

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, August 24, 2011, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Russell Glenn, Paul Egbert, John Spence, and M. Kent Larsen. Also present were City Manager/Recorder Don Hartle, and Councilmen 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 August 19, 2011. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Connie Wakefield Richard Wakefield
Earl Glenn Jonathan Cook Steve Kyriopoulos
Tom Jewkes Teresa Jewkes Karma Leatham

Opening Ceremony: M. Kent Larsen

Loyal Green reviewed the agenda with the Commission. After review, John Spence made a motion, seconded by Russell Glenn, that the agenda be approved as presented.

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

The Commission reviewed the minutes for the Commission meeting which was held August 10, 2011. After review, Russell Glenn made a motion, seconded by John Spence, that the minutes of the August 10, 2011 meeting be approved as presented.

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

Russell Glenn asked that they amend the order of the public hearings since Ms. Zwygart was not in attendance.

Planning Commissioner Russell Glenn removed himself from this public hearing due to a conflict of interest.

At 6:05 p.m., M. Kent Larsen made a motion, seconded by John Spence, to go into a public hearing.

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

Receive public input and consider for approval the concept plan for the Glenn Family Trust subdivision (2 additional building lots) on property at 381 South Center. Planning Commissioner Russell Glenn removed himself from this public hearing as a Commission member due to a conflict of interest. Russell Glenn stated that they are trying to correct a situation on 2 homes being on 1 tax identification number. They would like to subdivide the property in order to sell both homes. Mr. Glenn stated that they would also like to divide the property into 4 lots as shown on the concept plan. Mr. Glenn stated that lot #3 is slightly smaller. The frontage was surveyed at 82.02 feet, and a minimum of 82 ½ feet is required. Mr. Glenn stated that they presented this issue to the Board of Adjustments, and they were granted a variance.

Mr. Glenn referenced the memo from City Engineer Chris Breinholt dated August 17, 2011. Mr. Breinholt recommended the following issues be addressed as this project goes forward. They are: 1) The legal description needs to be tied to a section corner in addition to the Wellsville City Survey, 2) The final course of the Boundary Description needs to show the distance, 3) It is my understanding that a variance for the width of Lot 3 at 82.08' has been obtained, 4) The areas of the lots should be given in consistent units, 5) The following items need to be included in the Preliminary Plat submittal: a) Existing surface contours, b) Existing and future utilities (including fire hydrants), c) Existing and future culverts, d) Ditches, e) Sidewalks as required by the Planning Commission, f) 10' public utility easement around each lot, g) Existing buildings, h) Existing fences. Mr. Glenn asked that 5a, existing surface contours, be excluded from this list. Mr. Glenn stated that it is very expensive to have that type of survey done, and there is no existing survey that shows the contours. Loyal Green asked if there was enough surface area on lot #4 for a home to be built. Mr. Glenn stated certainly. Mr. Glenn stated that the lot is close to 1 acre, and the setback would be 30 feet. Don Hartle stated that the Board of Adjustments did state that on lot #1, there can be no additional division of the lot for a home on the south end. Paul Egbert stated that items 5b through 5h of the memo by City Engineer Chris Breinholt need to be addressed on the concept plan. Mr. Glenn stated that he found that requirement in the code after this concept plan was completed. Mr. Green asked about sidewalks. Mr. Glenn stated that the sidewalk comes down to Ruth Brenchley's home, and then crosses the street and goes down to the ditch. Mr. Glenn stated that there used to be a sidewalk on the east side of the road all the way through the hollow, but it was covered up when the road was expanded. Mr. Glenn stated that there is no sidewalk on 400 South.

At 6:20 p.m., John Spence made a motion, seconded by M. Kent Larsen, to go out of public hearing.

<u>YEA 4</u>	<u>NAY 0</u>
Paul Egbert	
Loyal Green	
John Spence	
M. Kent Larsen	

After discussion, John Spence made a motion, seconded by M. Kent Larsen, to approve the concept plan for the Glenn Family Trust subdivision (2 additional building lots) on property at 381 South Center with the following conditions: waive 5a, existing surface contours, 5b through 5h be completed and on the Preliminary Plat, and to review sidewalks.

<u>YEA 4</u>	<u>NAY 0</u>
Paul Egbert	
Loyal Green	
John Spence	
M. Kent Larsen	

Planning Commissioner Russell Glenn resumed his seat on the Planning Commission Board.

