

NIBLEY CITY CORPORATION
PLANNING AND ZONING COMMISSION
Wednesday, February 28, 2007

The following motions were made during the meeting:

Motion 1: Marina Heidt made a motion to approve the request for a business license for Mountain View Machinery and Welding to be located at 2485 South and 1350 West with the conditions as outlined in the application as well as the following conditions:

- 1. Certificate of occupation must be issued prior to beginning operations**
- 2. Requirements outlined in Use Regulations 8-2-6 in regards to Sewer Pretreatment as it relates to wastewater and discharge into sanitary sewers must be completed by Mountain View Machine and Welding.**
- 3. Any items stored outside must be contained in a private enclosure**
- 4. Application required for any signs.**

Commission Member Shawn Dustin made a second to the motion which was approved unanimously.

Motion 2: Commission Member Shaun Dustin made a motion to recommend to the Nibley City Council that requests for zoning changes be tabled, including a request to change the Zone from Agricultural to Residential R-2A on approximately 29.18 Acres, more or less, located West of 1200 West and South of 2600 South, until a draft of the proposed General Plan updates are completed by consultants. Commission Member Marina Heidt made a second to the motion which was approved unanimously.

Motion 3: Commission Member Shaun Dustin made a motion to recommend to the Nibley City Council that requests for zoning changes be tabled, including a request to change the easterly portion of the existing Commercial Zone of Sierra Commercial Business Park located South of 2350 South and East of Heritage Drive comprising approximately 11.44 acres from Commercial (C) to Industrial (I), until a draft of the proposed General Plan updates are completed by consultants. Commission member Marina Heidt made a second to the motion which was approved unanimously.

Motion 4: Commission Member Shaun Dustin made a motion to deny a request by Mark Daines and Sierra Commercial Business Park to revise the Land Use Code set back requirements in an Industrial Zone from 50 feet to 30 feet. The motion includes a recommendation to the Nibley City Council to allow for lots 2, 5, 6 & 7 of the Sierra Commercial Business Park to follow design standards as outlined at the time the subdivision was approved. Commission member Marina Heidt made a second to the motion which was approved unanimously. The motion was approved unanimously.

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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: Commission members Marina Heidt, Wayne Anderson, and Shaun Dustin. Chairman Aaron Bliesner and Curtis Rudd were excused. Also in attendance was City Planner Conley Thompson. The meeting took place in the Nibley City Hall, 625 West 3200 South.

Deputy City Recorder Kerry Bringhurst took the minutes.

Welcome by Acting Chairman Wayne Anderson who opened the meeting at 7:00 p.m.

Item 1: Welcome and Introduction of Shawn Dustin, recently appointed to a two year term as a member of the Nibley City Planning and Zoning Commission. Mr. Dustin is a civil engineer, but is currently attending USU to obtain a Ph.D.. He and his wife Leslie have five children and moved to Nibley seven months ago. He said he is looking forward to serving on the commission.

Item 2: Approval of Minutes and Evening's Agenda. Approval of the minutes of the previous meeting will be left until the next meeting as only two of the commission members in attendance were at the meeting.

Wayne Anderson asked for General Consent for approval on the evening's agenda with necessary changes.

Item 3: Trish and Jason Crook with Mountain View Machine and Welding - Request a Business License to be located at 2485 South and 1350 West in the Sierra West Commercial Park. Mr. Thompson explained that the building already exists as part of the commercial park, but the business does require a license to operate. The business is a permitted use under the Industrial and Commercial zones. However, it is a conditional permit that includes certain requirements. Mr. Thompson provided the commission with a Use Regulations ordinance that outlines the sewer pretreatment requirements that could result from the items being manufactured. There was discussion about what types of manufacturing takes place at the facility. None of the activities included products that would require pretreatment of wastewater. Mr. Thompson recommended the commission approve the request with the following conditions:

1. Certificate of occupation must be issued prior to beginning operations
2. Requirements outlined in Use Regulations 8-2-6 in regards to Sewer Pretreatment as it relates to wastewater and discharge into sanitary sewers must be completed by Mountain View Machine and Welding.
3. Any items stored outside must be contained in a private enclosure
4. Application required for any signs.

Marina Heidt made a motion to approve the request for a business license for Mountain View Machinery and Welding to be located at 2485 South and 1350 West with the conditions as outlined in the application as well as the following conditions:

1. Certificate of occupation must be issued prior to beginning operations
2. Requirements outlined in Use Regulations 8-2-6 in regards to Sewer Pretreatment as it relates to wastewater and discharge into sanitary sewers must be completed by Mountain View Machine and Welding.
3. Any items stored outside must be contained in a private enclosure
4. Application required for any signs.

