

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, February 24, 2010.

The following actions were made during the meeting:

Commissioner Bliesner motioned to approve the business license and conditional use permit for Lindsay Jensen and Bloom Photography located at 1445 W. 3045 S. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Green, and Commissioner Heidt all in favor.

Commissioner Bliesner motioned to approve the conditional use permit and business license for Bret Swenson or Beehive Vending located at 4165 Hollow Road with the condition that no business activities be visible in the exterior of the property or residence. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Green, and Commissioner Heidt all in favor.

Commissioner Marina Heidt called the Wednesday, February 24, 2010 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Marina Heidt, Commissioner Bill Green, Commissioner Aaron Bliesner, and Commissioner Wayne Anderson. Shari Phippen, the City Planner, was also present.

Approval of 2-10-10 meeting minutes and agenda.

Commissioner Bliesner made a motion to approve the night's agenda. Commissioner Anderson seconded the motion. The motion passed unanimously. Commissioner Anderson made a motion to approve the minutes from February 10, 2010. Commissioner Green seconded the motion which passed unanimously.

Conditional Use Permit/Business License

Bloom Photography—request approval for a conditional use permit and business license for a home occupation (photography) located at 1445 W. 3045 S. (Applicant: Lindsay Jensen).

Miss Jensen was not present at the meeting. Commissioner Bliesner said he did not feel there was a need to suspend the agenda. He felt they could approve this application. Commissioner Bliesner made a motion to approve the business license and conditional use permit for Lindsay Jensen and Bloom Photography located at 1445 W. 3045 S. Commissioner Anderson seconded the motion. The motion passed unanimously with Commissioner Bliesner, Commissioner Anderson, Commissioner Green, and Commissioner Heidt all in favor.

Beehive Vending—request approval for a conditional use permit and business license for a home occupation (vending machines) located at 4165 Hollow Rd. (Applicant: Bret Swenson).

Mr. Bret Swenson was present at the meeting. Mr. Swenson said it was a small on the side type business that provides snacks and soda. Commissioner Heidt asked if he had places to put his machines already. Mr. Swenson said he did. Commissioner Bliesner said their current ordinance did not allow the operation of a business out of any type of accessory building. The purpose of that is to preserve the residential character of a neighborhood. He said he would feel comfortable motioning to approve with the condition that no part of this business be stored outside. He wanted to inform the applicant of what the law is. Commissioner Bliesner said as long as no one complains he shouldn't have a problem. This is not permission to use his accessory building as a business. Commissioner Bliesner made a motion to approve the conditional use permit and business license for Bret Swenson or Beehive Vending located at 4165 Hollow Road with the condition that no business activities be visible in the exterior of the property or residence. Commissioner Anderson seconds the motion. The motion passed unanimously. Commissioner Bliesner told the applicant to go thy way and vend.

Planning and Zoning Reports

Ms. Phippen said tomorrow night there was an open house on the parks master plan. The consultants would be there. They want to get public ideas and input to guide park development; including what will need to go in and when. It is between 7:00 and 8:30. She encouraged the Planning & Zoning Commission to come and see what had been done and give their input.

Ms. Phippen said last Thursday the City Council accepted the petition to annex in Clair Peterson's property. This did not annex the property in but started the annexation process. It is 138 acres. She did not think there were any development plans for that property right now. If everything goes smoothly and there are no protests filed the property could be annexed in as little as six (6) weeks.

Ms. Phippen said one member of City Council has asked city staff to come up with a sign at the entrance of 3200. She asked the Planning & Zoning Commission to come up with ideas.

Ms. Phippen said she is in the process of getting the information together to get Nibley certified as a Tree City, USA. She is stuck on the budget. They have to show they have a budget allocating. Commissioner Bliesner asked how they have decided to break that out in the city budget. Ms. Phippen said they did not know but it was not as easy as just entering a line item in the budget. Commissioner Bliesner said the city is already spending money on maintaining and planting trees but it may not be on a line item. He said there had to be enough money in the budget to cover the tree farms. Ms. Phippen said she is confident there is. Ms. Phippen said being a Tree City makes the city more eligible for grants. Commissioner Bliesner said it was like a merit badge for the city.

Commissioner Bliesner asked for more information on the Peterson annexation.

7:30—Public Hearing—A public hearing to receive comments regarding an ordinance modifying the parking and landscape requirements in commercial and industrial areas in Nibley City.

Ms. Phippen said the idea had been tossed around between landowners, business owners, and city staff to modify the parking and landscape requirements in commercial and industrial areas in Nibley. Right now their ordinance says the set back on commercial zones is 20ft. and in industrial 50ft. The entire 50 ft. setback in industrial is required to be landscaped. No parking is allowed in the setback area either. She has no inclination to change the commercial setback but does question the industrial setback. On smaller industrial lots by the time they take out an access drive requiring the rest of the width of the lot be landscaped that is upwards of 20% of their lot. She does not necessarily want to change the building setback but would consider on smaller industrial lots or lots where the industrial is accompanied with retail/commercial space, making provisions for reduced landscape requirements so that parking can be accommodated in the front. She wondered if they needed to build in some flexibility. She thought they needed to.

