

NIBLEY CITY CORPORATION  
PLANNING AND ZONING COMMISSION  
Wednesday, August 23, 2006

The following motions were made during the meeting:

Motion 1: Larry Jacobsen made a motion to approve the minutes of August 6, 2006 and the evening's agenda through general consent. Chairman Anderson ask for approval on the motion which was approved through general consent.

Motion 2: Commission Member Larry **Jacobsen made a motion to approve a conditional use permit and business license for Nunez Towing located at 3805 South 100 West with the following conditions:**

1. **Parking of tow truck must be behind the southern plain of the home in the rear of the home.**
2. **No advertising signs at the site except those displayed on the tow truck.**
3. **No employees except those living at the site.**
4. **A curb cut along 3800 South to be made at least 75 feet from the east corner intersection onto SH 165 .**
5. **No customer vehicles to be stored on site.**
6. **All other business activities limited to a home office.**
7. **The CUP is valid for the applicant at the requested address only.**

**Shawn Del Hunsaker made a second to the motion which was approved unanimously.**

Motion 3: Council Member **Shaw Del Hunsaker made a motion to approve preliminary plat of a Planned Unit with the following requirements:**

1. **Eliminate optional parking.**
2. **Indicate all utility easements on final plans.**
3. **Infrastructure capabilities to be determined before final plans approved.**
4. **Landscape concept plan provided and reviewed before final plans will be approved.**
5. **And other requirements as outlined in 11-4-2 for final plat approval.**

**Larry Jacobsen made a second to the motion which passed unanimously.**

Motion 4: Larry Jacobsen made a motion to approve a request for a conditional use permit to maintain a temporary residence in a 5th wheel mobile home to be used as living quarters on site during construction of the families residence with the following conditions:

1. **Water and Sewer hookups to city services required.**
2. **Disconnection from city services required after occupancy of new home is granted.**
3. **Limited to 9 months of occupancy once building permit is issued.**
4. **Must comply with existing CCR's of the subdivision.**

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

Motion 5: Larry Jacobsen made a motion to approve a request for a building permit for a 12'x12' (144 sq. foot) accessory building to be located on the property at 205 Quarter Circle Drive, on R-1A Zone with the following condition:

1. **Building not to be located along any utility easements.**

**Shawn Del Hunsaker made a second to the motion which was approved unanimously.**

Motion 6: Chairman Anderson adjourned the meeting with general consent.

NIBLEY CITY CORPORATION  
PLANNING AND ZONING COMMISSION  
Wednesday, August 23, 2006  
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, Curtis Rudd, Aaron Bliesner and Shawn Del Hunsaker. Nibley City Councilman Scott Wells was also in attendance as was Nibley 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- Larry Jacobsen made a motion to approve the minutes of August 6, 2006 and the evening's agenda through general consent. Chairman Anderson ask for approval on the motion which was approved through general consent.**

**Item 2: Garrett & Kristine Fronk- Request for a building permit for an accessory building to be located at 890 West Parkview Circle.** Mr. and Mrs. Fronk met before the council. Mr. Thompson has reviewed the information and recommended the commission approve the request. Chairman Wayne Anderson asked for details regarding the required set backs. Chairman Anderson made a review of the drawings. It was decided by the commission that set back information was incorrect and needed clarifying on the drawings. Mr. Jacobsen outlined the necessary set back requirements. The side setback appears to be at ten feet, which Mr. Jacobsen said will work. The Fronks will redraw the plans in order to conform to the set back requirements.

Larry Jacobsen made a motion to approve a request for a building permit for an accessory building to be located at 890 West Parkview Circle with the following information to be included on the plan to make certain:

1. There is at least 10 feet between the main house and the garage.
2. There is a 1 foot distance between the eve of the garage to the property line.
3. There is three feet from the side eve of the garage to the side of the property line.

The motion did not receive a second.

