

NIBLEY CITY CORPORATION
PLANNING & ZONING COMMISSION
Wednesday, February 13, 2008

The following actions were made during the meeting

Action Item 1: Commissioner Cook made a motion to approve the conditional use permit and business license to The Cleaning Crew at 3125 South 1600 West. Seconded by Commissioner Bliesner. Motion passed unanimously.

Action Item 2: Commissioner Bliesner made a motion to approve business license and conditional use permit to Brandywine Builders at 1369 W. 2930 S. with the condition that all large equipment be stored behind the front plane of the house. Seconded by Commissioner Anderson. Motion passed unanimously.

Action Item 3: Commissioner Bliesner made a motion to approve business license and conditional use permit to Mitchell Gillingham at 3773 S. 100 W. for a home office with the condition that all sales will be conducted outside the property and the use of property is limited for home office only. Seconded by Commissioner Cook. Motion passed unanimously.

Action Item 4: Commissioner Bliesner made a motion to approve this conditional use permit and business license for Sprocket Electronics, LLC at 663 West 2880 South for Eric John. Seconded by Commissioner Anderson. Motion passed unanimously.

Action Item 5: Commissioner Anderson made a motion to approve conditional use permit to Church of Jesus Christ of Latter-Day-Saints at 130 West 2600 South. Seconded by Commissioner Cook. Motion passed unanimously.

Action Item 6: Commissioner Bliesner made a motion to recommend approval for building permit for the sign on Riverside Carwash as represented on submitted drawings. Seconded by Commissioner Anderson. Motion passed unanimously.

Action Item 7: Commissioner Anderson made a motion to deny the rezone. Seconded by Commissioner Bliesner. Motion passed unanimously.

Action Item 8: Commissioner Bliesner made a motion to recommend approval concept plan for Churchill Downs subdivision. Seconded by Commissioner Anderson. Motion passed unanimously.

Action Item 9: Commissioner Anderson made a motion to deny preliminary plat based on the following items:

1. Items on the engineer's review need to be taken care of.
2. The road needs to be a public road or the number of lots accessing the road needs to be reduced.

Seconded by Commissioner Cook. Motion passed with Commissioners Anderson, Green and Cook in favor and Commissioners Bliesner and Heidt opposed to the motion.

Action Item 10: Commissioner Anderson made a motion to approve the bylaws for the Planning Commission. Seconded by Commissioner Bliesner. Motion passed unanimously.

MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Jessica Lawes

The following members of the Nibley City Planning and Zoning Commission were in attendance: Commissioners Aaron Bliesner, Bill Green, Carrie Cook, Marina Heidt and Wayne Anderson. Also in attendance was Zoning Administrator Shari Phippen. The meeting took place in the Nibley City Hall, 625 West 3200 South. Chairperson Bliesner called the February 13, 2008 meeting to order at 7:03 p.m.

Item 1: Approval of evening's agenda and previous meetings minutes.

Commissioner Anderson made a motion to approve evening's agenda. Seconded by Commissioner Bliesner. Motion passed unanimously.

General consent was given for the previous meeting's minutes.

Item 2: The Cleaning Crew: requests a conditional use permit and business license for a household and small business cleaning service located at 3125 South 1600 West. Applicants Brenda and Ryan Ellis meet before the commission. Commissioner Anderson asked if employees would be working at the address. Brenda Ellis said employees would only come by when picking up supplies and paychecks. Commissioner Anderson asked what kind of chemicals would be stored at the residence. Mrs. Ellis said it would be just the regular household cleaners and nothing extreme.

Commissioner Cook made a motion to approve the conditional use permit and business license to The Cleaning Crew at 3125 South 1600 West. Seconded by Commissioner Bliesner. Motion passed unanimously.

Item 3: Brandywine Builders: request a conditional use permit and business license for a contractor business located at 1369 W. 2930 S. Applicant Lonnie Thompson met before the commission and said this would be an office and place to store tools for a contracting business and that no business will be carried on there. Commissioner Anderson asked if there were any heavy equipment to be stored at the location. Mr. Thompson said he did not have any at this time; all he has is a van. Commissioner Bliesner said if he were to get some in the future, conditions would be set that all heavy equipment must be stored behind the front plain of the house. Mr. Thompson said he has RV parking on the side of his home and that would be a great place for storage.

Commissioner Bliesner made a motion to approve business license and conditional use permit to Brandywine Builders at 1369 W. 2930 S. with the condition that all large equipment be stored behind the front plane of the house. Seconded by Commissioner Anderson. Motion passed unanimously.

Item 4: Mitchell Gillingham: request a conditional use permit and business license to have two vending machines places at existing businesses in Nibley City. Applicant Mitchell Gillingham, 3773 S. 100 W., met before the Commission

Mitchell Gillingham said he currently has two vending machines in place and would like a third and was just making sure all bases were covered. Commissioner Bliesner said he interprets this as a home office.

