

NIBLEY CITY CORPORATION  
PLANNING AND ZONING COMMISSION  
Wednesday, April 25, 2007

The following motions were made during the meeting:

**Motion #1:** Curtis Rudd made a motion to approve a conditional use permit and business license for Susan Study Models located at 3728 South 100 West with conditions as outlined in the application and a home occupation by Susan Giles at this address. Wayne Anderson made a second to the motion which was approved unanimously.

**Motion #2:** Wayne Anderson made a motion to approve a request by Jeff Gibbs for a conditional use permit and business license for a home office by this homeowner at 904 West 2450 South with a change to the application to include an allowable "zero" deliveries, but otherwise permitted with allowances as outlined on the application. Curtis Rudd made a second to the motion which was approved unanimously.

**Motion #3:** Wayne Anderson made a motion to deny the request for final plat approval for phase 1 of Foxborough Estates located at 1500 West and 3200 South until all of the following planning and zoning items are resolved:

1. Specific indication along lots 1, 39, & 49 for a 10 foot landscape easement along 3200 South and then to the south of the retention pond. There was discussion about whether the developer or the city maintains that ten foot landscaping easement. Mr. Thompson is requiring a revised set of plans including that change as well as....
2. An outline of Fire Marshal approved hammer heads or culdascac at the end of unfinished streets that exceed the allowable length for turning.
3. Phase 1 and Phase 2 should be outlined on separate plats as requested by Steve Earl of Cache Landmark.
4. Lot 27 and 32 in Phase 1 and lots 23 & 28 in Phase 2 set backs determined based on point to point measurement for the frontage lot requirement of 100 feet to take place along the set back line from the property line to the intersection of the two streets. The right of way tangents on the property line will be used to define the intersection of the two streets.
5. Include dimensions of the all set back lines from property as requested by planning and zoning. Can be listed in table form.
6. Side yard should be noted as a 20 foot set back on lots 27 and 32 on phase one and lots 23 and 28 of phase two. Front yard set back on lots 27 and 32 on phase one and lots 23 and 28 of phase two should be set at 30 feet.
7. Three (3) full sets of revised plans must be submitted to the city and reviewed and approved by Nibley City Planner Conley Thomposn before request for final approval goes before the city council.
8. 3190 South must be changed to 3210 South with a minimum of nine lots to have address changes.
9. Proponent will verify with engineer Steve Earl what was meant by 25 foot set back and which set back needs to be changed.
10. The construction drawings must include separate water meter drawings for the retention basin.
11. Obtain and provide to city an appropriate release form on the 14' Canal Easement.

Curtis Rudd made a second to the motion. Motion passed with council members Dustin, Heidt, Rudd, and Anderson voting in favor and Council Chairman Bliesner voting against the motion.

NIBLEY CITY CORPORATION  
PLANNING AND ZONING COMMISSION  
Wednesday, April 25, 2007  
MINUTES OF THE MEETING

The following members of the Nibley City Planning and Zoning Commission were in attendance: Commission members Marina Heidt, Wayne Anderson, Shaun Dustin, and Curtis Rudd. Chairman Aaron Bliesner proceeded over the meeting. 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. Chairman Bliesner called the meeting to order at 7:00 p.m.

**Item 1: Approval of minutes and evening's agenda.** Chairman Bliesner called for general consent for approval of the minutes and evening's agenda with necessary changes including a change to the agenda to allow for Councilman Jacobsen to give a council report and discuss coordination between Planning and Zoning and the city council. Chairman Bliesner asked that in the future the agenda reflect the times each item should be addressed. Commission members agreed this will help keep discussions on schedule.

**Item 2: Councilman Larry Jacobsen - Discussion regarding coordination between Planning and Zoning Commission and Nibley City Council.** Councilman Jacobsen thanked members of the commission for their service to the community. Mr. Jacobsen asked to meet before members of the commission to discuss the best way to have the two entities communicate while still maintaining a separation of duties and responsibilities. Chairman Bliesner said he does have some thoughts on process and procedure when it comes to matters of planning within Nibley City. He said this goes beyond working with the council but also includes decisions being made by city staff that really should include the involvement of Planning and Zoning. Commission member Dustin feels Planning and Zoning should be included in the process to update the General Plan. He said the exclusion seems to be happening in other areas of planning including the purchase of park property and annexations.

