

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, December 14, 2016, at the Wellsville City Offices at 75 East Main. Commission members present were Chairwoman Ruth P. Maughan, Kaylene Ames, Paul Egbert, Marcene Parker, and Brian Pattee. Also present were City Manager/Recorder Scott Wells, 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 December 9, 2016. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

<u>Others Present:</u>	Jennifer Leishman	Justin Jeppson	Beverly Jeppson
	David Bankhead	Stephen Bankhead	Clarice Higbee
	Jerald Seeholzer	Thelma Seeholzer	Craig Smith
	Ryan Lamoreaux	Val Lindley	Phil Bankhead
	Robin Bankhead	Richie Benson	Amy Benson
	Carol Nyman	Lynn Archibald	Byron Anderson
	Cody Anderson	Jonathan Cook	

Opening Ceremony: Marcene Parker

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

<u>YEA 5</u>	<u>NAY 0</u>
Kaylene Ames	
Paul Egbert	
Ruth P. Maughan	
Marcene Parker	
Brian Pattee	

The Commission reviewed the minutes for the Commission meeting which was held November 9, 2016. After review, Marcene Parker made a motion, seconded by Paul Egbert, to approve the minutes of the November 9, 2016 meeting as presented.

<u>YEA 5</u>	<u>NAY 0</u>
Kaylene Ames	
Paul Egbert	
Ruth P. Maughan	
Marcene Parker	
Brian Pattee	

At 6:10 p.m., conduct the following public hearing:

First, receive public input, then consider for approval a request from Justin Jeppson for a conditional use for a Level 1 "Home Occupation" to operate a business to recondition furniture out of his home at 40 West 300 South. Mr. Jeppson stated that he would like to purchase old, broken, cheap furniture, and recondition and resale the furniture. Mr. Jeppson stated that he has a room inside of his home that he uses to work on the furniture. Ruth P. Maughan asked if noise would be a factor for this business. Mr. Jeppson stated that he would quit working on the furniture around 5:00 p.m. each night. Ms. Maughan asked that Mr. Jeppson comply with Wellsville City's noise ordinance. Paul Egbert asked if Mr. Jeppson has any employees. Mr. Jeppson stated no. Marcene Parker asked about advertising. Mr. Jeppson stated that most of his sales are done online. Brian Pattee asked if there would be any customer coming to his home. Mr. Jeppson stated that he delivers most of the furniture, but there may be 2 or 3 customers that stop by his home per month. Ms. Maughan asked if Mr. Jeppson does any reupholstering. Mr. Jeppson stated no.

At 6:13 p.m., the public hearing was closed.

After discussion, Paul Egbert made a motion, seconded by Brian Pattee to approve a request from Justin Jeppson for a conditional use for a Level 1 “Home Occupation” to operate a business to recondition furniture out of his home at 40 West 300 South.

YEA 5

NAY 0

Kaylene Ames
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

At 6:14 p.m., conduct the following public hearing:

Second, receive public input, then consider for approval a request from Beverly Jeppson for a conditional use for a Level 1 “Home Occupation” to operate an online soap business out of her home at 40 West 300 South. Ms. Jeppson stated that she used premade soap that she melts down and pours into molds. Ms. Jeppson sells the soaps online. Marcene Parker asked if Ms. Jeppson has any employees. Ms. Jeppson stated no.

At 6:16 p.m., the public hearing was closed.

After discussion, Marcene Parker made a motion, seconded by Kaylene Ames, to approve a request from Beverly Jeppson for a conditional use for a Level 1 “Home Occupation” to operate an online soap business out of her home at 40 West 300 South.

YEA 5

NAY 0

Kaylene Ames
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

At 6:17, conduct the following public hearing:

Third, receive public input, then consider for approval a concept plan for the Bankhead Subdivision consisting of a total of 14 lots from 800 South to 900 South and from Center Street to 100 East. Ruth P. Maughan asked if David Bankhead had received a copy of the comments from City Engineer Chris Breinholt. Mr. Bankhead stated that he had received a copy of the comments. Mr. Bankhead and the Planning Commission reviewed each comment from Mr. Breinholt. Marcene Parker asked why there was no open space in this subdivision. City Planner Jay Nielson stated that open space is not required in the R-1-12 zone. Ms. Parker stated that the Planning Commission received a letter from a neighbor of this property. Ms. Parker asked how Mr. Bankhead plans to fix the water issue. Mr. Bankhead stated that he would have the area engineered and see what happens. Ms. Parker asked if Mr. Bankhead was aware of the water problem. Mr. Bankhead stated yes. Ms. Parker asked if there would be a retention pond of some kind. Mr. Bankhead stated that a retention pond would be the next step. Mr. Nielson stated that a storm water issue should be addressed in the preliminary plan, and clearly defined as part of the plan. Ms. Maughan asked about the irrigation line in the middle of the property. Mr. Bankhead stated that the irrigation line would be in an easement, which would be part of the 10-foot PUE around the lots. Paul Egbert stated that on three sides of the property, there are Wellsville City streets. There is 49 ½ feet, or ½ of the width of the road, required for the city street. Mr. Egbert stated that he believes the dedication is there, but it is the surveyor’s responsibility to confirm it. Mr. Egbert asked if Mr. Bankhead had met with UDOT concerning the lots on Center Street. Mr. Bankhead stated yes, but UDOT would like a copy of the final plan before they go any further. Val Lindley stated that a pressurized watering system has been discussed. Mr. Lindley asked if the water for that system would come out of the upper canal. Mr. Bankhead stated that all of the water for the pressurized water system would come out of the lower canal. Mr. Lindley stated that a right-of-way should be required for repairs if needed. Mr. Lindley stated that

