

NIBLEY CITY CORPORATION
PLANNING AND ZONING COMMISSION
Wednesday, October 25, 2006

The following motions were made during the meeting:

Motion #1: Larry Jacobsen moved to approve the request by Kelly Leishman for a building permit for an accessory building to be located at 4145 Hollow Road subject to the building being located outside the platted ten foot easement or adequate documentation showing that the platted easement has been abandoned. The permit includes the following condition:

1. business related activity in the accessory building limited to storage of business vehicle and materials.

Curtis Rudd made a second to the motion which was approved unanimously.

Motion #2: Aaron Bliesner made a motion to approve a request by Keith Yorgason for preliminary approval of a plan outlining the creation of a two lot minor subdivision and preliminary plat approval. The property is located in the R2-A zone east of Hollow Road approximately between 4070 South and 4154 South and west of the Blacksmith Fork River. The motion was made with the requirement that the following items be addressed prior to final approval:

1. Obtain from the county an updated and correct Owner/Tax ID number for the neighboring property to the North to be included on the plat.
2. 10 foot Utility easements around the entire property needs to be outlined on the plat
3. Contour lines need to be indicated on the plat
4. Set back lines need to be indicated on the plat
5. 3 full size copies of the plat map submitted to the city
6. Meet before the Nibley City Council for preliminary approval before coming before the PZ Commission for final approval
7. Verify tax ID number of Lot 2 (Global Property 2000LLC)

Curtis Rudd made a second to the motion which was approved unanimously.

Motion #3 Larry Jacobsen moved to approve the Concept Plan for Ashbury Estates- Phase 2.
Curtis Rudd made a second to the motion which was approved unanimously.

Motion #4 Larry Jacobsen moved to continue discussion on a request by Vicki & Michael Arambell for the granting of a lighting permit for installation of parking lot lighting at Little Wonder Day Care located at 3200 South and Highway 165 until a revised plan is submitted to city staff for review at least one week prior to coming before the Planning and Zoning Commission. Aaron Bliesner 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 Wayne Anderson, Commission members Larry Jacobsen, Aaron Bliesner, and Curtis Rudd. Commission Member Shawn Del Hunsaker was excused. 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.

Item 1: Approval of Minutes and Evening's Agenda- Minutes from October 11, 2006 Planning and Zoning Meeting with necessary changes and the evening's agenda were approved by general consent.

Item 2: Kelly Leishman- Request consideration for a building permit for an accessory building to be located at 4145 Hollow Road. Mr. Leishman met before the commission to make the request. A plat map was reviewed which indicated a possible easement where the building is proposed. Mr. Leishman said he is unaware of an easement. Commission Chairman Wayne Anderson said he believes it is an easement indicator. Mr. Leishman said rather than move the proposed building at this time he would like to investigate whether or not there is an easement. Chairman Anderson said there is the option of approaching the utility company to ask them to abandon the easement. Chairman Anderson also noted the request for the accessory building indicated the building could be used as a business. Mr. Leishman said he plans to park his truck used for his contracting business in the accessory building but he said he would not use the building for any business activities. Mr. Jacobsen said one option would be to include in the motion a condition that there will not be any business conducted in the accessory building and the building use would be limited to storage of vehicle and supplies. Mr. Leishman agreed to the condition. The set backs for the request were reviewed and found to be adequate.

Larry Jacobsen moved to approve the request by Kelly Leishman for a building permit for an accessory building to be located at 4145 Hollow Road subject to the building being located outside the platted ten foot easement or adequate documentation showing that the platted easement has been abandoned. The permit includes the following condition:

- 1. business related activity in the accessory building limited to storage of business vehicle and materials.**

Curtis Rudd made a second to the motion which was approved unanimously.

