

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, March 11, 2015, 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, 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 March 6, 2015. The meeting was called to order at 6:00 p.m. by Chairwoman Ruth P. Maughan.

<u>Others Present:</u>	Jennifer Leishman	Monte Williams	Stephanie Williams
	Dave Kurek	Sandra Kurek	Brooke Brandt
	Jay Davis	Brent Parker	Barry Tripp
	Glenda Tripp	Kendall Leishman	Janie Isaacson
	Steve Kyriopoulos	Dale Smith	Tina Smith
	Alan Sorensen	Jonathan Cook	Robyn Bankhead
	Scott Gary	Val Lindley	

Opening Ceremony: Paul Egbert

Ruth P. Maughan reviewed the agenda with the Commission. After discussion, Jerald Leishman made a motion, seconded by Brian Pattee, 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 February 11, 2015. There was a word change on line 126. After review, Chris Clark made a motion, seconded by Paul Egbert, to approve the minutes of the February 11, 2015 meeting as with the change.

<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:

First, receive public input, then consider for approval an application from Monte Williams for a conditional use for a Level 2 "Home Occupation" for onsite auctions on his property at 1010 South 200 East. Mr. Williams stated that he would like to hold an auction once a month, on the third Saturday at 10:00 a.m. for a couple of hours. Mr. Williams stated that he would have portable restrooms available when the auctions take place. Paul Egbert asked what items he would auction off. Mr. Williams stated that it would be mainly household items and antiques. Ruth P. Maughan asked where the items would be located. Mr. Williams stated that he has a 60' by 100' barn that he would have the items in. Mr. Williams stated that he has plenty of parking on his property. Ms. Maughan wondered if this type of business is allowed. Mr. Egbert read from the code, chapter 10-6-B-3, and couldn't find this type of business. Mr. Egbert stated that home occupations are low-volume uses, private uses, that aren't big generators of traffic. Mr. Egbert also read from the code, chapter 10-11-18-5, concerning using 25% of the property for business purposes. A home occupation is low key in general and not recognizable in a residential area. Mr. Egbert stated that he likes the idea, but in a different zone or location. Steve Kyriopoulos stated that he is familiar with Mr. Williams and thinks that this type of business would be a good thing for the community. It will be once a month, 2 to 3 hours in the morning. Kendall Leishman stated that he would like to see this type of business

in Wellsville. Glenda Tripp stated that she thinks it would be a good thing for the community. Mr. Williams stated that this type of business isn't any different than a yard sale. Mr. Egbert stated that he is concerned that a yard sale is once a year, not once a month, and is not a regular business. City Planner Jay Nielson stated that the Planning Commission doesn't determine if this type of business fits in the location, but if it fits the code. The Planning Commission should follow the code, and if it isn't part of the code, deny the application and revisit the code. Dale Smith asked how much property Mr. Williams owns. Ms. Maughan stated that he owns 1.21 acres. Carl Leatham stated that in keeping with what Mr. Nielson said, the purpose of the home occupation is to allow a business in a residential area, but to keep the business so that no one would know that a business is being run out of the home. Mr. Leatham stated that because the auction would take place indoors and there is plenty of parking, the business may fit. Ms. Maughan stated that Mr. Williams is using more than the allowed 25% of the total property for business use. Mr. Egbert stated that it is a balancing act. Mr. Egbert stated that he is not opposed to this type of business, but it is not part of the code. Ms. Maughan asked if Mr. Williams would be making any improvements to the parking. Mr. Williams stated that he would if he had to. Barry Tripp stated that if the business becomes so big that it infringes on the neighbors right, Mr. Williams would have to expand the business to another location. Jerald Leishman stated that the business could be approved, but there would be stipulations put on the business. Ms. Tripp asked what is involved in amending the code. Don Hartle stated that an application has to be made to amend the code to allow auctions in the RA-1 zone. The Planning Commission makes a recommendation to the City Council, and the City Council makes the decision to amend the code or not. Mr. Leishman stated that he is not for or against the type of business, but rather if it is allowed as a condition in this zone. Mr. Leatham asked if the code allows for a probation period for a home occupation. Mr. Nielson stated no. Mr. Nielson stated that a home occupation requires a business license. If there are problems with the business, then the City Council revokes the business license and the use is terminated. Mr. Nielson stated that reading item A through M of the home occupation, this type of business doesn't fit.

At 6:22 p.m., the public hearing was closed.

Brian Pattee stated that the Planning Commission can't move ahead because this type of business doesn't fit what is allowed in the zone. The code would need to be amended. Paul Egbert asked for some direction as to whether to amend the home occupation or the zoning code. City Planner Jay Nielson stated that commercial uses should not be allowed in a residential zone because they aren't compatible. A commercial use should be in a commercial zone. After discussion, Paul Egbert made a motion, seconded by Brian Pattee, to deny approval of an application from Monte Williams for a conditional use for a Level 2 "Home Occupation" for onsite auctions on his property at 1010 South 200 East.

