

NIBLEY CITY CORPORATION
PLANNING AND ZONING COMMISSION
Wednesday, January 24, 2007

The following motions were made during the meeting:

ACTION ITEM #1: Curtis Rudd made a motion to approved a request by Edward and Stefanee Chalfant dba "Mix It Up" for a Conditional Use Permit and a business license located at 858 West 2770 South with the following conditions:

- 1. Permit issued to this homeowner at the specified address.**
 - 2. Postal deliveries limited to standard deliver service only.**
- Mr. Anderson made a second to the motion which was approved unanimously.**

ACTION ITEM #2: Mr. Anderson made a motion to approve a request by Nathan Giles dba "Mr. Handyman" for a business license and a Conditional Use Permit to be located at 876 West 2575 South with the following conditions:

- 1. No Additional employees conducting business at the residence.**
 - 2. No vehicles associated with the business with the exception of the homeowners vehicle will be allowed at the home.**
 - 3. Tool Trailer must be parked on the RV pad behind the set back line.**
- Marina Heidt made a second to the motion which was approved unanimously.**

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MINUTES OF THE MEETING

Minutes taken by Deputy City Recorder Kerry Bringham.

The following members of the Nibley City Planning and Zoning Commission were in attendance: Chairman Aaron Bliesner, Commission members Marina Heidt, Wayne Anderson, and Curtis Rudd. Also in attendance were Nibley City Councilman Scott Wells and City Planner Conley Thompson. The meeting took place in the Nibley City Hall, 625 West 3200 South.

Welcome by Chairman Aaron Bliesner.

Item 1: Chairman Bliesner called for approval of the minutes by General Consent. The minutes with necessary changes were approved.

Item 2: Chairman Bliesner called for approval of the evening's agenda by General Consent. The agenda was approved with necessary changes.

Item 3: Wayne Anderson made a motion to suspend the agenda. Curtis Rudd made a second to the motion which was approved unanimously.

Item 4: Edward and Stefanee Chalfant dba "Mix It Up!"- Request a consideration for a Conditional Use Permit and a business license located at 858 West 2770 South.

Mr. Chalfant said the home occupation would include a food storage business and will result in up to six deliveries by a standard delivery vehicle each month with no long term storage on site. Mr. Thompson informed the commission about an existing home occupation license held by Mr. Chalfant which he said should not impact this request. However, Mr. Thompson did recommend the permit include the stipulation that it is being approved as a permit for use by this homeowner at the specific address. Mr. Chalfant said there will not be any toxic substances being stored and most of the deliveries will be for the processing of paperwork for a wholesale business. Deliveries will be mostly paperwork and a few demonstration products according to Mr. Chalfant.

Curtis Rudd made a motion to approved a request by Edward and Stefanee Chalfant dba "Mix It Up" for a Conditional Use Permit and a business license located at 858 West 2770 South with the following conditions:

- 1. Permit issued to this homeowner at the specified address.**
- 2. Postal deliveries limited to standard deliver service only.**

Mr. Anderson made a second to the motion which was approved unanimously.

Item 5: Nathan Giles dba "Mr. Handyman"- Request a consideration for a business license and a Conditional Use Permit to be located at 876 West 2575 South. Mr. Thompson said there is a concern in every case that home occupations do not distract from the residential feel of the neighborhood. Mr. Thompson said in this case it is his understanding that wood and materials, if stored, will be included in a contained trailer that is parked on a cement pad at his home. Otherwise, he said materials will not be stored at the home. Mr. Anderson asked about additional employees, and Mr. Giles said the employee will not be working at the home and all work is done at the contracted site. There will be a business vehicle associated with the business that will be parked at the home in a garage and does include advertising on the vehicle.

Mr. Anderson made a motion to approve a request by Nathan Giles dba "Mr. Handyman" for a business license and a Conditional Use Permit to be located at 876 West 2575 South with the following conditions:

- 1. No Additional employees conducting business at the residence.**

2. No vehicles associated with the business with the exception of the homeowners vehicle will be allowed at the home.

3. Tool Trailer must be parked on the RV pad behind the set back line.

Marina Heidt made a second to the motion which was approved unanimously.

Item 6: City Council Report- Councilman Wells made a report on the council and said he explained to the council that he and Mr. Thompson will be making reports to the commission about Planning and Zoning Commission actions since Chairman Bliesner will not be able to attend. Councilman Wells said it seems appropriate since he is the councilman working with the P&Z and that sometimes he feels that additional city council responsibilities related to P&Z could include his involvement.

