

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, April 9, 2014, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairwoman Ruth P. Maughan, Chris Clark, Paul Egbert, Jerald Leishman, and Brian Pattee. Also present were City Manager/Recorder Don Hartle, Mayor Thomas G. Bailey, Councilmen Gary Bates, Carl Leatham, Perry Maughan, City Planner Jay Nielson, and City Attorney Bruce Jorgensen. A copy of the Notice and Agenda was posted, faxed and emailed to the Herald Journal, and mailed to the Planning Commission on April 4, 2014. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

<u>Others Present:</u>	Jennifer Leishman	Steve Kyriopoulos	Joan Kyriopoulos
	Robert Bolton	Kristine Bolton	Doris Mayer
	Leroy Mayer	Heather Mayer	Josh Mayer
	Dave Nielsen	Alton Hebdon	Candy Sorensen
	Alan Sorensen	Rustin Walker	John Dorny
	Loyal Green	Charee Vellinga	Scott Gary
	Beth Gary	Sandra Checketts	Sam Winward
	Katie Christensen	Kristi Rosario	Frank DeRosso
	Marcene Parker	Jonathan Bingham	Sellece Gunnell
	Dale Bankhead	Patty Bankhead	Stacie Adams
	Cody Schenk	Zach Lewis	Sharon Cook
	Amy Wells	Bryant White Jr.	Susan Noall
	Lindy Bankhead	Lisa Parkinson	Randy Hawkes
	Janie Isaacson	Kendall Leishman	Jonathan Cook
	Sarah Romero	Rachel Fry	

Opening Ceremony: Paul Egbert

Ruth P. Maughan reviewed the agenda with the Commission. After discussion, Paul Egbert made a motion, seconded by Chris Clark, that the agenda be approved as presented.

<u>YEA 5</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	
Ruth P. Maughan	
Brian Pattee	

The Commission reviewed the minutes for the Commission meeting which was held March 26, 2014. There was a word change on line 108. After review, Brian Pattee made a motion, seconded by Jerald Leishman, to approve the minutes of the March 26, 2014 meeting with the correction.

<u>YEA 5</u>	<u>NAY 0</u>
Chris Clark	
Paul Egbert	
Jerald Leishman	
Ruth P. Maughan	
Brian Pattee	

At 6:05 p.m., conduct the following public hearing to receive public input, then consider for approval a request from Steve Kyriopoulos for a conditional use for an "Auto Travel Plaza" to include fuel delivery, C-store, restaurant, car wash, RV parking, farmers market, including billboard sign improvements on the northeast corner of the intersection of 400 North and Highway 89/91. Steve Kyriopoulos stated that he would like to build this project on property that he owns along Highway 89/91 in Wellsville City located in the CH, Highway Commercial zone. He presented a power point presentation. Slide #1 introduced the project. The name of the truck stop is "Sardinz". Slide #2 listed the name of the development team for this project. Slide #3 listed the project goals. They are: begin redevelopment of community commerce, create tax revenue for Wellsville City, establish needed services, local job creation, community pride, and

