

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, March 24, 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 and City Councilmen Carl Leatham. A copy of the Notice and Agenda was faxed and emailed to the Herald Journal and mailed to the Planning Commission on March 19, 2010. The meeting was called to order at 6:00 p.m.

<u>Others Present:</u>	Jennifer Leishman	Kayla Woodring
	Brian Leishman	Connie I. Leishman
	Brian Bott	Dale Cooper
	Connie Leishman	Mark Baldwin
	Dale Anderson	Tim Anderson
	Deanne Hendry	Gary Hendry
	Dalton Western	Shari Western
	Roger Western	M. Kent Larsen

Mayor Thomas G. Bailey stated that after interviewing candidates, he and the City Council have appointed M. Kent Larsen to the Planning Commission. The Planning Commission welcomed Mr. Larsen.

Opening Ceremony: Russell Glenn

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

<u>Yea</u> <b>5</b>	<u>Nay</u> <b>0</b>
Russell Glenn	
Jaye Colling	
Loyal Green	
John Spence	
M. Kent Larsen	

The Commission reviewed the minutes for the Commission meeting which was held on March 10, 2010. There was a word change on line 10. After review, John Spence made a motion, seconded by Russell Glenn, that the minutes of the March 10, 2010 meeting be approved with the correction.

<u>Yea</u> <b>5</b>	<u>Nay</u> <b>0</b>
Russell Glenn	
Jaye Colling	
Loyal Green	
John Spence	
M. Kent Larsen	

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

First, receive public input and consider for approval the preliminary plat for the Lavell Leishman subdivision containing a total of 3 lots (2 additional building lots) on property at 245 North 100 East. Brian Leishman stated that there are currently 2 tax identification numbers for this property. Mr. Leishman stated that there is enough frontage for the existing home, and the 2 additional building lots. Russell Glenn asked what the frontage was of lot #1. Mr. Leishman stated that he believes it is 92 feet, but is not sure. Don Hartle stated that the City Engineer has reviewed this preliminary plat, and the following issues need to be addressed: 1) The month is misspelled in the title, 2) The basis of bearing needs to be shown on the plat and the bearing and distance moved alongside the graphical line depicting the basis of bearing, and 3) The length of the front lot line of Lot 1 needs to be labeled on the drawing. Mr. Glenn asked about the access to the outbuildings on the property. Mr. Leishman stated that there is a lane that will access the outbuildings on the north side of the existing home that follows the fence line.

Mr. Glenn asked about the small lot that is next to this property. Mr. Leishman stated that it belongs to Jeff Leishman. Mr. Glenn asked if there is a home on the small lot. Mr. Leishman stated yes. Mr. Hartle stated that the small lot is an existing non-conforming lot. After discussion, Russell Glenn made a motion, seconded by John Spence, to approve the preliminary plat for the Lavell Leishman subdivision containing a total of 3 lots (2 additional building lots) on property at 245 North 100 East.

