

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, January 12, 2011.

The following actions were made during the meeting:

Commissioner Anderson motioned to approve the conditional use permit for Legends Billiard Club, applicant Allan Cornia, located at 2707 South, Highway 89-91 with the following conditions; 1) excessive calls for law enforcement assistance may be cause for review of the conditional use permit; 2) a second violation of alcohol laws, if an alcohol license is granted to this location, within a 2 year period of the first violation may be cause for review and revocation of the conditional use permit; 3) outside of the building within 50 ft of the building a maximum of 40 decibels be placed for sound and in the building, within 15 ft. of the common wall, a maximum of 15 decibels or no louder than existing noise in the neighboring structure if occupied and; 4) no one under 21 years of age will be allowed in the establishment until such time the bar can be partition off with a wall or physical structure disallowing access to the bar; a roll down screen would be an acceptable barrier. Commissioner Cook seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Cook, Commissioner Anderson, Commissioner Green, and Commissioner Heidt in favor.

Commissioner Green motioned to approve Private Eye Consulting for David Irish located at 858 W. 2550 S. Commissioner Anderson seconded the motion. The motion passed 5-0; with Commissioner Green, Commissioner Anderson, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor.

Commissioner Heidt motioned recommend approval to the City Council to rezone 5 acres at approximate 450 W. 3200 S. from residential to commercial. Commissioner Cook seconded the motion. The motion passed 4-0; with Commissioner Heidt, Commissioner Cook, Commissioner Green, and Commissioner Cook in favor. Commissioner Anderson abstained from the vote.

Commissioner Anderson motioned to recommend preliminary and final site plans for and LDS church building located at 130 W. 2600 S. Commissioner Green seconded the motion. The motion passed 5-0; with Commissioner Anderson, Commissioner Green, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner in favor.

Commissioner Anderson motioned to recommend the new planned unit development ordinance to City Council with the following changes; on page 2 item 3-Area and Density Regulations: item A insert “gross” to read “the minimum gross area for a planned unit development shall be five acres”; and on page 3 section 3; #1 change the 20% to 35%. Commissioner Cook seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Cook, Commissioner Green, Councilman Hansen, and Commissioner Bliesner all in favor.

Commission Chair Carrie Cook called the Wednesday, January 12, 2011 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Carrie Cook, Commissioner Aaron Bliesner, Commissioner Marina Heidt, Commissioner Bill Green, and Commissioner Wayne Anderson. Shari Phippen, the City Planner, was also present.

Approval of the 12-8-10 meeting minutes and evening's agenda.

Commissioner Heidt made a motion to approve the evening's agenda. Commissioner Bliesner seconded the motion which passed unanimously 4-0; with Commissioner Heidt, Commissioner Bliesner, Commissioner Cook, and Commissioner Green all in favor.

Commissioner Bliesner made a motion to approve the minutes from December 8, 2010. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Heidt, Commissioner Cook, and Commissioner Green all in favor.

Adoption of the Nibley City Planning Commission Bylaws and meeting schedule for 2011

Ms. Phippen noted that the bylaws had not changed at all from the previous year. Ms. Phippen reviewed the bylaws of the Nibley City Planning Commission.

Commissioner Anderson arrived at 7:05.

Ms. Phippen said the meeting schedule for 2011 was set as two meetings a month with the exception of November and December with only one meeting in those months. She said all meeting would be held the 2nd and 4th Wednesdays of each month at 7:00.

Commissioner Bliesner made a motion to approve the meeting schedule and the bylaws of the Nibley City Planning and Zoning Commission. 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.

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

Ms. Phippen said that Commissioner Heidt and Commissioner Cook had been doing a wonderful job but had been sitting as chair for the past four years.

Commissioner Heidt nominated Commissioner Aaron Bliesner as Chair of the Nibley City Planning & Zoning Commission. Commissioner Heidt nominated Commissioner Carrie Cook as Vice-Chair of the Nibley Planning & Zoning Commission. Commissioner Anderson seconded the motion. The motion passed unanimously 5-0; with Commissioner Heidt, Commissioner Anderson, Commissioner Bliesner, Commissioner Green, and Commissioner Cook in favor.

