

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, January 13, 2010.

The following actions were made during the meeting:

Commissioner Bliesner motioned to approve the bylaws and meeting schedule for 2010. Commissioner Heidt seconded the motion which passed unanimously 4-0; with Commissioner Bliesner, Commissioner Heidt, Commissioner Cook, and Commissioner Green all in favor.

Commissioner Heidt motioned to elect Commissioner Carrie Cook for a second term as Planning & Zoning Commission Chair. Commissioner Bliesner seconded the motion. The motion passed unanimously 5-0; with Commissioner Heidt, Commissioner Bliesner, Commissioner Green, Commissioner Anderson, and Commissioner Cook all in favor.

Commissioner Green motioned to elect Commissioner Marina Heidt as Vice-chair for the Planning & Zoning Commission. Commissioner Anderson seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Anderson, Commissioner Bliesner, Commissioner Cook, and Commissioner Heidt all in favor.

Commissioner Anderson motioned to approve the conditional use permit and business license for Mountain West Construction Clean Up at 493 W. 2600 S. per the conditions on the application and with the condition that all trailers be parked behind the front plane of the house. Commissioner Bliesner seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Bliesner, Commissioner Green, Commissioner Heidt, and Commissioner Cook all in favor.

Commissioner Anderson motioned to recommend approval to adjust the boundary line. Commissioner Heidt seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Heidt, Commissioner Bliesner, Commissioner Green, and Commissioner Cook all in favor.

Commissioner Bliesner motioned to recommend repealing ordinance 08-05, the most recent edition of that ordinance, for the sake for revision. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Green, Commissioner Anderson, Commissioner Heidt, and Commissioner Cook all in favor.

Commissioner Carrie Cook called the Wednesday, January 13, 2010 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Carrie Cook, Commissioner Marina Heidt, Commissioner Bill Green,

Commissioner Aarron Bliesner, and Commissioner Wayne Anderson. Shari Phippen, the City Planner, was also present.

Approval of 10-28-09 and 12-9-09 meeting minutes and current agenda.

There was general consent on the agenda. There was general consent to approve both the 10-28-09 minutes and the 12-09-09 meeting minutes.

Adoption of the Nibley City Planning Commission Bylaws and meeting schedule for 2010.

The schedule Ms. Phippen prepared included meetings on the second and fourth Wednesday of every month at 7:00 with the exception of November and December. Commissioner Cook said as a note the bylaws are the same and nothing has changed. Commissioner Bliesner made a motion to approve the bylaws and meeting schedule for 2010. Commissioner Heidt seconded the motion which passed unanimously with Commissioner Bliesner, Commissioner Heidt, Commissioner Cook, and Commissioner Green all in favor.

Election of a Chair and Vice-Chair for the Nibley City Planning Commission

Ms. Phippen said Commissioner Cook could continue as chair if they would like.

Commissioner Anderson arrived at 7:03.

Commissioner Green said he thought they should leave it as it was. Commissioner Heidt made a motion to elect Commissioner Carrie Cook for a second term as Planning & Zoning Commission Chair. Commissioner Bliesner seconded the motion. The motion passed unanimously 5-0; with Commissioner Heidt, Commissioner Bliesner, Commissioner Green, Commissioner Anderson, and Commissioner Cook all in favor. Commissioner Green made a motion to elect Commissioner Marina Heidt as Vice-chair for the Planning & Zoning Commission. Commissioner Anderson seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Anderson, Commissioner Bliesner, Commissioner Cook, and Commissioner Heidt all in favor.

CONDITIONAL USE PERMIT/BUSINESS LICENSE

Mountain West Construction Clean Up—request a conditional use permit and business license for a home occupation (construction clean-up business) located at 493 W. 2600 S. (Applicant: Stuart Speth)

Mr. Speth was present at the meeting. Ms. Phippen said the applicant was building a house on 2600. His license for Smithfield expired at the end of 2009 and since he will be moving to Nibley in the near future he would like to get his license in Nibley. He will be living here the majority of the year. She had no problems with his application. He has no employees and he also has an accessory building where all equipment will be stored. Mr. Speth said he had three dump trailers that were usually on site. Commissioner Green advised the applicant that he could not park or store any items in the front plane of the house. The applicant said he had no intention to put anything in the front of the house. Commissioner Anderson made a motion to approve the conditional use permit and

business license for this applicant at this address the conditions on the application and with the condition that all trailers be parked behind the front plane of the house. Commissioner Bliesner seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Bliesner, Commissioner Green, Commissioner Heidt, and Commissioner Cook all in favor.