Yea 5

Nay 0

Russell Glenn  
Jaye Colling  
Loyal Green  
John Spence  
M. Kent Larsen

Second, receive public input and consider for approval the “Site Plan” for a church meeting house for the Church of Jesus Christ of Latter-day Saints at 48 West 1450 South. Brian Bott, representing Richards Bott Architects, stated that his firm has been selected to oversee the “Site Plan” for a church meeting house for the Church of Jesus Christ of Latter-day Saints at 48 West 1450 South. Russell Glenn asked if Mr. Bott had reviewed the memo from the City Engineer, JUB Engineering. Mr. Bott stated that he has reviewed all of the issues that the memo outlined. Mr. Bott stated that they were able to reduce the slope in the parking lot so that it is no greater than 4%, except in 2 areas where the slope is 4.2% and 4.5%. Mr. Bott stated that they were also able to reduce the slope for the east drive approach. Mr. Bott stated that the church building has been moved 10 feet to the east, and 10 feet to the north. Mr. Bott stated that the church likes to have 200 parking stalls, but because of the slope issue, there are 195 parking stalls. John Spence asked why the handicapped parking is not in front of the front doors of the church house. Mr. Bott stated that the code states that there has to be a handicapped parking sign in front of each handicapped parking stall. If the handicapped parking was in front of the front doors of the church, the handicapped parking signs would be in the middle of the sidewalk. M. Kent Larsen asked if there had to be an east drive approach. Mr. Bott stated that the church does not like dead end parking. Dale Cooper asked about the retaining wall that is shown on the site plan. Mr. Bott stated that it is in the southwest corner, and runs about 60% of the south property line to the east. Mr. Cooper asked the height of the wall. Mr. Bott stated that it is less than 4 feet tall everywhere. Mr. Cooper asked about the storm water prevention. Mr. Bott stated that it will be on the building set of plans. Jay Nielson stated that he doesn’t see the improvements that are required, such as street trees. The street trees are to be planted 30 feet on center. Mr. Bott stated that the area is a swale. Mr. Nielson stated that the area that he is talking about is as flat as the sidewalk. Mr. Bott stated that it can be done, and asked what type of trees are required. Don Hartle stated that he would need to contact the Shade Tree and Beautification committee, and they can help him with that. Loyal Green asked if the plans that are being presented tonight are accurate with all of the changes that are required by JUB Engineering, the City Engineer. Mr. Bott stated that he called and left a message for Zan Murray so that they could discuss these issues, but Mr. Murray never returned his call. Mr. Spence stated that if the building was turned 90 degrees, there would be better parking for all. Mr. Bott stated that the church prefers to stay away from any north exposure. Mr. Bott stated that his company started with a previous plan from a former architect firm. Mr. Nielson stated that there are 38 building lots in this subdivision, so a lot of people will be walking to church, and most of the people driving will be coming up Center Street and using that drive to access the parking lot. Mr. Spence believes that there needs to be twice as many handicapped parking stalls as there is right now, and that there needs to be some handicapped parking stalls in front of the front doors of the church. Mr. Larsen suggested moving the building to the south, and have the parking on the north side of the church building. Mr. Bott stated that the church avoids parking in front of the building. Mr. Larsen stated that he would like to see more handicapped parking stalls. Mr. Bott stated that church regulations state that there are to be a minimum of 6 handicapped parking stalls. Mr. Bott stated that the Stake Presidency can request more handicapped parking stalls, and they have met with the Stake Presidency, which the Stake Presidency has signed off on this site plan. After discussion, Russell Glenn made a motion, seconded by Jaye Colling, to approve the “Site Plan” for a church meeting house for the Church of Jesus Christ of Latter-day Saints at 48 West 1450 South, with the following conditions: 1) the “Site Plan” satisfies the City Engineer’s comments, 2) the street trees are shown on the “Site Plan” to the satisfaction of the City’s Shade Tree and Beautification Committee, and 3) The Stake PFR person feels that there are an adequate

number of handicapped parking stalls. The City Engineer, City Planner Jay Nielson, and the Stake PFR person will review a revised copy of the "Site Plan" and approve it.

