

MINUTES of the Wellsville City Planning Commission meeting held Wednesday, March 23, 2011, at the Wellsville City Offices, 75 East Main in Wellsville. Commission members present were Chairman Loyal Green, Russell Glenn, and M. Kent Larsen. Also present were City Manager/Recorder Don Hartle 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 18, 2011. The meeting was called to order at 6:00 p.m.

Others Present: Jennifer Leishman Noelle Johansen John Jenkins  
Justin Topik Jess Weeks Merv Weeks  
Steve Kyriopoulos

Opening Ceremony: Loyal Green

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

YEA 3 NAY 0  
Russell Glenn  
Loyal Green  
M. Kent Larsen

The Commission reviewed the minutes for the Commission meeting which was held February 23, 2011. After review, Russell Glenn made a motion, seconded by M. Kent Larsen, that the minutes of the February 23, 2011 meeting be approved as presented.

YEA 3 NAY 0  
Russell Glenn  
Loyal Green  
M. Kent Larsen

At 6:03 p.m., Planning Commission member John Spence arrived at the meeting.

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

YEA 4 NAY 0  
Russell Glenn  
Loyal Green  
John Spence  
M. Kent Larsen

First, receive public input and consider for approval a request from Steve Kyriopoulos for a conditional use to sell produce and nursery supplies on property on the NE corner of intersection of 400 North and Highway 89/91. Mr. Kyriopoulos stated that he would like to open the fruit stand for a couple of hours on Saturdays during the summer to sell local produce. Mr. Kyriopoulos stated that it would be a small farmer's market. John Spence asked who owned the property. Mr. Kyriopoulos stated that he does. Jess Weeks asked if the produce would be local only, or if produce from other states would be sold there. Mr. Kyriopoulos stated that it would be mostly local produce, but if he ran onto a good buy from another state, he would bring it in and sell it. Mr. Weeks stated that his concern is that the produce should be locally grown produce only. Mr. Spence asked what a hoop house is. Mr. Kyriopoulos stated that it is a green house. Loyal Green asked how far off of the road would the hoop house be. Mr. Kyriopoulos stated that it would be about 50 feet off of the road. Mr. Green asked if there would be any sales out of the hoop house. Mr. Kyriopoulos stated that sales would only be out of the tent. Russell Glenn stated that he had a concern with the parking, and asked how Mr. Kyriopoulos would limit the parking to 4 stalls only. Mr. Kyriopoulos stated that the issue is people coming off and back onto the highway. Mr. Kyriopoulos stated that he owns 12 acres, so he can have as many parking stalls as he needs, but prefers to use the gravel part of the property only. Mr. Spence asked if there are any plans for signage. Mr. Kyriopoulos stated that he would like

to hang a banner from the tent that says “Local Produce”. Mr. Spence asked if there would be any signs up and down the highway. Mr. Kyriopoulos stated no. Mr. Green stated that Mr. Kyriopoulos would need a sign permit, and to get a copy of the sign code from Don Hartle.

At 6:14 p.m., John Spence made a motion, seconded by Russ Glenn, to close the public hearing.

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

Russell Glenn expressed a concern about parking and getting the cars off of 400 North and Highway 89/91. After discussion, Russell Glenn made a motion, seconded by M. Kent Larsen, to approve a request from Steve Kyriopoulos for a conditional use to sell produce and nursery supplies on property on the NE corner of intersection of 400 North and Highway 89/91, and added a condition that Mr. Kyriopoulos take the measures that are necessary to assure that cars are parked off of the street and highway.

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

At 6:17 p.m., John Spence made a motion, seconded by M. Kent Larsen, to go into a public hearing.

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

Second, receive public input and consider for approval a request from John Jenkins for a conditional use for a Level 2 “Home Occupation” to operate a landscape construction and maintenance business from his home at 61 North Center Street. Mr. Jenkins stated that he would like to operate this business from his home and needs a license to do so. Mr. Jenkins stated that he has some small equipment that can be stored in his garage and shed. Loyal Green asked what type of equipment he has. Mr. Jenkins stated that the equipment is mowers, tillers, and pruning equipment. Mr. Jenkins stated that he would rent larger equipment for now. Mr. Jenkins stated that he would be purchasing a dump or flatbed trailer in the next 2 to 3 months. John Spence stated that he is in a residential neighborhood and no equipment can be parked out past the front of his home. Mr. Jenkins stated that if the business takes off, and he needs more equipment and room, he would plan on renting a shop. Mr. Jenkins stated that he currently has a truck, and soon, a trailer. Russell Glenn stated that the property can’t look like anything but a normal home. Mr. Glenn stated that in the R-1-12 zone, the code doesn’t mention construction, and asked what landscape construction is. Mr. Jenkins stated that it is grading lawns and installing sprinkling systems. Mr. Green stated that his concern is big equipment, and no more than 25% of the property can be used for business purposes. Mr. Glenn asked if there are other employees. Mr. Jenkins stated not at this time.

At 6:30 p.m., John Spence made a motion, seconded by M. Kent Larsen, to close the public hearing.

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



At 6:39 p.m., M. Kent Larsen made a motion, seconded by John Spence, to go into a public hearing.

