

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, April 27, 2011, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Paul Egbert, John Spence, and M. Kent Larsen. Also present were City Manager/Recorder Don Hartle 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 April 22, 2011. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Melissa Webster Nicole Rozanski  
Todd Henry Amberlee Taylor Randy Wall  
Steve Kyriopoulos Travis Taylor

Opening Ceremony: M. Kent Larsen

Loyal Green reviewed the agenda with the Commission. Carl Leatham asked that a discussion concerning the business of Steve Kyriopoulos be added to the agenda. After review, John Spence made a motion, seconded by M. Kent Larsen, that the agenda be approved with the additional item.

YEA 4 NAY 0  
Paul Egbert  
Loyal Green  
John Spence  
M. Kent Larsen

Planning Commission member Russell Glenn arrived at the meeting at 6:03 p.m.

The Commission reviewed the minutes for the Commission meeting which was held March 23, 2011. There were word changes on lines 240, 247, and 258. After review, John Spence made a motion, seconded by Russell Glenn, that the minutes of the March 23, 2011 meeting be approved with the corrections.

YEA 4 NAY 0  
Russell Glenn  
Loyal Green  
John Spence  
M. Kent Larsen

The Commission reviewed the minutes for the Commission meeting which was held April 13, 2011. After review, M. Kent Larsen made a motion, seconded by John Spence, that the minutes of the April 13, 2011 meeting be approved as presented.

YEA 4 NAY 0  
Russell Glenn  
Loyal Green  
John Spence  
M. Kent Larsen

At 6:10 p.m., Russell Glenn made a motion, seconded by John Spence, to go into a public hearing.

YEA 5 NAY 0  
Russell Glenn  
Paul Egbert  
Loyal Green  
John Spence  
M. Kent Larsen

First, receive public input and consider for approval a request from Melissa Webster, Red Tree Accounting, for a conditional use for a Level 1 "Home Occupation" for accounting services to be operated from her

home at 51 West 1450 South. Ms. Webster stated that she is a CPA, licensed in the State of Utah, and has been practicing since 2004. Ms. Webster stated that she has a small business out of her current home, and her family is moving to Wellsville soon. Ms. Webster stated that she keeps accounting books for small businesses and prepares taxes. Loyal Green asked about the percentage of floor space in her home that she will be using for her business. Ms. Webster stated about 7%. John Spence asked if any clients would be coming to her home. Ms. Webster stated that during tax season, some individuals will be dropping off their documents to her home, but then she mails the documents back to them. Ms. Webster stated that none of the small business clients will come to her home. Ms. Webster stated that during tax season, there will be about 1 car per week coming to her home.

At 6:15 p.m., John Spence made a motion, seconded by M. Kent Larsen, to close the public hearing.

<u>YEA 5</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
John Spence	
M. Kent Larsen	

After discussion, John Spence made a motion, seconded by Russell Glenn, to approve a request from Melissa Webster, Red Tree Accounting, for a conditional use for a Level 1 “Home Occupation” for accounting services to be operated from her home at 51 West 1450 South.

<u>YEA 5</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
John Spence	
M. Kent Larsen	

At 6:15 p.m., M. Kent Larsen made a motion, seconded by Russell Glenn, to go into a public hearing.

<u>YEA 5</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	
John Spence	
M. Kent Larsen	

Second, receive public input and consider for approval a request from Nicole Rozanski for a conditional use for a Level 1 “Home Occupation” for massage therapy from her home at 270 East 200 South. Ms. Rozanski has lost her voice, so her boyfriend, Todd Henry, spoke for her. Mr. Henry stated that Ms. Rozanski is certified in the State of Utah for massage therapy and is working in Logan. Ms. Rozanski would also like to be able to work from home on the side. John Spence asked what her hours would be. Mr. Henry stated that the hours would be from 9:00 a.m. to 5:00 p.m., and plans to have about 3 clients per day. Loyal Green asked about the percentage of floor space in the home that will be used for the business. Mr. Henry stated about 5 %. Mr. Green asked about parking. Mr. Henry stated that there is parking on the side of the home and in front of the home. There will be no parking on the street. Mr. Spence asked about signage. Mr. Henry stated none.

At 6:20 p.m., John Spence made a motion, seconded by Paul Egbert, to close the public hearing.