environmentally proactive. Slide #4 explained the site plan. There will be a C-store, mailboxes, barber shop, laundry facilities, showers, Verizon kiosk, and a car wash. Slide #5 presented the traffic study. The UDOT-required traffic study has been completed. The semi-trucks will more likely be local route haulers rather than overnight long haulers. Slide #6 discussed noise. The Wellsville City code limit is 65 decibels during the day and 60 decibels at night. Slide #7 showed a noise chart. Slide #8 showed a proximity map. It states that Highway 89/91 is noisier than the truck stop. There is an average of 25,500 cars that travel Highway 89/91 per day. Slide #9 discussed the "No Net Emissions Increase" policy. This truck stop will not bring anymore trucks to Cache Valley than there already are. This truck stop hopes to change traffic patterns of truck drivers. Slide #10 shows the environmental offset. The truck stop will use alternative fuels, LED lighting, water reclaiming, waste management, and recycling programs. Slide #11 discussed alternative fuels. Slide #12 discussed lighting. LED lighting is very directional. Slide #13 showed water resources. The truck stop hopes to reclaim 100% of wastewater. Mr. Kyriopoulos stated that he has discussed this project with the canal company. An agreement has been drawn up that will benefit both parties. Slide #14 discussed waste management. The truck stop plans to be very aggressive with recycling. Slide #15 showed geo-thermal heating and cooling, which they plan to use at the truck stop. Slide #16 showed project amenities. They are alternative fuels, groceries, laundry facilities, barbershop, restaurant, and a car wash. Robert Bolton read a statement that he prepared. His concern is using 900 East as an access road to the truck stop. Mr. Bolton stated that he had opinions from 2 real estate agents that property values will drop 15 to 40%. Mr. Bolton stated that ordinance 11-1-3-E is to protect and conserve land. Previous members of the Planning Commission stated that 900 East would not be used as an access to the truck stop. Mr. Bolton stated that Mr. Egbert is the only person that currently serves on the Planning Commission that was on the Planning Commission at that time. Rustin Walker read a statement that he prepared. He has worked in the trucking industry for the past 10 years. He lives on the corner of 900 east and Main Street. His concern is the entry and exit points of the project. Katie Christensen read a statement that she prepared. Ms. Christensen stated that she would like to express her thoughts about the 4-way intersection at 500 North. It has been discussed that the traffic signal scheduled to be installed at the Caine Dairy road will be relocated at 500 North. Ms. Christensen also read from ordinance 11-1-3-E. Ms. Christensen stated that the intersection shouldn't be approved without a traffic signal installed. Stacie Adams read a statement that she prepared. Ms. Adams discussed the future of Wellsville City. This is a pivotal point for Wellsville City. Ms. Adams discussed city branding. It is character that identifies a city. Ms. Adams asked if this is the right image that Wellsville City wants to portray. Ms. Adams asked if the truck stop would improve Wellsville City's image or not. There are 5 principals for branding: 1) safety, 2) clean, 3) historic, 4) renewed, and 5) family oriented. Rebranding Wellsville City will take time. Mr. Adams asked if the truck stop would fit future branding, or if there is a better option. Ms. Adams stated that the Planning Commission is responsible for the repercussions. Ms. Adams stated that as people enter Wellsville City; their first view will be of the industrial area. Cody Schenk stated that he reviewed Chapter 15, which is the conditional use code. One word popped out at him. The word is shall. The word shall is an expected action with a duty and responsibility. Mr. Schenk stated that planning takes both sides of information. The job of the Planning Commission is to approve or deny conditional use applications. Their job is also to protect public welfare. Mr. Schenk listed issues that he is concerned about. They are: no truck idling, directional lighting, no mixing of fuels, sound berm, expand 400 North to a 99-foot right-of-way, no trucks on 900 east, install a traffic light at 500 North intersection, and deceleration and acceleration lanes. Scott Leishman stated that he is the president of the Eastfield irrigation Company. Mr. Leishman stated that Mr. Kyriopoulos has been respectful of the rights of the canal company. Mr. Leishman stated that the canal company and Mr. Kyriopoulos have worked together to author an agreement, but the agreement hasn't been signed by either party or filed at the County Recorder's office. Mr. Leishman stated that house bill 298 that was passed in 2010 states that the Planning Commission can't approve any project until the agreement with the canal company is in place. Mr. Leishman stated that the canal company can't guarantee that water will be in any canal at any given time and day. Dale Bankhead asked that the Planning Commission forego the requirement to implement the landscape code that was passed last week. Mr. Bankhead stated that this project was started in 2011 and the Mr. Kyriopoulos shouldn't be subject to the landscape code. Alton Hebdon stated that he can sympathize with the residents of the Southwest Heritage Estates Subdivision. Mr. Hebdon stated that a traffic light at the Caine Dairy road is ridiculous for the 5 cars that drive on that road each day. Mr. Hebdon stated that this project should be considered seriously for Wellsville City because of the added income. Jonathan Bingham stated that he is a new resident of Wellsville City. Mr. Bingham stated that he read the documents that have been submitted and apples are

