

NIBLEY CITY CORPORATION
PLANNING AND ZONING COMMISSION
Wednesday, May 23, 2007

The following motions were made during the meeting:

Motion 1: Commission Member Wayne Anderson made a motion to approve a conditional use permit and business license for “Tiffanie’s” ,a home business, to Shane and Tiffany Hodges at 3890 So. Hillside Drive with the following conditions:

- 1. No client parking on the street.**
- 2. Parking on paved driveway**
- 3. No more than 20 client visits each week.**
- 4. No business signs allowed.**

All other requirements as indicated on the application.

Commission member Shaun Dustin made a second to the motion which was approved unanimously.

Moiton 2: Commission member Shaun Dustin made a motion to deny the request for a conditional use permit and building permit for a shed to be located at 4430 South Hollow Road but to recommend to the Board of Adjustments that they approve the request because the shed meets the requirements of the more restrictive R-1 Zone. Commission member Wayne Anderson made a second to the motion which was approved unanimously.

Motion 3: Commission Member Marina Heidt made a motion to approve a conditional use permit and building permit for a storage shed/workshop to be located at 85 West 4000 South with the following conditions:

- 1. Building should not be located on utility or canal easements**
- 2. Set backs should be a minimum of ten feet from the existing home and property line.**
- 3. All other conditions as outlined on the application.**

Commission member Shaun Dustin made a second to the motion which was approved unanimously.

Motion 4: Commission Member Wayne Anderson made a motion to recommend to the Nibley City Council approval of concept plan 2 outlining the vacating of a road beginning at 2730 South 1000 West and extending to 2700 South 1100 West and north of Sunsetparks Active Adult PUD. Commission member Shaun Dustin made a second to the motion which was approved unanimously.

Motion 5: Commission member Wayne Anderson made a motion to continue discussion on “Riverside Carwash” at 3040 South Highway 165 until a revised site plan is available. Marina Heidt made a second to the motion which was approved unanimously.

NIBLEY CITY CORPORATION
PLANNING AND ZONING COMMISSION
Wednesday, May 23, 2007
MINUTES OF THE MEETING

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

Item 1: Minutes and Evening's Agenda: **Commission Chairman Aaron Bliesner asked for general consent to approve the evening's agenda and previous minutes. Members of the commission gave general consent for approval.**

Item 2: Shane and Tiffanie Hodges requested consideration for a conditional use permit, business license/and building permit for a home occupation to be located at 3890 So. Hillside Drive. Mr. Thompson explained that Mrs. Hodges is hoping to open a beauty salon at her home. The applicants presented two plans to the commission for review. One plan included a building that is not attached to the existing home. There is a breezeway that would attach the home and the accessory building. The second plan is attached to the home but only by the eaves and there were some comments by the commission that the addition looks unfinished because of the way it is attached. Chairman Bliesner said home remodels should not come before the commission and, he said, this looks like a home remodel. Mr. Thompson said in this case the commission needs to review the plans to determine if the addition meets requirements to allow for a home occupation.

Mr. Thompson said Bill Saunders has reviewed both plans and said the foundations connecting the home to the remodel could possibly meet ordinance requirements. Mr. Bliesner said as presented it appears the addition is actually an accessory building which, he said, does not allow for a home occupation.

Commission member Wayne Anderson said option A with a trellis system would be considered an accessory building and would not comply. In fact, he said neither of the presented plans meets requirements. It was suggested a plan where the roof line is attached could possibly meet code requirements. However, planning and zoning does not have the authority to approve a request that does not comply to zoning ordinances.

In relation to the request for a business license and building permit for a home occupation Commission Member Wayne Anderson asked how many client visits Mrs. Hodges expects to see at her home salon. Mrs. Hodges said on average five clients each day with the business to operate three days a week.

Commission Member Wayne Anderson made a motion to approve a conditional use permit and business license for "Tiffanie's" ,a home business, to Shane and Tiffany Hodges at 3890 So. Hillside Drive with the following conditions:

- 1. No client parking on the street.**
- 2. Parking on paved driveway**
- 3. No more than 20 client visits each week.**
- 4. No business signs allowed.**

All other requirements as indicated on the application.

Commission member Shaun Dustin made a second to the motion which was approved unanimously.