Councilman Wells said there was mention by Councilman Larsen that clarification is needed when it comes to what type of deliveries are allowed at a home occupation. Chairman Bliesner suggested the application be changed to include wording indicating deliveries by semi-truck type deliveries are not permitted in a residence where a home occupation is permitted. There were other changes to the application recommended including one dealing with additional employees which is allowed as long as they do not work at the home.

Councilman Wells explained the council approved fees for home occupations and other city services. Mr. Anderson asked if the council has dealt with questions about the ordinance dealing with home occupations in accessory buildings. Councilman Wells said the fee ordinance allows for a fee to be charged for such a use, however city ordinance does not allow for an accessory building to house a home occupation. Councilman Wells said he is not opposed to home occupations in an accessory building and that the ordinance which prohibits such practice should be reconsidered. Chairman Bliesner said there are reasons for not allowing a home occupation in an accessory building at a residence. One way those problems could be resolved, reminded Councilman Wells, would be to require a Conditional Use Permit which gives the city opportunity to help preserve the residential atmosphere. However, there are instances where the impact would effect neighbors to the rear of the property according to Chairman Bliesner who said he is absolutely opposed to home businesses in an accessory building. Mr. Anderson reminded the commission about a meeting to be held by the City Council February 1, 2007 to discuss the city's general plan and that these issues could be part of the plan.

In other matters, Councilman Wells explained to the commission that a local commercial developer, Mark Daines, is claiming that his companies future commercial developments should be exempt from following approved design standards for commercial developments and that Mr. Daines will making a request before the commission at the February 1, 2007 meeting to have his most recent project exempt from following the approved standards. Among Mr. Daines' claims is that the Planning and Zoning Commission, when they approved phase 1 of the project without requiring design standard to be followed, in essence approved completion of all projects at the property site without a requirement that design standards be followed. Councilman Wells explained that he agrees with Mr. Daines that the city is making it difficult for commercial developers to afford to locate in Nibley and that the standards do make sense for neighborhood commercial developments but not other commercial development projects which should have less restrictive requirements. Chairman Bliesner agreed with the explanation of concerns regarding intentions of the city's commercial design standards. However, he said it is difficult to make the transition between what projects should follow the standards and which commercial projects should require different standard requirements. Mr. Thompson said the current ordinance does not make a good distinction, however he feels the project by Mr. Daines does appear to be more of a light industrial commercial project. In this case, however, the standards have been approved and as it stands the project is zoned a commercial development. Mr. Thompson also explained that Mr. Daines is claiming the standards were not in place when the property was purchased and therefore he should not be required to follow the documents strict requirements. He said Mr. Daines is claiming the cost of complying to the standards is making it difficult for him to attract businesses to the commercial business park.

Outside of the Daines project, if appears the document may need to be reviewed according to Mr. Anderson who suggested that if the council feels inclined they could send the document back to Planning and Zoning with the request that the standards for Neighborhood Commercial become more

strict and the Commercial and Light Industrial standards be adjusted to make the document less restrictive. However, he does not feel changes should be made to the document to satisfy a single developer's interests.

Mr. Thompson said it has been recommended by city staff that the city consider acquiring an outside review of the existing document for opinions and suggestions of the feasibility of the requirements. Mr. Thompson said he feels confident that the document does not include unrealistic standards and encourages the city council to continue to apply the document in this and other proposed commercial projects.

Mr. Thompson said he has been reviewing minutes related to discussion during a review of an earlier commercial development by Mr. Daines and Mr. Bret Peterson to help determine whether or not it was the intention of P&Z for future projects at the Sierra Commercial Park to be exempt from following the standard requirements. Mr. Thompson said from what he has been able to find in the Planning & Zoning minutes there is indication that three lots of the Daines project were given exemption to following the standards. But, he said, there was no action taken to indicate all projects on the property owned by the developer were included in the exemption status. Mr. Anderson said he recalls stating at the time of approval that further plans for development at the commercial park would require compliance to the design standards. And, he said documentation is not needed in this case, where it is clear there was no action taken that includes a condition that all projects on the property are exempt from following the standards. Mr. Anderson questioned how action could be taken on a project that had not even been filed for review by the city for approval. Chairman Bliesner said his concern is that at the time of approval of Phase 1, the city had not received an application for development on the additional lots, and therefore a previous decision cannot relate to a request that has not even been made to the commission. Councilman Wells said he is concerned because Nibley City encouraged Mr. Daines and other commercial developers to locate here, only to incorporate standards that make it difficult to develop a commercial business in this city. Mr. Rudd said there were several opportunities to review the standards prior to approval of the document. Councilman Wells agreed, and said it was understood that the standards would be strict initially with plans to adjust as necessary. Well, he said, it may be time to readjust the standards. Mrs. Heidt asked if the Matt Petersen project is struggling to meet what could be strict standards. Councilman Wells explained the situation is different, in that they are trying to appeal to the public and the development is located directly in the gateway and that some exceptions were made for the Matt Petersen project based on when his plan was filed for review. Mr. Wells also explained that Matt Peterson's project presentation was very close to meeting the standards to begin with and that only minor exceptions were granted.