Commission Member Shawn Dustin made a second to the motion which was approved unanimously.

Item 4: Public Hearing Bill Bertolio- Request a consideration to consider a request to change the Zone from Agricultural to Residential; R-2A on approximately 29.18 Acres, more or less, located West of 1200 West and South of 2600 South. Mr. Bertolio was not in attendance when the Public Hearing began. Wayne Anderson opened the public hearing at 7:30 p.m. Mr. Thompson outlined the property being discussed for rezone. Mr. Thompson recommended that a portion of property would be better suited for a commercial zone rather than R-2A. Mr. Bertolio has not suggested an interest in having any of the property zoned commercial, however, from the city's perspective Mr. Thompson said it might make more sense to provide for commercial development. Commission member Dustin wondered if the city should wait until after the general plan has been revised before allowing for any rezones. Mr. Brian Anderson, who commented as a member of the public, agreed that it makes sense to wait until the consultants make recommendations about what might work in that area. Mr. Anderson asked what the city is paying for the consulting work on the general plan. Councilman Wells said the revision of the general plan will cost \$43,000.00. Brian Anderson said by allowing for additional businesses to locate in the city there is more tax revenue coming into the city to help provide for the necessary infrastructure to sustain the city. He is worried about traffic congestion and other problems that could result by allowing for additional housing development in Nibley. Completion of sections of 1200 West and 2600 South would be included in Mr. Bertolio's plan, which will help link roads to reduce traffic congestion according the Mr. Thompson. Commissioner Wells said yearly audits indicate Nibley City is well managed and that it is not necessarily the case that businesses provide an increase in sales tax revenue in the city. He used the Sierra West Commercial Park as an example of a business that will not provide a large amount of sales tax revenue to the city. Mr. Wells said the city is doing more to improve animal control and other necessary services, and said he feels proud of what is taking place in Nibley. Acting Chair Wayne Anderson thanked those who made comments during the public hearing which concluded at 7:45 p.m.

Wayne Anderson said he feels the western portion of the property would work well as a commercial area with the eastern portion more suited for housing developments.

Mr. Bertolio arrived at 7:50 p.m. under the impression that his request would be heard at 8:00 p.m. Mr. Thompson apologized for the confusion about the time and reviewed the matters discussed earlier during the public hearing. Mr. Bertolio said there is a buyer interested in purchasing the property, however there are no specific plans for the land. He said there should not be a problem with the city zoning some portions of the property as commercial. Mr. Bertolio said most of the property borders high density housing and that was the reason for requesting the re-zone to R2-A in order to allow for consistency.

Mrs. Heidt said the timing is a little unusual since the city is in the process of revising the general plan. Earlier in the meeting there were comments from members of the commission that suggested it might make sense to wait until the plan is revised before allowing for any re-zones.

The commission continued discussion with Wayne Anderson suggesting that a portion of the property next to city property should be zoned commercial. Once again, Mr. Dustin said he feels the city should wait until recommendations regarding a plan for that area is completed by consultants. Mr. Bertolio said he hoped the city would not require landowners and developers to be placed on hold until the plan is updated, which could be until July. Mr. Anderson said it was his understanding the plan is to be reviewed and most changes made by May. Mr. Bertolio said he doesn't see any problem with zoning portions of the property commercial and asked the commission to allow for the rezone.

Commission Member Shaun Dustin made a motion to recommend to the Nibley City Council that requests for zoning changes be tabled, including a request to change the Zone from Agricultural to Residential R-2A on approximately 29.18 Acres, more or less, located West of 1200 West and South of 2600 South, until a draft of the proposed General Plan updates are completed by consultants. Commission Member Marina Heidt made a second to the motion which was approved unanimously.

Item 5: Public Hearing Mark Daines- Request a consideration to change the easterly portion of the existing Commercial Zone of Sierra Commercial Business Park located South of 2350 South and East of Heritage Drive comprising approximately 11.44 acres from Commercial (C) to Industrial (I).

Mark Daines and Brett Petersen met before the commission. Mr. Thompson outlined the request which would be to re-zone a portion of the Sierra Commercial Business Park property from commercial to industrial. There are two issues to be discussed. It was Mr. Thompson's recommendation that each of the items be discussed separately, beginning with a request to rezone the property to industrial. He said the requirements for industrial are not as clearly defined as they should be, however the developer is aware of the set back and landscaping requirements for commercial property and feel their development is more suited to the requirements for Industrial Zones. Mr. Thompson said it is his impression that those requirements are at the root of the reason for the request.