Item 3: Kerry Humphrey's requested consideration for a conditional use permit and building permit for a shed to be located at 4430 So. Hollow Road. Mr. Humphrey's made the request. Mr. Thompson said

his only question concerning the request is that the owner needs to be aware that the housing of animals will not be allowed unless the shed is at least 150 feet away from a dwelling. Mr. Thompson said the lot is nonconforming and while the existing buildings are grand fathered to be located on the property, any requests for new buildings are not allowed because of the non-conforming lot. In this case members of the planning and zoning commission said the property owner will need to meet before the Board of Adjustments to make the request. Chairman Bliesner said the building does not fit the lot size, but does meet the zone requirements. Chairman Bliesner said the building should fit the lot size.

Commission member Shaun Dustin made a motion to deny the request for a conditional use permit and building permit for a shed to be located at 4430 South Hollow Road but to recommend to the Board of Adjustments that they approve the request because the shed meets the requirements of the more restrictive R-1 Zone. Commission member Wayne Anderson made a second to the motion which was approved unanimously.

Item 4: Lowell Johnson requested consideration for a conditional use permit and building permit for a storage shed/workshop to be located at 85 West 4000 South. Joyce Johnson met before the commission to make the request. Mr. Thompson met with Mr. Johnson who presented to him an outline of the plan. The setbacks do meet requirements, but due to the size of the structure a conditional use permit is needed. Mr. Thompson said he recommends the plan be approved. The dimensions outlined on the plans indicate the side yard and front yard set backs are adequate, however Chairman Bliesner reminds the land owner that the building should not be located on any existing utility easements.

Commission Member Marina Heidt made a motion to approve a conditional use permit and building permit for a storage shed/workshop to be located at 85 West 4000 South with the following conditions:

- 1. Building should not be located on utility or canal easements**
- 2. Set backs should be a minimum of ten feet from the existing home and property line.**
- 3. All other conditions as outlined on the application.**

Commission member Shaun Dustin made a second to the motion which was approved unanimously.

Item 5: Public Hearing for Sunsetparks to discuss a request to vacate a plated road beginning at 2730 South 1000 West and extending to 2700 South 1100 West and north of Sunparks Active Adult PUD. Developer Randy Ghenm represented Sunparks during the public hearing. Mr. Thompson said the city has approved two adult developments. The developer has requested that a road dividing the two developments be vacated, which according to state law requires a public hearing. Mr. Thompson said 1100 West and 1200 West would still provide access to the adult communities.

Chairman Bliesner asked for any comments or concerns from the public regarding the request.

Dennis Clark owns a home in the Phase 1 portion of the development and said he is not opposed to having the road eliminated. He said in regards to safety there is a feeling among those living in the neighborhood that having the road removed will keep foot and vehicle traffic from operating behind their homes. However, he would suggest that because phase 2 is much larger that an additional ingress and egress be outlined to allow for an alternate route for traffic, especially in cases of emergency.

Kim Datwyler said her Affordable Housing organization owns the property to the East of the property being discussed. She wondered if the open space requirements for a PUD will still be met and was told they would meet the requirements. Councilman Larry Jacobsen said the Nibley City PUD Ordinance does not quantify the open space requirements.

Chairman Bliesner closed the public hearing at 8:20 P.M.

Mr. Bliesner did have a question about who is responsible for constructing the 1100 West road . Mr. Thompson said for this portion of the road the developer could be required to build or bond for the road. Commission Member Dustin asked how the landscaping and sidewalk will be completed along 1100 West. Mr. Ghenm said the developer will be responsible for that work.

Mr. Thompson said once the hearing for the abandonment is complete the developer should be able to prepare a preliminary design for Phase 2 because the plat will need to be changed and filed with the county.

Commission Member Wayne Anderson made a motion to recommend to the Nibley City Council approval of concept plan 2 outlining the vacating of a road beginning at 2730 South 1000 West and extending to 2700 South 1100 West and north of Sunbypark Active Adult PUD. Commission member Shaun Dustin made a second to the motion which was approved unanimously.

It will not be up to the city council to determine if the road can be vacated. Mr. Ghenm will make the request before the council.

