

NIBLEY CITY CORPORATION  
PLANNING AND ZONING COMMISSION  
Wednesday, November 8, 2006  
The following motions were made during the meeting:

**Motion 1:** Shawn Del Hunsaker made a motion to approve a request by Wes Smedley for a Conditional Use Permit for an additional animal unit for .86 acres located at 270 West Meadow View Lane and Quarter Circle Avenue with the condition that no more than 2 horses be allowed and only for the individual making the request, and that no hay or other related items allowed in the right of way. Curtis Rudd made a second to the motion which was approved with Larry Jacobsen voting against the motion.

**Motion 2:** Larry Jacobsen made a motion to approve Ashbury Estates Subdivision- Phase 1 final subdivision plat for property of about 10 acres located between 3300 South 3400 and approximately 540 West and 640 West with the developer to do the following:

1. Satisfy cities concerns with detailed construction drawings to be approved by city staff.
2. Prepare landscape and grading plan for the retention basin.
3. Develop draining overflow plan on retention basin.

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

**Motion 3:** Shawn Del Hunsaker made a motion to approve a request by Vicki & Michael Arambell granting of a lighting permit for installation of parking lot lighting at Little Wonder Day Care located at 3200 South and Highway 165 with the requirement that a Horizontal Foot Candle Plot for a 150 watt light bulb be provided to the city. Larry Jacobsen made a second to the motion which was approved unanimously.

**Motion 4:** Chairman Anderson asked for General Consent by the commission to not accept a red line drawing by Sierra Park Commercial Development of a landscape plan for 3 buildings on Lot 1 located at approximately 2490 South 1350 West of Sierra Commercial Business Park. General Consent was given.

**Motion 5:** Commission Member Hunsaker said the need for lighting to provide safety and the need to maintain the residential feel of the area can create a conflict.

Larry Jacobsen made a motion to approve a Conditional Use Permit for a business located in the Neighborhood Commercial Zone at 3100 South and Highway 165 with the following conditions:

1. Delivery trucks shall not disrupt traffic or impact public safety.
2. All exterior lighting be reduced to no more than 30 foot candles between the hours of 10:30 p.m. and 6:30 a.m.

Curtis Rudd made a second to the motion which was opposed by Shawn Del Hunsaker. Chairman Anderson and Commission Members Curtis Rudd and Larry Jacobsen approved the motion which was approved.

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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: Chairman Wayne Anderson, Commission members Larry Jacobsen, Shawn Del Hunsaker, and Curtis Rudd. Also in attendance was City Planner Conley Thompson. Commission Member Aaron Bliesner and Nibley City Councilman Scott Wells were excused. The meeting took place in the Nibley City Hall, 625 West 3200 South.

**Item 1: Previous Minutes and Evening's Agenda.** Commission Member Larry Jacobsen made a motion to approve the previous meeting's minutes and the evening's agenda. Commission Member Curtis Rudd made a second to the motion which was approved unanimously. Commission Member Jacobsen asked to note in the minutes his appreciation for work done by Deputy City Recorder Kerry Bringhurst to prepare the commission's minutes.

**Item 2: City Council Report:** Mr. Thompson explained to the commission a decision by the Nibley City Council to approve a request by Mr. Yorgason for a division of property in the Hollow Road area. He said the council overturned the commission decision to approved based on certain matters being addressed, saying a simple division of property does not require easement and other subdivision requirements unless a development is proposed.

In other matters, Mr. Thompson said the council also overturned a decision by the commission to require Don Cooley to construct an accessory building away from easements. Nibley City Manager Larry Anhder and the council discussed the need to review ordinances related to easements. Chairman Wayne Anderson said the decision by the council creates inconsistencies when dealing with requests for buildings to be constructed on existing easements. Chairman Anderson said until the ordinance has been changed, the commission cannot approve such requests, and suggested the council respect and take action to comply with existing ordinances. Commission member Jacobsen said he contacted Mr. Kelly Leishman, another applicant for an accessory building which was to be located on the easement, suggesting he should review the November 2, 2006 Nibley City Council Minutes in regards to the council's decision regarding the Cooley's request for an accessory building on an easement.

**Item 3: Wes Smedley- Request a consideration for a Conditional Use Permit- for an additional animal unit of .86 acres located at 270 West Meadow View Lane and Quarter Circle Avenue.** Mr. Smedley made the request before the commission. He presented photographs of the area where he is hoping to locate two horse, where only one is permitted based on land size. Mr. Jacobsen mentioned the potential problem of approving such a request without future requests referring to this instance as a precedence setting decision.

