

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, February 10, 2010 at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Russell Glenn, Jaye Colling, and John Spence. Also present were City Manager/Recorder Don Hartle, City Planner Jay Nielson, City Councilmen Ron Case and Carl Leatham. A copy of the Notice and Agenda was faxed and emailed to the Herald Journal and mailed to the Planning Commission on February 5, 2010. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Kayla Woodring
Robert B. Rowley Karma Leatham
Mike Jenkins Virginia Gilbert
Kathy Merrill Eric Seeholzer
Thelma Seeholzer Bonnie Case
Louis Lucero Art Smith
Dean Parker Ryan Higbee
Kaleb Higbee

Opening Ceremony: Jaye Colling

Loyal Green reviewed the agenda with the Commission. Don Hartle added to discuss a UDOT document he recently received to the agenda. After review, Russell Glenn made a motion, seconded by John Spence, that the agenda be approved with the addition.

Yea 4 Nay 0
Russell Glenn
Jaye Colling
Loyal Green
John Spence

The Commission reviewed the minutes for the Commission meeting which was held on January 27, 2010. There were word changes on lines 139, 140 and 145. After review, Jaye Colling made a motion, seconded by Russell Glenn, that the minutes of the January 27, 2010 meeting be approved with the corrections.

Yea 4 Nay 0
Russell Glenn
Jaye Colling
Loyal Green
John Spence

At 6:05, the Planning Commission conducted the following public hearings:

First, receive public input and consider for approval a request from Virginia Gilbert at 160 North Center for a conditional use for a Level 2 “Home Occupation” to operate her business “Responsive Living Foundation” from said address. Ms. Gilbert stated that she owns an education-based business. Ms. Gilbert is a Registered Nurse, and writes books and tutors on stress management. She has 1 to 2 people per session, which is by appointment. She may hold a small group meeting at her home, which there could be 7 people at the most. Russell Glenn asked why this is a Level 2 “Home Occupation”. Ms. Gilbert stated that she sells her books on the internet, and stores the books and some of her supplies in her garage. Loyal Green asked if the garage was attached to the home. Ms. Gilbert stated that the garage is attached to her home. Mr. Green stated that this “Home Occupation” would fall under the Level 1 requirements. Jaye Colling asked about parking for the group meeting. Ms. Gilbert stated that she has a large driveway, and that the group meeting would be a couple of times per year. John Spence stated that Ms. Gilbert should ask her patrons to park in her driveway and not along the side of the road. After discussion, John Spence made a motion, seconded by Jaye Colling, to approve a request from Virginia Gilbert at 160 North Center for a conditional use for a Level 1 “Home Occupation” to operate her business “Responsive Living Foundation” from said address.

Yea 4

Russell Glenn
Jaye Colling
Loyal Green
John Spence

Nav 0

Second, receive public input and consider for approval a request from Ryan Higbee at 125 East 700 South for a conditional use for a Level 1 "Home Occupation" to provide foot zone therapy from said address. Mr. Higbee stated that he would like to have a foot zoning therapy business at his home. He will have 2 clients per day, 4 days a week. At the most, there will be 2 vehicles for each appointment. Mr. Higbee stated that there would be no parking issues because they can park in his driveway. Loyal Green asked what type of equipment Mr. Higbee has for the business. Mr. Higbee stated that he has an inventory of small bottles of oils. Russell Glenn asked if Mr. Higbee has any employees. Mr. Higbee stated that he is the only employee. Don Hartle read from the Planning Commission minutes of November 23, 2004 concerning the zoning clearance for the dome structure behind Mr. Higbee's home. There would be no living quarters, no plumbing or bathroom in the dome structure. All of the conditions were to be completed by the summer of 2005. Mr. Higbee stated that the interior of the dome structure is completed. The upstairs is a recreation room and the downstairs is used for storage. He is planning to use ¼ of the downstairs as an office for the foot zoning therapy business. Mr. Higbee stated that the electrical is finished, and that the final inspection has been completed. Mr. Higbee stated that the exterior of the building still needs to have stucco installed and the landscaping needs to be completed. The dome structure is connected to the garage, and the garage is connected to the home. Mr. Glenn asked for some guidance as to what to do since the conditions were not completed within the time frame given. Jay Nielson stated that since the conditions have not been fulfilled, they need to carry over to the new permit. Mr. Glenn asked what is on the outside of the dome structure now. Mr. Higbee stated that it is a vinyl material that has been painted. Jaye Colling asked why the conditions were not met. Mr. Higbee stated because of finances. John Spence asked who imposed the condition of stucco on the exterior of the dome structure. Mr. Hartle stated that the stucco condition was imposed by the Planning Commission. Mr. Higbee stated that foot zoning started as a hobby, and has received his certificate from the State of Utah, and would like to turn it into a business. Mr. Glenn stated that Mr. Higbee should finish the previous conditions to the dome structure before the business license is issued. Mr. Colling stated that he is concerned with the length of time, and the conditions are still not completed. Mr. Glenn asked if Mr. Higbee has another source of income. Mr. Higbee stated yes. Mr. Green asked how long it would take Mr. Higbee to finish the stucco and landscaping of the dome structure. Mr. Higbee stated that he could have it completed by May if the weather cooperates. Mr. Glenn suggested that the conditional use be approved with the condition that the stucco and landscaping of the dome structure be completed by the end of June or the business license will be revoked. Mr. Nielson stated that is reasonable compromise. After discussion, Russell Glenn made a motion, seconded by Jaye Colling, to approve a request from Ryan Higbee at 125 East 700 South for a conditional use for a Level 1 "Home Occupation" to provide foot zone therapy from said address with the condition that the stucco and landscaping of the dome structure be completed by the end of June 2010 or the business license will be revoked.