Item 6: Affordable Housing Presentation. Kim Datwyler is with the non-profit Affordable Housing Organization and was asked to present findings regarding home construction and availability trends in Utah and Cache County. Mr. Thompson said the presentation is being offered to inform the planning commission about the possible need to consider affordable housing options as part of the city's general plan. The information presented by Mrs. Datwyler was prepared by researchers at the University of Utah and she said the program was not designed to advocate her organization nor their efforts to promote affordable housing. However, she said the statistics do indicate a growing need for affordable housing according to Ms. Datwyler. She added that in addition to "self help" programs in a community Nibley City should think of ways to make it more affordable to allow developers to construct affordable housing. If cities do not address the problem she said they will have communities with an increasing number of residents living in apartments. Mrs. Datwyler said she understands Nibley City's desire to construct homes rather than apartments. National studies show that homeowners make more stable communities. But, she added that if the number of residents needing homes increases while income is not keeping pace there will be a growing chance that apartments will become the required form of housing. Mr. Thompson said one way to assist in the problem is for Nibley City to consider what is known as "inclusionary zoning" where standard subdivision developers are required to provide a percentage of affordable lots and homes in that development. Mixed use allowing for higher density housing is also an option the city might consider as they update the city's general plan.. Mrs. Datwyler said some communities are allowing for construction that is not of a good quality and is not energy efficient. This, she says, is not affordable housing and does not benefit the homeowner in the long term. She encouraged the city to continue working to provide affordable housing that can be considered as quality housing and expressed her appreciation to Nibley City for the housing developments that have been approved so far in Nibley. She said the program has allowed for quality homes that meet the needs of those with a lesser income. Chairman Bliesner thanked Mr. Datwyler for her presentation.

Item 7: "Riverside Car Wash" Ryan Hustad requested consideration for Design Review Approval for a car wash to be located at 3040 South Highway 165. Ryan Hustad met before the commission. Mr. Thompson said there has been a plan proposed to use a new type of vinyl and brick along with cement fiber board on the car wash to coordinate with the nearby Maverik.

Mr. Thompson has talked with Brad McDougal of Maverik who said they are going to have to adjust the location of the building which he said will alter the setbacks and could have an impact on the carwash location. Mr. Thompson said Mr. Hustad will need to work closely with Maverik to address this matter as well as work with them to design a pond naturalized to comply with design standards. Chairman Bliesner said there are matters that relate to the site plan that are needed for review. Mr. Thompson said until things are better determined regarding Maverik it was necessary to bring only the architectural portion of the drawings for the commission's review. While there is not a total package of plans available, Mr. Bliesner said it will be helpful to Mr. Hustad to have some idea if the architect's plan is

adequate and meets the design standards. The fire marshal has also approved the plan for emergency vehicle access. A letter outlining approval from the fire marshal was presented to the commission.

Commission member Anderson asked if Mr. Hustad is being required to match Maverik, or just build a structure that is similar and works well with nearby businesses. Mr. Thompson said in a Neighborhood Commercial Zone it is required that neighboring businesses be similar in look and structure.

Chairman Bliesner said the commission cannot take action on the request without additional plans, however the commission can indicate whether or not the architects plan is adequate. Mr. Anderson said the pitched roof indicated on the plan is nice but is not necessary should the developer decide to lower the pitch to save money Chairman Bliesner asked members of the commission to indicate their opinion about the architect plans. Members of the commission expressed approval of the concept. Councilman Jacobsen reminded the developer to include lighting and sign details on the site plan.

Commission member Wayne Anderson made a motion to continue discussion on “Riverside Carwash” at 3040 South Highway 165 until a revised site plan is available. Marina Heidt made a second to the motion which was approved unanimously.

Item 8: City Council Report- Councilman Larry Jacobsen told planning and zoning members that the Maverik matter has not been resolved. He said the council was asked by Maverik’s representative to approve the landscaping portion of the plan. However, Mr. Jacobsen said there were inconsistencies in the plans and it was unclear if the landscaping percentages were adequate. The council voted to require Maverik to provide a full set of plans to the council before making additional requests for review and possible approval of adjusted plans.

Mr. Jacobsen said there was discussion regarding trails along Hollow Road. He said there was an effort by the mayor and council to assure residents living there that a trail is not being considered in the area. However, Councilman Jacobsen said there is still work to be done to improve trust between the city and some residents living in the area.

The park located at 800 West will be named the Virgil Gibbons Heritage Park and it was proposed the pavilion be named the William H. Garr Heritage Pavilion.

Councilman Jacobsen said there was a review of the budget. Mr. Thompson said in regards to the budget, he would like to see the city invest in a projector for power point presentations. He would also like to see the city consider having a landscape design summer intern work to help process planning and zoning applications.

Councilman Jacobsen said he asked the council to consider having a full time engineer on the staff, and while the city is not able to support a full time engineer the option of contracting someone who works for Nibley and another city in the county would be an appropriate option. However, at this time there is not another city interested in such a proposal.

Item 9: Workshop on Land Use Category Revisions and Parking Requirements.

Item 10: Adjourn- Commission Chairman Bliesner asked for General Consent to adjourn at 10:50 p.m. General Consent was given to adjourn.

Signed _____
Planning & Zoning Chairman

Attest _____
Assistant Deputy Recorder