

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, September 28, 2016, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairwoman Ruth P. Maughan, Paul Egbert, and Marcene Parker. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, and Councilman Carl Leatham. A copy of the Notice and Agenda was posted, faxed, and emailed to the Herald Journal, and mailed to the Planning Commission on September 23, 2016. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

Others Present: Jennifer Leishman Yolanda Melo Brady Larson
Steve Kyriopoulos Jonathan Cook Alison Ewing
Karma Leatham

Opening Ceremony: Paul Egbert

Planning Commission members Chris Clark and Brian Pattee were excused from this meeting.

Ruth P. Maughan reviewed the agenda with the Commission. After discussion, Marcene Parker made a motion, seconded by Paul Egbert to approve the agenda as presented.

YEA 3 NAY 0
Paul Egbert
Ruth P. Maughan
Marcene Parker

The Commission reviewed the minutes for the Commission meeting which was held September 14, 2016. There were word changes on lines 106, 119, 125, and 143. After review, Paul Egbert made a motion, seconded by Marcene Parker, to approve the minutes of the September 14, 2016 meeting with the changes.

YEA 3 NAY 0
Paul Egbert
Ruth P. Maughan
Marcene Parker

At 6:05 p.m., conduct the following public hearings:

First, receive public input, then consider for possible approval a request from Yolanda Melo for a conditional use for a Level 1 “Home Occupation” to operate a cleaning service business out of her home at 780 South 200 East. Yolanda Melo stated that she would like to operate a cleaning business out of her home, and go door to door asking people if they need or would like her services. Paul Egbert asked if Ms. Melo would be storing cleaning supplies at her home. Ms. Melo stated yes. Marcene Parker asked if there would be any signage at her home. Ms. Melo stated no. Don Hartle asked if Ms. Melo would be handing out business cards. Ms. Melo stated yes. Mr. Egbert asked about a solicitor’s license for Ms. Melo to go door to door. Mr. Hartle stated that it is a home occupation because Ms. Melo is operating it out of her home. Mr. Hartle stated that she is advertising by going door to door. Mr. Hartle stated that in his opinion, Ms. Melo needs a business license. City Planner Jay Nielson agreed with Don Hartle. Ruth P. Maughan stated that there will be no signage at Ms. Melo’s home.

At 6:08 p.m., the public hearing was closed.

After discussion, Marcene Parker made a motion, seconded by Paul Egbert, to approve a request from Yolanda Melo for a conditional use for a Level 1 “Home Occupation” to operate a cleaning service business out of her home at 780 South 200 East.

YEA 3 NAY 0
Paul Egbert
Ruth P. Maughan
Marcene Parker

At 6:09 p.m., receive public input, then consider for possible approval a request from Brady Larson for a conditional use for a Level 2 “Home Occupation” to operate an appliance repair and installation business out of his home at 211 South 300 East. Brady Larson stated that to operate an appliance installation business from his home, and that it is not so much repair as it is installation. Ruth P. Maughan asked if Mr. Larson would have any appliances delivered to his home. Mr. Larson stated no. Marcene Parker asked how Mr. Larson plans to advertise his business. Mr. Larson stated that he is going to run an ad in the newspaper. Ms. Parker asked if there would be any signage at his home. Mr. Larson stated no. Don Hartle stated that Mr. Larson plans to contact Home Depot and Lowe’s about becoming an independent installer. Ms. Maughan stated that Mr. Larson needs to understand that no repairs to appliances will be done at his home.

At 6:11 p.m., the public hearing was closed.

After discussion, Paul Egbert made a motion, seconded by Marcene Parker, to approve a request from Brady Larson for a conditional use for a Level 2 “Home Occupation” to operate an appliance repair and installation business out of his home at 211 South 300 East.

