

NIBLEY CITY CORPORATION  
PLANNING AND ZONING COMMISSION  
Wednesday, February 13, 2007

The following motions were made during the meeting:

**Motion #1:** Commission Member Wayne Anderson made a motion to approve a request for a conditional use permit and business license for a home business to be located at 2580 South 800 West to applicant Walter Fiefia with the understanding that all conditions in the application must be met along with the additional conditions:

1. The business trailer must be parked behind the front plain of the home.
  2. The business permit and license to be issued to this property to this homeowner and is not transferable.
- Commission member Curtis Rudd made a second to the motion which was approved unanimously.

**Motion #2:** Commission Member Wayne Anderson made a motion to approve a conditional use permit and business license for a home business to be located at 3559 South and South Main Street to applicant Chris Andersen with the understanding that all conditions in the application must be met along with the following conditions:

1. The license is for this applicant at this address.
2. No storage of lumber outside of garage.
3. No storage of hazardous chemicals.

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

**Motion #3:** Commission Member Wayne Anderson made a motion to approve a Conditional Use Permit and Kennel License to be located at 994 West 2980 South. The request is issued with the understanding that conditions outlined in the application will be followed along with the following additional conditions:

1. The license is issued to this applicant at this address and is nontransferable
2. For three dogs only over the age of 6 months old.
3. License for a private kennel.

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

**Motion #4:** Commission Member Curtis Rudd made a motion to approve a Conditional Use Permit and Building Permit for an accessory building located at 2643 South 660 West. Commission Member Wayne Anderson made a second to the motion which was approved unanimously.

**Motion #5:** Commission member Wayne Anderson made a motion to approve a Preliminary Plat Review for Foxborough Estates LLC located at 1500 West and 3200 South for property containing about 26.42 acres with the following conditions to be met prior to final approval:

1. B-6 proposed realignment of existing ditch plus new easement, and C-6 easement for water and trail clearly outlined.
2. A verification of lot frontages for lots 5,8,9,10,14.
3. A concept plan for storm water.
4. Additional fire hydrants at required minimum spacing of 350 feet between hydrants to be outlined on map with the possibility of additional hydrants to be included.
5. Details of sidewalk alignment along 3200 South.
6. Required piping of the irrigation canal along 3200 South to be reconsidered.
7. A ten foot minimum setback for the fence easement along 3200 South detailed.
8. Verify cross section of 1500 West as a sixty-six foot cross section.
9. Detention basin to be landscaped in a naturalistic manner with turf, shrubs, trees and forbs and irrigation installed in accordance with Nibley City standards.
10. Requirement to provide fifteen foot fencing and trail easement as accepted/approved at concept plan approval stage to be reconsidered by the Nibley City Council as requested by the Planning & Zoning Commission with the recommendation that the city council not require the developer to place a fence on the back side of the lots on the west side of the development.
11. Final approval is contingent on engineer review and approval.
12. Necessary signature boxes must be placed on the final plat.
13. Required changes necessary for final plat approval are to include but are not limited to those outlined in the motion.

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

NIBLEY CITY CORPORATION  
PLANNING AND ZONING COMMISSION  
Wednesday, February 13, 2007  
MINUTES OF THE MEETING

Minutes taken by Deputy City Recorder Kerry Bringhurst.

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 was City Planner Conley Thompson. The meeting took place in the Nibley City Hall, 625 West 3200 South.

Welcome by Chairman Aaron Bliesner.

**Item 1: Approval of Minutes and evening's agenda-** Commission member Curtis Rudd made a motion to approve the evening's agenda and previous meeting minutes. Commission member Wayne Anderson made a second to the motion which was approved unanimously.

**Item 2: Fiefia Lawn Care- Request a consideration for a Conditional Use Permit and Business License for a home business to be located at 2580 South 800 West.** Applicant Walter Fiefia made the request before the commission. Mr. Fiefia explained to the commission that he will be doing lawn care and snow removal. He has a trailer parked next to his home where his equipment will be stored.

**Commission Member Wayne Anderson made a motion to approve a request for a conditional use permit and business license for a home business to be located at 2580 South 800 West to applicant Walter Fiefia with the understanding that all conditions in the application must be met along with the additional conditions:**

1. The business trailer must be parked behind the front plain of the home.
2. The business permit and license to be issued to this property to this homeowner and is not transferable.

