

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, November 10, 2010, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Russell Glenn, John Spence, and M. Kent Larsen. Also present were City Manager/Recorder Don Hartle and City 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 5. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Jeff Smith

Opening Ceremony: M. Kent Larsen

Planning Commission member Jaye Colling was excused from this meeting. He was ill.

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

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Loyal Green	
John Spence	
M. Kent Larsen	

The Commission reviewed the minutes for the Commission meeting which was held October 27, 2010. There was a word change on line 51. After review, John Spence made a motion, seconded by Russell Glenn, that the minutes of the October 27, 2010 meeting be approved with the correction.

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Loyal Green	
John Spence	
M. Kent Larsen	

At 6:05 p.m., John Spence made a motion, seconded by M. Kent Larsen, to go into a public hearing:

<u>YEA 4</u>	<u>NAY 0</u>
Russell Glenn	
Loyal Green	
John Spence	
M. Kent Larsen	

Receive public input and consider for approval a request from Cache Holdings, LLC for a conditional use to operate several business enterprises from property at 51 East Main. Jeff Smith, representing Cache Holdings, LLC, stated that he owns the old train station building. He leases about 1/3 of the building to Dr. Tyler Hunt, which leaves about 1,100 square feet vacant on the east side. Mr. Smith stated that he owns 5 businesses, and that 3 to 4 of them are outgrowing their current office space. Mr. Smith would like to use the 1,100 square feet to house some of his businesses. Mr. Smith stated that he owns 2 internet-based businesses that are mostly office work, but would like a couple of small store fronts. The internet-based businesses are a bath and body product line, and an outdoor products line that carries sporting goods and team uniform apparel. Mr. Smith also owns 3 payday loan offices. Mr. Smith is seeking approval to house his businesses in the vacant space of the building that he owns. John Spence stated that the application states an ice cream parlor/candy store and an auto dealership. Mr. Smith stated that a resident of Wellsville City has asked him about renting some space to put in an ice cream parlor/candy shop. Mr. Smith stated that his son would like to sell cars to help put him through school, and the State of Utah requires office space and a sign. Mr. Spence asked which businesses of Mr. Smith's would come into Wellsville. Mr. Smith stated that he is not sure at this time which businesses would move to Wellsville. Mr. Smith stated that he has 4 businesses that are very much the same, with very small foot traffic. Mr. Spence asked if

there would be any product that would be stored outside the building. Mr. Smith stated no, but there may be some product stored inside. Mr. Smith stated that most of his business is to drop ship the product. Russell Glenn asked if Mr. Smith would move his payday loan business from its current place to Wellsville. Mr. Smith stated no. Mr. Smith stated that it would be his internet-based businesses that have outgrown their current office space. Mr. Glenn asked if there is any sales tax income. Mr. Smith stated that the bath and body line and the outdoor products line there would be sales tax income, as well as if part of the building is leased to an individual for ice cream parlor/candy sales, and the auto dealership. Loyal Green asked how many employees Mr. Smith would have. Mr. Smith stated that he didn't know an exact number. Some of the current staff would come, and Mr. Smith guessed that he would have a maximum of 8 employees. Mr. Green asked if Mr. Smith has adequate parking for employees and customers. Mr. Smith stated that there would be a maximum of 4 employees at any given time. Mr. Green asked about walk-in business. Mr. Smith stated that there is parking in back of the building, as well as in front of the building along the street. M. Kent Larsen stated that he felt uneasy giving approval, but at the same time not knowing which businesses would be moving to Wellsville. Mr. Smith stated that the internet businesses could use the entire loft area of the building, and there are 4 other suites for offices that could be used by the other 2 businesses. Mr. Glenn asked if this should be approved as an open-ended conditional use, or approve as each business comes into Wellsville. Mr. Green suggested that each business be approved as it comes into Wellsville. Don Hartle stated that the internet businesses could be approved as internet-based businesses. Mr. Green stated that this conditional use could put the new land use regulations to the test. Mr. Spence asked what zone this building is in. Mr. Hartle stated that it is in the neighborhood commercial zone. Mr. Green stated that in the CC zone, it does not say internet businesses are permissible. Mr. Larsen stated that offices are permissible in the CC zone. Mr. Glenn suggested approving the internet-based businesses, and as each of the other businesses moves to Wellsville, Mr. Smith returns to seek approval for each business. Mr. Smith stated that the outdoor products business is exceeding its current space, so he asked that the Planning Commission approve that business first. Carl Leatham stated that a store-front business is a conditional use, and that offices are a permitted use. Mr. Glenn stated that internet-based sales would be a permitted use under office. Mr. Green asked about advertising of the store fronts. Mr. Smith stated that he would conform to the current code. Mr. Glenn stated that there are limitations on signs based on the size of the building. Mr. Spence read the list of conditional uses, and nothing is permitted at this time. Mr. Glenn stated that the Planning Commission has to base their decisions on the current code. Mr. Green stated that Mr. Smith needs to be specific about parking. Mr. Smith stated that he owns 12 parking spaces. Mr. Glenn stated that the Planning Commission can't control parking on other property that is not owned or along the curb. Mr. Larsen stated that parking along the curb is public parking. Mr. Green stated that there needs to be enough parking so that parking for this business is not encroaching on others. Mr. Glenn asked if there was an agreement between Mr. Smith and Dr. Hunt concerning parking. Mr. Smith stated that he is not that worried about it, and that his business will not exceed 6 parking spaces.

