



Nibley City
Planning Commission
Wednesday, May 13, 2015
455 W. 3200 S.
Nibley, UT

5:30 p.m. Call to Order
 Approval of Agenda
 Approval of Minutes

CONDITIONAL USE PERMIT/BUSINESS LICENSE

Little Steps Preschool- discussion and consideration of a conditional use permit for a home occupation (preschool) located at 375 W 3300 S (Applicant: Eileen Lindquist)

ACCESSORY BUILDING PERMIT

Discussion and consideration of an application for a building permit to construct a 32'x24' accessory building located at 725 W 3680 S (Applicant: Bret & Malinda Tolson)

FINAL PLAT

Zollinger Acres- discussion and consideration of a final plat for Phase 7 of Zollinger Acres (11 lots), a subdivision located at 1350 West 3350 South. (Applicant: MV Properties, LLC)

GENERAL PLAN UPDATE

Discussion regarding the status of the General Plan update

*Planning Commission agenda items may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.** The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.



MEMO

5/8/15

Hi all-

It looks like we will be a commissioner short for one more meeting. This is our agenda for next Wednesday's meeting.

CONDITIONAL USE PERMIT/BUSINESS LICENSE

Little Steps Preschool- discussion and consideration of a conditional use permit for a home occupation (preschool) located at 375 W 3300 S (Applicant: Eileen Lindquist)

- This application is for a home occupation preschool.
- Our home occupation definition is:
 - The use of a portion of a dwelling as an office, studio, or workroom for occupations which are conducted in the home and are incidental to the primary use as a home or residence; provided additionally that: 1) individuals who perform occupation related activities at the home occupation residence must also live at that residence; 2) individuals who do not live at the home occupation residence must not report to that residence for occupation related activities; and 3) the occupation shall not use any accessory building, yard, or any space outside the main building not normally associated with residential use. Applications meeting these criteria may (as determined by the appropriate land use authority) be classified a home occupation rather than being classified by the actual activity associated with the business, with the following exceptions. Child daycare/preschool for more than eight (8) children shall be classified as a commercial daycare rather than a home occupation. In addition, activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation.
- If a business meets the definition above, then it may be licensed as a home occupation, without regard for the type of business actually being conducted, provided that the business is legal and not otherwise specifically prohibited by ordinance.
- Mrs. Lindquist's application states that she will not have any outside employees, conduct any part of the business in an accessory building, will have no client visits and will also not have any business vehicles. This qualifies the business to be licensed as a home occupation.

- Preschools are under the same standard of review as other CUP applications.
 - I do think it would be good to know how her class schedule will be structured- how many sessions each of the three days, children per session, etc. She cannot have more than eight individual children in a session. Her application states 15 client visits per week, so I would suggest asking about how the 15 will be broken down to make sure she is within the limit imposed by ordinance.
- Because this business meets the definition of home occupation, I recommend approving the conditional use permit, with the following condition:
 - All pick up and drop off must be done adjacent to the curb in front of her home.
 - I suggest this condition so that she doesn't have children running across the street to get to her home and also so that there isn't the risk of a parent backing out of the driveway and hitting another child who is arriving for preschool.

ACCESSORY BUILDING PERMIT

Discussion and consideration of an application for a building permit to construct a 32'x24' accessory building located at 725 W 3680 S (Applicant: Bret & Malinda Tolson)

- City Code 10-12-16(C) outlines the size of accessory building which property owners may have. Size and height limits are based on acreage of the property. The Tolsons' property is .54 acres, which would allow them an accessory building not larger than 20' tall, 1,500 sq ft.
- They are requesting a building permit for a 14' tall, 768 sq. ft. outbuilding, both of which fall within what is allowed by ordinance.
- City Code 10-11-1 outline the setbacks required for accessory buildings. Because the Tolsons are not on a corner lot, their accessory building setbacks are 3' on the side and 1' on the back. The Tolsons are proposing 5' on the side and 5' on the rear.
 - There are some properties in the City where utility easements are in place around the property. In those cases, the Commission has increased the required setback so that no buildings are being built within the utility easements.
 - The Tolsons' property does not have such utility easements around it, so no increased setback is necessary in this situation.
- Because the proposed building meets the height, size and setback guidelines outlined by City ordinance, I recommend the Commission approve the request for a building permit and have no suggested conditions.