Commissioner Bliesner made a motion to approve business license and conditional use permit to Mitchell Gillingham at 3773 S. 100 W. for a home office with the condition that all sales will be conducted outside the property and the use of property is limited for home office only. Seconded by Commissioner Cook. Motion passed unanimously.

Item 5: Sprocket Electronics, LLC: requests a conditional use permit and business license for an electronic design consulting business located at 663 West 2880 South. Applicant Eric John met before the commission and said he is an electrical engineer and would like to start doing consulting work and needs to have a place to call the business. He said most of his business would be traveling to other places of business and would have limited customers at his residence.

Commissioner Bliesner made a motion to approve this conditional use permit and business license for Sprocket Electronics, LLC at 663 West 2880 South for Eric John. Seconded by Commissioner Anderson. Motion passed unanimously.

Commissioner Bliesner made a motion to suspend the agenda. Seconded by Commissioner Cook. Motion passed unanimously.

Item 6: Church of Jesus Christ of Latter-Day-Saints: request a conditional use permit to construct a religious facility located at approximately 130 West 2600 South. Applicant Architectural Nexus – agent for LDS church. Dean Bolton, Architectural Nexus, said the church would be a standard meetinghouse. He said the church has a standard floor plan and a fairly standard landscape design. Shari Phippen said this plan more than meets the city minimums for parking and all other standards. She said staff has gone over the plans and have no problems with recommending the conditional use permit.

Commissioner Anderson made a motion to approve conditional use permit to Church of Jesus Christ of Latter-Day-Saints at 130 West 2600 South. Seconded by Commissioner Cook. Motion passed unanimously.

Item 7: Riverside Car Wash: request a sign permit for a 5' x 14' monument sign located at 3040 South Main. Applicant Cache Valley Signs for Riverside Car Wash was not present at the meeting. Commissioner Bliesner asked Shari Phippen if she was satisfied with the position of the sign. Shari Phippen said the first time they were resubmitted the plans were still not right so she had them resubmit the plans and are now satisfactory and staff recommends it for approval providing they meet the concerns from the last meeting. Commissioner Bliesner said to him they are satisfactory and asked the rest of the commission if any of them had any thing they would like to ask the applicant before approval and none said they did.

Commissioner Bliesner made a motion to recommend approval for building permit for the sign on Riverside Carwash as represented on submitted drawings. Seconded by Commissioner Anderson. Motion passed unanimously.

Item 8: Public Hearing – Rezone: a public hearing on an application for a rezone of approximately 3.5 acres from R-E to R-1 located at 4700 Hollow Road. Applicant SueAnn Smith meet before the commission. She said she would like to address an issue that had come up and wants to let everybody know that rezoning is not illegal and wants to be heard on an individual bases for rezoning to R-1.

Commissioner Heidt open up the public hearing 7:30.

Dennis Cook said the reason moved to where he is now was the 2 acre minimum. He said he likes the rural settings and would hate to see it change. He said that if it were opened up to a one-acre minimum it would defeat the purpose of a rural setting and would set a president for all others wanting to rezone.

William Player said he agrees with Mr. Cook and when he wanted to buy more property for horses he had to buy 2 acres to meet the zone.

Cindy Roland said she agrees that folks move down Hollow Road because of 2 acre minimums and with the new master plan that was recently passed it calls for the city to be less on that side of the city with lot conversation.

Donna Loosely said she would feel the acre and a half more than anybody, living next door to the property and personally feels an acre and a half is too small and would hope the Smiths would consider other options and need to be flexible.

Thayne Mickelson said that as a matter of reference a land owner that came in two and half years ago needed 3 feet to have frontage and was denied and told to figure out something else out and come up with what is require for that zone. He said if it is allowed for one landowner to have an adjustment to one lot size there is no longer an R2 zone and Hollow Road will lose rural estates by making this adjustment. Mr. Mickelson said that if one is changed then changes need to be made for everybody else who apply. He said he understands their need but thinks there are other ways to get what they need.

SueAnn Smith said she hears what they are all saying but feels every request needs to be heard and judged on a piece-by-piece basis. She said this would not effect the neighborhood by building one house on an acre and a half and at some point other areas will be developed and effect the neighborhood in a negative way. She said she is not asking form more that what is already there.

Honey Joe Curtis said that another house would impact her because she lives right next door and can not regulate what kind of people move in and to have another house be that close to the existing houses it does effect them. She said she believes it would appropriate to keep zoning as Nibley City has voted to keep it.

