

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, September 23, 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 John Spence. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, and City Councilmen Ron Case and Gary Bates. A copy of the Notice and Agenda was faxed and emailed to the Herald Journal and mailed to the Planning Commission on September 18, 2009. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Colin Harrison

Opening Ceremony: John Spence

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

Yea 5

Nay 0

Russell Glenn  
Jaye Colling  
Loyal Green  
Carl Leatham  
John Spence

The Planning Commission continued the discussion on the request from Joel Jensen, JJ Construction, at 640 South Center for a conditional use for a Level 2 "Home Occupation" to operate a concrete construction company from said address. Loyal Green asked that the conditions imposed from the previous Planning Commission meeting be read. Jennifer Leishman read from the minutes. The previous conditions that were imposed are as follows: 1) no vehicle required for the home occupation shall be parked on the street right-of-way for longer than ½ hour. One vehicle may be parked on the premise in front of the house, 2) No more than 1 trailer required for the home occupation may be parked on the premise and must not protrude beyond the front of the home, 3) no motorized heavy construction equipment may be stored on the premise longer than ½ hour, 4) One auxiliary building meeting City code allowed behind the home for storage of inventory, tools, or other materials required for the home occupation. Mr. Green stated that as of 5 minutes ago, there are 2 trailers parked at the residence. Carl Leatham stated that one of the trailers is a snowmobile trailer. Jaye Colling asked about employees parking in the street right-of-way. Mr. Leatham stated that Mr. Jensen is allowed to have 2 additional employees. Mr. Colling doesn't think that the employees should park in the street right-of-way, but they should park at the park and ride. Russell Glenn asked about parking personal vehicle in front of the home in the street right-of-way. Don Hartle stated that it is allowed, but not for an extended period of time. Mr. Leatham stated that the vehicle has to be licensed. Mr. Glenn stated that the employee vehicle could be parked in front of the home as long as they don't violate the code for personal vehicles parked in front of the home, but no company or commercial vehicles should be parked in front of the home. Ron Case stated that the employees should use the park and ride to park their vehicles. Mr. Leatham stated that he would like to see the employees use the park and ride, but 1 or 2 vehicles shouldn't matter. John Spence stated that the code says that Mr. Jensen can have 2 employees. The employees' personal vehicles can be parked in front of the home, but not into the street. A company vehicle can't be parked in front of the home. Mr. Colling stated that he agrees with Mr. Spence, and Mr. Jensen is not violating the code by that description. Mr. Green stated that 1 company vehicle can't be parked on the street. Mr. Leatham stated that any company vehicle can't be parked on the street. Mr. Leatham stated that a personal vehicle or no more than 2 employee vehicles can be parked in front of the home, but not for an extended time. Mr. Leatham stated that addition vehicles should be parked at the park and ride. Mr. Green stated that the employees should park on Mr. Jensen's property. The Planning Commission can't give permission to park on the street right-of-way. Mr. Colling asked if the Planning Commission can impose a condition to review the condition use permit less than 1 year. Jay Nielson stated that if an individual is not in compliance the day after the condition use permit is issued, the Planning Commission can review it again. Mr. Nielson stated that outside storage may be the most variation on the requirements with this conditional use permit. Mr. Glenn stated that the code states that storage should be in an accessory building or a garage. Mr. Spence used the building that is owned by Tracy Bailey as an example.

Mr. Nielson stated those individuals feel that the City is either tolerant or patient with home occupations. Mr. Collins stated that this conditional use permit should be reviewed every 3 months and if Mr. Jensen is out of compliance, the conditional use permit can be revoked. Mr. Leatham stated that the Level 2 “Home Occupation” conditions are in the code. Mr. Nielson stated that verification needs to be made to Mr. Jensen that there can be no outside storage unless it meets the City’s code. After discussion, Jaye Colling made a motion, seconded by Carl Leatham, to recommend approval on the request from Joel Jensen, JJ Construction, at 640 South Center for a conditional use for a Level 2 “Home Occupation” to operate a concrete construction company from said address with the following conditions: 1) no vehicle required for the home occupation shall be parked on the street right-of-way for longer than ½ hour. One vehicle may be parked on the premise in front of the house, 2) No more than 1 trailer required for the home occupation may be parked on the premise and must not protrude beyond the front of the home, 3) no motorized heavy construction equipment may be stored on the premise longer than ½ hour, 4) One auxiliary building meeting City code allowed behind the home for storage of inventory, tools, or other materials required for the home occupation.

**Yea 5**

Russell Glenn  
Jaye Colling  
Loyal Green  
Carl Leatham  
John Spence

**Nay 0**

Loyal Green stated that there are 2 businesses within 1 mile of Joel Jensen’s home that need to have their conditional use permit reviewed. One business is about 1 block south of Mr. Jensen’s, Melanie Bowen, and the other business is at approximately 870 South 200 East, which is Maughancrete. Ron Case stated that this issue of home occupation compliance was on the agenda for the last week’s City Council meeting, but Mr. Case had to leave early from the meeting and asked that Don Hartle carry this issue over to the next City Council meeting.

The Planning Commission continued the workshop on the Land Use Tables.

Don Hartle handed out a copy of the Sterling Ridge subdivision CC&R’s. Mr. Hartle asked that the Planning Commission read through them and get back to Mr. Hartle in the next couple of days if there are changes that need to be made. Mr. Hartle stated that he will contact Travis Taylor and ask him to attend the Planning Commission meeting in 3 weeks.

Don Hartle handed out a copy of the plot plan that was submitted by Bill Belka for his garage.

Don Hartle stated that he has met with City Attorney Bruce Jorgensen. The open space that is part of the Mount Sterling Estates subdivision is still under Sherwin Seamons’ name. Mr. Seamons and his business partner are in court, so there is nothing that can be done at this time. Mr. Hartle asked City Attorney Bruce Jorgensen to write a letter to Tracy Bailey concerning his building. The letter will state that Mr. Bailey needs to appear before the Planning Commission at a meeting in October. If Mr. Bailey doesn’t comply, legal action will commence.

At 6:48 p.m., Jaye Colling made a motion, seconded by Russell Glenn, to adjourn the meeting.

**Yea 5**

Russell Glenn  
Jaye Colling  
Loyal Green  
Carl Leatham  
John Spence

**Nay 0**

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Loyal Green  
Chairman