FINAL PLAT

Zollinger Acres- discussion and consideration of a final plat for Phase 7 of Zollinger Acres (8 lots), a subdivision located at 1350 West 3350 South. (Applicant: MV Properties, LLC)

- This is the next to last phase of Zollinger Acres, consisting of 8 lots.
- These are the requirements of the lot sizes/frontages in the R-2a zone, and how the proposed plat measures up to them:
 - Required Frontage: 100'- **all lots meet the required 100' frontage minimum**
 - You may notice that some of the lots show less than 100' frontage. This measurement does not take into account the length of the curved portion of the lot. Where both a frontage measurement and a curve number (C4, C5, etc.) are shown, the frontage is calculated by adding the curve length (shown on the table) to the frontage shown on the plat.
 - Required Lot Size: 12,000 sq ft. minimum, 14,000 sq. avg.
 - All lots are above the 12,000 sq. ft. minimum
 - Average lot size: 16,125 sq ft.
- All required water shares have previously been turned over to the City.
- There is an incomplete retention pond from Phase 1 of the development. The retention pond was allowed to be incomplete and development continued because the pond was directly impacted by the lawsuit resolved last summer between the Nibley Blacksmith Fork Irrigation Company and Nibley City. The developer will be required to complete the pond as part of this phase of the development.
- You will notice that the plat shows the developer building only a portion of 1350 West. South of Lot 83 is property owned by Nibley City. The City can only require developers to build that portion of the road impacted by their project and adjacent to the property owned by the developer. This developer is not required to build the portion of 1350 West adjacent to City property, as that property is not part of the development.
- This plat meets all the conditions and specifications for recommendation of approval to the City Council and it is staff's recommendation that the Commission do that.

GENERAL PLAN UPDATE

- I will give you all a brief update on the status of the General Plan, including when I anticipate it will come to you all for public hearing and consideration.

There was some discussion about having a general plan open house prior to this week's meeting, but I wasn't aware the draft was ready for staff review until just a few days ago and have not had time to complete my review of the draft. David and I review the draft and make the major technical changes prior to it coming to you all and prior to it being presented to the public.

Anticipating that open house, I did not reschedule the public hearing on the cell tower ordinance for this meeting. That will take place on May 27th.

See you Wednesday!

Shari

April 29 @ 5:30 pm



APPLICATION FOR CONDITIONAL USE
PERMIT/BUSINESS LICENSE

Office Use Only	
Date Received	4/8
Fee Paid	25.00
Rec'd By	Stephen Nelson

Name Eileen Lundquist
Address 215 W 2300 S
Phone 435-753-8248 Cell _____ Fax _____
Email lmilme@a-q.com

Please describe the reason you are requesting a conditional use permit/business license:

☐ Home Office ☐ Sales ☐ Manufacturing ☐ Day Care
☒ Other (please describe): Preschool

Proposed business name: Little Steps Preschool

Description of business: Preschool

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: Parents will drop off & pick up their children 3 days a week

Do you plan to employ persons not living at this address as part of the business? Y ☒ N

Will those employees be working in your home or at another location? Please describe: _____

Do you plan to conduct any of the business in an accessory building at this address? Y ☒ N

How many clients will visit this location weekly? 15

Describe how you will provide parking for client visits (if applicable): no parking - drop off only or brief parking in driveway

Will you have business vehicles which will require parking accommodations? Y ☒ N

If so, please describe the vehicles and parking plans: _____

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? none

Will you be able to provide adequate indoor storage for these deliveries? Y N

If applicable, describe any signs at this address which will advertise the business: none

April 29 @ 5:30



APPLICATION FOR ACCESSORY BUILDING PERMIT

Office Use Only	
Date Received	4/13/2015
Fee Paid	30.00
Rec'd By	

Property Owner Information

Name BRET & MALINDA TOLSON
Address 725 W. 2680 S. NIBLEY, UT. 84321
Phone 753-7155 Cell 435-512-5745 Fax _____
Email _____