Councilman Jacobsen asked what ordinances need to be incorporated to allow for planning and zoning commission members to become more involved in the planning process and wondered if the city needs to address this concern through adoption of such an ordinance.

Chairman Bliesner expressed frustration over the council's habit of reversing decisions made by planning and zoning. He said one reason for that could be that planning and zoning has not included clearly in the motion or minutes as to why the decision has been made and what recommendations were made. Mr. Bliesner said he does not believe the council has the authority to ignore an ordinance any more than the planning and zoning commission without going through due process which in most cases involves the Board of Adjustments. However, he said it appears the council seems to make considerations that are not in keeping with city ordinance. Councilman Jacobsen agreed and said he is also under the assumption that the council must make decisions based on ordinance. Chairman Bliesner suggested using the Board of Adjustment and that the board should be the organization that decides whether or not an applicant has justified reasons for not being able to follow ordinance.

Councilman Jacobsen asked if planning and zoning commission members would like to have a member of the council attend planning and zoning commission meetings. The commission felt it would be appropriate to make that decision each meeting based on agenda items. Councilman Jacobsen also asked if the chairman of the Planning and Zoning Commission should send a representative to the city council meetings. While having a representative from planning and zoning attend commission meetings would be helpful, Chairman Bliesner said he made it clear when asked to serve as chairman that he cannot attend council meetings and suggested it might work to have members of the commission rotate attendance to the meetings. He said it is important to have someone there. Chairman Bliesner said it might not be as necessary to attend the meetings to answer questions if members of the commission include specific recommendations in motions and outlined decisions. Councilman Jacobsen said his impression is that the council is not utilizing the city planner and his knowledge about planning and zoning decisions and discussions. Commission

members Anderson would like to see the city planner answer to the city council, rather than the city manager, to allow for more involvement in the process. Commission member Dustin agreed the city manager should not be making planning decisions until the city planner brings the matter before planning and zoning. Mr. Dustin said there needs to be more specific policy and procedure when it comes to the process of making planning decisions.

Councilman Jacobsen said he appreciates suggestions presented by the planning and zoning commission and would like to pursue recommendations to better incorporate the city planner into a position that serves as a method of communication between the two organizations.

Chairman Bliesner asked City Planner, Conley Thompson, to share his ideas about how someone in his position should be incorporated in the process of working between the council and planning and zoning. Mr. Thompson said his experience has been that most cities utilize the city planner as someone who communicates all planning proposals and activities to the planning and zoning commission, members of the council, and the public. This person would also be allowed opportunity to share recommendations on those matters. Councilman Jacobsen said he would like to pursue options to have the city planner serve as the method of communication between the planning and zoning commission and the city council. Mr. Dustin said it would be his hope to develop a relationship between planning and zoning and the city council to where the council will trust P&Z to make decisions that are in keeping with city ordinance. Otherwise, he said, if appears efforts by the group are either not understood or are not appreciated.

Councilman Jacobsen said he wants to be clear that the council does not feel work done by planning and zoning is not appreciated. The council is very aware of the quality of work members of the commission perform each meeting. In fact, he said he feels most of the changes are needed on the council level. With that he thanked planning and zoning members again for their work.

**Item 3: Council report by Councilman Larry Jacobsen:** Mr. Jacobsen informed the Planning and Zoning Commission that the council informed developers of Cody Springs Subdivision that they will have to make a new request for approval of their plans if they do not record their approved plat within one year of approval. Kris Anderson had requested a continuation of approval for the subdivision which received approval nearly a year ago. She was told that ordinance requires developers to begin the process again if the plan has not be platted as required within the year.

