

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Tuesday, September 09, 2008.

The following actions were made during the meeting:

Action Item 1: Commissioner Bliesner motioned to approve the conditional use permit for an accessory apartment located at 832 W. 2880 S. with the conditions that any tenant parking be behind the front plane of the house and that all other conditional use items, like animal rights, be per property not per unit. The motion is seconded by Commissioner Cook. The motion passes unanimously with Commissioner Heidt, Commissioner Green, Commissioner Bliesner, and Commissioner Cook in favor.

Commissioner Bliesner made a motion to amend that any further home occupations on the original home occupation conditional use permit are subject to review at the time of the new owner starting home occupation. The motion was seconded by Commissioner Cook. The motion passes unanimously with Commissioner Heidt, Commissioner Green, Commissioner Bliesner, and Commissioner Cook in favor.

Acton Item 2: Commissioner Bliesner motioned to approve a conditional use permit for Silvia Lugo Estrada requests a conditional use permit and business license for a home-based cleaning business located at 2327 S. 730 W. The motion is second by Commissioner Cook. The motion passes unanimously with Commissioner Heidt, Commissioner Green, Commissioner Bliesner, and Commissioner Cook in favor.

Action Item 3: Commissioner Green motioned to grant the conditional use permit and business license for a design & planning business located at 941 W. 2840 S. The motion is seconded by Commissioner Cook. The motion passes unanimously with Commissioner Heidt, Commissioner Green, Commissioner Bliesner, and Commissioner Cook in favor.

Action Item 4: Commissioner Cook motioned to approve a conditional use permit for animal rights to have 6 female fowl located at 941 W. 2840 S. The motion is seconded by Commissioner Anderson. The motion passes unanimously with Commissioner Heidt, Commissioner Green, Commissioner Bliesner, Commissioner Anderson, and Commissioner Cook in favor.

Commissioner Heidt called the Tuesday, September 09, 2008 Nibley City Planning Commission meeting to order at 6:03 p.m. Those in attendance included Commissioner Marina Heidt, Commissioner Bill Green, Commissioner Aarron Bliesner, Commissioner Carrie Cook, and Commissioner Wayne Anderson. Shari Phippen, the zoning administrator, was present.

Item 1: Approval of 8-27 meeting minutes and evening's agenda.

Commissioner Heidt approved the minutes from the August 27th, 2008 meeting. General consent on minutes and agenda.

Item 2: Conditional Use Permit—Accessory Apartment—Bobby & Kaleena Jensen request a conditional use permit to have an owner occupied accessory apartment located at 832 W. 2880 S.

Ms. Phippen states this is to legitimize it. It is legal with a conditional use permit. The Realtor has to have this in place. Commissioner Cook states when they say they have this everything is legit. Ms. Phippen states it has a separate entrance. Commissioner Bliesner asks about adequate parking. Ms. Phippen they have room to park cars on the side of the house. Commissioner Bliesner moves to approved with the conditions that any tenant parking be behind the front plane of the house and that all other items, like animal rights, be per property not per unit. Ms. Phippen states other associated rights are based on the size of the lot not on the number of units. The motion is seconded by Commissioner Cook. Commissioner Heidt asks for further discussion. Commissioner Bliesner states they have a home business license. How do we feel about having a business and a two dwelling? I see it starting to be a lot of use for one property. Commissioner Heidt asks can you suspend use for one? Ms. Phippen states I don't think it is a problem because there is not foot traffic coming in for the business. Commissioner Heidt states the conditional use permit stays with the house. Commissioner Bliesner made a motion to amend the motion that any further home occupations on the original home occupation conditional use permit are subject to review at the time of the new owner wanting to start home occupation. Seconded by Commissioner Cook. Motion passed unanimously.

Item 3: Conditional Use Permit—Business License—Silvia Lugo Estrada requests a conditional use permit and business license for a home-based cleaning business located at 2327 S. 730 W.

Ms. Phippen states Mrs. Estrada wants a home based cleaning business similar to others we have done. There would be no clients visiting the home. My question is the use of industrial cleaning products. Commissioner Heidt asks where would you store your cleaning products? Miraim Estrada translating for Silvia Estrada states she carries them with her to the homes if they are not in the homes already. Otherwise they will be stored in the basement. Commissioner Green requests they put some numbers on the house. Commissioner Bliesner states essentially what this is, is a home office. With minimal need to store bulk cleaning supplies. Commissioner Bliesner moves to approve a conditional use permit for this address. The motion is second by Commissioner Cook. Motion passed unanimously.

Item 4: Aaron Bliesner Design & Planning—request a conditional use permit and business license for a design & planning business located at 941 W. 2840 S. (Applicant: Aaron Bliesner)

Commissioner Green asks if this is just going to be your office? Aaron Bliesner states I just need a physical address for tax reasons etc. and for legality reasons to be an independent contractor. Commissioner Green moves to grant the conditional use permit. The motion is seconded by Commissioner Cook. Motion passed unanimously.

Item 5: Conditional Use Permit-Animal Rights—Aaron Bliesner requests a conditional use permit for animal rights to have 6 female fowl located at 941 W. 2840 S.