<u>YEA 5</u>	<u>NAY 0</u>
Russell Glenn	
Paul Egbert	
Loyal Green	



doesn't own the property. Mr. Hartle stated that he sent the letter to the address of the utility billing. Mr. Hartle stated that he checked with the County Recorder, and the property is owned by WW Landholding LLC. Mr. Hartle stated that Mr. Wall responded to the letter and asked to discuss the letter with the Planning Commission. Mr. Wall stated that he is not running a business. Mr. Wall stated that he and his partners purchased a concrete business. There is a person living in the home that rents the home and works for Mr. Wall. John Spence stated that there are construction materials all over the property. The area is a residential area, not a commercial area. Mr. Spence stated that it looks like Mr. Wall is trying to run a business from the property. Mr. Wall stated that the lot looks a lot better than it used to. Mr. Wall asked why Wellsville City was coming after him when there are many more businesses around Wellsville City that look a lot worse. Mr. Spence stated that there hasn't been just 1 trailer parked on the lot, there have been several trailers. Russell Glenn stated that if the lot is being used for storage, that is a business use. Mr. Wall stated that he didn't agree. Mr. Spence stated that Mr. Wall should store the trailers next to his own home in his own neighborhood, not in Mr. Spence's neighborhood. Mr. Spence stated that the person living in the home sprays the forms down with some type of diesel solution. Mr. Wall stated that it is not being run as a business. Mr. Spence asked if Mr. Wall has a business license in Wellsville City. Mr. Wall stated no, his business license is from Logan City. Mr. Spence stated that the trailers and cement forms needs to be stored in Logan City. Mr. Glenn stated that if Mr. Wall applies for a business license in Wellsville City, it would be denied because there is no outside storage. Mr. Wall stated that he doesn't agree. Mr. Spence stated that the Wellsville City code doesn't allow him to do what he is doing. Loyal Green asked what Mr. Wall's intent is. Mr. Wall stated that during the winter, the trailers are parked on the lot. Mr. Wall stated that during the summer, the trailers are out at the job site. Mr. Spence stated that Mr. Wall is breaking the law by not following the ordinance. Mr. Wall asked why he was called in. Mr. Spence stated to clean up the lot. Mr. Wall asked why he received the letter. Mr. Spence stated to clean up the lot. Mr. Green stated that Mr. Wall has 2 choices: 1) apply for a business license, or 2) Don Hartle will proceed with legal action. Mr. Glenn stated that the way the lot is now, the business license would be denied. Mr. Green stated that Mr. Wall has the right to apply for a business license. Mr. Wall stated that he will discuss the issue with his partners. Mr. Wall was upset because of all that he says he has done for the community and this is how he is treated. Mr. Wall left the meeting. Mr. Green asked what the Planning Commission wanted to do. Mr. Hartle stated that he will discuss the matter with City Attorney Bruce Jorgensen, and will report back to the Planning Commission his findings. After discussion, Russell Glenn made a motion, seconded by M. Kent Larsen, recommending to Wellsville City that they pursue legal action on this issue.

**YEA 5**

Russell Glenn  
Paul Egbert  
Loyal Green  
John Spence  
M. Kent Larsen

**NAY 0**

Steve Kyriopoulos met with the Planning Commission to review his revised drawings of his business location on the northeast corner of the intersection of 400 North and Highway 89/91. Mr. Kyriopoulos stated that he reviewed his business with the City Council and was granted a business license. Some changes were made to the business, so he was asked to review the business again with the Planning Commission. Carl Leatham stated that the plan presented to the Planning Commission was approved, but Mr. Kyriopoulos asked if the hoop house could be moved so that Reed Bailey, who farms the property, could have better access to it. Mr. Kyriopoulos would like to move the hoop house from the east side of the property to the north side of the tent, and be 20 feet off of Highway 89/91. Mr. Kyriopoulos stated that he reviewed the hoop house with the County Inspector, and because it is an agriculture building, no building permit is required. Loyal Green stated that he sees no problem as long as there is safety and visibility of Highway 89/91. After discussion, M. Kent Larsen made a motion, seconded by Paul Egbert, to approve the modification of the hoop house for the business of Steve Kyriopoulos.