not being compared to apples. The perks given for this project will not be seen in Wellsville City. The project shows a walking trail next to the irrigation ditch, which is cause for concern. Sam Winward stated that he is trying to stay as neutral as possible during this discussion. If this project is approved, Mr. Winward encouraged those in the community that are opposed to work with the developer to build a project that is pleasing to the community. Mr. Winward hopes that Mr. Kyriopoulos will take the concerns from the residents to heart. Mr. Winward stated that if the project is opposed, that he hopes Wellsville City will work with the developer to find a project that he can do. Mr. Winward stated that he applauded the effort of Mr. Kyriopoulos to bring something to Wellsville City. Lisa Parkinson stated that the Planning Commission amended the code to add truck stop as a condition in the highway commercial area. The application by Mr. Kyriopoulos was submitted under the old code, and should apply when truck stop wasn't allowed. Wellsville City should do the due diligence and protect the citizens of Wellsville City. Every individual that drives in and out of Cache Valley drives through Wellsville City. Ms. Parkinson asked if the Planning Commission would feel comfortable voting yes to this project when a serious injury or fatality happens because this project was allowed in Wellsville City. There should be very serious consideration of this project by all those involved. Lindy Bankhead stated that she helped with the landscape plan for this project. There is a Cache Valley South Corridor Development Plan that was developed. It included public input. There is a need for commercial clusters. This development fits the code, and it is located where it should be. John Dorny wrote the traffic study. Mr. Dorny stated that he would like to emphasize a conflicting point. Traffic lights are not installed closer than 1 mile on Highway 89/91. The traffic light at Caine Dairy to the next traffic light is 8/10 of a mile. UDOT is going against their own policy. This is why Mr. Kyriopoulos is pursuing a traffic light at 500 North. Mr. Dorny stated that cities will have off-roads that they will use as connecting road to the highway. Mr. Dorny stated that during peak hours of the morning, the truck traffic is 20%, and during peak hours of the evening, the truck traffic is 10%. Shellee Gunnell stated that she attended tonight's meeting because she is wondering why the project hasn't been started yet. Ms. Gunnell stated that Wellcome Mart is booming, and they need some competition. The residents that are attending tonight are those that don't want to see the truck stop built. The Planning Commission isn't seeing all of the people that want the truck stop. Ms. Gunnell stated that Mr. Kyriopoulos gave a great presentation. It will be a beautiful project. It will fit in with what Wellsville City wants in their community. Wellsville City is growing, and this project is the perfect opportunity. Kristine Bolton stated that the property on the corner of the Caine Dairy is for sale. A traffic light is already scheduled to be installed at this intersection. Ms. Bolton asked if that property could be used for the project because it has fewer issues. Bryant White Jr. stated that he has seen accidents at the intersection of Main Street and Highway 89/91 before that had a traffic light. There have been many strides made to improve the safety at intersections. The truck stop meets the zoning code. It is unusual for a developer of commercial property to be a resident. Mr. White stated that this is a good opportunity for Wellsville City and it should be embraced.

At 7:34 p.m., the public hearing was closed.

Ruth P. Maughan complimented those in attendance about how respectful they were. Paul Egbert stated that this project has been ongoing for some years. There are stacks of information concerning this project. In general, the truck stop is allowed in the area. Mr. Egbert stated that City Planner Jay Nielson has written a 7-page synopsis of the project. The requirements have been addressed in this synopsis. The concerns of all need to be addressed. Mr. Egbert stated that this plan is different than the previous plans, and asked if these additional items are things that are hoped to do or committed to do. Steve Kyriopoulos stated that any development is going to have a negative aspect. Mr. Kyriopoulos stated that every project in the highway commercial zone is by conditional use, not permitted use. The Planning Commission sets the conditions. Mr. Egbert asked about access on 500 North. The master road plan for the highway commercial area shows a larger roadway width on major roads in the area. Mr. Kyriopoulos stated that he is scared that this project is going to get conditioned to death. Mr. Egbert asked what the road width of 500 North is. John Dorny stated that he matched it up with 500 North on the west side. Mr. Egbert asked if the traffic impact study has been submitted to UDOT. Mr. Dorny stated no. City Planner Jay Nielson stated that he submitted a 7-page staff report to the Planning Commission of this project. A summary is on page 5, item 2. It lists 19 conditions. The recommended conditions of the staff report are as follows: 1) architecture design conditions, 2) all setbacks to meet the requirements of the pending Landscape Code because these requirements are consistent with the City's requirement and practice to increase setbacks for new