YEA 3

Paul Egbert
Ruth P. Maughan
Marcene Parker

NAY 0

At 6:12 p.m., receive public input, then consider making a recommendation to the City Council on a request from Steve Kyriopoulos that the sign code be amended. Steve Kyriopoulos handed out some examples of what it is he would like to do. Mr. Kyriopoulos stated that he owns the two billboards in Wellsville City, and would like to upgrade them to electronic billboards. Paul Egbert asked if Mr. Kyriopoulos owned the billboards or the property where the billboard resides. Mr. Kyriopoulos stated that he owns the billboards, and that he has easements for each billboard. Mr. Kyriopoulos stated that he would like to move the billboard by Tom’s Service Station to the south. Marcene Parker asked Mr. Kyriopoulos what he would like Wellsville City to do. Mr. Kyriopoulos stated that he would like Wellsville City to give approval for the electronic billboards. Mr. Egbert asked about the size of the billboards. Mr. Kyriopoulos stated that there would be no change in size. Ruth P. Maughan stated that Mr. Kyriopoulos is using the billboard to piggyback on something for Wellsville City by having a ‘Wellsville City’ or ‘Welcome to Wellsville’ at the top of the billboard. Mr. Kyriopoulos stated that he wants to create something nice for the community and something that looks good. Ms. Parker asked about maintenance of the electronic billboard. Mr. Kyriopoulos stated that he doesn’t know about maintenance. Mr. Kyriopoulos stated that the sign would rotate through different advertisements like a slide show. Ms. Maughan asked City Planner Jay Nielson what illuminated external means. Mr. Nielson stated that it means that a light shines on the billboard. Ms. Maughan asked what illuminates internal means. Mr. Nielson stated that a light shines behind the billboard. Mr. Egbert stated that Wellsville City has always wanted to keep the highway corridor clean. Wellsville City doesn’t want billboards. Mr. Egbert stated that personally, he doesn’t like illuminated billboards, and that they are more distracting for the driver. Don Hartle stated that approval for an issue like this is based on the majority of the Planning Commission, not the majority of those present. Mr. Hartle stated that this issue could be continued until all members of the Planning Commission are present. Karma Leatham stated that personally, she likes the billboards. Ms. Leatham stated that they are no more distracting than anything else along the highway is. Ms. Leatham stated that the billboards can be used for advertising and are quite helpful. Brady Larson stated that he thinks the electronic billboards are cleaner. Mr. Larson stated instead of adding more billboards, replace what is there with a nice LCD screen. Ms. Parker asked Carl Leatham, who drives truck for a living, if electronic billboards are a distraction. Carl Leatham stated that electronic billboards are not any more distracting than anything else is. City Planner Jay Nielson stated that it needs to be completely disclosed in this discussion that advertising on this billboard is a possibility. Mr. Nielson stated that he doesn’t know what Mr. Kyriopoulos’s intentions are. Mr. Nielson stated that electronic billboards are very expensive signs. Mr. Nielson stated that a way to generate revenue is to sell commercial advertising space. Mr. Nielson stated that this is not a community billboard. Mr. Kyriopoulos stated that there is no question that he will be selling commercial advertising space on the electronic billboard. Ms. Maughan stated that she is completely against what Mr. Kyriopoulos is trying to do. An electronic

billboard is a very hard object to have next to an intersection. Mr. Egbert stated that billboards are long-term. They are used to make money. The cost of an electronic billboard is \$500,000. Mr. Egbert stated that there is an investment up front, but they make good money. Mr. Egbert read from the General Plan. Mr. Egbert stated that this would be a significant change from what has been done in the past. Mr. Kyriopoulos stated that he will have the billboards tied up for at least 50 years. Mr. Kyriopoulos stated that he would like them to look nice with modernized equipment. Mr. Egbert stated that there is a lot of pressure and tension with billboards, and they are a very hot topic. Ms. Parker stated that she has no problem with an electronic billboard. Ms. Parker suggested installing one billboard and see how it works. Ms. Parker stated that it will enhance and upgrade the existing billboards. Mr. Egbert stated that he is against electronic billboards. Mr. Egbert stated that they are a distraction. The community lives with them forever, and they never go away. Ms. Parker stated that an electronic billboard would look better than what is there. Ms. Parker stated that Wellsville City needs to progress. Ms. Maughan stated that she doesn't see it as progress. Ms. Parker stated that this would be a benefit for Wellsville City. Ms. Parker stated that Mr. Kyriopoulos doesn't have to do anything for Wellsville City, but commended him for it. Mr. Nielson stated that he has reviewed this issue extensively. Mr. Nielson stated that this request is flawed because it changes the use. Mr. Nielson stated that the Planning Commission can never deny a conditional use. A conditional used is approved with conditions. This takes away from the Planning Commission its authority to recommend to the City Council. Mr. Nielson stated that the Planning Commission needs to recommend to the City Council as they do on all matters. Mr. Nielson stated that the previous code would refer a non-conformity issue to the Board of Adjustments. Mr. Nielson stated that the new code refers a non-conformity issue back to the Planning Commission where it should be. Mr. Nielson read from the new code. Mr. Nielson stated that the Planning Commission can consider the issue, and approve it if they would like to, but they can also deny it if that want to. Ms. Leatham stated that the area that the billboards are located in is zoned Highway Commercial. Ms. Leatham asked how the electronic billboard is any more distracting than the new Maverik that is located at the intersection of Highway 89/91 and Highway 101. Mr. Egbert stated that when Maverik approached Wellsville City, they wanted a much larger sign. It is not the appearance that Wellsville City wants. There are different looks and wants for each community. Wellsville City would like to keep everything low profile. An electronic billboard is contrary to what is stated in the General Plan. Mr. Kyriopoulos stated that the billboards are there, and they aren't going away. Ms. Parker stated that an electronic billboard would upgrade and enhance what is already there. Mr. Larson thinks that an electronic billboard is a great idea, and may force Tom Leishman to clean up his property.