Wayne Anderson opened the public hearing at 8:10 p.m. Jason Christensen, developer of the nearby Spring Creek Crossing housing development, said there is concern that the design standards for industrial might not meet the level of design that would appeal to the nearby housing development of Spring Creek Crossing. Mr. Petersen said the quality of the proposed buildings would be the same as those already constructed in the business park. He said it is not the intention of the developer to construct buildings that are not appealing. Mr. Daines said the reason for the requested rezone related to the inability for business owners to pay the cost of meeting Nibley City's commercial design standards. He said one business owner has already withdrawn from locating at the business park because of the increased cost of meeting design requirements, which in his opinion are more suited for residential commercial zones, not commercial building located in the designated commercial areas. Mr. Petersen said it is not the intent of the developer to reduce the design of the building to industrial, however light industry and commercial developments cannot afford the required brick and other costly materials as outlined for commercial development by the city.

Mr. Daines said the reason for not zoning Industrial initially was the requirement to have a 50 foot setback. He said they opted to go commercial prior to the design standards being implemented and are now faced with requesting a rezone to industrial in order to keep from having to meet what he says are costly design standards requirements.

Wayne Anderson closed the public hearing at 8:20 p.m.

Continued discussion by members of the commission included comments from Mr. Anderson who said in this case he does not like the idea of having an industrial zone in the middle of a commercial development that borders a residential area. Mr. Petersen said they are simply trying to find a place for this type of business that is basically in-between commercial and industrial with hopes of some day having this commercial park become retail. Mr. Daines said he feels it works to have the eastern portion of Heritage Drive more light industrial.

Commission member Dustin said his concern is that once the property is zoned industrial it is difficult for a city to make requirements that are more suited to commercial, with the possibility of restrictive covenants expiring down the road, which he believes could lead to a project that is not appropriate for the area. Mr. Anderson agreed, and reminded the developer that when a zoning request prior to this request in the meeting was made the commission voted to table all zoning requests until the city has completed work with a consultant to revise the existing general plan.

Councilman Wells said there already exists in the city the locating of industrial in a neighbor hood commercial zone. He said he feels the design standards are too strict for commercial development outside of residential areas. However, in this case, there is residential bordering the property under discussion and so there is no easy solution. Mr. Petersen said the discussion regarding this particular area of the commercial park began with the developer trying to work with the city on a way to resolve having to follow the strict design standards and that they are simply trying to fit in somewhere in between the two zones, but feel at is stands the Industrial Zone is more suited to their

needs. Mr. Anderson said that is all well until someone purchases the development with the intention of placing a full fledged industrial development in the business park. He agrees with Councilman Wells that revisions to the design standards is needed to allow for less restrictive requirements in the case where commercial does not impact residential and neighborhood developments. Mr. Wells said he would support doing away with design standards in commercial zones, with the exception of neighborhood commercial zones. Councilman Wells said he is frustrated with the idea that the city took action to allow for commercial developments, like the Sierra Commercial Business Park, only to impose standards that make it economically stifling to attract businesses.

Mrs. Heidt agrees with Mr. Wells, however she is concerned that future use of the development could lead to industrial business, which is not what is appropriate for the area.

Commission Member Shaun Dustin made a motion to recommend to the Nibley City Council that requests for zoning changes be tabled, including a request to change the easterly portion of the existing Commercial Zone of Sierra Commercial Business Park located South of 2350 South and East of Heritage Drive comprising approximately 11.44 acres from Commercial (C) to Industrial (I), until a draft of the proposed General Plan updates are completed by consultants. Motion died for the lack of a second.

Commission Member Shaun Dustin made a motion to deny a request to change the easterly portion of the existing Commercial Zone of Sierra Commercial Business Park located South of 2350 South and East of Heritage Drive comprising approximately 11.44 acres from Commercial (C) to Industrial (I). Motion died for lack of a second.

Commission Member Shaun Dustin made a motion to recommend to the Nibley City Council that requests for zoning changes be tabled, including a request to change the easterly portion of the existing Commercial Zone of Sierra Commercial Business Park located South of 2350 South and East of Heritage Drive comprising approximately 11.44 acres from Commercial (C) to Industrial (I), until a draft of the proposed General Plan updates are completed by consultants. Commission member Marina Heidt made a second to the motion which was approved unanimously.

Mr. Anderson said as acting chair of the commission he recommends the Nibley City Council review and revise the Commercial Design Standards to have the document apply only to Neighborhood Commercial developments and not to commercially zoned developments. All members of the commission in attendance agreed with Mr. Anderson's request for the review.