YEA 4

Russell Glenn
Jaye Colling
Loyal Green
John Spence

NAY 0

Third, receive public input and consider for approval a request from Dean Parker at 643 South Center for a conditional use for a Level 2 "Home Occupation" to operate a gun rebuilding and repair business from said address. Mr. Parker stated that he is a State Armor for the Fish and Game Training Center. Mr. Parker repairs their .22 guns. Mr. Parker stated that the customer will come to his home by appointment only. Mr. Parker stated that he has a long driveway for parking. Mr. Parker stated the metal shed behind his home is where he will operate his business from. Loyal Green asked about the noise level. Mr. Parker stated that no one will hear anything from inside the shed. Mr. Green asked about the hours of operation. Mr. Parker stated that it is by appointment only. Mr. Green asked about the pollution that

might disturb his neighbors. Mr. Parker stated that there is no pollution to disturb his neighbors from his business. John Spence asked if all of the tools and inventory is at the shop. Mr. Parker stated that there is nothing stored in his garage for the business. Mr. Spence asked about the inventory that Mr. Parker has stored. Mr. Parker stated that he has none of his own inventory. When a person brings their gun to be repaired, they also bring their parts to fix the gun. Mr. Glenn asked if this type of business is regulated by the State of Utah. Mr. Parker stated that he is a State Armor, and works for the State of Utah. Art Smith asked if Mr. Parker has his Federal Fire Arms license. Mr. Parker stated yes. Kathy Merrill asked if the shed is locked and secured. Mr. Parker stated yes. Mr. Glenn asked if Mr. Parker sells any guns. Mr. Parker stated that if someone wants him to order a gun for them, he does. Mr. Glenn then suggested that the permit should include special order sales, if he anticipates doing that. Mr. Smith asked if someone brings a gun to have it repaired, and then can't pay for the repairs, what does he do with the gun? Mr. Parker stated that he holds the gun. After discussion, Jaye Colling made a motion, seconded by John Spence, to approve a request from Dean Parker at 643 South Center for a conditional use for a Level 2 "Home Occupation" to operate a gun rebuilding and repair business from said address and to include special order sales of guns.

YEA 4

Russell Glenn
Jaye Colling
Loyal Green
John Spence

NAY 0

Fourth, receive public input and consider for approval the concept plan for the Parker subdivision, containing a total of 4 lots plus a remainder parcel (3 additional building lots) on property from 31 East to 100 East between 400 South and 500 South. Don Hartle stated that this subdivision is located on the property that the City purchased from the Parker family. Mr. Hartle stated that part of the contract was to subdivide this property into 3 additional lots plus a remainder parcel. Mr. Hartle stated that this public hearing is for the subdivision only and has nothing to do with the remainder parcel. Mr. Hartle stated that the City Engineer has reviewed and approved this subdivision concept plan. There is a new regulation stating the fire flows have to be determined. Mr. Hartle stated that the City Engineer has stated that the existing line is adequate for residential. If the City was to make an application for a conditional use on the remainder parcel for a commercial building, the City would have to run a new 8" line from Center Street. Mr. Hartle stated that the City will have to extend the sewer over to 100 East. Russell Glenn asked if the City owns the entire parcel of property. Mr. Hartle stated yes, except for lot #3 which is Ron Cases' home. Mr. Hartle stated that the City has been working for over 2 year to extend 100 East to the north, and that it will connect eventually. Loyal Green asked if all of the City Engineer's concern have been met. Mr. Hartle stated yes. Art Smith asked if the City will pay for the water and sewer infrastructure. Mr. Hartle stated yes, it was part of the agreement when the property was purchased. Louis Lucero asked about a time line for the sewer. Mr. Hartle stated that it will be within the next 120 days, and definitely before fall. Mr. Glenn asked about the lot with existing buildings on it. Jay Nielson referred to the legend on the concept plan. After discussion, John Spence made a motion, seconded by Jaye Colling, to approve the concept plan for the Parker subdivision containing a total of 4 lots plus a remainder parcel (3 additional building lots) on property from 31 East to 100 East between 400 South and 500 South.

YEA 4

Russell Glenn
Jaye Colling
Loyal Green
John Spence

NAY 0

Fifth, receive public input and consider making a recommendation to the City Council of adopting a resolution approving the revised/updated General Plan. Loyal Green asked Jay Nielson to review the revisions/updates to the General Plan. Jay Nielson stated that the last time the General Plan and revised and updated was in 2005. Mr. Nielson stated that the General Plan should be revised/updated at least that often if not sooner. Mr. Nielson stated that this revision has been in the works for the past 1 ½ years.

Mr. Nielson reviewed numerous additions and changes to the General Plan. Mr. Glenn provided a marked-up copy with mostly editorial, non-controversial, corrections to be addressed prior to final approval. After discussion, John Spence made a motion, seconded by Jaye Colling, to continue the discussion on making a recommendation to the City Council of adopting a resolution approving the revised/updated General Plan.

YEA 4

Russell Glenn
Jaye Colling
Loyal Green
John Spence

NAY 0

Don Hartle handed out a document that he received from UDOT concerning John Crossman and using the entrance to the corn maze off of Highway 89/91 as an entrance to a home and dog kennel business. Mr. Hartle stated that Mr. Crossman will have to submit an application to Wellsville City concerning this issue, and wanted the Planning Commission to be aware of the issue.

At 7:47 p.m., Jaye Colling made a motion, seconded by John Spence, to adjourn the meeting.

Yea 4

Russell Glenn
Jaye Colling
Loyal Green
John Spence

Nay 0

Loyal Green
Chairman