

NIBLEY CITY CORPORATION  
PLANNING & ZONING COMMISSION  
Wednesday, September 26, 2007

The following actions were made during the meeting

**Action Item 1: Commissioner Dustin made a motion to approve business license and conditional use permit for Charles Rhodes at 515 West 2850 South for the plant seed broker and business The Seed Cache. Seconded by Commissioner Rudd. Motion passed unanimously.**

**Action Item 2: Commissioner Dustin made a motion to approve the kennel license for three dogs with the following conditions:**

- 1- That a 6-foot vinyl privacy fence be placed within six months with an addition of a chain link dog run.
- 2- Dogs need to be secured at all times.
- 3- Any violation of city animal control ordinance will result in revocation of kennel license.

**Seconded by Commissioner Heidt. Motion passed with Commissioners Bliesner, Heidt and Dustin in favor and Commissioner Rudd opposed to the motion.**

**Action Item 3: Commissioner Rudd made a motion to continue the Exact Commercial Cleaning item to the next meeting on October 10, 2007 to revisit the conditional use permit for a commercial cleaning license. Seconded by Commissioner Heidt. 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, Curtis Rudd, Marina Heidt and Shawn Dustin. Also in attendance was Shari Phippen. The meeting took place in the Nibley City Hall, 625 West 3200 South. Chairman Bliesner called the September 26, 2007 meeting to order at 7:03 p.m.

### **Item #1: Approval of minutes and agenda:**

**Commissioner Bliesner asked for general consent to approve the evening's agenda. Members of the commission gave general consent for approval.**

**Commissioner Rudd made a motion to continue approval the minutes from September 12 to October 10 2007. Seconded by Commissioner Heidt. Motion passed unanimously.**

**Item 2: The Seed Cache** – request a conditional use permit for a seed buying/brokering business located at 515 West 2850 South. Applicant Charles Rhodes met with the council. Ms. Phippen said there were not any parking issues nor will business be conducted in an outside building and recommended it be approved. Mr. Rhodes said he would not be keeping any inventory on the property. Commissioner Bliesner said that if a sign would be needed then Mr. Rhodes would need to come in and make an additional request. Mr. Rhodes said he did not need one.

**Commissioner Dustin made a motion to approve business license and conditional use permit for Charles Rhodes at 515 West 2850 South for the plant seed broker and business The Seed Cache. Seconded by Commissioner Rudd. Motion passed unanimously.**

**General consent was given to suspend the agenda.**

**Item 3: Jody Muir** – requests a kennel license for three (3) dogs at 1181 West 2400 South. Applicant Jody Muir met before the council and said she has three dogs; two are outside and one that stays inside. They also have a puppy that is under six months of age and would probably want to keep her in the future and is planning to license her when she is old enough. Commissioner Bliesner said if the kennel license is for three then the applicant would be limited to three dogs. Commissioner Rudd said Ms. Muir would have to come back to address the fourth dog. Commissioner Rudd asked if Ms. Muir breed the dogs for sale and Ms. Muir said she did not. Commissioner Rudd asked if the yard was fenced. Ms. Muir said they had just moved and it was a brand new home and expects to have the yard fenced within the next year or so. Commissioner Bliesner said he was concerned about the lot size compared to the number of dogs.

**Commissioner Dustin made a motion to approve the kennel license for three dogs with the following conditions:**

- 1- That a 6-foot vinyl privacy fence be placed within six months with an addition of a chain link dog run.**
- 2- Dogs need to be secured at all times.**
- 3- Any violation of city animal control ordinance will result in revocation of kennel license.**

**Seconded by Commissioner Heidt. Motion passed with Commissioners Bliesner, Heidt and Dustin in favor and Commissioner Rudd opposed to the motion.**

Commissioner Rudd said he did not like the last condition and it could have been left out.

**Item 4: Exact Commercial Cleaning** – request a conditional use permit for a commercial cleaning business located at 210 Quarter Circle Drive. Applicant Jeff Jeppsen was not present at the meeting. Ms. Phippen said she talked to Mr. Jeppsen earlier in the day and told him he was on the agenda and that he needed to be present. Ms. Phippen said she was concerned about the fact that Mr. Jeppsen was going to employ persons not living at his home. Commissioner Bliesner said it was like when a contractor has employees and none of them come to the house, it is considered a home office. Commissioner Heidt said it is not stated where the cleaning supplies would be kept. Commissioner Rudd would like to know if he was going to keep the cleaning equipment at the home and if so, how much would be stored and what protection he could provide.