Councilman Wells asked if it would make sense to grandfather the remaining lots in the Sierra Commercial Business Park to allow for the developer to continue with the project as they did for lots 1-3 of the business park. Mr. Thompson explained the reason for the earlier decision to allow for those lots to be developed without following the design standards was because of the timing of the request for devilment as it related to the design standards being implemented. He said that is not the case in this situation. He then recommended the commission begin discussion on the next request, which deals with set back requirements.

Item 6: Mark Daines- Request a consideration for a revision to the Land Use Code set back requirements in an Industrial Zone from 50 feet to 30 feet. Mr. Daines explained that after meeting with city manager Larry Anhder and discussing possible solutions as presented by Mayor Knight it was decided that a 50 foot building set back, including a 20 foot parking set back would work for both parties. Recommended side yard set backs would be 10 feet and there would be revisions regarding landscaping to help meet a 20 percent requirement. Mr. Petersen said this plan would allow for better use of the land and would be a working compromise between commercial design standards and industrial type developments. Wayne Anderson said he is beginning to think that it might be best to allow for the remaining developments within the commercial business park to follow standards set up for lots 1-3.

Public Hearing was opened at 9:00 p.m.

Jason Christensen, who is a developer of the Spring Creek Crossing housing project which borders the Sierra Commercial Business Park said he has seen the existing building at the business park and feels the development is nice and adequate for the area. He said he would not oppose plans to allow for buildings near his development to be completed to the standards of the one constructed on lot 1. Commission Member Dustin said it might be best to allow for consistency between the buildings as long as the intent is to construct future buildings at the same level as the building on lot 1. Mr. Anderson said he feels more comfortable with allowing for the same level of standards as has been granted for lot 1, but is not comfortable with the re-zone request to industrial.

Mr. Anderson closed the public hearing at 9:06 p.m.

Mr. Thompson said the proposed set back requirement is a good beginning in modifying the industrial set backs. Mr. Anderson recommended a 10 foot side yard for landscaping would be appropriate, otherwise he would like to see zero lot lines between buildings. Mr. Thompson said a 20 foot lot line allows for a more workable landscaping space, whereas a 10 foot side yard becomes difficult to maintain. Mr. Thompson said there is some merit in requiring a 20 foot set back on the side yard to help maintain a consistency with the existing lots.

Commission Member Shaun Dustin made a motion to deny a request by Mark Daines and Sierra Commercial Business Park to revise the Land Use Code set back requirements in an Industrial Zone from 50 feet to 30 feet. The motion includes a recommendation to the Nibley City Council to allow for lots 2, 5, 6 & 7 of the Sierra Commercial Business Park to follow design standards as outlined at the time the subdivision was approved. Commission member Marina Heidt made a second to the motion which was approved unanimously. The motion was approved unanimously.

Item 7: City Council Report- Mr. Thompson explained there was a large amount of discussion surrounding the Fox Burrow Subdivision, which had been reviewed earlier that week by the planning and zoning commission. There was a request that fencing of the irrigation canal and trail be reviewed with the remainder of the recommendations receiving preliminary approval. Mr. Thompson said it was his understanding that there will be a ten foot easement along 3200 South with fencing to be installed by the developer.

Item 8: City Planner Report- Mr. Thompson said he has reviewed the survey forms filled out during public meetings held February 23, 2007 to review and share ideas regarding the Nibley City General Plan. He said the turn out of residents to the meeting was great and a lot of that is due to publicity work by Councilman Bryan Hansen. Councilman Wells also commented on the meeting and agreed that Councilman Hansen needs to be recognized for his work to advertise the opportunity for the public to participate in the process.

In addition, Mr. Thompson said a review of the surveys indicates that the majority of those in attendance wanted more trails throughout Nibley City, with the exception of those living along Hollow Road. Councilman Wells said residents living in that area met with him to share their opposition to a trail system along the Hollow Road area, however residents living in that area do support trails and sports facilities along the West section of the city.

Traffic and transportation designs will have to include consideration of where railroad tracks can be crossed according to the Mr. Thompson who also shared his thoughts and ideas regarding where commercial property should be located. In relation to that, Mr. Thompson said it makes sense for the city to enact an ordinance to put off considering zone changes until the land use map is better defined as part of the general plan.

Item 9: Marina Heidt made a motion to adjourn. Shaun Dustin made a second to the motion which was approved unanimously. The meeting ended at 10:30 p.m.

Signed _____
Planning & Zoning Chairman

Attest _____
Assistant Deputy Recorder