At 6:40 p.m., John Spence made a motion, seconded by Russell Glenn, to close the public hearing.

YEA 4

NAY 0

Russell Glenn
Loyal Green
John Spence
M. Kent Larsen

After discussion, Russell Glenn made a motion, seconded by M. Kent Larsen, to approve the request from Cache Holdings, LLC for a conditional use to operate two businesses from property at 51 East Main, which are an internet sales office based on code 10-9-8-3, and Cache Recreation & Outdoor as a combination of internet sales and store front sales. Additional businesses will need to return to the Planning Commission for further approval. Parking is limited to his personal property and public parking along the street.

YEA 4

NAY 0

Russell Glenn
Loyal Green
John Spence
M. Kent Larsen

The Planning Commission reviewed for approval the ownership of certain open space properties in the Red Slide subdivision. Don Hartle stated that Wellsville City has been working on the open space for Red Slide subdivision for the last 14 months. Mr. Hartle handed out a map that shows 23 lots outlined in yellow. This is phase 3 of the Red Slide subdivision. There is 22.23 acres of land on the west side of the subdivision that is open space, and 2.2 acres inside of the subdivision that was to be a retention pond and park. The open space was to be owned by the HOA, which is now non-existent. Mr. Hartle explained that when something goes wrong with the open space, it reverts back to the previous owner. City Attorney Bruce Jorgensen has provided Wellsville City with a flowchart of how each step of this process needs to happen. The open space is in John Panos' name now. Mr. Panos will sign the 22.23 acres of open space over to the HOA; the HOA will sign it over to Wellsville City, who will then sign it over to the HOA. Mr. Panos will sign the 2.2 acres of open space over to HOA; the HOA will deed it over to Wellsville City, who will build a simple park. The park will be owned and maintained by Wellsville City. Everyone in the Red Slide subdivision can belong to the HOA, but doesn't have to, only phase 3 is required. Mr. Hartle stated that he was not trying to by-pass the Planning Commission, but didn't think to bring this issue to them. Mr. Hartle explained that an agreement between the 23 lot owners and Wellsville City is being distributed, and that it will take 2/3 of the lot owners to approve the agreement. After discussion, John Spence made a motion, seconded by Russell Glenn, to approve the ownership of certain open space properties in the Red Slide subdivision, with the Red Slide Home Owners Association to ultimately own the 22.23 acres of open space and Wellsville City to own the 2.2 acres.

YEA 4

Russell Glenn
Loyal Green
John Spence
M. Kent Larsen

NAY 0

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

At 7:32 p.m., M. Kent Larsen made a motion, seconded by John Spence, to adjourn the meeting.

YEA 4

Russell Glenn
Loyal Green
John Spence
M. Kent Larsen

NAY 0

Loyal Green
Chairman