Commissioner Anderson arrives at 7:18

Commissioner Heidt states in your permit you scratched out chicken and put fowl. Aaron Bliesner states I am going to do some chicken runs that I can move around. My garden is back there and I want to move it around in the garden. Commissioner Heidt asks what are you zoned for now? Aaron Bliesner states r2a. Its conditional use permit only for fowl. We recently approved Councilman Dustin for 4 and his lot is significantly smaller. Commissioner Green asks are you planning to eat them or just get eggs. Aaron Bliesner states they will play it by ear. I probably won't be hatching because of requirements to do that. Commissioner Cook makes a motion to approve the animal rights for 6 female fowl. The motion is seconded by Commissioner Anderson. The motion passed unanimously.

Item 6: Workshop Items—Review and discuss the first draft of updated PUD ordinance.

General discussion of the updated planned unit development ordinance follows:

Ms. Phippen states on a pud they shouldn't have anything other than a dog, or cat, house pets. Commissioner Cook states we should make it so they can't have anything beyond household pets. Commissioner Anderson agrees with household pets only.

Commissioner Anderson states I am good with 12 units per acre as a density cap. Commissioner Bliesner states so 12 is a cap and bonuses are not really included in here. Commissioner Cook states she is good with that.

Commissioner Bliesner asks should we limit the size of a commercial development. Commissioner Anderson states something of that nature would pay for certain amenities.

Commissioner Anderson I think you should cut the lex 2 right out and make that if a developer includes residential commercial they subtract from one of the housing types. Commissioner Bliesner states neighborhood commercial has a limit on it. Commissioner Heidt states so a planned unit development and neighborhood commercial are pretty stringently regulated.

Commissioner Anderson asks do we need to regulate neighborhood commercial. Commissioner Cook states yes. Ms. Phippen asks do we want to include the option of doing neighborhood residential. Commissioner Anderson states yes.

Commissioner Anderson states we all agreed on density. Commissioner Cook states we agreed on the 12 maximum. Commissioner Anderson states they can't get a bonus above 12. Ms. Phippen asks what is their incentive to provide bonuses? Commissioner Anderson states the incentive is the town overlay is not a zone unless you have a PUD, so in order to get the 12 you have to do the planned unit development for a town overlay to have the option of the 12. Ms. Phippen states in order to get the town center overlay they are going to have to put amenities in.

Commissioner Cook are we making it so restrictive that the developer is not going to get bonuses? Do we want to make sure the bonuses are stated? Ms. Phippen

states do we want to change it and say if you add amenities you get this number of units, etc? Commissioner Bliesner wonders if you could do it by percentage.

Commissioner Bliesner states what if it was a square foot requirement of amenity per unit of an overlaying zone. So for each unit over they would have to provide (X) amount of unity and space. Ms. Phippen states in order to get bonuses the amenities have to be accessible. Commissioner Bliesner states it makes sense to me that it should be public benefit not just the gated community's benefit. There is a lot of incentive to start developing public easement.

Commissioner Cook states open space is great for visual; we are in need of parks. Commissioner Cook states make it so it is more clear-cut on density. Commissioner Anderson states we need to clear that with the city and see what the city wants and needs. I don't want to be the one that quantifies the city's needs. Commissioner Bliesner states a lot of that was done in the general plan.

Commissioner Green states we need to have a loop hole if this can't be maintained. I don't want the city to accept the responsibility of maintenance. Commissioner Cook states if we are going to ask them for something we can't complain about maintaining it. Commissioner Heidt asks as a developer why would I want to put something in there for the general public? Ms. Phippen states for density bonus.

Ms. Phippen asks was there any questions about the general requirement. Commissioner Green states I liked the adjacent property not effected requirement.

Ms. Phippen asks do we need to have outlined a separate approval process? Commissioner Anderson states I think for the purpose of a planned unit development the more information you get the better educated a decision you can make. Like a schematic. Commissioner Cook states at the concept stage of submittal it needs to be a lot more detailed. Commissioner Anderson states at preliminary and final you need more detail and specifics. It would be good to have some elevations at preliminary. If there are amenities the design should be submitted for preliminary final approval. Commissioner Green states he would like to see that before final. They could at least show a concept. Commissioner Anderson states any variations in this design must be resubmitted. Ms. Phippen states variation from preliminary to final.

Planning and Zoning Reports

Commissioner Bliesner asks who is responsible for enforcement and why we as a city are not enforcing our ordinances? The weeds are flippantly out of control, especially in undeveloped properties. The developers need to be responsible for those weeds. They are to the point you need heavy equipment. Do we as the planning commission have any authority to require anything? Commissioner Anderson states we don't have much authority in that regard. Commissioner Bliesner also asks who enforces the fence issue. Unless we bring all citizens into compliance we can't pick on anyone. It is considered arbitrary and capricious. Ms. Phippen states she will be talking it to city managers. Commissioner Bliesner states their only course of action would be to ask for a variance, which would most likely be denied. Commissioner Anderson states if somebody doesn't comply the city attorney needs to take them to court. Commissioner Heidt states what does it say about our city that we have no enforcement. Commissioner Bliesner states our ordinance doesn't require grass but it does inhibit weeds. Is there something I can do

besides complain? Commissioner Cook states we need to appoint an enforcement officer.
Ms. Phippen states that is actually my job.

General consent to adjourn at 8:56 p.m.