Non-conforming use of an existing barn on the property may also be a problem, according to Mr. Jacobsen, since it is located less than 100 feet from a residential dwelling. Mr. Smedley said the structure is not really a barn, but more of a covered shelter with a roof on four posts. Mr. Jacobsen said according to the ordinance, even a stable type structure would be non-conforming. Mr. Jacobsen said because the lot is in an R-1 zone, and is non-conforming, it makes it more difficult in his mind to allow for a "more intense" use of the property, which he said an additional horse could create. Commission member Rudd said the area being discussed is located near other properties where animals are being kept, and he said it seems like the housing of horses there is appropriate. Chairman Anderson said a precedence of this type of use on a non-conforming lot has already been set because animals are already being allowed on nearby properties, including Quarter Circle Drive.

In fact, Chairman Anderson said now the city has prepared new zoning maps, it is the perfect time to re-zone Quarter Circle since none of the lots are conforming to the one acre zone. Chairman Anderson then asked for a motion on the request.

**Shawn Del Hunsaker made a motion to approve a request by Wes Smedley for a Conditional Use Permit for an additional animal unit for .86 acres located at 270 West Meadow View Lane and Quarter Circle Avenue with the condition that no more than 2 horses be allowed and only for the individual making the request, and that no hay or other related items allowed in the right of way. Curtis Rudd made a second to the motion which was approved with Larry Jacobsen voting against the motion.**

Chairman Anderson asked for General Consent to suspend the agenda. There was no opposition to the request.

**Item 4:** Ashbury Estates Subdivision- Phase 1: Request a consideration for final subdivision plat review and approval for property of about 10 acres located between 3300 South and 3400 South and approximately 540 West and 640 West. Brandon Aemes met with the commission to represent Mitch McKinnley and Bret Sorensen. Mr. Thompson reviewed the plan and presented his recommendations and said the council has asked for a right of way or easement between lots 4 and 5 to allow access to detention areas for maintenance purposes. Mr. Jacobsen said with the right of way, lot 4 would be noncompliant. Mr. Aemes said he would review the acreage of that lot to determine if there is a problem. If approved, Mr. Thompson said the commission should require approval from city engineers.

Mr. Jacobsen asked why Nibley City is accepting ownership of the retention pond when it involves the taking of land and requires ongoing costs that burden residents? He requested the city council answer that question. He and Chairman Anderson said they do not like the idea of the right of way between lots 4 and 5 saying it should be an easement that prohibits any structure from being built on that portion of property.

The pond is designed for retention according to Mr. Aemes who said there is enough capacity. He said the canal will be piped and Mr. Aemes presented a letter signed by Mr. Ropalato who represents the irrigation company showing his support for the pond retention plan. Mr. Thompson said the city would like a landscaping plan for the pond areas, which should be approved by city staff according to Chairman Anderson.

**Larry Jacobsen made a motion to approve Ashbury Estates Subdivision- Phase 1 final subdivision plat for property of about 10 acres located between 3300 South 3400 and approximately 540 West and 640 West with the developer to do the following:**

- 1. Satisfy cities concerns with detailed construction drawings to be approved by city staff.**
- 2. Prepare landscape and grading plan for the retention basin.**
- 3. Develop draining overflow plan on retention basin.**

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

**Item 5:** Little Wonders Day Care- Vicki & Michael Arambell: Request consideration for Design Standards review for the granting of a lighting permit for installation of parking lot lighting at Little Wonder Day Care located at 3200 South and Highway 165. Mr. Arambell appeared before the commission. Mr. Thompson updated the commission on information given to Mr. Arambell to help comply with the lighting requirements included in the city design standards and the Dark Sky compliant lighting structure requirements. Mr. Arambell questioned why the city will not allow for a boxed lighting system or more of a spotlight system as was proposed at the last meeting? He requested the city review their requirements to allow for lighting structures which may not meet the design requirements, but that he says are better able to meet the Dark Sky requirements. He said

the intent of the lighting is to provide for safety. Mr. Arambell said he is willing to meet all of the requirements outlined by the city, giving the city the freedom to determine which bulb and lenses should be used as long as it provides his patrons and employees with necessary safety. Mr. Thompson said he would prefer the clear versus the ribbed globe.

There was discussion about the lighting system's deflector. Mr. Thompson said the proposed system seems to meet the lighting deflection needs. Mr. Jacobsen said he disagrees with Mr. Arambell's claim that the lighting system proposed during the previous council meeting is adequate when it comes to meeting the Dark Sky requirements. He said the system was more like a spot light and was not suitable for lighting in a residential zone, even when the lighting system is to be installed in a commercial zone. Chairman Anderson said the proposed lighting system seems to meet the standards and will not interfere with the requirement to meet the Dark Sky needs. Mr. Thompson said he would like the 150 watt light bulb as long as the city receives a letter from the manufacturer outlining specifications of the proposed system to make sure it meets the Night Sky requirements.