At 6:24 p.m., John Spence made a motion, seconded by Paul Egbert, 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	

Receive public input and consider for approval a request from Sue Zwygart for a conditional use for a 3 dog kennel at her home at 770 South 100 West. Ms. Zwygart was not in attendance. Loyal Green stated that if the individual is not in attendance, the public hearing will not be held.

At 6:27 p.m., M. Kent Larsen made a motion, seconded by Paul Egbert, to go out of public hearing.

YEA 5

NAY 0

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

Steve Kyriopoulos met with the Planning Commission to discuss potential development on the northeast corner of the intersection of Highway 89/91 and 400 North. Steve Kyriopoulos would like to build a convenience store, auto fuel, car wash, and semi fuel station on this property. Mr. Kyriopoulos submitted a revised plan of the proposed development. Mr. Kyriopoulos stated that he has an appointment with Access Management on September 7, 2011 concerning access onto Highway 89/91. Mr. Kyriopoulos stated that when he purchased this property from Tom Smith, it had 2 20-foot accesses onto Highway 89/91 and he has combined them into 1 40-foot access onto Highway 89/91. John Spence asked if there were sewer and water hookups in the area. Mr. Kyriopoulos stated that he has paid for 2 water and sewer hookups for this property. Mr. Spence asked if the car wash would be a problem with the sewer lagoons. Don Hartle stated no, there is a pre-treatment plan that must be followed. Mr. Kyriopoulos stated that he read City Planner Jay Nielson's comments, and disagrees with paragraph 1. Loyal Green asked if the intent for truck services means semi truck. Mr. Kyriopoulos stated that the purpose is a convenience store and gas pumps for travelers. Mr. Green stated that in the General Plan, the Highway Commercial zone is set aside for motorist, and asked if a truck driver is considered a motorist. Mr. Kyriopoulos stated that his legal counsel says that case law states that truck drivers are motorists. Mr. Kyriopoulos stated that he would like to discuss this idea before he puts much money into it. Mr. Green stated that Mr. Kyriopoulos has the right to make an application, and that the City Council and/or City Attorney would have to decide if the code can stretch to semi-truck traffic. Mr. Green stated that it would be inconsistent with the General Plan, and inconsistent with the vision of what Wellsville City would like the Highway Commercial zone to look like. Mr. Kyriopoulos stated that they have to apply the current code as it stands now. His interpretation is to include semi-trucks. Mr. Kyriopoulos stated that Sharp Transportation is located in the area. Mr. Green stated that Sharp Transportation is in the General Commercial zone instead of the Highway Commercial zone. Mr. Green is concerned about zone compatibility. Mr. Kyriopoulos stated that Wellsville City may not have the rooftops to attract business, but they have the tail lights to attract business. Mr. Kyriopoulos stated that this auto plaza would generate opportunity, jobs, and revenue for Wellsville City. Russell Glenn asked if a semi-truck fuel station is retail. Mr. Green stated that is not the question, having a truck stop is the problem. Mr. Kyriopoulos stated that this auto plaza offers a lot to travelers, and he would like to sell fuel to semi-trucks. Mr. Spence asked if it would be a truck stop for individuals to take showers, or just to stop and fuel up. Mr. Kyriopoulos stated that he would like to sell fuel, but it could turn into building showers and allowing overnight parking. Mr. Green stated that he is concerned about the safety of getting on and off of Highway 89/91 without a signal light. Mr. Green stated that this is the gateway to the community. Mr. Green stated that the Wellsville Ranches subdivision is 180 feet off of the highway, and Mt. Sterling Estates subdivision is 500 feet off of the highway. Mr. Green stated that City Planner Jay Nielson says that semi-trucks are not allowed in the Highway Commercial zone. The question is whether or not semi-trucks are allowed in the Highway Commercial zone. Mr. Hartle stated that he has an appointment with City Attorney Bruce Jorgensen on Tuesday, and will ask him to make a determination based on the current code. Mr. Green stated that the Planning Commission needs a determination from the City Attorney before they can proceed. Mr. Glenn stated that this commercial proposal needs to be given consideration, and suggested that perhaps a plan could be developed that would satisfy Mr. Kyriopoulos and Wellsville City. Mr. Green stated that there are 260 acres of commercial area, and he doesn't want this business to hamper the ability to develop the rest of the commercial area. Mr. Kyriopoulos stated that it depends on how it is designed. Mr. Kyriopoulos stated that Wellsville City needs to take advantage of the tail lights and provide services to attract clients. Mr. Glenn stated that they need to be consistent with the current code. Paul Egbert stated that he believes this is a good idea, and a viable business, but his concern is to clarify the definition of fueling of trucks.