LOT LINE ADJUSTMENT

Consideration of a request by Marvin Hansen to adjust the boundary between two parcels of property located at 4125 South Main.

Mr. Marvin was present at the meeting. Ms. Phippen said that Mr. Marvin had someone lined up to buy the house that sits along the highway. The buyer only wants to buy and acre so Mr. Marvin wants to do a lot line adjustment to get the piece down to an acre and increases the back piece to 5.5 acres. The concern last time was the access easement back to the piece that is in ag. Ms. Phippen has since discovered that the access is a paved access. The access through the one acre was a concern. Commissioner Green asked what the applicant intended to do with the back piece. Mr. Marvin said he had no idea what he would do with the remaining land. Commissioner Green said if he were to develop back there he could only have one lot with a driveway access. The lane would have to be 60 ft. Mr. Marvin said Mr. Anhder had already told him this. Commissioner Cook asked how close the dairy was to the south of that access. Mr. Marvin said there was 140 ft. Mr. Marvin said he did have a deeded right-of-way to get to his ground. Commissioner Anderson said he was fine with it because the applicant would have to come up with a solution if he chose to develop the land. Commissioner Anderson made a motion to recommend approval to adjust the boundary line. Commissioner Heidt seconded the motion. Commissioner Cook asked for further discussion. Commissioner Bliesner said he is still concerned with the access down the middle of the land. He thought the easement should be shoved against the south property line for the sake of preserving that easement on the plat. He would not see a problem with him continuing to use the paved lane to access his property. Mr. Marvin said if you owned five acres you wouldn't sell it without access. Commissioner Bliesner said they should plot the easement. Commissioner Heidt said that put an unnecessary hardship on him. Mr. Marvin said they would not get another ingress/egress from UDOT. Commissioner Anderson agreed with Mr. Marvin. Commissioner Cook asked the remaining Commission if they felt this issue was between the two gentleman and that they would have to work it out later. Commissioner Anderson said yes. Mr. Marvin said the buyer had expressed interest in the remainder of the land. He had been offered right of refusal on the remainder of the land. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Heidt, Commissioner Bliesner, Commissioner Green, and Commissioner Cook all in favor.

Commissioner Bliesner made a motion to suspend the agenda and move the next item following the public hearing. Commissioner Anderson seconded the motion which passed unanimously.

CONCEPT APPROVAL

Pleasant Haven Subdivision—consideration of a concept for a 44 lot subdivision located at approximately 3600 S. 450 W. (Applicant: Dell Johnson/Bill Matthews)

Mr. Bill Matthews was present at the meeting. Ms. Phippen said Planning & Zoning Commission was familiar with this subdivision and that it was originally proposed as a conservation subdivision. Ms. Phippen said they are now bringing in a concept for a traditional half acre subdivision. She said as a concept she thought it was O.K. Right now there is no accounting for storm water, there are no set back or easement lines on the lots, and there is no accounting for the sewer or contour lines but that is not required as a concept. There has been discussion on the offset of 3400 and 3430 and what could/should happen. Ms. Phippen said the city wanted to talk out some of these things before the concept progresses any further. There are some things that need to be worked out before it is given preliminary approval.

Ms. Phippen said it was anticipated that 3400 was going to go as far as it can but if it doesn't there was no reason that 3300 couldn't go through. Commissioner Green expressed concern about creating a lot with a street behind it. She said they could put a note on the plat that required a house be facing a certain way.