Discussion continued with Councilman Bliesner saying there is concern that an easement runs directly under where the garage is being proposed. The commission suggested the request be reconsidered as there is potential for the building to have to be removed should there be a need for utilities to run through the property. After further discussion with the commission **Mr. & Mrs. Fronk withdrew their request.**

**Item 3: Jamie Nunez-Request for conditional use permit and business license for Nunez Towing located at 3805 South 100 West.** Jamie Nunez met before the council. Mr. Thompson said his understanding is the intent of Mr. Nunez is to park a large tow truck at the home and to have a home office. Mr. Nunez indicated he would not be storing any towed vehicles on the property.

Mr. Jacobsen said there is some concern about having the truck prominently displayed in the subdivision as residents enter from Highway 165. Mr. Jacobsen suggested Mr. Nunez park his tow truck on property located further off the road to allow for better visibility when leaving the subdivision and entering onto the State Highway 165. Councilman Wells said having the truck parked on the corner of the lot is a safety problem. Mr. Bliesner said the city requires all equipment and supplies for a home business to be in an enclosed storage. Mr. Bliesner said he also does not like the idea of having the truck access the property over the curb. He requested a curb cut be made along 3800 South requiring a proper distance from the stop sign for safety. Mr. Thompson suggested Mr. Nunez work with Mr. Saunders to determine where the cut should be made. Mr. Jacobsen said 75 feet from the corner seems to be an appropriate distance.

**Commission Member Larry Jacobsen made a motion to approve a conditional use permit and**

**business license for Nunez Towing located at 3805 South 100 West with the following conditions:**

- 1. Parking of tow truck must be behind the southern plain of the home in the rear of the home.**
- 2. No advertising signs at the site except those displayed on the tow truck.**
- 3. No employees except those living at the site.**
- 4. A curb cut along 3800 South to be made at least 75 feet from the east corner intersection onto SH 165 .**
- 5. No customer vehicles to be stored on site.**
- 6. All other business activities limited to a home office.**
- 7. The CUP is valid for the applicant at the requested address only.**

**Shawn Del Hunsaker made a second to the motion which was approved unanimously.**

Item 4: Public Hearing- Noel Ballstaedt and Jason Christensen representing Garbett Homes Corporation and Immaculate Construction for a public hearing to received comments on the development of a townhome community in a Residential R2-A zone located South of approximately 2350 South and between 1200 West and East of approximately 1300 West. Applicants met before the commission and presented plans for the development.

Chairman Anderson opened the public hearing.

Jared Christensen is part of the planning group and said he feels the plan would be a great addition to the community.

Councilman Scott Wells said the plans looks great, however after viewing some photographs of their development in Farmington where the roadway seemed to be very narrow, he has some concerns about the development. Mr. Ballstaedt said the density of the Farmington project is different than the Nibley project.

Ryan Zollinger asked who would maintain and own the green space available to the home owners. Mr. Christensen said the Home Owners Association will maintain the green space. The club house will also be maintained by the HOA and areas will be fully landscaped with the exception of the wetlands.

Lance Zollinger said after reviewing the project he feels it is a quality work and he really likes the open space.

Scott Larsen asked developers what their goal is regarding their ability to meet PUD requirements. Mr. Larsen asked what the focus of the project is that would benefit the residents of Nibley. Mr. Ballstaedt said affordable housing is needed in Nibley. Mr. Christensen said the quality home on a fully maintained property with amenities like a pool is affordable. He said the proposed price range will be under about \$130,000.00 for most of the units. Mr. Larsen said he has visited other properties owned by the developer and said he does not consider the homes affordable.

Jared Jensen is involved in the project as a marketer and said there has been a dramatic increase in costs to construct the home and said some of the homes have priced themselves out of an affordable budget. He said this plan has a draw for someone that has a desire for a lifestyle that is active and affordable but will not be like other developments designed for affordable housing.

Chairman Anderson closed the hearing to the at 8:10 p.m. and opened the hearing for questions and comments from members of the commission.