there are no drainage ditches in the area. Mr. Lindley stated that the runoff water needs to be taken care of. Jerald Seeholzer stated that his concerns are a sidewalk, curb, open space, and a catch basin for the water. Ms. Maughan stated that the City Council addresses the sidewalk and curb. Ms. Maughan stated that open space is not required in the R-1-12 zone. Ms. Maughan stated that Mr. Bankhead would have an engineer review the property for a retention pond. Carol Nyman stated that she has the same concerns as Mr. Seeholzer. Ms. Nyman stated that the Wellsville City code, 11-5-4, states that 30% open space is required. Mr. Nielson stated that the Wellsville City code is located on the Sterling Codifiers website and may have not been updated. Mr. Nielson stated that Wellsville City has not required open space in the R-1-12 zone for many years. Mr. Nielson stated that he will review the code to find out when it was modified. Mr. Egbert suggested that Mr. Nielson confirm that no open space is required in the R-1-12 zone. Ms. Nyman stated that she is also concerned about the speed limit along Center Street, and that it is very dangerous. Mr. Nielson stated that the reason Wellsville City modified the code concerning open space in the R-1-12 zone is to encourage development and give an incentive to develop in the R-1-12 zone. Phil Bankhead asked if the sewer connection will be on the trunk line located on 800 South. Mr. Bankhead stated that the sewer backed up a few years ago, and Mr. Bankhead is wondering if the sewer trunk line is big enough to handle more sewage. Mr. Egbert stated that the Public Works department and City Engineer Chris Breinholt review the subdivision plat for those kinds of issues. City Manager Scott Wells stated that Mr. Breinholt has reviewed the subdivision plat, and the sewer line is not a red flag. Mr. Bankhead stated that an easement for the irrigation line should be recorded at the county on the deed.

At 6:48 p.m., the public hearing was closed.

Paul Egbert reviewed the following issues with the Planning Commission. They are as follows: drainage issues, confirm 49 ½ foot right-of-way, and clarification on the open space requirements. Brian Pattee stated that the storm water is defined and the irrigation is defined. After discussion, Paul Egbert made a motion, seconded by Brain Pattee, to approve the concept plan for the Bankhead Subdivision consisting of a total of 14 lots from 800 South to 900 South and from Center Street to 100 East with the conditions that the comments from City Engineer Chris Breinholt be addressed, the storm water drainage be addressed, identify and label the 49 ½ feet on the road ways, clarification on open space, and the irrigation easement exist.

YEA 5

Kaylene Ames
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

NAY 0

Bryon Anderson met with the Planning Commission to present the Preliminary Plan for the Byron Anderson Subdivision consisting of a total of 2 lots (1 additional building lot) on the property at 68 North 200 West. Ruth P. Maughan asked if Mr. Anderson had received a copy of the comments from City Engineer Chris Breinholt. Mr. Anderson stated yes. The Planning Commission reviewed the City Engineer's comments with Mr. Anderson. Mr. Anderson stated that his surveyor has been trying to contact the City's Engineer, and have not been able to connect yet. Paul Egbert asked how the variance for this parcel is recorder. City Manager Scott Wells stated that he did not know. Mr. Egbert stated that a footnote on the plat would be a nice paper trail for the variance. Mr. Wells stated that he would review the procedure for recording a variance. Mr. Anderson stated that he has contacted his surveyor about the easement concerning the sewer line. Mr. Egbert stated that the sewer line shows on the plat. After discussion, Paul Egbert made a motion, seconded by Marcene Parker, to approve the Preliminary Plan for the Byron Anderson Subdivision consisting of a total of 2 lots (1 additional building lot) on the property at 68 North 200 West, with the conditions that the comments from City Engineer Chris Breinholt be addressed, and that City Manager Scott Wells review having a note concerning the variance approval placed on the plat.