YEA 5
Chris Clark
Paul Egbert
Jerald Leishman
Ruth P. Maughan
Brian Pattee

NAY 0

At 6:26 p.m., conduct the following public hearing:

Second, receive public input, then consider for approval an application from South Valley RV at 252 East 760 South for a conditional use to increase the number of trailers allowed on the outside of the building at any time, and other related matters pertaining to said business. Dave Kurek stated that he would like to reapply for a conditional use permit in order to add to the number of trailers outside on the property. Ruth P. Maughan asked how many trailers Mr. Kurek would like. Mr. Kurek stated that he has room for 20 trailers. Ms. Maughan asked how many trailers currently reside on the property. Mr. Kurek stated 8. Ms. Maughan stated that the lot looks pretty full now. Robin Bankhead asked if she could read a letter from Wes and Liz Davis. Ms. Maughan stated that the Planning Commission received copies of the letter. Ms. Bankhead reviewed the minutes of the August 11, 2010 Planning Commission meeting when Mr. Kurek and his brother applied for the conditional use permit, the February 9, 2011 Planning Commission meeting reviewing the adjoining property, the April 11, 2012 Planning Commission meeting rezoning and selling property, the June 12, 2013 Planning Commission meeting reviewing the conditional use permit, the

January 22, 2014 Planning Commission meeting that City Attorney Bruce Jorgensen attended to discuss the lot line adjustment that was completed illegally, and the December 10, 2014 Planning Commission meeting discussing the concerns of the business. Ms. Bankhead stated that she isn't concerned with what business is there, but that the commercial zone doesn't get any bigger. Ms. Bankhead read from the General Plan. Ms. Bankhead stated that Wellsville is the gateway to Cache Valley. MS. Bankhead handed out copies of the Land Use map. Ms. Bankhead stated that she is concerned that inch by inch, the commercial zone in that area will get bigger. Justin Hulse stated that he has no problem with South Valley RV. Mr. Hulse stated that the trailers should be kept in the back where there is a gate and a fence. Mr. Hulse stated that he lives on 800 South and safety is a concern because of how close the business is to the road. Glenda Tripp stated that she lives on 750 South. Ms. Tripp stated that her concern is the lot on the west side of this business that is unkempt. Ms. Tripp stated that it is a bigger hazard than the business. Ms. Tripp stated that Mr. Kurek has cleaned up the area and it looks wonderful. Ms. Tripp stated that she wished more businesses would come to Wellsville City because we need the revenue. Val Lindley stated that he lives in the same neighborhood. Mr. Lindley stated that Mr. Kurek should be able to increase the number of trailers. It takes time to fix trailers. Mr. Lindley stated that this business doesn't bother him a bit, and would like to see Mr. Kurek keep it up. Dale Smith stated that he has watched South Valley RV grow. The business has been maintained. Mr. Smith stated that Mr. Kurek installed a fence to keep the trailers behind. Mr. Smith stated that there is a danger with the road being so close. Mr. Smith stated that there are no more than 2 employees there at a time. Mr. Smith stated that the concern with traffic has nothing to do with South Valley RV. Mr. Smith stated that everyone doesn't want a business in their backyard, but it is part of life. There are things that Wellsville City needs to have for growth. Businesses need to be controlled and orderly, and this business does that. Carl Leatham explained the situation concerning the property to the south, how it was acquired, and cleaned up. Ms. Maughan asked about the property to the west. Mr. Leatham stated that a lot line adjustment for the property to the west was denied. Paul Egbert stated that he received an email from Dennis Simper, which he read. Mr. Egbert stated that a similar conversation occurred during a Planning Commission meeting that also occurred during a City Council meeting. Mr. Egbert stated that the lot line adjustment should have been done in a more clear and upfront manner. Mr. Egbert stated that the zoning goes with the property. City Planner Jay Nielson stated that a lot line adjustment doesn't change the zoning. Ms. Maughan asked Mr. Kurek if he is using the property to the south. Mr. Kurek stated yes.

At 6:49 p.m., the public hearing was closed.