Mr. Jacobsen asked for a review of the economic feasibility study that was presented to the city council. He wondered what would happen if the phased project, which includes open space, happened to fail and the citizens of Nibley are stuck with a plan that is unfinished? Chairman Anderson questions the appropriateness of the questions, however Mr. Ballstaedt said he would be willing to address the question. Commission Member Bliesner said he understands the question but

agreed with Chairman Anderson that the economics of the project are a matter for the project developers. Mr. Jacobsen said it is a concern for residents if the plan fails and there is not a HOA to maintain the common space and wetlands. Mr. Ballstaedt said the developers have never had a project fail in sixteen years of business and said they have been in a situation where they have actually taken over projects from other developers that have not been able to complete their developments.

Chairman Anderson concluded the public hearing at 8:30 p.m. and thanked those who participated.

**Item 5:** Preliminary Plat Approval: Noel Ballstaedt and Jason Christensen representing Garbett Homes Corporation and Immaculate Construction request a consideration for preliminary plat approval of a Planned Unit Development "Spring Creek Crossing"- a townhome community in a Residential R2-A zone located South of approximately 2350 South and between 1200 West and East of approximately 1300 West. The commission asked developers to explain intentions for how the PUD will operate as far as ownership of open space and maintenance.

Mr. Ballstaedt said each unit will be privately owned but he said there will be some common spaces that will be maintained and owned by the HOA. He said there may be homeowners on site who will manage the HOA. Mr. Thompson said a PUD does require a conditional use permit which will include conditions to be outlined by the commission. Mr. Thompson said some of the issues of concern include the following:

1. Fifty percent of the front yard on some proposed units are being proposed as optional parking spaces. Mr. Bliesner said this is one of his concerns. He reviewed the requirements which states that front yards must include green space in at least 50 percent of the area. Mr. Bliesner said the problem comes with the optional parking which means every front yard will have a vehicle. Mr. Christensen said there is not a problem with removing the optional parking spaces.
2. Option parking is not adequate. Mr. Thompson said if the owner of the unit chooses to rent the unit there could be as many as six individuals living in the home. Chairman Anderson suggested the city could place a condition on how many individuals can reside in the home. Extended parking stalls for vehicles that are not the standard length needs to be addressed, which Mr. Ballstaedt said can be provided. Mr. Bliesner said the developers need to make it clear that extended type vehicles are not allowed to park on the street and that the units are not really designed to handle that type of vehicle parking.
3. Density figures: Mr. Thompson said his calculations show 8.79 acres of developable property. He said according to his calculations there could be as many as thirty nine units too many according to ordinance. Mr. Thompson asked for the commission's comments on the matter. Developers asked that the undeveloped areas not be included in the calculations. During previous discussion during the process the developers suggested that around 8 units per acre be allowed. They are now asking the commission to consider a plan that calls for as many as 12.9 units per acre. Current ordinance allows for four units per acre. Chairman Anderson asked why the all of the land can't be included in the density calculations? Mr. Jacobsen said there is not anything in the books that says the open space should not be discounted. He reminded the commission they have the authority to determine an appropriate number of allowable units in this case.
4. Ownership is a matter that needs to be resolved before construction on the development can begin. Mr. Christensen said developers are currently working through the ownership process.
5. Site development standards need to be addressed which could include a plan for phasing the project.

Mr. Thompson turned time over to the commission for questions and comments. Mr. Jacobsen asked Mr. Thompson's opinion about the access road onto Nibley Park Avenue where an elementary school is located. After reviewing the matter, Mr. Jacobsen said he feels it is adequate.

Landscaping of wetlands needs to be reviewed by the Corp. of Engineers according to the

developers who said they would like to keep the native landscape with some grassy areas.

Mr. Bliesner said there are a lot of benefits to this type of community and that such a development will provide options for those wanting this type of lifestyle.

**Council Member Shaw Del Hunsaker made a motion to approve preliminary plat of a Planned Unit with the following requirements:**

1. Eliminate optional parking.
2. Indicate all utility easements on final plans.
3. Infrastructure capabilities to be determined before final plans approved.
4. Landscape concept plan provided and reviewed before final plans will be approved.
5. And other requirements as outlined in 11-4-2 for final plat approval.