Item 3: Keith Yorgason request consideration for preliminary approval of a plan outlining the creation of a two lot minor subdivision and preliminary plat approval. The property is located in the R2-A zone east of Hollow Road approximately between 4070 South and 4154 South and west of the Blacksmith Fork River. Applicant Keith Yorgason met before the commission. Chairman Anderson reviewed Mr. Thompson's recommendations which suggest the portion of the property sold to R&K Farming needs to be changed on the plat to reflect new ownership and the tax identification number. Mr. Thompson provided Mr. Yorgason with a copy of the plat requirements. Chairman Anderson said set back lines need to be noted on the plat. Contour lines need to be included on the plan as well. Chairman Anderson asked Mr. Thompson to provide Mr. Yorgason with a list of items to be provided before final approval. Mr. Thompson said a public hearing on the proposed minor subdivision was held previously.

In a related matter, Mr. Jacobsen told Mr. Yorgason that any proposed development on the property that is within three hundred feet from the city sewer system is required to connect to the city sewer system. However, those proposed developments outside of the three hundred foot requirement do

not need to hook up to the system. But, Mr. Jacobsen said there is the possibility that a portion of the proposed property is located in a water source protection zone that would not allow a septic tank without a change to city ordinance. Mrs. Yorgason asked the commission to outline reasons for requiring them to meet all of these setback and other issues if they are just planning to sell the land? She wondered why the developer is not responsible for making certain all of the setback and other issues are resolved? Chairman Anderson explained the process for subdividing and told Mr. Yorgason the list of information provided by Mr. Thompson should be provided to the engineer in order for changes to be made prior to a request for final approval.

Aaron Bliesner made a motion to approve a request by Keith Yorgason for preliminary approval of a plan outlining the creation of a two lot minor subdivision and preliminary plat approval. The property is located in the R2-A zone east of Hollow Road approximately between 4070 South and 4154 South and west of the Blacksmith Fork River. The motion was made with the requirement that the following items be addressed prior to final approval:

1. Obtain from the county an updated and correct Owner/Tax ID number for the neighboring property to the North to be included on the plat.
2. 10 foot Utility easements around the entire property needs to be outlined on the plat
3. Contour lines need to be indicated on the plat
4. Set back lines need to be indicated on the plat
5. 3 full size copies of the plat map submitted to the city
6. Meet before the Nibley City Council for preliminary approval before coming before the PZ Commission for final approval
7. Verify tax ID number of Lot 2 (Global Property 2000LLC)

Curtis Rudd made a second to the motion which was approved unanimously.

Item 4: Brandon Ames, Bret Sorensen, and Mitch McKinley request a consideration for a review of a Concept Plan for Ashbury Estates- Phase 2. Brandon Ames and Mr. McKinley met before the commission. The commission reviewed the concept plan which shows there will be access to the subdivision off of 3200 South. Chairman Anderson recommended that lot 16 have drive way access onto 620 west instead of 3200 South. Curb and gutter placement along 3200 South is an issue since there is not a plan yet for future improvements to the road, which will become a four lane road and the easements have not been set. Chairman Anderson suggested there will have to be some concessions as to where curb and gutter should be installed prior to the final plan approval.

Larry Jacobsen moved to approve the Concept Plan for Ashbury Estates- Phase 2. Curtis Rudd made a second to the motion which was approved unanimously.

Item 5: Little Wonder Day Care- Vicki & Michael Arambell: Request consideration for Design Standard and for the granting of a lighting permit for installation of parking lot lighting at Little Wonder Day Care located at 3200 South and Highway 165. Mrs. Arambell and Doug Searle met before the commission. Mr. Searle presented to the commission an outline of the lighting plan which shows where the lighting will be installed in the parking lot to the South of the day care building. He said the light is a forward projecting light which he said will not illuminate behind the lighting structure. In fact, he said, there is limited light that will lead into the street or the nearby residents. Mr. Searle said there is a visor and a shield guard on the lighting structure. Mrs. Arambell said the need for the lighting is for safety and the lights will be on a timer and will not illuminate during the late evening. Mr. Searle said he will sometimes turn the lights on during times of snow removal. Mr. Searle said adjustments can be made once the lights are installed to make sure they are in compliance. A 400 Watt bulb will be used initially according to Mr. Searle who said a reduced wattage can be used if necessary. Councilman Wells said having limited night lights is important to the city. Mr. Jacobsen asked for a review of the design standard requirements for the lighting. He also asked clarification as to whether or not the home to the south is zoned residential or commercial. Mr. Thompson said if the lighting does not reflect behind the light structure there is not an issue with illuminating onto the south side residential zone.