Ruth P. Maughan stated that the ground acquired during the lot line adjustment is not zoned commercial, but is being used for additional RV's. Brian Pattee stated that the letter from City Attorney Bruce Jorgensen gave Wellsville City some recommendations and options. City Planner Jay Nielson stated that another wrinkle to be aware of is that the new landscape requirement kicks in if the business is expanded more than 10%. The new setbacks also kick in. Mr. Nielson stated that after reviewing the plans, the property is quite a bit bigger. Mr. Pattee stated that Mr. Kurek should be allowed to do what they have been doing because the property has been kept up and looks good. There is no storage of trailers. Mr. Pattee stated that if the new landscape requirements are imposed because of the lot line adjustment and rezone, the business may not exist. Ms. Maughan asked if the new property acquired by the lot line adjustment should be rezoned. Mr. Pattee stated that a formal lot line adjustment and rezone should be completed. Don Hartle stated that last year, the state legislature passed a change to the lot line adjustment policy. A lot line adjustment doesn't have to be approved unless it is in a platted subdivision. Ms. Maughan asked about the number of trailers wanted on the property. Paul Egbert stated that Mr. Kurek needs to accommodate customers and the business needs to function on its own property, and not use the City street. Jerald Leishman stated that his concern is not the number of trailers, but that the trailers get around in an orderly fashion without using the City street. Mr. Egbert asked what the proper way to proceed is. Mr. Nielson stated that the first thing that should take place is the rezone. Mr. Nielson stated that a rezone required a public hearing and public input. The rezone is initiated by the property owner. Mr. Egbert stated that he has a concern with setting conditions tonight. Mr. Egbert asked if there are other options to address the code requirements concerning landscaping and parking requirements. Mr. Nielson suggested simplifying the process. Mr. Nielson stated that the conditions could be reformed to be by performance. The Planning Commission should be more concerned about performance and not necessarily the number of trailers. Mr. Nielson suggested rethinking performance standards for the conditions. Mr. Egbert stated that the privacy

fence and the loop around road between the building and highway are nice benefits. Mr. Egbert asked if there is a way to provide landscaping in the front of the building. Dave Kurek stated that there is a grass patch on the east side that looks nice and is easy to maintain. Mr. Egbert stated that the business needs to be kept off of the City right-of-way. Mr. Egbert suggested creating some type of delineation from the business to the street. Ms. Maughan stated that Mr. Kurek needs to adhere to the original conditions. The original conditions were given on August 11, 2010. Ms. Maughan read the original conditions from those minutes. Mr. Egbert stated that all of the trailers need to be behind the fence. All parking should be on the property, not the City street. Mr. Egbert asked about a date for the zone change. Mr. Nielson suggested within 30 days. After discussion, Paul Egbert made a motion, seconded by Jerald Leishman, to modify the original conditional use permit for South Valley RV to the following: 1) hours are April through September, 7:00 a.m. to 7:00 p.m., October through March, 8:00 a.m. to 5:00 p.m., 2) all trailers are parked behind the fence, 3) there is no parking or storage on the east side except for 2 employee parking stalls, 4) no parking signs installed by Wellsville City on the City right-of-way, 5) short-term parking must be accommodated on private parking of business and off of City right-of-way, 6) no storage of trailers onsite, 7) no storage of trailers that are being scrapped for parts, 8) keep customers off of the City right-of-way, 9) delineate between the street and front of business, and 10) apply for zone change 30 days after these minutes are approved.

YEA 5

NAY 0

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

The Planning Commission reviewed for approval a barn to be built at 30 South 100 East. Brooke Brandt, representing Arlyn and Lee Brandt, stated that they would like to build a barn to clean up the space and have extra storage. Don Hartle stated that he brings all large structures before the Planning Commission because of his concern with living space in the structures. Mr. Hartle asked if there would be living space upstairs in the barn. Ms. Brandt stated that she didn't think so. Paul Egbert stated because of the size of the building, asked where it would be placed on the plat. Ruth P. Maughan stated that Mr. Hartle reviews the placement of the structure when the building permit is issued. Mr. Hartle asked if there would be any utilities to the barn. Ms. Brandt stated no. Ms. Maughan stated that Ms. Brandt needs to understand that the barn can't become a dwelling. Ms. Brandt stated that she understood. After discussion, Chris Clark made a motion, seconded by Brian Pattee, to approve a barn to be built at 30 South 100 East.

YEA 5

NAY 0

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

The Planning Commission reviewed for approval the Preliminary Plat for the Pioneer Divide Subdivision (previously called the JJD Subdivision) consisting of a total of 2 residential lots on property on the south side of 400 North at approximately 160 East (north portion of the old cheese plant). Ruth P. Maughan asked if Jay Davis had received a copy of the comments from City Engineer Chris Breinholt dated February 25, 2015. Jay Davis stated that he did. The Planning Commission reviewed those comments with Mr. Davis. After discussion, Brian Pattee made a motion, seconded by Paul Egbert, to approve the Preliminary Plat for the Pioneer Divide Subdivision (previously called the JJD Subdivision) consisting of a total of 2 residential lots on property on the south side of 400 North at approximately 160 East (north portion of the old cheese plant) with the conditions that were addressed.