Yea 5

Nay 0

Russell Glenn  
Jaye Colling  
Loyal Green  
John Spence  
M. Kent Larsen

Third, receive public input and consider for approval a request from Michael & Connie Leishman and Tom Jewkes, President of Goodtimber Inc., for a conditional use to manufacture and sell furniture and cabinetry from existing facilities at 390 East Main. Don Hartle stated that he met with City Attorney Bruce Jorgensen about this issue, and Mr. Jorgensen wrote a letter. Mr. Hartle asked if City Planner Jay Nielson would comment on this issue based on the letter received by City Attorney Bruce Jorgensen. Jay Nielson stated that this conditional use was established in 1978. There is not a lot of evidence that it was created legally. Because the conditional use has existed for more than 30 years, it is a legally existing non-conforming use. There can be no expansion on the outside of the building. The use has to stay the same, and the proposed use appears that it is similar. The Planning Commission will be granting a condition for a new use. The building has been vacant for 6 months, but it remains legal because the code states that it has to be vacant for 1 year or longer before it loses its legal status. Mr. Nielson stated that the Planning Commission should consider a conditional use permit. Mr. Nielson stated that because this building is on a state road, UDOT should have some input as to the access of the building. Connie Leishman stated that Mr. Jewkes has told her that the owner of the current facility where they are located is quite old and if and when he passes away, his son will take ownership of the building. Ms. Leishman stated that Mr. Jewkes has said that the current facility is not large enough. Mr. Jewkes is asking for a long-term lease. Ms. Leishman stated that they would like to extend their conditional use permit. Ms. Leishman stated that Mr. Jewkes has told her that the hours of operation are 9:00 a.m. to 4:30 p.m., and a majority of his business is done on-line. Mr. Nielson stated that his recommendation is to consider a condition that outside storage in front of the building is not allowed. John Spence asked why Tom Jewkes is not in attendance. Ms. Leishman stated that she called him today to remind him of the meeting and he told her that he didn't think there was any reason for him to be here. Ms. Leishman stated that he asked about access at the back of the building, and there is a 3-foot door that he can use to bring in logs. Mr. Spence is concerned that Mr. Jewkes is not here, so he doesn't know the conditions, nor living up to the conditions that are imposed. Ms. Leishman stated that the conditions can be written into the lease that Mr. Jewkes signs with them. M. Kent Larsen asked about parking. Ms. Leishman stated that Mr. Jewkes told her that he has no more than 10 employees, and the existing parking lot can handle 10 employees. Ms. Leishman stated that they also have the pasture that they can use for parking. Jaye Colling asked about winter parking. Ms. Leishman stated that they have a snowplow on the front of their truck that they can use to push the snow from the pasture. Ms. Leishman stated that Mr. Jewkes told her that he doesn't want to move his business again. Mr. Colling stated that he agrees with Mr. Spence in the fact that Mr. Jewkes is not in attendance to hear the conditions being imposed. Mr. Spence asked if they could table this issue until the next Planning and Zoning meeting so that Mr. Jewkes can attend. Ms. Leishman stated that they are still carrying a mortgage on this building, and she needs to get someone in there. Russell Glenn asked if the Leishman's have any interest in this business other than leasing the building. Ms. Leishman stated no. Mr. Glenn asked about storage of supplies and equipment. Ms. Leishman stated that there is storage at the back of the building and to the west. Ms. Leishman stated that there is also a dock that if Mr. Jewkes has no use for it, equipment and materials can be stored on the dock. Mr. Glenn suggested that if there is any outdoor storage, that the area is fenced. Mr. Spence asked about approving this issue, and then sending a copy of the minutes and signage code to Mr. Jewkes. Mr. Larsen asked about approving this issue, but require that Mr. Jewkes attend the next Planning Commission meeting. Carl Leatham suggested approving the building for the use, but hold the business license until Mr. Jewkes attends a meeting. Mr. Nielson stated that he understands that the Planning Commission wants Mr. Jewkes to hear the conditions, but it is the written record that is important. Mr. Nielson suggested that the conditional use expire after 30 days unless Mr. Jewkes attends a Planning Commission meeting. Loyal Green stated that the Planning Commission could approve the conditional use, but Mr. Jewkes is

