, 2009.  
32 There were word changes on lines 34 and 128. After review, John Spence made a motion, seconded by  
33 Jaye Colling, that the minutes of the July 22, 2009 meeting be approved as presented.  
34

35 Yea 5 Nay 0  
36 Russell Glenn  
37 Jaye Colling  
38 Loyal Green  
39 Carl Leatham  
40 John Spence  
41

42 At 6:05 p.m., the Planning Commission conducted the following public hearing:  
43

44 First, receive public input and consider making a recommendation to the City Council that 10-2-1 of the  
45 code be amended to revise the definition of "Health Caregiver Dwelling Unit". Don Hartle stated that he  
46 sent a copy of the code amendment to the Planning Commission in their packet. The phrase, "separate  
47 entrance", has been eliminated from the definition. After discussion, Russell Glenn made a motion,  
48 seconded by Carl Leatham, to recommend to the City Council that 10-2-1 of the code be amended to  
49 revise the definition of "Health Caregiver Dwelling Unit".  
50

51 Yea 5 Nay 0  
52 Russell Glenn  
53 Jaye Colling  
54 Loyal Green  
55 Carl Leatham  
56 John Spence

57 The Planning Commission continued consideration of a request from Rees Roundy for a conditional use  
58 for a “Health Caregiver Dwelling Unit” at his home at 305 East 100 North. Rees Roundy stated that they  
59 would like to build an addition onto their home to help care for their daughter. The addition is so that the  
60 care for their daughter will be more accessible. Mr. Roundy stated that his concern was the need for a  
61 separate outside entrance, which is prohibited by the city code. Russell Glenn stated that the code change  
62 that was just approved allows the separate entrance. After discussion, Jaye Colling made a motion,  
63 seconded by Carl Leatham, to approve the request from Rees Roundy for a conditional use for a “Health  
64 Caregiver Dwelling Unit” at his home at 305 East 100 North subject to the code amendment being  
65 approved by the City Council.

66  
67 Yea 5

Nav 0

68 Russell Glenn  
69 Jaye Colling  
70 Loyal Green  
71 Carl Leatham  
72 John Spence  
73

74 The Planning Commission continued consideration for a zoning clearance for a detached garage for Bill  
75 Belka at 193 East 100 South. Bill Belka stated that he owns a corner lot and proposes building a 3-car  
76 garage at the back of his property. He would access it on 200 East. He would comply with the city  
77 ordinance, which is 2 feet on the side yard and 10 feet from the home. Loyal Green stated that at a  
78 previous meeting, the Planning Commission asked Don Hartle to consult with City Attorney Bruce  
79 Jorgensen. Don Hartle stated that the way that City Attorney Bruce Jorgensen interprets the code, if the  
80 garage is facing south, it has to be 20 feet from the east property line. If the garage faces 200 East, Mr.  
81 Belka is require to have 30 feet of frontage. Russell Glenn read from the city code. Mr. Green stated that  
82 according to the city code, the minimum requirement is 20 feet. Mr. Glenn stated that the Planning  
83 Commission has no authority to approve this zoning clearance since it is in violation of the city code. Mr.  
84 Belka asked if it was possible to obtain a copy of the zoning code. Ron Case stated that a copy is on the  
85 website. After discussion, Carl Leatham made a motion, seconded by Russell Glenn, to not approve a  
86 zoning clearance for a detached garage for Bill Belka at 193 East 100 South as the plot plan was  
87 submitted.

88  
89 Yea 5

Nav 0

90 Russell Glenn  
91 Jaye Colling  
92 Loyal Green  
93 Carl Leatham  
94 John Spence  
95

96 The Planning Commission continued consideration for making a recommendation to the City Council on  
97 a request from Dale McBride, agent for Ida Hill, that the zoning map be amended to rezone property at  
98 685 East Main from RA1 to CH, Highway Commercial. Dale McBride stated that he is looking into the  
99 future, and if he decides to sell this property, it would already be zoned commercial. Mr. McBride  
100 proposes that everything from the old barn to the east to the west side of Highway 89/91 be zoned CH,  
101 Highway Commercial. Don Hartle stated that it is allowed according to the land use map. Mr. Hartle  
102 referred to photographs taken in April 2005 when property that is next to the Little Bear River was under  
103 water. Loyal Green asked approximately how many acres there are. Mr. McBride has no idea how many  
104 acres there are. Carl Leatham asked if this property falls under the changes that were made to the master  
105 plan. Mr. Green stated that it does. Mr. Green asked if Mr. McBride was aware of the property that was  
106 owned by Union Pacific. Mr. McBride stated that he was. Mr. Green asked if Mr. McBride knew how  
107 much property Union Pacific owned. Mr. McBride does not. Mr. Green stated that when this request was  
108 originally submitted and the public hearing was conducted, Mr. McBride was not in attendance. Mr.  
109 Green asked if there were any comments. There were none. After discussion, Russell Glenn made a  
110 motion, seconded by Carl Leatham, to recommend to the City Council on a request from Dale McBride,  
111 agent for Ida Hill, that the zoning map be amended to rezone property at 685 East Main from RA1 to CH,  
112 Highway Commercial as per the map attached to the rezone request.