CONDITIONAL USE PERMIT/BUSINESS LICENSE

Vinyl Scribblers, LLC—request a conditional use permit and business license for a home occupation (vinyl home décor) located at 4430 Hollow Rd. (Applicant: Heather Humphreys)

The applicant, Heather Humphreys, was present at the meeting. Commissioner Bliesner said this appeared to be a vinyl lettering/vinyl cutting operation. Ms. Phippen said she had not problems with the application; most of what she was doing would be sold in a store or online. There could be 2-3 customers at her home per week; there would be no parking issues, outside employees, business vehicles, or signage. Ms. Phippen recommended approval.

Commissioner Heidt made a motion to approve the business license and conditional use permit for Heather Humphreys for the business Vinyl Scribblers, LLC, located at 4430 Hollow Rd. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Heidt, Commissioner Green, Commissioner Anderson, Commissioner Cook, and Commissioner Bliesner all in favor.

Ms. Phippen said Mr. Irish would be late to the meeting. Commissioner Bliesner asked for and received general consent to suspend the agenda.

Legends Billiard Club—request a conditional use permit and business license for a public dance hall located at Peterson Farm Store (Applicant: Allan Cornia)

The applicant, Allan Cornia, was present at the meeting. Ms. Phippen said at their last City Council meeting they added Public Dance Hall to the land use chart. She noted some of the concerns where there was going to be a liquor license issued. Many of the concerns brought up by the City Council and the public hearing where items that would be regulated by the liquor license itself. Ms. Phippen said this would be an upscale environment (billiards tournaments/dance tournaments) and would be 21 and older. There was the future possibility of having youth billiards and dancing lessons; however during those times no liquor would be sold. Commissioner Bliesner said he had the understanding that if it was an under 21 establishment then it was always under 21. Mr. Cornia said in California he arranged it with the city to establish certain times where junior were permitted and there were no alcohol sales. Commissioner Bliesner said that was a question he wanted addressed. He was under the impression that in state law you couldn't have anyone under 21 in the business at all. The Planning & Zoning Commission discussed liquor laws and their application in Utah. Commissioner Bliesner said if he were to approve this application he would require a physical separation for the time when the under 21 would be on the premises.

Mr. Cornia said he had worked with kids before in both billiards and dancing and it had been a very good experience. It was a good way to get kids involved in personal growth. Commissioner Anderson said he agreed with Commissioner Bliesner and that there needed to be separation from the bar area if kids were to be allowed in the building. Commissioner Bliesner said he would not feel comfortable approving this application without some sort of physical barrier included on the floor plan. Mr. Cornia said including a physical barrier would be too costly right now. He said he had been in

situations where the bar area was roped off 10-20 ft away and the bar was shut down; the only concessions available were soft drinks and water.

After some research Ms. Phippen said as far as she could tell, the only time when it was strictly 21 at all times was when it involved a tavern or a social club. Commissioner Green said he was with Commissioner Bliesner. Commissioner Anderson said they could move past this and just approve it with the stipulation that only over 21 were allowed in the business. Ms. Phippen suggested where it was not feasible now but could be in the future that they include the condition that until such time as he can make a provision for barricading the bar off with some sort of physical barrier that no one under 21 could be admitted until he could do this. Commissioner Bliesner said part of the problem was he had isolated the restrooms so that they were tucked behind the bar. Mr. Cornia said they had some partial concrete floor in place and some had been left out to accommodate plumbing and water. Commissioner Bliesner suggested he could flip the restrooms and the kitchen; he said it was feasible.

Commissioner Anderson wanted to talk about noise. He thought they should put a decibel limit on the outside of the building. Mr. Cornia said the closest residence was about 450 ft. away. Commissioner Anderson said if they were outside of the building they shouldn't have any more noise than what came from the highway; he approximated 50-55 decibels. Mr. Cornia said the type of music that would be there was the kind you can listen to and not feel. Commissioner Anderson noted that the conditional use permit ran with the land and the next owner might not feel the same. Mr. Cornia said he did not feel he would have any problem adhering to what they want. Commissioner Anderson said this building had a common wall with another business and that was his concern.