Commissioner Heidt closed public hearing at 7:45

Item 9: Consideration of request to rezone approximately 3.5 acres from R-E to R-1 located at 4700 Hollow Road. Applicant SueAnn Smith met before the commission. Commissioner Anderson said this was fairly easy for him and that the city spent a lot of time and money for the general plan and is personally not willing to go against it. Commissioner Bliesner said that as a general rule the Planning Commission is not disposed to vote for a zone where there is not an adjacent zone that it would blend into, then becoming an island and he would vote against it for this reason. Commissioner Green said he feels the same about it and thinks if this is approved then the next one will push for something else and it will never end.

Commissioner Anderson made a motion to deny the rezone. Seconded by Commissioner Bliesner. Motion passed unanimously.

Commissioner Heidt informed SueAnn Smith that she has the right to appeal to the City Council.

Item 10: Churchill Downs subdivision: presentation of initial concept for a new 7.76 acre subdivision located approximately 1200 West 3200 South. Applicant Cartwright Engineering/DelLoy Hansen. David Jenson and Michael Cook representing Cartwright Engineering meet before the commission and said they had previously, unofficially, met with Larry Anhder and tried to meet certain things he had asked for. Larry Anhder said staff liked the subdivision, it accounts for land behind it that does not belong it, it has not access onto 1200 West, the storm water detention basins are located on 1200 West and will give a small green sport at the entrance of the city along that road. He said he thinks they have presented a good

plan. Commissioner Bliesner asked if they had satisfied all staff's concerns. Shari Phippen said that they had and recommended approval.

Commissioner Bliesner made a motion to recommend approval concept plan for Churchill Downs subdivision. Seconded by Commissioner Anderson. Motion passed unanimously.

Item 11: Hollow Road Minor subdivision: request preliminary approval for a 3 lot subdivision located at approximately 5050 Hollow Road. Applicant Ezra Eames met before the commission. Commissioner Anderson asked if this would be a private road and if it had been approved by Gary Knight. Shari Phippen said the city engineer requires a 50' right of way on a private road. Commissioner Anderson asked what the maximum lots for a private road. Shari Phippen said three was the maximum. Gary Murry asked how many lots were allowed for a minor subdivision. Commissioner Heidt told him that 3 was the maximum. Larry Anhder said the subdivision as submitted is a three lot subdivision and this raises a question that with four homes accessed on the road does it still qualify to be a private road and that it would come down to a technicality of the law.

Commissioner Bliesner said it would need to be grandfathered in because one of the homes already exists. Cindy Roland said the intent of the ordinance was to not have more than four families using one road. Commissioner Anderson said the intent of the ordinance was to have private roads built to city standards. Commissioner Cook said her thought were that access for more than four homes needs to be built bigger than a private road and this one would need to be built bigger and a line needs to be drawn so the citizens know where they stand on private roads. Dennis Cook said the major concerns need to be for emergency vehicles. Larry Anhder said the city's required cross section already does that. Larry Anhder said one option would be to make a new access but they are trying to limit accesses and the best thing for the city is to access the lots with one road

Commissioner Bliesner said what the standing of the subdivision was. Larry Anhder said their one-year had expired and standing was lost at one year. Councilman Larry Jacobsen said the Planning Commission has the power to grant an extension. Commissioner Bliesner said it has to be granted before expiring. Commissioner Bliesner said he understands the argument of the line in the sand but feels like they are splitting hairs. The owner of the property that is currently accessing the road does not own the land and the road could be moved and feed three lots and this would be a moot point. He said he thinks they are worrying too much on black and white and an error was made in the ordinance and has allowed something to slip through. He said he would be glad to revise the ordinance but this submittal would have standing and would get by either way

Commissioner Anderson said they need to look past private versus public road and see if the plans meet preliminary approval standards and if the commission is comfortable approving preliminary when there is something that will change the whole subdivision. Commissioner Heidt said she was not comfortable approving it when all issues have not been addressed. Commissioner Anderson said she thinks the engineer's review makes most of the suggestions that he can think of and it comes down whether to go public or private.

Commissioner Anderson made a motion to deny preliminary plat based on the following items:

- 3. Items on the engineer's review need to be taken care of.**
- 4. The road needs to be a public road or the number of lots accessing the road needs to be reduced.**

Seconded by Commissioner Cook. Motion passed with Commissioners Anderson, Green and Cook in favor and Commissioners Bliesner and Heidt opposed to the motion.

Commissioner Anderson told Ezra Eames he has the option to appeal with the City Council.

Item 12: Adoption of Nibley City Planning Commission bylaws:

Shari Phippen said these are something the Planning Commission needs to go over and approve each year.

Commissioner Anderson made a motion to approve the bylaws for the Planning Commission. Seconded by Commissioner Bliesner. Motion passed unanimously.

Item 13: Adjournment:

General consent was given to adjourn at 9:05 p.m.