At 6:39 p.m., the public hearing was closed.

After discussion, Marcene Parker made a motion, to recommend to the City Council on a request from Steve Kyriopoulos that the sign code be amended. This motion died for a lack of a second.

After discussion, Paul Egbert made a motion, seconded by Marcene Parker, to continue this discussion until a full quorum is present.

YEA 3

Paul Egbert
Ruth P. Maughan
Marcene Parker

NAY 0

At 6:43 p.m., receive public input, then consider for possible approval a request from Steve Kyriopoulos for a conditional use to operate a restaurant and farmers market on property at 685 East Main. Steve Kyriopoulos stated that he would like to demolish the home located at 685 East Main. Mr. Kyriopoulos stated that he would like to remodel the garage. Mr. Kyriopoulos would also like to bring in two airstream trailers, one for restrooms, and one for a kitchen/dining. The garage will be used for extra seating. Ruth P. Maughan asked if UDOT has approved the entrance. Mr. Kyriopoulos stated that he is working with UDOT now on that issue. Marcene Parker asked what size were the trailers. Mr. Kyriopoulos stated that the café would be 45 feet long by 8 feet wide. The restroom would be 25 feet long by 8 feet wide. The garage is 24 feet by 22 feet. Ms. Maughan asked if Mr. Kyriopoulos had engineered any of the property. Mr. Kyriopoulos stated no. Ms. Maughan asked about the irrigation ditch. Mr. Kyriopoulos stated that he piped the irrigation ditch. Ms. Maughan asked about the pipe coming out of the detention pond. Mr.