Commissioner Heidt opened the public hearing at 7:35.

Blake Parker, with Parker Real Estate, who is the listing agent on the Nibley Business Park said Nibley Business Park has smaller lots and creates a unique opportunity for Nibley City as an incubator space on smaller lots. Small businesses can come in and save money typically with a smaller building. The definition of industrial in Nibley is light industrial and on a half-acre lot they cannot even turn a semi around. The best way to do this is to have two differentiations and up to 2 acres they have a smaller setback. One way he has seen this done is to reduce the parking set back, put the parking in front of the building, reduce the set back and shield it with a berm and possibly give credit for landscaping. It makes a lot of sense. He thought there were a lot of business that would come to a place like that because of the smaller lots. Another thing he has seen happen is a retention pond in the setback area. The typical approach is to put the retention pond in the landscape area. They cannot plant tree in it and often times they cannot even grow grass and it does become unsightly. A reduced setback in front would put the drainage in back or along the side. Mr. Parker said there are a lot of businesses who would benefit from this incubator space.

Commissioner Heidt asked what the recommendation on a half-acre lot would be. Mr. Parker said a berm or some kind of shield in front and reduce the setback to 5-10 ft. as long as they get that shielding effect. It depends on the look they are looking for. They could give credit for the landscaping. The owner would still have to maintain the drainage area and landscape area.

Julie Comstock said she and her husband own a lot in the Nibley industrial area. Mrs. Comstock addressed Commissioner Bliesner's concern about a buffer between residential. Mrs. Comstock said their current ordinance is less restrictive in residential. She said the 50 ft. of landscape set back becomes untenable, especially for a small business owner, to up keep and maintain. She said they will scare away potential business owners because it became a labor intensive and expensive thing to care for. Mrs.

Comstock said current trends in water conservation are not consistent with having a 50 ft. patch of grass. She agreed with Mr. Parker in his suggestion of a shorter setback that included trees and shrubs. She said it would look nicer and be more conservative. She said it would also increase the number of trees in the city. She also agreed with Mr. Parker when he suggested credit for the quality of landscaping. A 5-10 ft. nicely or moderately landscaped setback makes sense to her in light industrial especially with the size of lots in that area.

Commissioner Heidt closed the public hearing at 7:45.

Consideration of an ordinance modifying the parking and landscape requirements in commercial and industrial areas in Nibley City.

Ms. Phippen said she would like to know their official thoughts. Specifically how they felt about having different setback or landscaping requirements based on the lot size. Commissioner Heidt thought it was a good idea and made sense. Ms. Phippen said in order to accommodate any kind of parking in the front they need at least a 50 ft. setback. Commissioner Anderson said that would be their minimum. Commissioner Bliesner said a minimum setback could still be at least 15 ft. Commissioner Anderson said they should leave the building setback at 50 ft. and the question is if they allow parking in the setback. Commissioner Bliesner said it is the parking he does not like to look at. Commissioner Anderson said the majority of cities are going with the berm now. Most of them do not allow a flat area or pond now. Commissioner Green said he thought five feet was pretty narrow. Commissioner Bliesner said you need a minimum of 8 ft. to do trees but he would go with at least 15 ft. Commissioner Anderson said on their current ordinance they calling for a 2 in. caliber tree every 300 sq. ft and that has become a lot in some areas. Commissioner Bliesner said they are talking about doing a streetscape standard and maybe they should do them both together. That would eliminate them having to calculate a lot of different space. Commissioner Anderson said a lot of the things done on the current ordinance were based on a large industrial like Weathershield.

Commissioner Bliesner asked if they should assemble big picture goals. The Commission decided on the following goals:

1. Parking to be allowed in front.
2. Adjust the side setbacks to offer protection against adjacent less intensive zones.
3. Use of berms.
4. Reduce the likelihood of ponds/retention in the front.
5. Address the possibility of having a differentiation; two size ranges of lots with different requirements for each size range.
6. Doing streetscape standards at the same time.

Commissioner Green said he had no problems with berms but he did want to make sure they are landscaped and not just grass. Commissioner Bliesner said that was important to him too. Ms. Phippen said they would have to submit a landscape plan that would have to be approved. Commissioner Bliesner said berms are a really good idea. From a visual standpoint a sloping berm will look like more landscape. He said it is pretty effective and

they could talk about more creative things to do in those strips besides grass. Ms. Phippen said she would take these goals and come up with some different options.

Mrs. Comstock said if they had known about the 50. Ft. setback they would not have bought land in Nibley. They thought the land was perfect for their light industrial small business. They have a retail store in front of their store and they want to have parking by their store front. Ms. Phippen said she would have something at the next meeting.

There was general consent to adjourn at 8:11 p.m.