unable to operate his business without a business license, which he will have to come in and apply for. Mr. Glenn stated that Mr. Jewkes will not come before the Planning Commission for his business license. Mr. Nielson stated that the conditions should be reviewed at City Council meeting. Mr. Hartle asked that the Planning Commission include in their motion that Mr. Jewkes pays in full his outstanding utility bill he had when he moved from Wellsville before the conditional use becomes effective. After discussion, John Spence made a motion, seconded by Russell Glenn, to approve a request from Michael & Connie Leishman and Tom Jewkes, President of Goodtimber Inc., for a conditional use to manufacture and sell furniture and cabinetry from existing facilities at 390 East Main with the following conditions: 1) no storage of equipment, materials, or products in the front setback, 2) abide by the signage code, 3) any product displayed on the outside of the building is prohibited, 4) hours of operation are limited to 9:00 a.m. to 5:00 p.m., 5) Mr. Jewkes outstanding utility bill is to be paid in full before the conditional use becomes effective, 6) UDOT is to be contacted concerning access to the building, 7) any outside storage is to be screened with a fence.

**Yea 5**

**Nay 0**

Russell Glenn  
Jaye Colling  
Loyal Green  
John Spence  
M. Kent Larsen

After Ms. Leishman left the meeting, Mark Baldwin stated that there is no room around the building for any outside storage. After discussion, Jaye Colling amended the previous motion, seconded by John Spence, that there is to be no storage or display outside the building.

**Yea 5**

**Nay 0**

Russell Glenn  
Jaye Colling  
Loyal Green  
John Spence  
M. Kent Larsen

Don Hartle will call Connie Leishman to make her aware of the amended motion.

The Planning Commission considered for approval a boundary line adjustment on 300 North between 200 East and 250 East, and considered for approval a boundary line adjustment on 200 East between 300 North and 350 North. Dale Anderson stated that his son, Tim, would like to build a home between Joyce Anderson and JD Hill. Mr. Anderson stated that the boundary lines needs to be moved 30 feet, which Joyce Anderson has agreed to. Loyal Green asked with the boundary line adjustments, if it left the lots legal. Mr. Anderson stated yes. Don Hartle stated that Mr. Anderson is in the process of a subdivision, and he is cleaning up the problems first. Mr. Green asked if Dee Bassett has agreed to this. Mr. Anderson stated that he hasn't spoke with Mr. Bassett. Mr. Hartle stated that Mr. Bassett will have to sign the paperwork for these boundary line adjustments. After discussion, John Spence made a motion, seconded by M. Kent Larsen, to approve a boundary line adjustment on 300 North between 200 East and 250 East, and approve a boundary line adjustment on 200 East between 300 North and 350 North.

**Yea 5**

**Nay 0**

Russell Glenn  
Jaye Colling  
Loyal Green  
John Spence  
M. Kent Larsen

The Planning Commission reviewed for approval the final plat for the Hendry subdivision containing a total of 2 lots (1 additional building lot) at 40 North 100 West. John Spence asked about the installation of the fire hydrant. Carl Leatham stated that it is state code. Don Hartle stated that the state code says

that there is to be a fire hydrant every 250 feet. Mr. Hartle stated that the City will not retro-fit for the fire hydrants, but if there is new development, fire hydrants will need to be added. Gary Hendry stated that if the fire hydrant is required, he has no choice. Jaye Colling asked about a sewer pump. Mr. Hendry stated that it is used to pump sewer from the basement. After discussion, Russell Glenn made a motion, seconded by Jaye Colling, to approve the final plat for the Hendry subdivision containing a total of 2 lots (1 additional building lot) at 40 North 100 West.

**Yea 5**

Russell Glenn  
Jaye Colling  
Loyal Green  
John Spence  
M. Kent Larsen

**Nay 0**

The Planning Commission continued the review for consideration of recommending to the City Council that they adopt a resolution approving the revised/updated General Plan.

The Planning Commission continued the workshop on the revisions to the land use tables and code.

At 8:23 p.m., Jaye Colling made a motion, seconded by John Spence, to adjourn the meeting.

**Yea 5**

Russell Glenn  
Jaye Colling  
John Spence  
Loyal Green  
M. Kent Larsen

**Nay 0**

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Loyal Green  
Chairman