developments that abut the Highway, 3) landscaping conditions of approval are to meet the requirements of the pending Landscape Code because these requirements are reasonable for a project of this size, and impact on adjacent uses, 4) access and traffic conditions, 5) the “no new emissions policy” is recognized as a voluntary condition to help reduce emission by supplying electrical truck connections as shown on plans and implementation of an awareness campaign to reduce idling, 6) right-of-way dedication for 400 N Street, 7) right-of-way dedication for 500 N Street, 8) overnight stays limited to 30 days maximum in the RV area, no other overnight stays except for trucks in approved parking stalls, 9) the farmers market area shall be approved separately and the proponent must submit the following: a site plan showing location of structures (temporary and permanent), display areas, parking, signage and temporary signage, site management plan for off season periods, lighting, and intersection visibility of trucks and cars, 10) these conditions recognize the proponents voluntary commitment to install a trail as shown on the plan for the use of customers, 11) all exterior site lights including canopy lights, parking and service area light sources must be recessed into the light fixture of the soffit and ceilings of exterior structures to prevent visibility of the intense source of light, pavement, parking, walks, and entrances areas must be well lit but the bright source of light is not to project to adjacent property; upon installation, any light sources that are visible from any adjacent property, including the highway, shall be removed and replaced with lights that conform to this condition, 12) parking conforming to 10 – 13 parking and loading space, 13) curbing shall be required throughout the project adjacent to all asphalt edges to manage traffic, prevent encroachment into landscape areas and to direct storm water, 14) the fuel storage area shall be screened with landscaping on the west and north sides and is to be shown on the landscape plans, 15) other conditions that may result from letters from other reviewers, 16) submit phasing plan to show each element of the project with its location, timing for construction, and contingency plan as to how the proponent will manage the property if any element is not constructed; phasing plan to become part of the project record and proponent commitment to the project, 17) fire marshal conditions, 18) city engineer conditions, and 19) conform to all applicable ordinances of the Wellsville Municipal Code. Staff report attached. Mr. Nielson stated that there is still a lot of work to be completed. Mr. Nielson stated that he understands Mr. Kyriopoulos’ concern of conditioning the project to death. Mr. Nielson stated that the billboard sign is a separate issue. Mr. Kyriopoulos should submit an application for a sign permit. Signs must be approved separately from the conditional use permit. Mr. Egbert stated that the time limit for the RV park should be 30 days. Mr. Kyriopoulos stated that condition works for him. Mr. Kyriopoulos stated that this project is for travelers services, and that there will be no long-term trailers. Brian Pattee asked about the bio-diesel mixing facility and what it was. Mr. Kyriopoulos stated that the project will receive federal benefits for mixing fuels. The mixing is done at the pump. Mr. Pattee asked if Mr. Kyriopoulos will be adding a truck wash. Mr. Kyriopoulos stated that it is a big maybe, but that there will be a car wash for now. Mr. Egbert asked about the billboard issue in reference to Mr. Nielson’s comments. Don Hartle suggested that Mr. Kyriopoulos work directly with Mr. Nielson concerning the billboard issue. Mr. Kyriopoulos stated that the billboards are old and he would like to install electronic signs. Mr. Kyriopoulos stated that he understands that is a separate issue, and has no problem working with Mr. Nielson. Mr. Kyriopoulos stated that he would like to clean up and update the billboard signs. Mr. Kyriopoulos stated that he has no problem pulling out the billboard signs and dealing with them as a separate issue. Mr. Nielson stated that electronic signs are not allowed in Wellsville City. Mr. Egbert stated that he supports the current sign code. Ms. Maughan stated that she agrees with the current code, and can’t justify electronic signs. Mr. Kyriopoulos stated that he has no problem dealing with the billboard signs as a separate issue. Mr. Egbert stated that the role of the Planning Commission is to make recommendations as for approval or non-approval of a project. Mr. Egbert stated that a project can be approved contingent upon the conditions being met. Jerald Leishman stated that he would like some clarification concerning the canal, UDOT’s feelings on 500 North, and the use or non-use of 900 East. Chris Clark stated that he would like to see a more detailed plan of the site. Ms. Maughan asked if Mr. Kyriopoulos is planning on using 900 East or not. Mr. Kyriopoulos stated that the original project was planned on 400 North. In the middle of the process, Wellsville City adopted a new master road plan for the highway commercial area. Mr. Kyriopoulos agrees that 400 North is not an ideal intersection. The master road plan does have some merit. Mr. Kyriopoulos stated that he was asked to use 500 North so that it would line up with the road across the highway. Mr. Kyriopoulos didn’t own the property. Mr. Kyriopoulos discussed the project with the owners of the property. They were interested in selling and developing the property. There are 2 accesses into the property. His plan is to use the main entrance. Mr. Egbert asked about restricting vehicles on roads. Mr. Hartle stated that Wellsville City doesn’t restrict vehicles on roads. Ms. Maughan asked where the trucks for Sharps Trucking enter. Mr. Hartle stated