The Planning & Zoning Commission discussed complaints that may be issued by neighbors. Ms. Phippen suggested that if law enforcement needed to be called out then that would regulate the complaints. Ms. Phippen said the sheriff would be able to tell them if there was any merit to the calls. Commissioner Cook said they should leave it up to law enforcement and if they had excessive calls then they could pull the conditional use permit back for review.

Commissioner Anderson made a motion to approve the conditional use permit for Legends Billiard Club, applicant Allan Cornia, located at 2707 South, Highway 89-91 with the following conditions; 1) excessive calls for law enforcement assistance may be cause for review of the conditional use permit; 2) a second violation of alcohol laws, if an alcohol license is granted to this location, within a 2 year period of the first violation may be cause for review and revocation of the conditional use permit; 3) outside of the building within 50 ft of the building a maximum of 40 decibels be placed for sound and in the building, within 15 ft. of the common wall, a maximum of 15 decibels or no louder than existing noise in the neighboring structure if occupied and; 4) no one under 21 years of age will be allowed in the establishment until such time the bar can be partition off with a wall or physical structure disallowing access to the bar; a roll down screen would be an acceptable barrier. Commissioner Cook seconded the motion.

Mr. Cornia said he had met with the owner and discussed a 40+ ft. parcel of grass that he would like to have Sunday afternoon barbeques and include a band. Commissioner Anderson suggested on those instances he come for a per basis review. Commissioner Anderson said he did not think he would have an issue with those decibel levels.

The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Cook, Commissioner Anderson, Commissioner Green, and Commissioner Heidt in favor.

Mr. Cornia told the Planning & Zoning Commission he expected to see them there supporting their local business.

Private Eye Consulting—request a conditional use permit and business license for a home occupation (consulting) located at 858 W. 2550 S. (Applicant: David Irish)

The applicant, David Irish, was present at the meeting. Ms. Phippen said he would be doing all of his work off-site. Ms. Phippen asked for clarification on what his business was. Mr. Irish said LDS Welfare Services contracted him to train their managers so he taught them good manufacturing practices and quality control based on the regulations in the food industry. Mr. Irish said most of his job was teaching and training but some of it was auditing. Ms. Phippen said she had no problem with the application. Mr. Irish said his job was basically an exchange of information. Ms. Phippen recommended approval of the business license.

Commissioner Green made a motion to approve the business license and conditional use permit for Private Eye Consulting for David Irish located at 858 W. 2550 S.

Commissioner Anderson seconded the motion. The motion passed 5-0; with Commissioner Green, Commissioner Anderson, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor.

PUBLIC HEARING

7:30—A public hearing to consider a proposal to re-zone 5 acres of property, located at approximately 450 W. 3200 S., from residential to commercial

Ms. Phippen said this land was currently zoned R-2. This was the property where the new city hall was going to go. They needed to change it so they were in compliance with their own zoning ordinance. She recommended that it be rezoned. Commissioner Bliesner said it should be noted that according to the general plan that area was slated to contain a future city hall when the general plan was adopted three years ago; as a matter of technicality it was not just because of the new building.

Commissioner Bliesner opened the public hearing at 8:00.

Corlyss Drinkard noticed the land use chart had a mention about government purposes uses and asked why it had to fall under a commercial use and why it didn't fall under a governmental building. Ms. Phippen said that had not been created as a separate zone; Nibley was limited on how many zone classifications they have. Ms. Phippen noted the zones in Nibley. She said as the city grew there may be a need for additional zones. Zones are usually tied to how big a city actually is.