YEA 5

NAY 0

Kaylene Ames
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

City Planner Jay Nielson met with the Planning Commission to discuss signage for America West Heritage Center. Mr. Nielson stated that Scott Wells and he met with AWHC concerning a proposal for a new sign. The proposal was drawn up by a sign company to replace the horizontal sign. Mr. Nielson stated that he was asked to reviewed the sign to see if it the old or new code best. Mr. Nielson stated that the sign company paid no attention to the sign code. Mr. Nielson stated that the AWHC asked that Wellsville City modify the new code to include the historic tourism zone to include signs along Highway 89/91. Mr. Nielson stated that this would require a change in the table concerning signs. Mr. Nielson reviewed the changes with the Planning Commission. Mr. Nielson stated that there was never a permit issued for the current sign. The current sign is a non-conforming, illegal sign. Mr. Nielson stated that the AWHC can maintain the current sign, but it cannot be expanded. Mr. Nielson stated that the AWHC is looking into an electronic sign. Mr. Nielson stated that he explained that there could never be any advertising on the electronic sign. Mr. Nielson stated that only messages pertaining to AWHC could be on the sign. Marcene Parker asked if the electronic sign would run 24 hours a day, 7 days a week. Mr. Nielson stated that the AWHC stated that the sign would turn off at 10:00 p.m. each night. Mr. Nielson stated that the requirements for electronic signs in Wellsville City are significantly tighter than in other cities. Paul Egbert stated that when discussing signs with the AWHC, all signs and banners should be addressed. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to allow City Planner Jay Nielson to make changes to the draft code to allow the historical tourism zone the same sign requirements that are in the Highway Commercial zone.

YEA 5

NAY 0

Kaylene Ames
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

City Planner Jay Nielson discussed the property owned by Steve Kyriopoulos. Mr. Kyriopoulos has been doing some grading of the property. Mr. Nielson suggested that City Manager Scott Wells check with City Engineer Chris Breinholt. Mr. Nielson stated that Mr. Kyriopoulos should have obtained a storm water permit in order to proceed with any grading done on the property. A permit should have been issued to demolish the buildings on the property. Mr. Nielson stated that Mr. Kyriopoulos should seek permission to open up the property off a state road. Mr. Nielson stated that there have been no permits issued to Mr. Kyriopoulos or the property. Mr. Nielson stated that there is signage on the property for a business that does not exist. Mr. Nielson suggested that Mr. Wells discuss the storm water issue with City Engineer Chris Breinholt, and that a letter be sent to Mr. Kyriopoulos concerning all of the issues with his property.

City Planner Jay Nielson gave the Planning Commission an update concerning the grandfather report for the Tracy Bailey property/building. Mr. Nielson outlined three different options for the Planning Commission.

City Planner Jay Nielson gave the Planning Commission an update concerning the grandfather report for the Mike Leishman property/building. Mr. Nielson outlined three different options for the Planning Commission.

City Planner Jay Nielson stated that in 4 weeks, an individual will be attending the Planning Commission meeting asking for a multi-family dwelling in the R-1/2 zone. The tax identification number is 11-093-0019. Mr. Nielson asked that the Planning Commission review this issue and his recommendation it to interpret as to where multi-family dwellings are allowed.

City Planner Jay Nielson reported to the Planning Commission that Chapter 11-5-4-A states that "set asides for common open space shall not be required within the town center area (as shown in the official general plan) in that the area lacks the ability to have contiguous open space and many building lots occupy small development parcels in a built up area." The Town Center is the R-1-12 zone as defined in the General Plan in Section 1.3, "The R-1-12 Zone (Town Center) has the capacity for 35 additional multi-family buildings containing 70-140 dwellings dispersed throughout the zone."

City Planner Jay Nielson handed a hard copy of the new proposed code to Ruth P. Maughan. Mr. Nielson stated that City Manager Scott Wells has a digital copy. It was discussed to print two office copies. Mr. Nielson suggested adding an item to the agenda to formally advance the proposed code to the City Council.

City Planner Jay Nielson stated that Jonathan Cook has updated all of the sensitive lands maps, and should be commended for it.

City Planner Jay Nielson stated that this will be his last meeting until sometime in March. Mr. Nielson stated that as necessary, City Manager Scott Wells will transfer information about projects to him, and he will prepare staff reports as necessary.

City Councilman Carl Leatham stated that a berm and fence were required for the Sterling Ridge Subdivision. City Planner Jay Nielson stated that he has a stack of documents to review. Mr. Nielson stated that he will prepare an analysis of what need to be done. Mr. Nielson suggested that Wellsville City file a restriction on the lot owned by the original developer.

City Councilman Carl Leatham stated that he spoke with the contractor who is working on a mortuary in Hyde Park that will have a crematorium. Mr. Leatham stated that it is too bad that the crematorium was not approved for Mike Leishman's building/property.

City Councilman Carl Leatham asked permission to present the grandfather reports from Tracy Bailey and Mike Leishman to the City Council. City Planner Jay Nielson granted Mr. Leatham permission

At 8:16 p.m., Paul Egbert made a motion, seconded by Brian Pattee, to adjourn the meeting.

YEA 5
Kaylene Ames
Paul Egbert
Ruth P. Maughan
Marcene Parker
Brian Pattee

NAY 0

Ruth P. Maughan
Chairperson