

NIBLEY CITY CORPORATION
PLANNING AND ZONING COMMISSION
Wednesday, October 11, 2006

The following motions were made during the meeting:

Commission Member Larry Jacobsen moved to approve the request for a building permit for an accessory building located at 3750 South 516 West as long as there is a three foot (3') side yard setback and the building is placed in the ten foot (10') utility easement. Commission Member Aaron Bleisner made a second to the motion which was approved unanimously.

Commission Member Aaron Bleisner made a motion to grant a conditional use permit and building permit for an accessory building at 484 West 2600 South in Nibley. Shawn Del Hunsaker made a second to the motion which was approved unanimously.

Curtis Rudd made a motion to approve a request by Maverik Country Stores for Final Design Standard approval for commercial properties located at approximately 3100 South State Highway 165 with the understanding that streetscape and lighting requirements will be met through a Development Agreement outlined by Nibley City Staff. Larry Jacobsen made a second to the motion which was approved by Curtis Rudd, Wayne Anderson, and Larry Jacobsen. Commission members Aaron Bleisner and Shawn Del Hunsaker opposed the motion which was approved.

NIBLEY CITY CORPORATION
PLANNING AND ZONING COMMISSION
Wednesday, October 11, 2006
MINUTES OF THE MEETING

Minutes taken by City Treasurer Cynthia Fredrickson and prepared by City Deputy Recorder Kerry Bringhurst.

The following members of the Nibley City Planning and Zoning Commission were in attendance: Chairman Wayne Anderson, Commission members Larry Jacobsen, Aaron Bleisner, Curtis Rudd, and Shawn Del Hunsaker. Nibley City Councilman Scott Wells and Deputy Recorder Kerry Bringhurst were excused. The meeting took place in the Nibley City Hall, 625 West 3200 South.

Item 1: Approval of Minutes and Evening's Agenda- Commission Member Larry Jacobsen moved to approve changes to the minutes from the September 27, 2006 Nibley City Planning and Zoning Commission Meeting and the evening's agenda. Shawn Del Hunsaker made a second to the motion which was approved unanimously.

Item 2: Don and Nancy Cooley request a consideration for the granting of a building permit for an accessory building located at 3750 South 516 West. Applicants Don and Nancy Cooley met before the commission to make the request. After reviewing the request the commission determined the location of the accessory building was on an existing easement. **Commission Member Larry Jacobsen moved to approve the request for a building permit for an accessory building located at 3750 South 516 West as long as there is a three foot (3') side yard setback and the building is placed in the ten foot (10') utility easement. Commission Member Aaron Bleisner made a second to the motion which was approved unanimously.**

Item 3: Aaron Wisner request a consideration for the granting of a conditional use permit and building permit for an accessory building at 484 West 2600 South. Applicant Aaron Wisner met before the commission to make the request. Mr. Thompson reviewed the plat plan. After reviewing the set backs Larry Jacobsen outlined the requirements for the use of a barn stating that regulations are more stringent than they would be if the building was not going to be used to store livestock and hay. The commission determined the set back and height requirements were adequate. **Commission Member Aaron Bleisner made a motion to grant a conditional use permit and building permit for an accessory building at 484 West 2600 South in Nibley. Shawn Del Hunsaker made a second to the motion which was approved unanimously.**

Item 4: Maverik Country Stores- Request a consideration for Final Design Standard approval for commercial properties located at approximately 3100 South State Highway 165. Brad McDougal represents Maverik and met before the commission to present the request. Mr. Thompson reviewed a list of matters determined at a previous commission meeting that needed resolution before final approval of the plan could be given. The following matters were discussed:

- Facade of the building: Mr. McDougal said Maverik has agreed to provide equal treatment of approved materials on all sides of the building.
- Canopy Design: The canopy will be a cream colored canopy that will match the one on the building. The commission agreed the design would be appropriate.
- Lighting: It was determined that 300 watt bulbs would be used. Commission Member Aaron Bleisner recommended the use of shields which the commission agreed would be a good idea. There was further discussion on the style of lighting that should be used, particularly along the sidewalk. Mr. McDougal suggested working with the city to help determine lighting styles that could be used throughout the city.
- Fencing: The design of the fencing was determined to be compatible with the building. The commission

did review the height and location of the fence. After further discussion it was decided by the commission that a chain link fence with slats to match the building was appropriate for the storage area, while the garbage storage would be shielded using a cinderblock enclosure.