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

**Item 3: Andy Wilderness Photography- Request a consideration for a Conditional Use Permit and Business License for a home business to be located at 3559 South and South Main Street.** Applicant Chris Andersen met before the commission. He explained the printing of the photographs will be ink jet and will not require the use of any hazardous chemicals. He will also be making and framing the photographs. The noise will be limited to the garage or basement. A small amount of wood will be stored in the garage. There will not be any large truck deliveries. There will not be any client visits at the home.

**Commission Member Wayne Anderson made a motion to approve a conditional use permit and business license for a home business to be located at 3559 South and South Main Street to applicant Chris Andersen with the understanding that all conditions in the application must be met along with the following conditions:**

1. The license is for this applicant at this address.
2. No storage of lumber outside of garage.
3. No storage of hazardous chemicals.

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

**Item 4: Michell and Michael Anderson- Request a consideration for a Conditional Use Permit and Kennel License to be located at 994 West 2980 South.** The Anderson's met before the commission to make the request. The city licensing fees and proper vaccinations for all three dogs are up to date.

**Commission Member Wayne Anderson made a motion to approve a Conditional Use Permit and**

**Kennel License to be located at 994 West 2980 South. The request is issued with the understanding that conditions outlined in the application will be followed along with the following additional conditions:**

- 1. The license is issued to this applicant at this address and is nontransferable**
- 2. For three dogs only over the age of 6 months old.**
- 3. License for a private kennel.**

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

**Item 5:** Bryan Low- Request a consideration for a Conditional Use Permit and Building Permit for an accessory building located at 2643 South 660 West. Applicant Bryan Low met before the commission. Mr. Thompson explained a platt map for the property is not available but that the request does meet the necessary 10 foot set back requirements. Chairman Bliesner and Councilman Anderson said the diagram presented indicates the height of the accessory building meets code as well.

**Commission Member Curtis Rudd made a motion to approve a Conditional Use Permit and Building Permit for an accessory building located at 2643 South 660 West. Commission Member Wayne Anderson made a second to the motion which was approved unanimously.**

**Item 6:** Brian Seamons and Shawn Cronquist of Foxborough Estates LLC request a consideration for a Preliminary Plat Review located at 1500 West and 3200 South for property containing about 26.42 acres. Mr. Seamons and Mr. Cronquist met before the commission to make the request. Mr. Thompson outlined areas requiring clarification including:

1. B-6 proposed realignment of existing ditch plus new easement, and C-6 easement for water and trail.
2. A verification of lot frontages for lots 5,8,9,10,14.
3. A concept plan for storm water. Mr. Thompson referenced the pond and asked for clarification on where the storm water boxes will be located. Mr. Cronquist showed on the larger scaled map where two storm water boxes are located.
4. Additional fire hydrants at required minimum spacing of 350 feet between hydrants to be outlined on map with the possibility of additional hydrants to be included. After a review of the proposed plan, the commission was unable to determine where hydrants are located on 3200 south.

Mr. Thompson also recommended the following conditions be completed prior to approval of the preliminary plat:

1. Details of sidewalk alignment along 3200 South. Mr. Thompson explained to the developers where the proposed sidewalk should be located on the plan. Mr. Seamons said he is not clear what has been decided on plans along 3200 South and asked who in the city could help determine where the sidewalk should be located. Mr. Anderson said the developer will need to provide a right-of-way and the necessary infrastructure for a sidewalk, curb, and gutter as required for all new subdivisions developed in Nibley City. Mr. Seamons asked if the city has determined how to deal with improvements along 3200 South and how that might impact the road where their property is being developed. Mr. Thompson said there are not any clear plans, but that a bond agreement could outline some of these issues and that the developer needs to complete the road up to city standards with possible improvements needed after 3200 South is completed.
2. Required piping of the irrigation canal along 3200 South is being reconsidered. Mr. Thompson said the city is considering how open water ways might enhance the city as a natural feature and design element. Members of the commission agreed with the idea of leaving the water ways open.
3. A ten foot minimum setback for the fence easement along 3200 South. Mr. Thompson explained that a fence along 3200 South would be needed as a barrier with the plan to be included with a landscaping plan.
4. Verify cross section of 1500 West as a sixty-six foot cross section. Commission member Anderson said it was his recollection that the developer was only to be responsible for 24 feet/2 traffic lanes of road surfacing until the nearby land is developed at which time the road will be completed. The developers are considering a formal request to obtain reimbursement from nearby land owners for a

portion of their road surfacing.