During further discussion Mr. Thompson said after reviewing the proposed Daines property it appears it might be better to have the development zoned as industrial as the building is going to house a light manufacturing company. Mr. Anderson said Mr. Daines considered a rezone for a past project at the commercial park only to determine the setback requirements for industrial zones were more restrictive when it comes to frontage. Chairman Bliesner said upon initial review the plan to be discussed at the upcoming council meeting appears to be inadequate when it comes to parking and how it relates to building size in a commercial zone. There was also a point of information regarding the ability of the council to take action on a land use request that has not been reviewed or denied by the Planning & Zoning Commission.

Chairman Bliesner suggested the commission wait for a decision by the council regarding the Daines project. In addition, he feels the design standards document needs to be reviewed with the clear understanding that the document is directed more to neighborhood commercial developments. Mr. Thompson said the document was intended to be an umbrella document for all commercial development in Nibley. Chairman Bliesner said there may have been a misunderstanding during the review process of the design standards which he feels has resulted in a document that is too restrictive for commercial developments outside of a neighborhood commercial zone.

Chairman Bliesner asked the commission to consider making an official recommendation to the council that the existing design standards document be reviewed and that they evaluate the possibility of better defining different commercial development standards based on the type of

commercial development ranging from neighborhood commercial, commercial, and light industrial. Mr. Bliesner said there are items in several existing ordinances that need to be addressed including set backs and parking ordinances and how they relate to the design standards. Chairman Bliesner said however, that changes to the document should not be made based on the Mark Daines project. The commission agreed that changes to the document are needed, but should be done without considering a specific developers interests.

Councilmen Wells said he will outlined the commissions concerns to the council and will note the commissions desire to have the standards better defined as quickly as possible. Councilman Wells concluded his report and took leave of the meeting at 8:45 p.m.

Additional discussion on the matter of the design standards for commercial development led Chairman Bliesner once again to ask the commissions feelings regarding recommendations to the council about aspects of the document. Mr. Anderson and Mr. Rudd said they do not believe as a commission they should direct the council in what to do with the approved standards in relation to the Daines property. However, Mrs. Heidt said it is her understanding the commission should be proactive and not reactive. The commission agreed and said from that standpoint the commission is interested in the overall aspect of the standards in regard to commercial development. Mr. Thompson said there is room for allowances within the current design standard document that makes it possible to require more or less strict standards based on the type of commercial development being considered. Chairman Bliesner said he has specific concerns with the document outlining the Neighborhood Commercial Zone as a separation commercial zone, rather than as an "overlay district" as part of a city commercial zone.

Item 7: Workshop to discuss Land Use and Parking Requirements. City Planner Conley Thompson worked with the commission to review and make recommendations for the land use and parking requirements guidelines. They went through each item outlined and Mr. Thompson noted recommended changes.

Following a partial review of the parking requirement guidelines Mr. Thompson outlined the agenda for the upcoming Planning & Zoning Commission meeting schedules for Wednesday, February 7, 2007.

He informed the commission that Maverik is gong to have to locate a retention pond on the east side of lot 2 as required by an engineer review. He also indicated the commission may be reviewing a request for a kennel license at the next meeting. Chairman Bliesner asked if would be possible to have staff review requests for a kennel license. Mr. Thompson said under the current ordinance it requires the request to come before the commission.

Item 8: Adjourn- Marina Heidt made a motion to adjourn at 10:25 p.m. Wayne Anderson made a second to the motion which was approved unanimously.

Signed _____
Planning & Zoning Chairman

Attest _____
Assistant Deputy Recorder