YEA 5

NAY 0

Chris Clark
Paul Egbert

Jerald Leishman
Ruth P. Maughan
Brian Pattee

Brent Parker met with the Planning Commission to discuss the highway commercial zone along Highway 89/91. Mr. Parker stated that he is the relator for some property that is for sale between Sharp's Transportation and the Caine Dairy. Mr. Parker stated that there have been some complications with access and a frontage road. Mr. Parker stated that it is an incredible value to have an artery, but it has some choke holds. A traffic light is incredibly important. There are challenges between the light and commercial zone, and the railroad tracks and the UDOT property. Mr. Parker stated that the Planning Commission is the editing body for the city. There are zone requirements to meet. Mr. Parker stated that he has a business interested in the property on the 9 acres where the proposed truck stop was to be built. There will be a 50,000 square-foot building, with approximately 5,000 square feet of retail space. Mr. Parker stated that the square footage doesn't determine the volume of retail. Mr. Parker stated that he is looking for feedback from the Planning Commission as to being interested in the proposal. City Planner Jay Nielson stated that Wellsville City tried to plan to a degree and maximize their opportunity. The railroad tracks are a reality. Limited highway access is a reality. Short of Wellsville City providing the infrastructure, which would cost millions of dollars, business won't locate to Wellsville City until there are enough rooftops. Mr. Nielson stated that if there are suggestions of things that Wellsville City has done wrong, please say now. Mr. Parker stated that the handicaps are there. Wellsville City needs business to get the commercial zone started. Mr. Parker stated that the rooftops are 3 to 4 generations away. Ruth P. Maughan asked if this business that Mr. Parker has described is a commercial business. Mr. Parker stated that it is commercial manufacturing. It is a nice structure with a nice retail. Mr. Parker stated that it will take someone with deep pockets to get the commercial zone started. Paul Egbert stated that Wellsville City needs to start somewhere to encourage other businesses to locate in Wellsville City. Mr. Egbert stated that Wellsville City has maintained prime property for the highest value. Wellsville City doesn't want industrial uses on the highway frontage. Mr. Egbert understands that it is harder to start at the back. Mr. Parker stated that the next traffic light will be located at the Caine Dairy road. That ground will sell cheaper. It is still good real estate and in a good location. Ms. Maughan stated that the highway frontage is specifically for highway commercial. Ms. Maughan stated that it is a downgrade for industrial, and is not in favor of it. Mr. Nielson stated that the Planning Commission needs to consider all possibilities. There may be enough of some name recognition to anchor it. Mr. Nielson stated that the truck stop was complicated by use. Mr. Egbert stated that manufacturing has different definition to different people. Mr. Egbert stated that he is willing to listen and not go off general terminology. Mr. Egbert stated that he is not desperate to give something up. Mr. Parker stated that the business is wood manufacturing. Mr. Parker asked if he had the encouragement of the Planning Commission to proceed. Jerald Leishman stated that his concern is highway access and UDOT signing off on it. Mr. Nielson stated that access is a critical factor in development along the corridor. A road may need to be built to get to the development. Mr. Nielson stated that the residential piece of property to the east will still need to be involved. Mr. Parker stated that the noise of the business will be contained within the building. There will be no heavy traffic. Mr. Parker stated that the person and company are real. Mr. Egbert stated that there are advantages to having large parcels. Mr. Parker stated that the only commonality is the zoning. Mr. Egbert stated that the Planning Commission have had several businesses come in excited about building their business in Wellsville City, but then never hear back from them and have no feedback. Mr. Parker stated that if he says commercial manufacturing and the Planning Commission doesn't want it, then he is wasting his time. Brian Pattee stated that everyone has heard the manufacturing horror stories. Mr. Nielson asked if there are internet sales involved. Mr. Parker stated yes, but there are also significant walk-in on-site sales. Mr. Pattee stated that the proposal is worthy of listening to. Mr. Pattee stated that he wouldn't say no without reviewing it. Mr. Parker stated that he wants the input from the Planning Commission. Mr. Pattee stated that he doesn't want people to think that Wellsville City doesn't want commercial business. There is a high bar concerning code, but he doesn't want it to be so restrictive. Mr. Parker stated that the economy is more confident with lower gas prices, so commercial is getting more confident. Mr. Parker stated that he will return on April 8, 2015 with a proposal.

City Planner Jay Nielson conducted a workshop on Chapters 10.36 through 10.39 of the proposed new Land Use code.

At 8:18 p.m., Jerald Leishman made a motion, seconded by Brian Pattee, to adjourn the meeting.

YEA 5

Chris Clark

Paul Egbert

Jerald Leishman

Ruth P. Maughan

Brian Pattee

NAY 0

Ruth P. Maughan

Chairperson