**YEA 4**

**NAY 0**

Russell Glenn  
Loyal Green  
John Spence  
M. Kent Larsen

Fourth, receive public input and consider make a recommendation to the City Council that they amend 10-11-8-A of the City Code to allow fences, hedges, shrubs, and walls in the front yard setback requirement, not to exceed 42 inches. M. Kent Larsen agreed with this decision, especially on corners. Russell Glenn thinks that it is good on private property, especially if someone has to back out onto the street, they are able to see. Mr. Glenn suggested that words needs to be added to define front yard. Don Hartle stated that the definitions are already in there. Mr. Glenn stated that he is concerned with the paragraph under 10-11-11 that begins with "CLEAR VIEW OF INTERSECTING STREETS", and feels that some words are confusing. Mr. Hartle stated that the paragraph that Mr. Glenn is referring to came right out of the existing code. After reading the paragraph, Mr. Hartle suggested ending the paragraph after "automobile drivers". Mr. Glenn agreed.

At 6:47 p.m., John Spence made a motion, seconded by M. Kent Larsen, to close the public hearing.

**YEA 4**

**NAY 0**

Russell Glenn  
Loyal Green  
John Spence  
M. Kent Larsen

After discussion, M. Kent Larsen made a motion, seconded by John Spence to recommend to the City Council that they amend 10-11-8-A of the City Code to allow fences, hedges, shrubs, and walls in the front yard setback requirement, not to exceed 42 inches, and to end the paragraph under 10-11-11 beginning with "CLEAR VIEW OF INTERSECTING STREETS" after "automobile drivers".

**YEA 4**

**NAY 0**

Russell Glenn  
Loyal Green  
John Spence  
M. Kent Larsen

The Planning Commission reviewed for approval a lot line adjustment for Richard Maughan at 575 South 200 West. Don Hartle stated that when the house was built in 1978, it was built on ½ of an acre. Mr. Maughan is requesting a lot line adjustment to rearrange the shape of the parcels. Mr. Hartle stated that there are 2 tax identification numbers, and there will continue to be 2 tax identification numbers. After discussion, M. Kent Larsen made a motion, seconded by John Spence, to approve a lot line adjustment for Richard Maughan at 575 South 200 West.

**YEA 4**

**NAY 0**

Russell Glenn  
Loyal Green  
John Spence  
M. Kent Larsen

The Planning Commission discussed and reviewed approval requirements for the Reynolds subdivision. Don Hartle stated that there is a garage in front on the existing property. Mr. Hartle stated that on the plat that was submitted by the contractor, the garage was to be removed. Mr. Hartle stated that to his knowledge, no timetable was given as to when the garage had to be removed. Mr. Hartle stated that the new home has been built and they are living in the home. Mr. Hartle expressed his concerns about this

garage. Mr. Hartle stated that he can monitor it, but it is easy to forget. Mr. Hartle is also concerned with someone purchasing the older home, and thinking that the garage comes with it. Mr. Hartle suggested giving Mr. Reynolds 90 days to remove the garage. After discussion, John Spence made a motion, seconded by M. Kent Larsen, to give Mr. Reynolds until June 30, 2011 to remove the garage.

**YEA 4**

Russell Glenn  
Loyal Green  
John Spence  
M. Kent Larsen

**NAY 0**

The Planning Commission discussed the required frontage, definition, and at what point is the requirement required. Don Hartle stated that his concern is the definition of frontage. Mr. Hartle used the example of Scott Einerson's property. Mr. Einerson's property met the standards of the code. Mr. Hartle stated that it is the opinion of some individuals that the code needs to be modified. Mr. Hartle asked from some input from the Planning Commission. This will impact development of subdivisions that may have cul-de-sacs or curving streets. Carl Leatham stated that one suggestion has been to continue the measurement of frontage from the front setback to the back setback. Mr. Hartle stated that the problem with Mr. Einerson's rezoning of his property is that Wellsville City doesn't know where the home will be built, because it is not any of their business. Loyal Green made a recommendation that the Planning Commission list parcels of property that are non-developable. Mr. Leatham stated that there is an exception to every rule. Mr. Green asked what percentage of frontage is that in relationship to the setback. Mr. Hartle stated that in a cul-de-sac, a developer may lose 50% of the lots if the minimum frontage requirement of 82 ½ feet is applied at the front property line. Mr. Green stated that the property frontage can't be any less than 50% of what the setback frontage is. If the setback frontage is 82 ½ feet, then the property frontage would be 41 ¼ feet. Russell Glenn stated that same minimum should apply to cul-de-sacs and curved streets. Mr. Glenn also recommended that the minimum frontage at the minimum setback must be maintained all the way to the actual setback. Mr. Hartle asked that the Planning Commission give this issue some serious thought. Mr. Hartle stated that he will ask City Attorney Bruce Jorgensen to write this code, and to come and meet with the Planning Commission and the City Council. Mr. Hartle stated that he will also need someone to administer the code. M. Kent Larsen stated that he likes the idea that Russell Glenn presented. Mr. Leatham stated that he would like to hear comments about this issue from City Planner Jay Nielson. Mr. Glenn stated that his suggestion is one way to prevent the issue with Mr. Einerson from happening again, but a home in back of another is better than a weed patch. Mr. Green stated that the code shouldn't be so restrictive that people are unable to build a home in Wellsville. Mr. Leatham stated that there may not be a problem. Mr. Glenn stated that part of the street code should include a minimum radius of curvature for curved streets. Mr. Hartle asked that the Planning Commission think about this issue and he will put it back on the agenda for a future meeting.

At 7:50 p.m., John Spence made a motion, seconded by M. Kent Larsen, to adjourn the meeting.

**YEA 4**

Russell Glenn  
Loyal Green  
John Spence  
M. Kent Larsen

**NAY 0**

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Loyal Green  
Chairman