113  
114  
115  
116  
117  
118  
119

Yea 5  
Russell Glenn  
Jaye Colling  
Loyal Green  
Carl Leatham  
John Spence

Nav 0

Nathan Plowman met with the Planning Commission for a lot line adjustment. Mr. Plowman stated that he owns a restricted lot between 100 North and 200 North, and Center Street and 100 East. Mr. Plowman stated that he would like to eliminate the county tax identification number. Russell Glenn asked who owns the property. Mr. Plowman stated that he does. Mr. Glenn stated that a lot line adjustment request should come from all of the neighbors. Mr. Plowman stated that he also owns the property adjacent to the restricted lot. John Spence asked who owns the property that is on the west side of the apartments that includes the side road that goes back to the property. Mr. Plowman stated that the individual that owns the apartments owns it. Mr. Glenn stated that this is a good idea, but the problem is that Mr. Plowman doesn't own the other property that is adjacent to the restricted lot. Mr. Plowman stated that Mr. Seber would like to purchase part of the restricted lot property. Mr. Plowman stated that the title work has been completed, but not signed yet. Loyal Green asked how wide the lot is on Center Street. Don Hartle stated that it is 85.51 feet wide. Mr. Glenn suggested that this not be recorded until Mr. Plowman has the money in hand. Mr. Plowman stated he has the money. Mr. Green stated that Mr. Plowman can't come to the Planning Commission meeting and speak for someone else. Mr. Hartle stated that he isn't. Mr. Hartle stated that Mr. Plowman owns the restricted lot and the property on Center Street. After discussion, Carl Leatham made a motion, seconded by Jaye Colling, to approve the lot line adjustment for Nathan Plowman.

137  
138  
139  
140  
141  
142  
143  
144

Yea 5  
Russell Glenn  
Jaye Colling  
Loyal Green  
Carl Leatham  
John Spence

Nav 0

Justin Cooper met with the Planning Commission to review the site plan for his home, barn and shop. Justin Cooper handed out a revised copy of the plat plan. John Spence asked the location of this plat plan. Mr. Cooper stated 800 South 300 West. Mr. Cooper owns about 6 acres. Don Hartle stated that Mr. Cooper is building a large shop, and anyone that owns a business and builds a large shop, is asked to attend Planning & Zoning. Russell Glenn asked if Mr. Cooper has reviewed the city code, and the height of the structures doesn't exceed 2 1/2 stories. Mr. Cooper stated that none of the out buildings exceed 2 1/2 stories. Mr. Cooper stated that he would like to begin with the landscape plan. Mr. Cooper stated that he is 90 feet off of the road with the first structure. Mr. Spence asked what the shop will be used for. Mr. Cooper stated that it is designed for private use. Loyal Green stated that this meeting is to review the landscaping that will take place in the City's right-of-way. Mr. Green stated that it looks as if there will be a berm that will be planted with vegetation. Mr. Hartle asked if any trees will be planted in the City's right-of-way. Mr. Cooper stated that the trees will be planted back behind the property line. Mr. Cooper stated that it will be mostly shrubs that will be planted in the City's right-of-way. Carl Leatham asked if 800 South has a 99-foot right-of-way. Mr. Hartle stated that it does, up to 300 West. Mr. Green stated that Mr. Cooper is planting vegetation on what is City property. Mr. Cooper stated that he would like to proceed with the landscape plan and the structures be built as shown. Jay Nielson stated that this plan is inconsistent with grassy swales. Mr. Cooper stated that there is gravel in front of the homes across the street. Mr. Nielson stated that this decision is up to the Planning Commission. Mr. Leatham asked if a berm is being installed so the swale along 800 South can be for storm water. Mr. Cooper stated that is correct. Mr. Nielson stated that the general plan is very clear. Wellsville City wants narrow roads, grassy swales, and wide rights-of-way. Mr. Nielson stated that 2 mistakes along 800 South doesn't make it right. This is a community goal. Mr. Nielson stated that Mr. Cooper should plant grass and sprinkle it in the city's right-of-way. Mr. Nielson stated that having grass to the road side eliminates curbs and gutters, and absorbs storm water. Mr. Leatham asked if the landscape plan could be shifted to the south. Mr. Cooper