Kyriopoulos stated that it comes from Maverik. Ms. Maughan asked if there were two irrigation ditches. Mr. Kyriopoulos stated that it is an old drain line that Maverik connected to. Paul Egbert asked if there were two parcels. Mr. Kyriopoulos stated that he believes there are three parcels. Mr. Egbert stated that there are three parcels now. Mr. Kyriopoulos stated that one parcel is in the county. Mr. Egbert asked if Mr. Kyriopoulos is annexing the corner piece. The drawing shows that this project is encroaching on county property. City Planner Jay Nielson stated that Wellsville City was willing to participate in the annexation process. Mr. Egbert stated that Mr. Kyriopoulos doesn't have to annex the property, but if he encroaches at all on the property that is in the county, it has to be annexed. Mr. Egbert stated that the uses meet the highway commercial zone. The property needs to be annexed to be part of the project. Mr. Egbert stated that the current zoning about the old ditch to Highway 89/91 is highway commercial. Mr. Egbert stated that the project from the ditch to the west is zoned RA-1, and would need to be rezoned. Mr. Egbert stated that the land use map shows the highway commercial zone expanding in that area, and it also shows a conservation zone closer to the river. Mr. Egbert stated that there are some steps that need to be taken before this project can be approved. Mr. Egbert asked about the flood map. Mr. Kyriopoulos stated that he has all of the FEMA paperwork. Ms. Maughan asked if Mr. Kyriopoulos had received a response from FEMA. Mr. Kyriopoulos stated yes. Mr. Egbert stated that the information from FEMA should be presented to the Planning Commission. There are options to modify the project, but it needs to work with the City code. Mr. Egbert stated having one parcel will give more flexibility. Multiple parcels will have different setbacks with different zones. Mr. Egbert asked how the City code addresses trailers. Mr. Egbert stated that as living quarters, they are not allowed. Mr. Egbert asked about a business being operated out of a trailer. Mr. Kyriopoulos stated that if anything greater comes along, they will tow them out. Mr. Nielson stated that he has a list of eight conditions that if filled, this project can be approved. Mr. Nielson stated that the Planning Commission would require pictures of the airstream trailers. Mr. Egbert asked what the requirements to remodel the garage would be. Mr. Nielson stated that Mr. Kyriopoulos would be required to remodel to full commercial code. Mr. Egbert stated that he would like to see a more professional licensed set of plans. Ms. Maughan stated that this project is doable, but it can't be approved without a professional plan set. Ms. Maughan stated that this plan is showing so much property that is part of the project in the county. Jonathan Cook asked how this set of plans compared to the set of plans submitted to the Planning Commission from Sam Winward. Mr. Nielson stated that there is no comparison because these plans are not even close to what was submitted by Mr. Winward. Mr. Nielson stated that this project is doable. Mr. Nielson listed the eight conditions that would be required. They are as follows: 1) architectural drawings, 2) clear access, 3) delineation of floodplain/exception line, and documents from FEMA, 4) annexation, 5) plans to provide utility services, 6) landscape plans, 7) details to meet parking requirements, and 8) more detailed site plan, i.e., dimensions, labels, all proposed site elements. Ms. Maughan asked if there was any public comment. Carl Leatham stated that he believes Mr. Kyriopoulos is asking if this project is doable. Ms. Maughan states yes. Mr. Egbert read from the City code concerning conditional uses. Mr. Nielson stated that if project is approved, it should be conditionally approved. Mr. Nielson stated that this is doable, but more information is needed.

At 7:11 p.m., the public hearing was closed.

After discussion, Paul Egbert made a motion, seconded by Marcene Parker, to continue this discussion at a later Planning Commission meeting.

YEA 3
Paul Egbert
Ruth P. Maughan
Marcene Parker

NAY 0

The Planning Commission continued their discussion on developing a code whereby vacant commercial buildings in residential zones can be used. Carl Leatham stated that the City Council would like the Planning Commission to move forward with this project. Mr. Leatham stated that City Planner Jay Nielson would be the expert on the wording. Mr. Nielson stated that he has spent time working on this project. In the existing code, there are legally existing non-conformities. Mr. Nielson asked how the Planning Commission could give someone the right to continue or expand a use that they never received permits for. Mr. Nielson stated that the Planning Commission needed to walk through the process. Mr. Nielson stated

that the intent was good, fairness exists, and that no arbitrary decisions are made. Mr. Nielson stated that the Planning Commission should consider each one individually. Mr. Nielson stated that Wellsville City wants to have everything conforming. Mr. Nielson stated that there are three options. They are as follows: 1) rezone it, 2) amortization schedule, and 3) individual property owners apply for a grandfather permit. The burden of proof is on the property owner. Mr. Nielson stated that each process is not terribly complicated, but it has to be fair. Don Hartle explained a situation that he was involved in in Millville, and that they ran into a lot of coffee shop talk with nothing being written in the minutes about the issue. Ruth P. Maughan asked if Mr. Nielson would put together a code for this project. Mr. Nielson stated that the code is mostly complete. Ms. Maughan asked where the Planning Commission goes from here. Mr. Nielson stated that he would take this project to the next step. Mr. Nielson stated that the decision has been to gather a list of properties that this is an issue for. Mr. Nielson suggested not listing the properties, but to get the word out about this project. Paul Egbert asked how Wellsville City overcomes abandonment. Mr. Nielson stated that Wellsville City overcomes abandonment by rezoning the property.

At 7:51 p.m., Paul Egbert made a motion, seconded by Marcene Parker, to adjourn the meeting.

YEA 3

Paul Egbert
Ruth P. Maughan
Marcene Parker

NAY 0

Ruth P. Maughan
Chairperson