

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, November 28, 2012, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Russell Glenn, Paul Egbert, Loyal Green, 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 November 23, 2012. The meeting was called to order at 6:00 p.m. by Chairman Loyal Green

Others Present: Jennifer Leishman Amy Nielson Don Ewing
Alison Ewing Jonathan Cook Curtis Lundstrom
Herb Zwygart

Opening Ceremony: Russell Glenn

Loyal Green reviewed the agenda with the Commission. Don Hartle stated that item #7 called and cancelled. Mr. Hartle has 3 things that he would like to discuss with the Planning Commission. After discussion, Russell Glenn made a motion, seconded by Paul Egbert, that the agenda be approved with the removal of item #7 and discussion of 3 items by Mr. Hartle

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 November 14, 2012. There were word changes on lines 42, 66, 67, 71, 72, 89, 100, 102, 184, 186, 191, 192, 195, 196, 201, 210, 216, 218, 233, 239, 245, 246, 249, 273, 274, 276281, 285, 286, 294, 295, 296, 300, 301, and 304. After review, Russell Glenn made a motion, seconded by Paul Egbert, to table the minutes of the November 14, 2012 meeting until the changes can be implemented and reviewed again.

YEA 4 NAY 0 ABSTAIN 1
Russell Glenn Loyal Green
Paul Egbert
John Spence
M. Kent Larsen

At 6:05 p.m., conducted the following public hearing to receive public input and consider for approval a request from Peter Nielson for a conditional use for a Level 2 "Home Occupation" to operate Accurate Homes, a general contracting business, from his home at 600 North 800 East. Peter Nielson was unable to attend the meeting, so his wife, Amy, met with the Planning Commission. Ms. Nielson stated that Mr. Nielson owns his own construction business. There is a desk in a downstairs bedroom where he does bookwork. The client comes to their home for the pre-planning meeting. All other meetings are held at the job site. Loyal Green asked about the storing of equipment. Ms. Nielson stated that he owns 2 trailers, 1 enclosed and 1 flatbed trailer that can easily be parked behind their home. Paul Egbert asked what was on the flatbed trailer. Ms. Nielson stated that forms for footings are on the flatbed trailer. Russell Glenn asked if there were any neighbors in attendance. Alison Ewing stated that they live behind the Nielson's and have had no problems with their business. Ms. Nielson stated that there is no increase in traffic in their subdivision because of the business. M. Kent Larsen asked if the workers meet at the home. Ms. Nielson stated that they meet at the job site. John Spence asked how long Mr. Nielson has been in business. Ms. Nielson stated about 4 1/2 years. Mr. Spence asked if the business has grown. Ms. Nielson stated that it has. Mr. Glenn stated that this business certainly meets the Level 2 "Home Occupation" requirement. If any heavy equipment is added or it changes the character of the neighborhood, this business would not be allowed. It needs to stay as they are currently operating it. Ms. Nielson stated that the intent is to keep it a small business. Ms. Nielson stated that it is not Mr. Nielson's goal to stay in the construction business. Mr. Larsen stated that people need to be a good neighbor and if the conditions change, the Nielson's will need

to return to the Planning Commission. Mr. Glenn stated that the code says that a home occupation is such that it is not obvious to the neighbors that a business is being conducted out of the home. Mr. Larsen asked if the shed that is shown on the map is currently there. Ms. Nielson stated yes. After discussion, M. Kent Larsen made a motion, seconded by Paul Egbert, to approve a request from Peter Nielson for a conditional use for a Level 2 "Home Occupation" to operate Accurate Homes, a general contracting business, from his home at 600 North 800 East as proposed in the application.

YEA 5

NAY 0

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

The Planning Commission considered for approval a lot line adjustment of property on the northeast corner of the intersection of 800 South and 100 West, Parker Escape Subdivision. Don Hartle stated that the subdivision has been approved. Based on the survey, the shed that Herb Zwygart built is on some of the property located in the subdivision. The developer is willing to deed the property to Mr. Zwygart. It is approximately 300 feet, ranging from 3.36 feet wide to 6.85 feet wide. Russell Glenn asked if there was anyone that had a plot map. Herb Zwygart stated that he did. Mr. Glenn asked if the lot lone adjustment is approved, the shed will be on Mr. Zwygart's property. Mr. Zwygart stated yes. Mr. Hartle stated that a lot line adjustment requires the approval of the Planning Commission. After discussion, Russell Glenn made a motion, seconded by Paul Egbert, to approve a lot line adjustment of property on the northeast corner of the intersection of 800 South and 100 East, which is the Parker Escape Subdivision.

YEA 5

NAY 0

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

Don Hartle stated that the City Council approved the code amendment allowing for truck stops in the CH, Highway Commercial zone, as a conditional use. Mr. Hartle stated that he has discussed with City Attorney Bruce Jorgensen what he feels is the best procedure. Mr. Jorgensen stated that the code has been amended to allow for a truck stop in the CH, Highway Commercial zone. Steve Kyriopoulos will need to submit a new application and public hearings will have to be held. Mr. Hartle stated that he and Mayor Thomas G. Bailey have a meeting scheduled for tomorrow with Mr. Kyriopoulos.

Don Hartle asked for some input from the Planning Commission concerning the South Valley RV shop. Some time ago, South Valley RV came in requesting a rezone and purchase of some property. Now, the chicken coops have been removed and the white fence that was behind the South Valley RV has been moved. Mr. Hartle checked with the Cache County Recorder's Office, and the dimensions of the lot where the twin home is located and the lot where South Valley RV is located have changed. A lot line adjustment has been done without approval from the Planning Commission. Mr. Hartle plans to discuss the issue with City Attorney Bruce Jorgensen. Russell Glenn asked if the lot where the twin home is located is more non-compliant than it already was. Mr. Hartle stated that the dimensions have changed. Mr. Glenn asked if there was anything in place to prevent a lot line adjustment without approval from Wellsville City. Mr. Hartle stated no. Mr. Hartle showed the Planning Commission the dimensions of the lots before Cache County Recorder's Office filed the lot line adjustment and the dimensions of the lots now. Mr. Hartle stated that the owner of the property is listed as A+ Storage. John Spence asked if there is something in place that will flag the community when this happens without approval. Mr. Hartle stated that the job of the Cache County Recorder's Office is to file, not to make it legal. Mr. Glenn asked if the lot where the twin home is located is now compliant. Mr. Hartle stated he didn't know. Paul Egbert suggested that Lance Gunnell attend a Planning Commission meeting to discuss the issue. Loyal Green asked if the business has expanded. Mr. Hartle stated yes. Mr. Hartle asked that the Planning Commission review the issue and be

prepared to discuss it in 2 weeks.

Don Hartle handed out a packet of papers concerning Sherwood Hills and asked that the Planning Commission review the application. Mr. Hartle stated that he is going to discuss this issue with City Attorney Bruce Jorgensen.

At 6:48 p.m., Paul Egbert made a motion, seconded by M. Kent Larsen, to adjourn the meeting.

YEA 5

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

NAY 0

Loyal Green
Chairman