Mr. Bliesner said after reviewing the light plan he feels the proposed light design is not in keeping with the outlined design standards. He said the box style being proposed has been denied for use by other commercial uses and Mr. Bliesner feels the city needs to be consistent in the lighting requirements. While Mr. Bliesner is not questioning the need to use lighting for safety, he feels the fixture being proposed does not meet the purpose and the design requirements. Chairman Anderson said the proposed light is not an appropriate parking lot lighting structure, but rather a spot light, which he feels does not meet the design standards. Mrs. Arambell questioned the need to comply to aesthetic standards since the lights are off the street. Chairman Anderson said the city has outlined the standards in order to create an historic style. Mr. Searle asked the commission to provide them with a recommended design for a fixture so they can install the lights as soon as possible for safety reasons. The commission encouraged the day care owners to review samples of adequate fixtures presented by Mr. Thompson.

Chairman Anderson said he will not support the use of a spot light or flood light in a parking lot while Mr. Bliesner said he wants a fixture that is more appropriate for the look Nibley is intending. Mr. Jacobsen said he feels all right about allowing shoe box lighting in a parking lot, however he would like to see something that accents the historic nature of the building. The spot light design is not appropriate when it comes to limiting the amount of reflective lighting according to Mr. Jacobsen. Councilman Wells recommended two lighting standards be placed along the South side of the building and facing into the parking lot, with two additional standards located on the far south end of the parking lot facing North.

Mr. Searle said the proposed style of lighting works to limit the amount of light that will reflect onto neighboring residential zones. Mrs. Arambell said she disagrees with the commission's explanation for requiring different lighting structures. Councilman Wells suggested the request can be taken before the city council for consideration if the commission denies the request. Mrs. Arambell said the safety of the children at the day care is more important in her opinion than aesthetics. Mr. Bliesner said the commission also cares about the children, but says the commission also has a responsibility of meeting the design standard ordinance. And, said Mr. Jacobsen, the lighting plan has to be dark sky compliant. He said he is not convinced the presented option meets those requirements.

Chairman Anderson reminded Mr. Searle to meet with city engineers and inspectors to make sure other city requirements for installing lights are being met.

Larry Jacobsen moved to continue discussion on a request by Vicki & Michael Arambell for the granting of a lighting permit for installation of parking lot lighting at Little Wonder Day Care located at 3200 South and Highway 165 until a revised plan is submitted to city staff for review at least one week prior to coming before the Planning and Zoning Commission. Aaron Bliesner made a second to the motion which was approved unanimously.

Item 6: Report of City Council Action- Councilman Wells informed the commission that a request by Mr. Cooley at the last P&Z meeting to locate an accessory building on an easement will be heard by the city council as a result of a decision by the commission to require the relocation of the building to protect the easement. Councilman Wells said there is also discussion among the council to do away with a council representative at the commission meetings. Councilman Wells said a contract has been signed by the city to hire the county sheriff's department for animal control services. In other matters, Mr. Thompson asked the commission to take an opportunity to outline possible conditions for Maverik as part of a Conditional Use Permit for a gas station in a Neighborhood Commercial Zone.

Item 7: Motion to adjourn- Larry Jacobsen made a motion to adjourn at 9:50 p.m.. Chairman Anderson asked for general consent to adjourn.

Signed _____
Planning & Zoning Chairman

Attest _____
Assistant Deputy Recorder