A review of the plot plan shows the lighting system meets city requirements according the Mr. Thompson.

**Shawn Del Hunsaker made a motion to approve a request by Vicki & Michael Arambell granting of a lighting permit for installation of parking lot lighting at Little Wonder Day Care located at 3200 South and Highway 165 with the requirement that a Horizontal Foot Candle Plot for a 150 watt light bulb be provided to the city. Larry Jacobsen made a second to the motion which was approved unanimously.**

Item 6: Sierra Park Commercial- Landscape Plan review for compliance for 3 buildings on Lot 1 located at approximately 2490 South 1350 West of Sierra Commercial Business Park. Applicants Crawford Construction, Bret Peterson, and Mark Daines were not in attendance and asked Mr. Thompson to represent their request before the commission. Chairman Anderson said after reviewing the plan he does not see the necessary changes and felt he was unable to discuss the landscaping matter adequately without such a plan. Mr. Thompson said Mr. Peterson said he is not willing to pay to have another landscape plan drafted, but would be willing to provide a red line drawing to the city. Mr. Jacobsen said the plan needs to be redrawn before it can be reviewed by the city to determine if all of the requirements have been met before occupancy. Chairman Anderson proposed the discussion take place when the necessary information is available. Mr. Thompson said Mr. Peterson is requesting the city provide the developers with a red line drawing of where the city wants changes made to the landscaping plan. Mr. Jacobsen said it is up to the developer to determine where to place the landscaping materials, as long as the number of trees is included. Chairman Anderson said he does not feel comfortable working with a red line drawing, and the developer should be required to present an actually drawing of were items are to be placed.

**Chairman Anderson asked for General Consent by the commission to not accept a red line drawing by Sierra Park Commercial Development of a landscape plan for 3 buildings on Lot 1 located at approximately 2490 South 1350 West of Sierra Commercial Business Park. General Consent was given.**

Chairman Anderson directed Mr. Thompson to inform Mr. Peterson that the commission will not allow the request for a Landscape Plan review for compliance for 3 buildings on Lot 1 located at approximately 2490 South 1350 West of Sierra Commercial Business Park to be included on the agenda for discussion until the landscape plan is redrawn.

Mr. Jacobsen said he does not understand why the developer is coming before the commission when the commission gave approval based on the engineers approval of the landscaping plan fulfillment's, including the drafting of a full plan and implementation of the plan. Chairman Anderson said he would be willing to try and locate a rough draft of what was drawn at the meeting where the landscaping plan was discussed, but said it is actually the developers responsibility to take notes and make changes as requested and to present a plan.

**Item 7:** Maverik Country Stores- Request a consideration for a Conditional Use Permit for a business located in the Neighborhood Commercial Zone at 3100 South and Highway 165. Mr. Thompson was asked by Brad McDougal of Maverik to present the request and recommendations for Maverik to the commission.

After a review, commission member Larry Jacobsen made the following recommendations:

1. Delivery trucks shall not disrupt traffic or impact public safety.
2. All exterior lighting be reduced to no more than 30 foot candles between the hours of 10:30 p.m. and 6:30 a.m.

**Commission Member Hunsaker said the need for lighting to provide safety and the need to maintain the residential feel of the area can create a conflict.**

**Larry Jacobsen made a motion to approve a Conditional Use Permit for a business located in the Neighborhood Commercial Zone at 3100 South and Highway 165 with the following conditions:**

1. **Delivery trucks shall not disrupt traffic or impact public safety.**
2. **All exterior lighting be reduced to no more than 30 foot candles between the hours of 10:30 p.m. and 6:30 a.m.**

**Curtis Rudd made a second to the motion which was opposed by Shawn Del Hunsaker. Chairman Anderson and Commission Members Curtis Rudd and Larry Jacobsen approved the motion which was approved.**

**Item 8:** Workshop reviewing proposed Parking Use Requirements. Mr. Thompson presented to the commission an outline of a proposed parking plan for Nibley City. The commission will review the plan in order to help draft an updated ordinance related parking needs.

**Item 9:** Adjourn- Reminder that the next meeting will be held November 29, 2007 at 7:00 p.m.

Chairman Anderson asked for General Consent to adjourn the meeting at 10:10 p.m.. The meeting was adjourned.

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

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