Tom Jewkes met with the Planning Commission to discuss the existing conditional use for the Good Timber business at 390 East Main and signage which he is allowed. Loyal Green reviewed the minutes of the Planning Commission meeting held October 27, 2010. There is to be no storage of equipment, materials, or

products in front of the building. Mr. Green asked about the bin of firewood for sale in the front. Mr. Green asked if it was possible for the bin to be pushed back. Mr. Jewkes stated that selling the scrap wood is part of their income, and there is no storage in the back of the building. M. Kent Larsen reviewed the minutes of the Planning Commission meeting held March 24, 2010, and there was no conditional use to sell firewood. John Spence stated that there is a problem with the firewood being for sale in the front of the building. If the firewood is moved, there is no problem. Mr. Green asked if it was possible to keep the firewood inside the building. Mr. Jewkes stated that he will go to the lot and review it. Mr. Jewkes stated that the firewood is located in the most convenient place. Mr. Jewkes stated that he would hide the wood with slats through the chain-link fence. Russell Glenn stated that it still violates the conditional use. There is to be no product stored in the front of the building. Mr. Green asked how big of an area the firewood in is. Mr. Jewkes stated that it is 8 feet by 8 feet. Mr. Glenn stated that if the slats were added, the product would not be displayed. John Spence stated that there is to be no product out front. Mr. Green asked if the firewood could be moved inside. Mr. Jewkes stated that if he has to move the firewood, he will. Mr. Green reviewed all of the conditions concerning the firewood. Mr. Green stated that the firewood has to be moved inside or moved behind the front of the building and be screened by a fence. Paul Egbert asked if Mr. Jewkes received a permit from UDOT. Mr. Jewkes stated that he didn't know he needed a permit from UDOT. Mr. Jewkes stated that Mike and Connie Leishman may have the permit, and he will check with them.

Planning Commission member John Spence left the meeting at 7:25 p.m.

Loyal Green discussed signage with Mr. Jewkes. Mr. Green stated that Mr. Jewkes applied for a sign permit, but it wasn't completed. The sign permit was discussed during a public hearing on December 8, 2010, but Mr. Jewkes was not in attendance. Don Hartle stated that there were some changes made to the application. There is 877 square feet instead of 1,002 square feet. Paul Egbert, Mr. Hartle, and Mrs. Jewkes checked the figures. All of them came up with 1,002 square feet. Mr. Hartle stated that they are allowed to have 200 square feet of signage. Mr. Egbert stated that the calculations for the signs came from the code 10-16-4d. Banners are allowed if they are permanently attached to the building. Mr. Jewkes stated that they have 3 signs that total 156 square feet. Mr. Green asked if the banners will be permanent signs. Mr. Jewkes stated that they will have 1 banner sign, the firewood for sale sign, and a sign that Sign Pro is creating for them. Mr. Green asked if the signs will be permanently attached. Mr. Jewkes doesn't know about the sign from Sign Pro. There will be a frame around the sign made by Sign Pro, so it will not be a banner. The banner sign has places around it for rivets to be placed in the building. After discussion, Paul Egbert made a motion, seconded by M. Kent Larsen, to approve the original sign application from Tom Jewkes with the following conditions: 1) the banner sign is to be bolted down at all rivet locations, 2) if signs become tattered, they are to be replaced, 3) the firewood for sale has to be moved from out in front of the building, and 4) obtain a UDOT permit.

YEA 4
Russell Glenn
Paul Egbert
Loyal Green
M. Kent Larsen

NAY 0

At 7.53 p.m., Paul Egbert made a motion, seconded by M. Kent Larsen, to adjourn the meeting.

YEA 4
Russell Glenn
Paul Egbert
Loyal Green
M. Kent Larsen

NAY 0

Loyal Green
Chairman