**YEA 5**

Russell Glenn  
Paul Egbert  
Loyal Green

**NAY 0**

John Spence  
M. Kent Larsen

The Planning Commission reviewed for approval the final plat for Phase 2 of the Sterling Ridge subdivision on property on the southwest corner of the intersection of 1450 South Center. Travis Taylor asked for permission to build a home on lot 10 prior to the entire infrastructure being completed. Mr. Taylor stated that the infrastructure is completed in front of lot 10. Mr. Taylor stated that he would like to build a home to be part of the Parade of Homes in September 2011. The Planning Commission reviewed the memo dated April 26, 2011 from City Engineer Chris Breinholt. The following issues need to be addressed on the final plat and construction drawings: 1) the title on the plat should include the label "Final Plat", 2) a temporary turn around easement needs to be shown on the south end of 125 West, 3) the owner of the property to the south needs to be labeled on the plat, 4) the County Recorder block refers to "Box Elder" County and should refer to "Cache" County, 5) a typical public utility easement needs to be labeled on the drawing, 6) lot addresses need to be shown on the plat. City Engineer will supply these to the developer's engineer in a separate memo, 7) a "high ground water" warning note needs to be added to the plat. The wording should be as follows: *"High groundwater levels may be present in the area. Wellsville City's approval of this development does not constitute any assumption of liability for high water table issues. The buyer of each individual lot is solely responsible for all risks involved in purchasing and building on these lots."*, 8) a temporary turn around needs to be constructed at the south end of 125 West, 9) the culverts needs to be shown on the Utility/Road Plan in both plan and profile view to show their relative location to the other utilities, 10) the drainage swale flowline elevation needs to be shown in profile view, 11) fill slopes need to be shown on the roadway fill in lots 13 and 14, 12) the profile needs to be extended past the end of the subdivision boundary showing how the new street grade will tie into the existing ground, 13) the grading plan also needs to show how the fill material at the ends of the streets will tie in with the existing ground. If any grading work must be done outside the boundary of the subdivision, an easement must be obtained, 14) existing service laterals should be shown differently from laterals to be constructed, 15) an ADA ramp detail needs to be shown, 16) the sewer line on 1450 South Street will likely dead end at the west end of this development. The slope of the line should be increased to allow the projected peak flows to scour the line. Lowering the depth of the manhole at the intersection would result in a slope of approximately 1%. This would be acceptable, 17) the sewer line at the west end of 1450 West should have a manhole instead of a cleanout, 18) the gas line location needs to be correctly shown in the cross section, 19) *the responsibility for the establishment of vegetation in the R.O.W. needs to be discussed for this phase and phase 1. The vegetation must be reestablished to prevent erosion and to comply with the storm water permit*, 20) the contractor must develop a Storm Water Pollution Prevention Plan and apply for a permit from the State Division of Environmental Quality, 21) the developer's engineer must submit a detailed construction estimate covering the cost of all required improvements, 22) when the improvement plans are in final approved form, our office requests two (2) sets of the improvement plans. These plans should be stamped by the developer's licensed Professional Engineer. Our office will affix our approving signature to both sets. One set will be delivered to the City and the other set will be returned to the developer's engineer who will use this set to issue construction drawings. Only signed and approved improvement plans will be allowed in the field during construction, 23) we also request an electronic copy of the plat and construction drawings for the purpose of updating the City-based map and utility maps. Electronic data should be compatible with the current version of AutoCAD, 24) Prior to construction, the developer and his construction contractor must hold a pre-construction conference with the City Engineer and the City staff to review construction requirements. Don Hartle stated that Planning Commission can approve the final plat based on the completion of these items. Loyal Green asked if the items could be completed before City Council meeting next Wednesday. Mr. Taylor stated yes, but he will not have them to Mr. Hartle before Mr. Hartle mails the City Council information on Friday and the City Engineer has time to review them. Mr. Hartle suggested that the Planning Commission approve the final plat based on the approval from the City Council and the signing off of the City Engineer. Mr. Green asked what the feeling was about building a house on lot 10. Russell Glenn stated that it should be a City Council decision. Mr. Hartle stated that he will review the issue with City Attorney Bruce Jorgensen. Mr. Hartle stated that Mr. Taylor may have to issue a performance bond. After discussion, Russell Glenn made a motion, seconded by John Spence, to approve the final plat for Phase 2 of the Sterling Ridge subdivision on property on the southwest corner of the intersection of 1450 South Center after satisfying the memo from the City Engineer and obtaining his signature.

**YEA 5**  
Russell Glenn  
Paul Egbert  
Loyal Green  
John Spence  
M. Kent Larsen

**NAY 0**

Carl Leatham asked if Bill Belka is building an apartment on top of his garage. Don Hartle stated that he didn't know, but has filed an occupancy restriction on the property.

Carl Leatham stated that he received an email from the South Corridor Committee stated that there will be a public workshop held May 4, 2011, at the American West Heritage Center, from 12:00 p.m. to 6:00 p.m. Mr. Leatham encouraged all who can to attend.

At 7:37 p.m., M. Kent Larsen made a motion, seconded by Paul Egbert, to adjourn the meeting.

**YEA 5**  
Russell Glenn  
Paul Egbert  
Loyal Green  
John Spence  
M. Kent Larsen

**NAY 0**

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Loyal Green  
Chairman