**Item 4: Susan Study Models- A request by Susan Giles for a Conditional Use Permit and Business License for a home business located at 3728 South 100 West to prepare orthodontic plaster models.** Susan Giles met before the council to make the request. City Planner Conley Thompson outlined the request and recommended members of the commission approve the request. Chairman Bliesner mentioned to Mrs. Giles that the application does not address all ordinance requirements for such a home business, but that it is expected all ordinances will be adhered to once the permit is issued. Chairman Bliesner asked for a motion on the request.

**Curtis Rudd made a motion to approve a conditional use permit and business license for Susan Study Models located at 3728 South 100 West with conditions as outlined in the application and a home occupation by Susan Giles at this address. Wayne Anderson made a second to the motion which was approved unanimously.**

**Item 5: Home Inventory Service- Request consideration for a Conditional Use Permit and Business License for a home office to be located at 904 West 2450 South.** Jeff Gibbs met before the council to make the request. Mr. Thompson explained the applicant will be using the permit to operate a home office and will not actually be performing services at the property site. A recommendation to approve the request was made by Mr. Thompson.

**Wayne Anderson made a motion to approve a request by Jeff Gibbs for a conditional use permit and business license for a home office by this homeowner at 904 West 2450 South with a change to the application to include an allowable "zero" deliveries, but otherwise permitted with allowances as outlined on the application. Curtis Rudd made a second to the motion which was approved unanimously.**

**Item 6: Foxborough Estates- Brian Seamons and Sean Cronquist dba Foxborough Estates LLC- Request a considerations for FINAL PLAT REVIEW for Phase 1 of Foxborough Estates located at 1500 West 3200 South.** Applicants Brain Seamons and Sean Cronquist met before planning and zoning to make the request for approval.

Chairman Bliesner asked developers to provide an update of where the Army Corp. of Engineers is in the process of making requirements and recommendations about a portion of wetlands on the proposed subdivision. Mr. Seamons said official approval from the Corp. of Engineers has not been issued, but they have received verbal approval for plans that would require wetland delineation and mitigation most likely in phase II of the plan. Mr. Bliesner said that being the case, the developer needs to understand that if there is a complication there would be limited options available for future development. Mr. Dustin said he has problems with the city allowing for the initial phase of the development being approved without a firm plan for the wetlands. Chairman Bliesner said worst case scenario is that fewer lots will be developed. However, he said the infrastructure for roads needs to be resolved at this point to allow for emergency vehicle access to lots 23-27 near the retention pond. Mr. Seamons said it would make sense to place a hammer head to allow for access.

Mr. Thompson made the following requirements to be completed on three (3) sets of submitted plans to the city before final approval is issued:

1. Specific indication along lots 1, 39, & 49 for a 10 foot landscape easement along 3200 South and then to the south of the retention pond. There was discussion about whether the developer or the city maintains that ten foot landscaping easement. **Mr. Thompson is requiring a revised set of plans including that change as well as....**
2. An outline of Fire Marshal approved hammer heads or culdасac at the end of unfinished streets that exceed the allowable length for turning.
3. Phase 1 and Phase 2 should be outlined on separate plats as requested by Steve Earl of Cache Landmark.
4. Lot 27 and 32 in Phase 1 and lots 23 & 28 in Phase 2 need clarification of frontage setbacks of 100 feet as determined by city engineer in accordance with city ordinance. During discussion on this matter the developer requested the planning and zoning commission determine where the setbacks should be in this case. Chairman Bliesner agreed that planning and zoning is the interpretive body assigned to interpret city ordinance. Wayne Anderson read from his 2004 copy of Chapter 10 of zoning ordinances under the definition of Frontage. His understanding it that is states the measurement takes place from along the street line to the property line which in this case is from the beginning of the intersecting street which would be the start of the radius.