- Setbacks: Mr. Thompson said after reviewing the setback requirements for Neighborhood Commercial Zones (Section D 10-7A-7) he feels the city did make an error in not requiring Maverik's building to be located further away from the rear property. However, Chairman Anderson said he does not agree a mistake was made and said he feels the existing design setback is adequate. Chairman Anderson said the setback of "each" lot can be interpreted differently. Larry Jacobsen asked why the ordinance includes the option of allowing for a 15 foot setback if that was not an option? He said at this stage of the process the issue is not pressing. Chairman Anderson agreed and said he believes the location of the building is appropriate considering the property to the rear of the building is also going to be a commercial property. Otherwise, he said the city would have to approve a building that he feels would be too close to the highway. Commission Member Aaron Bleisner said he feels it is important the minimum allowed setback for a Neighborhood commercial development be followed. Mr. McDougal asked why the city is concerned with buffering commercial development that are not next to a residential lot? Mr. Bleisner said it is a matter of adhering to the standards as he interprets the ordinance.

In addition to meeting these requirements, Mr. Thompson requested that Maverik provide two full sets of plans in preparation to meeting before Planning and Zoning to request a building permit.

Commission member Aaron Bliesner was asked by Councilman Scott Larsen to present to the commission the following information :

Scott Larsen's wrote:

"These are from the N-C Zone code. First to address the architecture this over rides anything in the design standards if it is not compatible with the surrounding residential it is not permitted. You sat on the Design committee and you know what is aloud there.

10-7A-1: PURPOSE:

D. Lighting will be of low intensity, low profile and fully shielded to protect the surrounding residential areas. **The architectural design and character will be compatible with that of the surrounding residential environment.**

E. Heavy commercial uses within this zone have been excluded and are not permitted. (Ord. 05-17, 11-17-2005)

Do you know if this has been complied with for the Maverick? Do you have the UDOT letter?

10-7A-10: OFF STREET PARKING, LOADING, AND ACCESS:

C. **The developer/owner of a neighborhood commercial development located along a state owned highway will cause the required traffic impact study to be performed in conformance of the requirements of the Utah department of transportation. Provide to the city a valid copy of the UDOT letter of approval. (Ord. 05-17, 11-17-2005)**

Do you know how we are classifying the gas station as far as the % used on the lot. The pumps and building and really some of the hardscape should be used in this calculation. Don't you think? Is this something we need to define more?

10-7A-6: LOT COVERAGE:

No building, structure or group of buildings with their accessory buildings shall cover more than sixty percent (60%) of the lot or parcel. (Ord. 05-17, 11-17-2005)

Has P&Z granted the conditional use permit?

10-7A-3: CONDITIONAL USES:

A. Regular Conditional Uses: The following uses may be allowed in the C-N zone as a conditional use: Gasoline sales. Service stations. "

Chairman Anderson asked for a motion on the request. Curtis Rudd made a motion to approve a request by Maverik Country Stores for Final Design Standard approval for commercial properties located at approximately 3100 South State Highway 165 with the understanding that streetscape and lighting requirements will be met through a Development Agreement outlined by Nibley City Staff. Larry Jacobsen made a second to the motion which was approved by Curtis Rudd, Wayne Anderson, and Larry Jacobsen. Commission members Aaron Bleisner and Shawn Del Hunsaker opposed the motion which was approved.

Item 5: City Council Report- Mr. Thompson reported that Councilman Scott Larsen served as Mayor Pro-temp at the last council meeting. He said Mr. Zollinger met before the council to request approval for his home along the Blacksmith Fork River near Hollow Road. The council moved to continue discussion on the matter.

Item 6: Parking Requirements- Mr. Thompson presented a packet of information to members of the commission for their review.

Item 7: Subdivision Fencing- During workshop discussion the commission reviewed information about the fencing of subdivision and who is responsible for caring for grass and other landscaping when there is a strip of land that is located along a city street? The commission agreed this is a matter where more clarification is needed. Mr. Thompson will research easement and right of way documentation to help the commission better determine how to address the matter.

Item 8: Adjourn- Chairman Anderson adjourned the meeting at 11:00 p.m. through general consent.

Signed _____
Planning & Zoning Chairman

Attest _____
Assistant Deputy Recorder