Proposed Building Size 32' x 24' Lot Size .54 acres

SUPPORTING MATERIALS: The following materials **must** be submitted with this Accessory Building Application, or the application will not be accepted by Nibley City. Bring a copy of these materials with you to the Planning Commission meeting:

Plot Plan showing: (please initial each item)

City Staff Review

- | | |
|---|-------|
| <u>BLR</u> The applicant's name, address and the date the plan was completed | _____ |
| <u>BLR</u> An arrow indicating North | _____ |
| <u>BLR</u> An approximate scale | _____ |
| <u>BLR</u> Property boundaries of the lot on which the building is being proposed | _____ |
| <u>BLR</u> Roads or streets adjacent to the lot (include street names) | _____ |
| <u>BLR</u> Public and private easements on the lot | _____ |
| <u>BLR</u> Existing buildings | _____ |
| <u>BLR</u> The location of the proposed accessory building or addition | _____ |
| <u>BLR</u> Dimensions of the proposed accessory building or addition | _____ |
| <u>BLR</u> Distance from the proposed accessory building or addition to lot boundaries | _____ |
| <u>BLR</u> Distance from the proposed accessory building or addition to existing buildings | _____ |
| <u>BLR</u> Vehicle access plan to the proposed accessory building or addition (if applicable) | _____ |

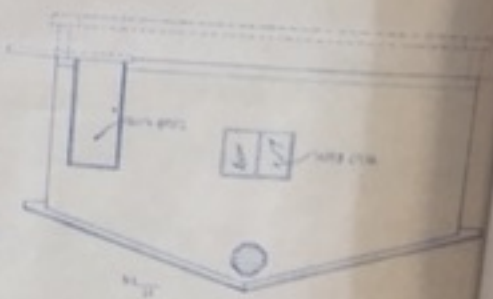
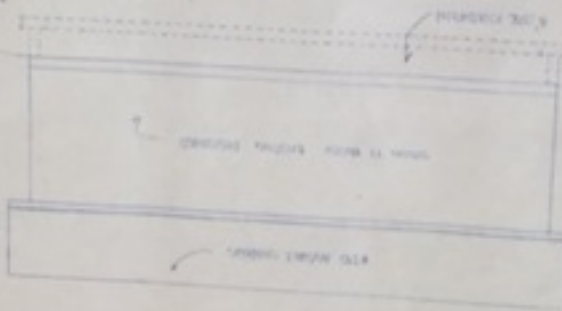
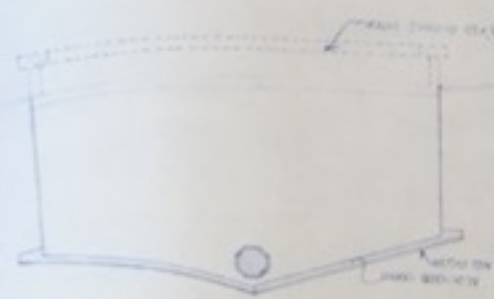
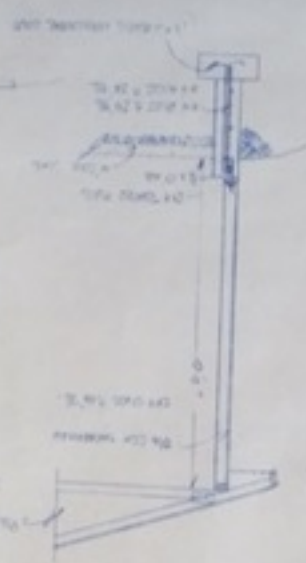
Elevation Drawings of the proposed accessory building or addition showing:

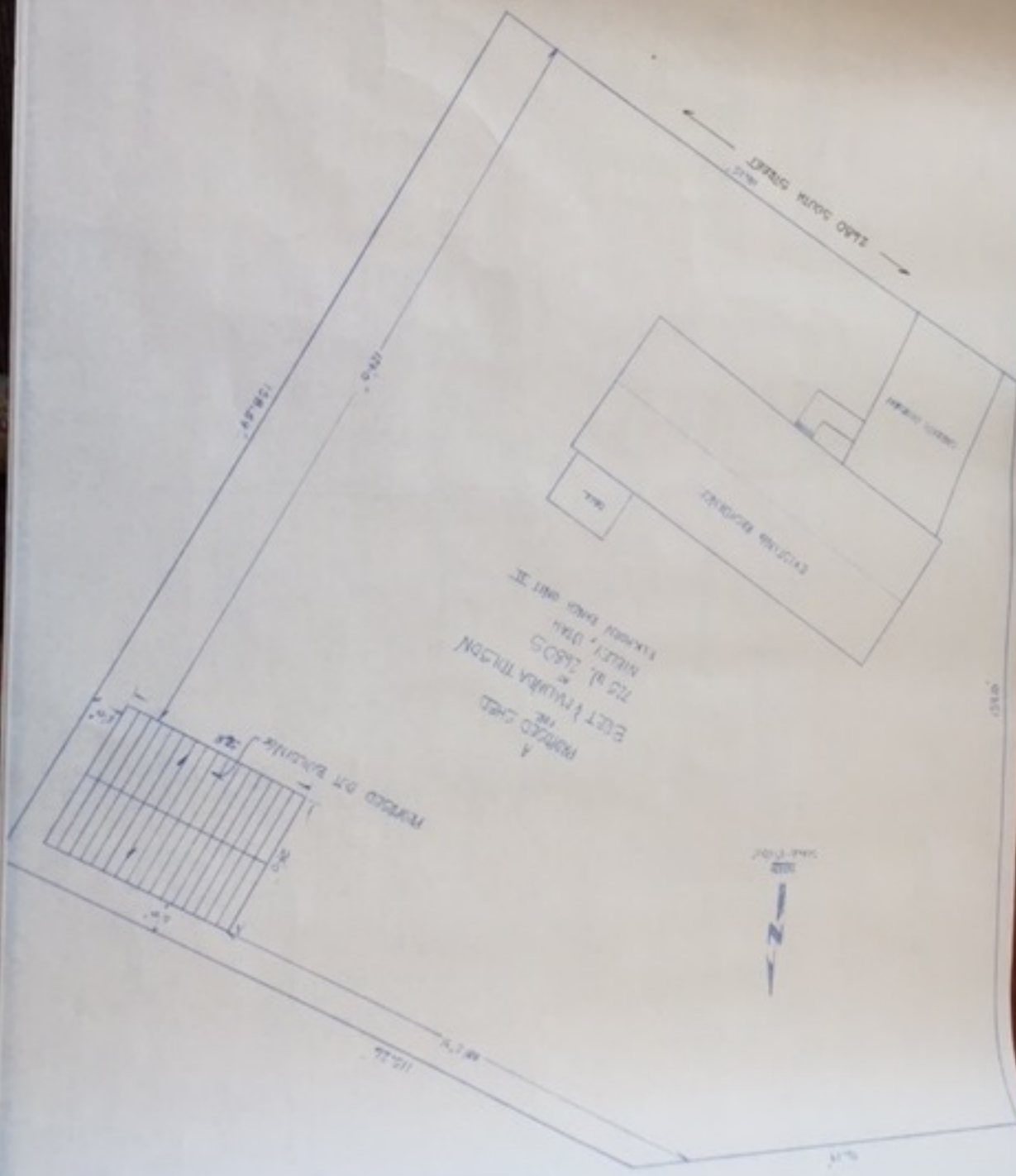
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|---|-------|
| <u>BLR</u> Accessory building height, pitch and all other dimensions | _____ |
| <u>BLR</u> Approximate location of doors and windows | _____ |
| <u>BLR</u> Information sufficient to determine an approximate building appearance | _____ |
| <u>BLR</u> How the addition will attach to the existing building (if applicable) | _____ |

Please describe the proposed use for this accessory building: PERSONAL VEHICLE STORAGE & MISC. TOOLS

Do you plan to conduct business-related activities in this accessory building or addition? _____ Y ☒ N

Application Fee. All fees related to the accessory building application shall be paid as part of the application submittal. See the attached sheet "Nibley City Development Fee Schedule"





EXISTING BUILDING
NEW BUILDING
PAVED DR. BUILDING
112th
2140 SOUTH STREET