Ms. Phippen said there was some concern about where they were going to put the sewer and they need to account for storm water. Mr. Matthew's said the sewer went to the north from 4450. Ms. Phippen said the engineers had some concern about where the sewer was going to be tied in. She said she is not convinced that there is as big a problem as the engineer says there is. Commissioner Anderson said with 450 taken out there is not a problem. Commissioner Anderson said they were not going to have a stacking problem there. Ms. Phippen asked Mr. Matthew's if he knew where the storm water was going to go. Mr. Matthew's said they did know where it was going to go. Commissioner Anderson and Commissioner Bliesner were working on a concept to line up 3400. Commissioner Bliesner said he tended to side with the engineer. Mr. Matthew's asked why he did that and if this concept was legal. Commissioner Bliesner said they had the authority as Planning & Zoning Commission to make these types of requirements during the planning process. Commissioner Bliesner said he was trying to line up 3400 South but the downside would be 3400 at Johnson's would be a half road until the property north of it developed. Mr. Matthews said they intended to put in a full road. Mr. Matthews said they are responsible for all the ditches and are required to pipe the ditches. Commissioner Bliesner said he would encourage the developer to try and do that. Otherwise, concept wise, he did not have a problem with it. Commissioner Cook asked if there were any other concerns on the concept. Commissioner Bliesner said he was not crazy about lot 31. This is the type of property that will have a non-compliant fence. Commissioner Bliesner suggested to the developer that they try something to line up 3400. Ms. Phippen asked Mr. Matthews to get with his engineer to set up a meeting to come in and meet with the city. Commissioner Cook thanked Mr. Matthews for coming in again. Mr. Matthews asked if they only want to develop the six lots along 450 west at this time if they had to submit the entire plan. Ms. Phippen said typically they do preliminary for the entire subdivision and then do final approval a phase at a time.

Ms. Phippen said Mr. Matthews had been really reluctant to have his engineer meet with the city. They were going to appeal the decision on the conservation subdivision but they ran out of time. She said she carefully worded the appeal denial.

PUBLIC HEARING

7:30—A public hearing to consider a proposal to repeal a previously adopted ordinance regarding parking regulations in Nibley City.

Ms. Phippen said a year and a half ago the city adopted a new parking regulation ordinance. When they did that they failed to repeal the old ordinance. There are areas where the two ordinances conflict and the new ordinance had some revision that were needed. The public hearing is to take the one passed a year and half ago and take it off the books, clean it up, and pass it again while repealing the other older ordinance.

Commissioner Cook opened the public hearing at 7:53 and seeing no public present closed the public hearing. Commissioner Bliesner said they needed to look at every ordinance they have passed for the same issues. Ms. Phippen said it was Ordinance 08-05, a previously adopted ordinance regarding parking regulations. Commissioner Bliesner made a motion to recommend repealing ordinance 08-05 the most recent edition of that ordinance, for the sake for revision. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Green, Commissioner Anderson, Commissioner Heidt, and Commissioner Cook all in favor.

WORKSHOP ITEMS

Discussion of revisions to the landscaping requirements in commercial and industrial zones

Ms. Phippen said Cosmo Cricut came in with their site plan and had parking in front. Industrial zones have a fifty foot set-back which must be landscaped but no portion of that set-back can be occupied by parking. This was overlooked by city staff and engineers. The developer will be seeking a variance to the ordinance. Ms. Phippen said she thought 50 ft. of landscaping was excessive. It did not make sense that they would need less landscaping when the industrial zone was adjacent to a residential zone. Ms. Phippen read from the ordinance. Commissioner Bliesner said the intent was to have a 30 ft. landscape as a buffer between industrial and residential. Commissioner Bliesner said they would have to go with the least restrictive ordinance on the books. Commissioner Bliesner asked if they even needed a variance or if the ordinance was so convoluted that they could do whatever they want. Ms. Phippen said the entire city code needed to be looked at and revised. Commissioner Bliesner said the city should not be entertaining the idea of a variance. The application of the law always falls on the developer of the land. Ms. Phippen said it is their responsibility to well acquainted with the ordinances but it is her, and Rob's, and Bill's responsibility to catch problems with site plans. They need to look at clarifying set back and landscape requirements in commercial and industrial zones. Commissioner Anderson read from city code (10-1-6c) and said theoretically they did not have a permit. Commissioner Anderson said he sided with Commissioner Bliesner; they should go back and change the parking and make it fit the ordinance and charge their engineers for it. Commissioner Cook also agreed. Commissioner Bliesner said the developers did this on purpose. Ms. Phippen said she did not feel that way. Commissioner Anderson said the city should have them halt all construction until the issue is resolved. Ms. Phippen asked if they wanted to go through Title 10 and look for potential problems. Commissioner Cook said she thought that would be wise.

Commissioner Bliesner asked where the park strip ordinance would be placed. Ms. Phippen said at 10-12.

Ms. Phippen asked the Commissioners if any of them had a problem with kids playing basketball in a cul-de-sac. It is against city ordinance. The city has had complaints. Commissioner Bliesner said they are in a vehicular traffic right-of-way and from a public safety standpoint they can take no stand except for the one that sides with safety. It is a public safety question. Ms. Phippen directed the citizen to talk to the Mayor or City Council.

There was general consent to adjourn at 8:27 p.m.