that they use 400 North, and some use 900 East. Ms. Maughan asked if Wellsville City is participating in the road construction of 500 North. Mr. Kyriopoulos stated no. Ms. Maughan stated that her main concern is safety on Highway 89/91, and asked if Mr. Kyriopoulos has looked into a frontage road along the east side of Highway 89/91 from Caine Dairy to 500 North. Mr. Kyriopoulos stated that he hasn't look into it because he is against frontage roads. Mr. Nielson stated that he agrees with Mr. Kyriopoulos concerning frontage roads. The road master plan does show a road at the Caine Dairy that serves the highway commercial area. Mr. Kyriopoulos stated that commercial development in Wellsville City will happen south to north. Mr. Kyriopoulos stated that he agrees with 90% of Mr. Nielson's comments. The only sticking point is holding him to the new landscape code. The amendment to the code came after his application. Mr. Pattee stated that the landscape code allows for some flexibility. Mr. Hartle suggested that with all of the new information and new members of the Planning Commission, that Mr. Nielson drafts a document showing some kind of procedure as to how this project should develop, such as a flowchart. Ms. Maughan asked the Planning Commission how they felt about a flowchart. Mr. Egbert stated that he likes the organization and effort of a flowchart, but it should be specific and timely. Mr. Leishman stated that a condition should be added to use 500 North safely, and deemphasize 400 North and 900 East. Mr. Leishman doesn't want to see this project dragged out any longer. Mr. Leishman suggested that Mr. Kyriopoulos work with Mr. Nielson on a flowchart and plan. Mr. Egbert stated that this project should run similar to a subdivision, and the steps that are used during the approval of a subdivision. Mr. Nielson recommended more information on the conditions for a timely approval. There should be specific architectural drawings to show the design of all structures proposed of this project, not of other projects similar to this that have been completed. Mr. Kyriopoulos asked for some indication that this project is going to be approved. Mr. Egbert stated that there is a huge risk to Wellsville City as the project is laid out now. Mr. Nielson stated that there are many holes in this project. The more information that can be given to the Planning Commission, the conditions can be more specific. Mr. Nielson stated that if this project is approved tonight, there will be surprises that the Planning Commission will regret. Mr. Leishman stated that approval from UDOT is still needed. Mr. Egbert stated that approving this project tonight and moving forward is not fair to either party. Mr. Nielson suggested approving the use with conditions to follow. Then, based on fulfilling the conditions listed and other conditions to follow, the submissions may be acceptable and the project approved. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to approve the use of a truck stop at the site of 500 North and Highway 89/91 subject to satisfactory completion of the conditions listed in the staff report, and subject to other conditions that may become necessary as details unfold.

YEA 5

Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

NAY 0

At 8:46 p.m., Chris Clark made a motion, seconded by Paul Egbert, to adjourn the meeting.

YEA 5

Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

NAY 0

Ruth P. Maughan
Chairperson