Barbara Wilden asked for clarification on Commissioner Bliesner's statement that the area was always slated to be the place where the city hall would be. Commissioner Bliesner said generally speaking; through the course of time a city typically develops a general plan and a component of that general plan is a map of anticipated future uses and those lines are not totally hard lines. They recently went through a significant overhaul in the general plan and citizens, staff, and consultants saw a need to have a city core and that area was the zone in which they generally saw the city core. Mrs. Wilden said she was under the impression that there were other sites considered. Ms. Phippen said she believed people wanted to look at other sites to explore options. Commissioner Bliesner said that was developed under the general plan map and what the general viewed as appropriate.

Seeing no other public comment, Commissioner Bliesner closed the public hearing at 8:07.

Discussion and recommendation of a proposal to re-zone 5 acres of property, located at approximately 450 W. 3200 S., from residential to commercial

Commissioner Heidt made a motion recommend approval to the City Council to rezone 5 acres at approximate 450 W. 3200 S. from residential to commercial. Commissioner Cook seconded the motion. The motion passed 4-0; with Commissioner Heidt, Commissioner Cook, Commissioner Green, and Commissioner Cook in favor. Commissioner Anderson abstained from the vote.

PRELIMINARY/FINAL SITE PLAN

Discussion and consideration of a preliminary and final site plan for an LDS church building located at 130 W. 2600 S. (Applicant: Architectural Nexus/LDS Church)

Mr. Dean Bolton, with Architectural Nexus, was present at the meeting. Ms. Phippen said almost three years ago the Church of Jesus Christ of Latter-Day Saints applied for conditional use permit to put a church just west of the trailer courts on 2600 S. They are now ready to proceed with construction on the building. This is preliminary and final approval because it met the level of detail required for both. She reviewed it with the design and landscaping guidelines and it had, to her knowledge, met the requirements for both. Commissioner Bliesner noted that the more variety of plants they have on site the harder it is to maintain it. Mr. Bolton said the church had come out with standardized landscaping plans and he thought this was in-line with those. He said the landscape architect had talked with the facilities manager at the church site.

Commissioner Anderson made a motion to recommend preliminary and final site plans for and LDS church building located at 130 W. 2600 S. Commissioner Green seconded the motion. The motion passed 5-0; with Commissioner Anderson, Commissioner Green, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner in favor.

Discussion and consideration of revised PUD ordinance

Ms. Phippen said when this went to City Council they wanted separate ordinances; one for commercial and one for residential. She realized they did not need a commercial

planned unit development because they have no minimum lot size in commercial zones and they have no density. Their land use code allowed for housing in a commercial zone so they didn't need a mixed use PUD. She said this planned unit development was strictly residential; she only took out all references to commercial. She said it was suggested that if come back to the Planning & Zoning Commission.

The Commission discussed increasing the reduction in density bonus if the developer did not allow public access to common areas. Ms. Phippen said she could see the wisdom in increasing the percentage they were penalized. The Commission agreed to reduce the density bonus by 35%.

Commissioner Anderson made a motion to recommend the new planned unit development ordinance to City Council with the following changes; on page 2 item 3- Area and Density Regulations: item A insert "gross" to read "the minimum gross area for a planned unit development shall be five acres"; and on page 3 section 3; #1 change the 20% to 35%. Commissioner Cook seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Cook, Commissioner Green, Councilman Hansen, and Commissioner Bliesner all in favor.

WORKSHOP ITEMS

Discussion of goals and projects for 2011

Ms. Phippen said the County was willing to come in and give training on Planning Commission issues and duties. Commissioner Bliesner requested more information on Robert's Rules. Ms. Phippen suggested the Commissioners bring their goals to the first meeting in February for discussion.

Commissioner Cook asked if there was an ordinance about hunting within city limits. Ms. Phippen said in Nibley you cannot discharge or fire a weapon within 600 ft. of a house. Commissioner Cook said she had a lot of bird hunting in the field by Stonebridge. Ms. Phippen suggested Commissioner Cook call the authorities directly. Commissioner Cook requested something be included in the newsletter shortly before the first hunt.

The Planning & Zoning Commission discussed field drains and drafting and proposing an ordinance about field drains.

Commissioner Bliesner asked for an update on becoming a Tree City USA.

There was general consent to adjourn at 9:34 p.m.