



MEMO

8/22/14

I'll explain further in my FYI, but the City Council has requested a workshop with you all to discuss, among other things, the differences in your approach to the impact of the General Plan. They also want to have a discussion on the subdivision ordinance. My comments further down will hopefully give you all some clarity.

The first part of the meeting will be regular Commission business. I have told the Council that the workshop portion of the meeting will likely start around 7:30 p.m. so that is when they will be there.

CONDITIONAL USE PERMIT/BUSINESS LICENSE

Contact Design Studio- discussion and consideration of a request for a home occupation (graphic design/photography) located at 3310 S 1525 W (Applicant: Josef Lagunos)

- I recommend approving this request. The business will be entirely contained within the home and there will be no outside employees or client visits.

5 Finger Longboards- discussion and consideration of a request for a home occupation (custom longboard manufacturing) located at 3728 S 100 W (Applicant: Andrew Giles)

- I have a couple of concerns with this application:
 - He says that he may want to hire employees at some point- it needs clearly pointed out to him that if he gets to that point, he can no longer run the business out of his home.
 - He also states the he wants to build a small shop to use for manufacturing the longboards. We haven't updated the Home Occupation ordinance to the point where this would be allowed. For now, making the longboards has to be limited to his garage.
 - I'm not worried about client visits- he has space in his driveway and a side driveway for client parking.
 - If the above two conditions can be resolved to the Commission's satisfaction, then I recommend approving this request.

Mobi-Lube- discussion and consideration of a request for a home occupation (mobile oil change service) located at 2256 S 700 W (Applicant: Joe Cullumber)

- I recommend approving this request. The business will all be done off site and there will be no outside employees or client visits.

Steve McBride Construction- discussion and consideration of a request for a home occupation (general contractor) located at 467 W 3750 S (Applicant: Steve McBride)

- I recommend approving this request. The business will all be done off site and there will be no outside employees or client visits.

ACCESSORY BUILDING PERMIT

Nate & Kim Phipps- discussion and consideration of a building permit for a 24'x28' shop located at 4895 S Hollow Rd.

- They are within the size and height limits for their lot size.
- There are no utility easements around the property which would necessitate increasing the side and rear setbacks, as has been done before, so the 3' side setback and 1' rear setback are acceptable.
- I recommend approving the permit for this accessory building.

PRELIMINARY PLAT

River Meadows Subdivision- discussion and consideration of a preliminary plat for the River Meadows Subdivision, a 13-lot subdivision located at approximately 3700 South 250 East. (Applicant: Tyler Obray)

- My comments on the plat from the previous meeting were as follows (with some modifications, noted in red):
 - They did revise the configuration of 250 East so that there is room provided for it to go through at such time as adjoining development mandates expansion of the road. While it looks like it is a cul-de-sac, it is not. There are often places where a bulbout can be used to allow a developer to get the necessary frontage on a lot, which is what is being done in the case of Lots 3 and 4.
 - I have reviewed the plat and found the following:
 - All lots meet the required 150' of frontage.
 - As a side note, the frontage requirement is at the setback line, not where the lot meets the right-of-way. Lots 3 and 4 did not have 150' frontage at the typical setback line, so I felt it an acceptable compromise to increase the minimum setback line on those two lots to the point where the required 150' was met. I believe it puts the setback on those two lots at 45'.
 - All lots meet the required minimum size of .75 acres

- 250 East has **not** been expanded out to a 60' r-o-w running north from the intersection of 3700 South and 250 East. Because this road is intended to go through and connect to other roads on the East side of Highway 165, I believe it needs to be the 60' r-o-w, as had previously been directed by the Commission.
 - Over the past two weeks, I've had time to think more in depth about this project and the road width. I believe the best approach on getting the 60' r-o-w is to require the adjoining properties, at such time as they are developed, to gradually taper down from 60' to 50' so that at the point it crosses property boundaries, it is down to a 50' r-o-w.
- Another discussion I had with Tyler (the project applicant) this week and he and I discussed whether or not they would be required to pave from the end of the bulbout to the edge of the property at this time. Because we do not know when or if the adjoining property will develop, I would recommend to the Commission that we require the developer to escrow the funds for just that portion of the asphalt. That way, at such time as the adjoining property develops, if it happens, the money will be in place to complete the asphalt. The City and the developer would enter into an agreement setting out timelines, costs, etc.
- The engineer has reviewed this plat and it meets all the standards necessary for approval. I recommend forwarding this on to City Council with a favorable recommendation for their review.

JOINT CITY COUNCIL/PLANNING COMMISSION WORKSHOP

Discussion with the Nibley City Council regarding updates to the Nibley City Subdivision Ordinance.

- When ordinances are passed by you all, I don't make any changes to them before they are presented to City Council. In the initial presentation, I did, however, make some suggestions. The Council wanted those suggestions typed up on a draft as comments and they also wanted our attorney to review the ordinance, which he has done. I incorporated both my suggestions and Bruce's suggestions as comments to the ordinance and took it back to the City Council.

During that discussion last night, the Council felt that my comments and Bruce's comments were significant enough that they wanted to sit down with the two bodies (P&Z and CC) and go over the comments, as well as any suggestions they or you may have, and hammer out the details, all together, of how the ordinance should look.

I invite you all to re-review the ordinance and come to the meeting ready to have an active discussion with Council and have suggestions to present to everyone for consideration. Once we have a good set of further recommendations for the ordinance, agreed upon by the majority, I believe the Council wants me to incorporate those suggestions and then take the ordinance back to you all for re-review.

Discussion with the Nibley City Council regarding various interpretations of Utah Code 10-9a-406 *"...no street ... or other public way may be constructed or authorized until and unless it conforms to the current general plan."*

- This item arises from the disagreement on how the road configuration on the Malouf project was handled. This is the item that spurred the Council's request for a joint meeting. Councilmember Jacobsen sent these comments to me relative to his concerns about the differences in interpretation of 10-9a-406:
 - *Have we been in violation of this code as we have approved subdivisions during the past fifteen years? Is our current Subdivision Ordinance in violation of this code? Should our current interpretation of this code change the process of considering future subdivisions? Does this code impact the draft proposed subdivision ordinance?*

I will mostly be staying out of the discussion, unless there is a specific comment I feel I should make. I invite you all to consider his comments as you prepare for the joint workshop.

Hopefully this gives you all the information you need to make the best decision. Have a great weekend!

Shari