168

169 stated that it is 35 feet. Mr. Cooper asked if this could be part of the final requirement once the home is  
170 built. Mr. Glenn stated that the landscape plan could be approved and the grassy swales could be installed  
171 later. Mr. Leatham stated that there is more of a tie-in with gravel to the road, but it needs to be  
172 consistent with what has been done around town. Mr. Green asked for comments from the Planning  
173 Commission. Mr. Spence stated that he would like to go look at it before he makes a decision. Mr.  
174 Leatham stated that he likes Mr. Glenn's suggestion of approving the landscape plan and grassy swales  
175 installed later. Jaye Colling stated that he would like to be excused because of personal reasons. Mr.  
176 Nielson stated that the landscape plan can be approved, excluding the gravel interface with the road, and  
177 that the set backs are consistent with the city code. After discussion, Russell Glenn made a motion,  
178 seconded by John Spence, to approve the request from Justin Cooper to begin landscaping with the  
179 exception of gravel along the road edge, and with the understanding that he is planting in the city's right-  
180 of-way and that it is not protected against actions of the City, and the barn and shop can be completed to  
181 city code with the restriction that they can't be used as additional resident or business purposes.  
182

<u>Yea</u> <u>4</u>	<u>Nay</u> <u>0</u>	<u>Abstain</u> <u>1</u>
Russell Glenn		Jaye Colling
Loyal Green		
Carl Leatham		
John Spence		

188  
189 Tracy Bailey met with the Planning Commission to discuss his building at 35 West 400 North. Mr.  
190 Bailey stated that he owns a building at this address that is vacant. Mr. Bailey stated that the Maughan's  
191 have expressed some interest in purchasing the building and moving an office into it. Loyal Green stated  
192 that the Planning Commission operates according to the city code. When Mr. Bailey was issued his home  
193 occupation permit, it was all under 1 county tax identification number. Mr. Bailey stated that his home  
194 and building have always been under 2 county tax identification numbers. Mr. Green stated that Mr.  
195 Bailey was issued an illegal permit. Don Hartle stated that he mailed a copy of the application, and page  
196 4 shows a map of the property. Mr. Green stated that the map shows the property all under 1 county tax  
197 identification number. Mr. Hartle stated that Mr. Bailey may not have purchased the property yet, but the  
198 map showed that he had. Jay Nielson stated that the separate lot is not relative, but that the occupant has  
199 left, so the use leaves. Mr. Bailey asked if he could sell the building. John Spence stated that he can't sell  
200 the building as a business or use it as a business. Carl Leatham stated that there is enough property that  
201 someone could build a home next to the building. Russell Glenn asked if Mr. Bailey owned the home.  
202 Mr. Bailey has sold the home. Mr. Hartle asked if the old barn has been removed. Mr. Bailey stated that  
203 the old barn has been taken down. Mr. Hartle stated that there is a vacant lot and a building, and that  
204 someone could build a home on the vacant lot. Mr. Glenn asked what the building is made of. Mr.  
205 Bailey stated that it is a pre-fabricated metal building. Cindy Maughan stated that they would like to use  
206 the building as an office and storage, and asked if they could rent the building. Mr. Green stated that  
207 legally, they can't. Mr. Green stated that the Planning Commission can't approve something that is in  
208 violation of the city code.  
209

210 The Planning Commission reviewed for approval the final plat for the Steve Jenson subdivision at 226  
211 South 300 East, consisting of a total of 2 lots (1 additional building lot). Russell Glenn asked if Mr.  
212 Jenson would explain the map. Mr. Jenson showed Mr. Glenn where the existing home, the additional  
213 building lot, and the Poppleton home are located on the map. Mr. Jenson stated that Frank Poppleton sold  
214 him the vacant lot, but they didn't go through the proper subdivision process. Mr. Glenn asked if the  
215 additional building lot has been recorded as a separate lot. Mr. Jenson stated yes. Don Hartle stated that  
216 the Planning Commission could approve this subject to the City Engineer signing the mylar. After  
217 discussion, Carl Leatham made a motion, seconded by Russell Glenn, to approve the final plat for the  
218 Steve Jenson subdivision at 226 South 300 East, consisting of a total of 2 lots (1 additional building lot).  
219

<u>Yea</u> <u>5</u>	<u>Nay</u> <u>0</u>
Russell Glenn	
Jaye Colling	
Loyal Green	
Carl Leatham	