**Larry Jacobsen made a second to the motion which passed unanimously.**

Item 6: Dave Stanley- Request a consideration for a conditional use permit to maintain a temporary residence in a 5th wheel mobile home to be used as living quarters on site during construction of the families residence. Mr. Thompson reviewed the request and recommended the commission approve.

**Larry Jacobsen made a motion to approve a request for a conditional use permit to maintain a temporary residence in a 5th wheel mobile home to be used as living quarters on site during construction of the families residence with the following conditions:**

1. Water and Sewer hookups to city services required.
2. Disconnection from city services required after occupancy of new home is granted.
3. Limited to 9 months of occupancy once building permit is issued.
4. Must comply with existing CCR's of the subdivision.

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

Item 7: Ben Garner- Request a consideration for a building permit for a 12'x12' (144 sq. foot) accessory building to be located on the property at 205 Quarter Circle Drive, on R-1A Zone. Mr. Garner was not in attendance, however Mr. Thompson said he has reviewed the request.

**Larry Jacobsen made a motion to approve a request for a building permit for a 12'x12' (144 sq. foot) accessory building to be located on the property at 205 Quarter Circle Drive, on R-1A Zone with the following condition:**

1. Building not to be located along any utility easements.

**Shawn Del Hunsaker made a second to the motion which was approved unanimously.**

Item 8: Gary Olsen- Request a consideration for a concept review of a proposed residential subdivision comprised of fifty-seven (57) third (1/3) acre lots located south of 3200 South and West of 1500 West to the Nibley Blacksmith Fork Canal, contingent upon annexation and re-zoning. John Younger with Cartwright Engineering represented Mr. Olsen before the commission. Mr. Thompson explained the drawings. Mr. Younger said there will be a 10 foot easement for a trail to border the canal. They have spoken to the irrigation company and they have received a verbal approval for the plan to run the trail along the canal. There is a portion of the canal that will be covered, however along the trail the canal will be open. There will be a buffer that will be used as a detention pond along 3100 South.

Chairman Anderson asked about the completion of the 1500 West road. Mr. Thompson said the county is requesting the entire road be included in the annexation. The cost of the road completion would be for the developer to cover. Mr. Thompson wondered if a protection strip could be used.

Maintenance of the buffer strip along 1500 West was discussed. Mr. Younger said he will discuss the matter with the developer. He said there is a possibility for homeowners to pay a fee for the detention pond and for the trail system to be maintained. Mr. Bliesner suggested a means other than using a HOA to maintain open space and trail systems. He said in most cases such a set up does not work. In a related matter, Mr. Jacobsen suggested there be an access from the subdivision onto 3200 South to be lined up with Meadow view Subdivision on the North side of the road. The commission said the matter will have to be resolved after annexation is decided.

Chairman Anderson said with the exception of matters related to the road and where access should occur the concept plans looks good. Mr. Younger thanked the commission for their comments. He then took leave of the meeting.

**Item 9:** Ryan Hustad- Request the consideration of a discussion of the permitted and conditional uses for the neighborhood commercial zone. Mr. Hustad made the request before the commission. Mr. Hustad is interested in having a car wash located on the property located next to the proposed Maverick store. Chairman Anderson said 10-7a-3 states that such a a business would be compatible with the neighboring business.

Mr. Jacobsen asked about the possible noise level of the blowers. Mr. Hustad said that is a concern that he is trying to address. Mr. Thompson said doors will be used year round to help reduce the noise level. Councilman Wells said there is some concern with having another business in a neighborhood that is set to operate twenty fours. Chairman Anderson said his opinion is that this type of commercial venture would fit within a NC Zone. The commission indicated to Mr. Jacobsen their support of possible plans to located a car wash along State Highway 165 at about 3100 South. Mr. Hustad thanked the commission for their comments.

**Item 10:** Adjourn- Chairman Anderson adjourned the meeting with general consent.

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

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