5. Detention basin to be landscaped in a naturalistic manner with turf, shrubs, trees and forbs and irrigation installed in accordance with Nibley City standards. Mr. Thompson recommends the landscape and irrigation plans to be approved by staff.

6. Provide fifteen foot fencing and trail easement as accepted/approved at concept plan approval stage. Mr. Thompson explained that during concept approval the city requested a fence be located along the easement. There was some discussion about a request by the city to have the developer follow the ordinance requiring a six foot fence between the trail and the canal. Commission member Anderson suggested the commission request the council change that requirement along trails. He said it seems unusual to have a trail along a waterway that cannot be accessed. Commission member Anderson said it should be up to the homeowner to place a fence in the backyard especially if the city is requiring a fifteen foot trail. Mr. Thompson said he agrees with the proposal to make a recommendation to the council, however at this point the ordinance requires a chain link fence and said the developer should discuss the matter with the City Council at the upcoming council meeting.

Commission member Anderson also recommended the slope of each home be developed so that there will not be any problems with water running into the home. There was also discussion about when the subdivision road must be oiled. The developers would like to wait until each phase of the subdivision is completed before oiling the road to help provide a quality road and sidewalk. Commission member Wayne Anderson suggested that a bond be posted or that the sidewalks and roads be completed before occupancy in order to help guarantee the completion of the infrastructures. Mr. Thompson suggested the builder contact Bill Saunders to discuss the matter which he suggested could be included in the development agreement.

**Commission member Wayne Anderson made a motion to approve a Preliminary Plat Review for Foxborough Estates LLC located at 1500 West and 3200 South for property containing about 26.42 acres with the following conditions to be met prior to final approval:**

- 1. B-6 proposed realignment of existing ditch plus new easement, and C-6 easement for water and trail clearly outlined.**
- 2. A verification of lot frontages for lots 5,8,9,10,14.**
- 3. A concept plan for storm water.**
- 4. Additional fire hydrants at required minimum spacing of 350 feet between hydrants to be outlined on map with the possibility of additional hydrants to be included.**
- 5. Details of sidewalk alignment along 3200 South.**
- 6. Required piping of the irrigation canal along 3200 South to be reconsidered.**
- 7. A ten foot minimum setback for the fence easement along 3200 South detailed.**
- 8. Verify cross section of 1500 West as a sixty-six foot cross section.**
- 9. Detention basin to be landscaped in a naturalistic manner with turf, shrubs, trees and forbs and irrigation installed in accordance with Nibley City standards.**
- 10. Requirement to provide fifteen foot fencing and trail easement as accepted/approved at concept plan approval stage to be reconsidered by the Nibley City Council as requested by the Planning & Zoning Commission with the recommendation that the city council not require the developer to place a fence on the back side of the lots on the west side of the development.**
- 11. Final approval is contingent on engineer review and approval.**
- 12. Necessary signature boxes must be placed on the final plat.**
- 13. Required changes necessary for final plat approval are to include but are not limited to those outlined in the motion.**

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

**Item 7: City Council Report-** There was discussion about the presentation by the firm assisting the city in revising and updating the Nibley City General Plan with a reminder of a series of workshops and public meetings scheduled for Friday, February 23rd and on Saturday, February 24th which will be held to begin the revision process.

Mr. Thompson said the council also discussed the possibility of placing limits and requirements for housing as part of a city ordinance. Mr. Anderson said the city needs to have mixed development

and that having an ordinance requiring restrictions for housing would eliminate diversity. Commission member Heidt agreed that creating such an ordinance would not benefit the city. In fact, said Chairman Bliesner, it might benefit the city to have a development where a various lot sizes would be encouraged and allowed. Commission member Anderson would also like the city to consider allowing for high rise developments in the commercial area to allow for more diversity and to encourage unique commercial developments. Mixed uses is a creative way to develop a community, according to Mr. Thompson, who said all of these ideas could be incorporated.

Workshop

**Item 8:** 11-5-10 Subdivision Fence Amendment- Mr. Thompson began the discussion and presented a proposed draft of the amendment. Several suggestions were made by the commission and noted by Mr. Thompson who will make changes to the draft ordinance in preparation for future review by the commission.

**Item 9:** Adjourn- The commission adjourned through General Consent at 10:35 p.m..

Signed \_\_\_\_\_  
Planning & Zoning Chairman

Attest \_\_\_\_\_  
Assistant Deputy Recorder