Mr. Thompson said as it stands the plans presented before planning and zoning include non-conforming lots. Mr. Anderson recommended planning and zoning make a determination of where the setback should be measured in order for the process to go forward. Planning and Zoning members also reviewed the 10-6C-3 setback definition. After discussion among planning commission members it was **decided to interpret the point to point measurement for the frontage lot requirement of 100 feet to take place along the set back line from the property line to the intersection of the two streets. The right of way tangents on the property line will be used to define the intersection of the two streets.**

However, until there is a corrected plan with a proper set back on a buildable lot for lot 27, the city does not have a lot plan that can be approved according to Mr. Thompson. Chairman Bliesner disagreed saying the determining factor as to whether or not the lot is buildable will be determined by the house plan. He said that is the developers problem.

5. Include dimensions of the all set back lines from property as requested by planning and zoning. Can be listed in table form.
6. Side yard should be noted as a 20 foot set back on lots 27 and 32 on phase one and lots 23 and 28 of phase two. Front yard set back on lots 27 and 32 on phase one and lots 23 and 28 of phase two should be set at 30 feet.

7. **Three (3) full sets of revised plans must be submitted to the city and reviewed and approved by Nibley City Planner Conley Thomposn before request for final approval goes before the city council.** During discussion Chairman Bliesner said he does not feel planning and zoning has the authority to approve a final plan that is not complete. He said he is not comfortable making a recommendation based on the level of plans presented at this time. **Mr. Thompson said he feels comfortable presenting a final set of plans during the weekly Engineering Review meeting to determine requirements have been met before a request for final approval goes before the city council. If plans are delivered to Steve Earl, Bill Saunders, and Mr. Thompson by Monday, April 30th there is the possibility of reviewing the plans in time for a upcoming city council meeting according to Mr. Thompson.**

8. 3190 South must be changed to 3210 South with a minimum of nine lots to have address changes.

9. Proponent will verify with engineer Steve Earl what was meant by 25 foot set back and which set back needs to be changed.

10. The construction drawings must include separate water meter drawings for the retention basin.

11. Obtain and provide to city an appropriate release form on the 14' Canal Easement.

**Wayne Anderson made a motion to deny the request for final plat approval for phase 1 of Foxborough Estates located at 1500 West and 3200 South until all of the following planning and zoning items are resolved:**

1. **Specific indication along lots 1, 39, & 49 for a 10 foot landscape easement along 3200 South and then to the south of the retention pond. There was discussion about whether the developer or the city maintains that ten foot landscaping easement. Mr. Thompson is requiring a revised set of plans including that change as well as....**

2. **An outline of Fire Marshal approved hammer heads or culdасac at the end of unfinished streets that exceed the allowable length for turning.**

3. **Phase 1 and Phase 2 should be outlined on separate plats as requested by Steve Earl of Cache Landmark.**

4. **Lot 27 and 32 in Phase 1 and lots 23 & 28 in Phase 2 set backs determined based on point to point measurement for the frontage lot requirement of 100 feet to take place along the set back line from the property line to the intersection of the two streets. The right of way tangents on the property line will be used to define the intersection of the two streets.**

5. **Include dimensions of the all set back lines from property as requested by planning and zoning. Can be listed in table form.**

6. **Side yard should be noted as a 20 foot set back on lots 27 and 32 on phase one and lots 23 and 28 of phase two. Front yard set back on lots 27 and 32 on phase one and lots 23 and 28 of phase two should be set at 30 feet.**

7. **Three (3) full sets of revised plans must be submitted to the city and reviewed and approved by Nibley City Planner Conley Thomposn before request for final approval goes before the city council.**

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10. The construction drawings must include separate water meter drawings for the retention basin.

11. Obtain and provide to city an appropriate release form on the 14' Canal Easement.

**Curtis Rudd made a second to the motion. Motion passed with council members Dustin, Heidt, Rudd, and Anderson voting in favor and Council Chairman Bliesner voting against the motion.**

**Item 7: Adjourn.** Chairman Bliesner asked for general consent to adjourn the meeting at 11:00 p.m.

Signed \_\_\_\_\_ Attest \_\_\_\_\_

Planning & Zoning Chairman

Assistant Deputy Recorder