**Commissioner Rudd made a motion to continue the Exact Commercial Cleaning item to the next meeting on October 10, 2007 to revisit the conditional use permit for a commercial cleaning license. Seconded by Commissioner Heidt. Motion passed unanimously.**

**Item 5: Workshop/Discussion Items** –

Discussion of commercial design standards –

Commissioner Bliesner said he would prefer not to have this meeting be a work session but have this time to make assignments and have the work be done elsewhere. Commissioner Bliesner said the commercial design standards had a test period and thinks there are some things that need to be cleaned up pertaining to this issue. He said his primary concern was with enforceability and that there are no distinction between regular commercial and neighborhood commercial in the design standards or ordinance. Mr. Anhder said the focus for the next six to eight months would be the general plan and unless the commission feels this issue is overly important he would suggest the issue be put down on the list of importance so general plan items can get underway. Mr. Anhder said they have a consultant lined up to help draft some of the ordinances for the implementation of the general plan and would like to use the same consultant to advise on this ordinance. Commissioner Bliesner said it was what he wanted but he just did not want no work to happen on this ordinance and is concerned that there will not be enough information for a consultant to rewrite the ordinance and throw it out. Mr. Anhder said he did not think there would be a risk for that to happen. Commissioner Dustin asked why there was a need to distinguish between the two. Mr. Anhder said it was because there are two rather large commercial areas being developed and will be more to come. Commissioner Bliesner said he would like to stay involved in the research for this ordinance and would like to have the issue done before the moratorium is up.

Discussion of planning commission powers and duties –

Mr. Anhder said the current ordinance does not state what the powers of the planning commission are and has prepared an ordinance to state what the powers and duties of the planning commission are, most of which have come out of state law. Commissioner Rudd said he has read through them and is okay with them. Commissioner Dustin said he would like a little more time with them. He said he went to the state website and said the current ordinance references a section in the state code that he could not find and would like more information.

Commissioner Bliesner said one of the things he came away from the conference was about their public hearings and the problem that the public influenced them and public hearings should be held by the City Council not the Planning Commission.

Discussion of public notification procedures –

Mr. Anhder said the intent of the public hearing ordinance is to put all requirements into one ordinance and delete the things in the current ordinance that do not need to be there. Commissioner Bliesner asked what should happen if a development had changed more than five percent. Ms. Phippen said that should be addressed in a subdivision amendment. Commissioner Bliesner said the car wash was changed and that the developer has never come back for the commission to look at those changes. Mr. Anhder said a copy of that one was signed off on and was under the impression that it met the guidelines.

Discussion for ordinance revisions – R2-A lot size, exactions and vesting –

Mr. Anhder said current ordinance is ambiguous and needs more clarification.

Mr. Anhder said an exaction is when the city takes something from someone or making a subdivider have an expense that would not necessarily have been there. He said a good case was the 80 foot cross section. All over town it is a 66-foot cross-section. With an annexation almost anything can be required but once they are in the city they have to be careful about exaction.

Mr. Anhder said that vesting is whether or not a person has standing over the city. If a person is vested, then they have submitted their complete plan and paid their fee. A good example of this is Neil Anderson, he knew there would be a moratorium so he came in and paid his fees, he is now vested. Commissioner Bliesner said he disagrees with that and it is contingent on the completion of plans. Consensus is to think about this for the next two weeks.

Discussion of updated General Plan –

Mr. Anhder said that in their recent cherrettis the final recommendation from the commission was to have it amended and then hold a public hearing and recommend it to the City Council on October 10, 2007. He said that 90% of the new general plan is the old plan. There are some major changes, however, and some of these changes are to allow for all the area south of 3200 South to come in as one-acre lots, conservation residential overlay allowing for clustering and open space. It allows for the same basic idea to happen in the rest of the city that is undeveloped. Mr. Anhder said nobody in Cache County is currently doing this. Another major change is a proposed zoning map that call for some high density in the western part of the community allowing for neighborhood centers and mixed used commercial/residential.

Ms. Phippen asked if there were any issues that needed to be addressed by the consultant. Commissioner Bliesner said he thought the consultants should be at the public hearing in two weeks. Mr. Anhder said he would make sure a representative was there.

**Item 6: adjourn: general consent at 9:10 p.m.**

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

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