

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, August 24, 2011.

The following actions were made during the meeting:

**Commissioner Anderson motioned to deny the application for a conditional use permit and business license for Smedley Motorsports, at 337 W. 3575 S. until the applicant could come back and bring his application in line with the ordinance. Commissioner Heidt seconded the motion. The motion passed 3-0; with Commissioner Anderson, Commissioner Heidt, and Commissioner Bliesner all in favor.**

**Commissioner Anderson motioned to table the request for a conditional use permit for Hunter Auto Care at 25 W. 3200 S. until the applicant came back with a to scale parking plan that they could make a decision from. Commissioner Heidt seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Heidt, and Commissioner Bliesner all in favor.**

**Commissioner Anderson motioned to recommend approval to City Council for the amended plat for Sunset Parks (PUD). Commissioner Heidt seconded the motion. The motion passed 3-0; with Commissioner Anderson, Commissioner Heidt, and Commissioner Bliesner in favor.**

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Commissioner Aaron Bliesner called the Wednesday, August 24, 2011 Nibley City Planning Commission meeting to order at 7:12 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Marina Heidt, and Commissioner Wayne Anderson. Commissioner Carrie Cook and Commissioner Bill Green were excused from the meeting.

#### **Approval of 8-10-11 meeting minutes and agenda**

There was general consent on the evening's agenda. The minutes had not been available for review and the Planning & Zoning Commission decided they would take action at the next meeting.

#### **Conditional Use Permit/Business License**

**Smedley Motorsports—request a conditional use permit and business license for a home occupation (motorsports rentals) located at 337 W. 3575 S. (Applicant: Wes Smedley)**

Mr. Wes Smedley was present at the meeting. Commissioner Bliesner asked Ms. Phippen for a summary of the application. Ms. Phippen said Mr. Smedley wanted to be able to have a couple of motorcycles, snowmobile, and wave runners that he would allow people to rent. He wants to keep these items on a trailer at his house on the side or in the back yard. He would occasionally have people coming to his home to pick the items up and there would be no outside employees other than Mr. Smedley himself and/or his children.

Commissioner Bliesner asked Ms. Phippen if she had looked at the application and compared it with the land use chart. Ms. Phippen said if they did not consider this a home occupation then it would not be allowed; she said it was a fine line whether they could consider this as a home occupation or not; it was limited to the applicant and his kids but if they considered this a motorized vehicle business then it would not be allowed. Their ordinance did not allow those as home occupations. Ms. Phippen said there was some concern expressed to city staff by the neighbors and there was some potential impact to the neighbors but most other home businesses did. Commissioner Heidt read the definition of home occupation in the ordinance. Commissioner Bliesner noted that motorcycles, snowmobiles, and wave runners all had to be licensed with the state department of motor vehicles. Ms. Phippen said if that was the case then she did not see how this could be approved. Commissioner Heidt said she wouldn't consider giving the applicant a conditional use permit and business license because of it.

Mr. Smedley said the intent was to have his kids work with him. Commissioner Bliesner said the only way he thought this could be done is if the storing and drop off of the items could be done off site where people were not coming to the neighborhood. He would feel very comfortable issuing a business license for a home office.

Mr. Smedley said there were only two things he had not finalized; registering a LLC with the state and the insurance. He was trying to provide for the average person to use these items a couple of times a year and to provide work for his children. He did not plan on doing any work in the front yard and most people in his neighborhood had some sort of recreational vehicle parked right next to the house. Commissioner Bliesner said there were a number of cases where he could show the same parallel and one common one was home based businesses are not permitted out of accessory buildings of any sort which he did not see the sense in. There are a number of cases where residential use that is identical to business use is permitted because it was individual use and this was one of those cases. Mr. Smedley said if this was possible with the city or neighborhood he felt there would need to be some specifics and he would start very small as an experiment. Commissioner Bliesner explained that the Planning & Zoning Commission was bound by rules and they needed to look at if this was a permitted use and if the ordinance precluded the use exclusively. Commissioner Heidt read the entire definition of a home occupation again. Commissioner Bliesner suggested again that the applicant could find space elsewhere and manage out of his home.

Commissioner Anderson made a motion to deny the application for a conditional use permit and business license for Smedley Motorsports, at 337 W. 3575 S. until the applicant could come back and bring his application in line with the ordinance. Commissioner Heidt seconded the motion. The motion passed 3-0; with Commissioner Anderson, Commissioner Heidt, and Commissioner Bliesner all in favor.

**Hunter Auto Care—request a conditional use permit to allow automobile sales at the existing business located at 25 W. 3200 S. (Applicant: Colby Hunter)**

Mr. Colby Hunter was present at the meeting. Ms. Phippen reminded the Planning & Zoning Commission that Mr. Hunter came to meet with the Planning & Zoning

Commission the first meeting in July and visited with him about doing a limited number of automobile sales and they asked him for a site plan. He provided them with a plot plan and he had outlined where he would do his parking for vehicles he serviced as well as vehicles that would be for sale.

Ms. Phippen asked if the covering for the pumps would be moved. Mr. Hunter said he hoped so. Commissioner Bliesner asked how big the spaces would be. Mr. Hunter said the drawing was not to scale; he did some rough sketches of the property size. He wanted to get a maximum number for down the road and the number of vehicles that could possibly be there. Commissioner Bliesner was wondering if the spaces would actually fit. Ms. Phippen questioned the spacing and did not feel there was room for 7 cars between the two approaches on to 3200. Mr. Hunter said he had figured about 8 foot per car. Ms. Phippen said there parking lot standard required a 9 foot width but did not know if the same standards applied where this was not a normal, drive-up parking lot. Mr. Hunter said he had hoped to not have to hire an architect. Commissioner Bliesner said the parking stalls would have to comply with city standards and be 9 by 20. Ms. Phippen asked Mr. Hunter if he had a time frame when he wanted to start. Mr. Hunter said he was holding off on bonding until had some ideas. Commissioner Anderson said parking requirements were part of the ordinance and would have to be met and the applicant would have to show that he could meet the ordinance. Commissioner Bliesner said he did not feel there was enough information provided for him to vote on. Commissioner Anderson agreed; they needed something to scale that could be looked at. He said he had no issues with automobile sales at this location but he needed to know the number of cars that could be put there. Commissioner Bliesner said he wanted to see what was reasonable and possible and asked the applicant to find someone that knew about parking design to show the maximum extent of parking available and then look at the ordinance to find what was required and then the remainder could be sales parking. He asked him to produce a scale drawing. Ms. Phippen said she would suggest and require that it be arranged so that the moving of the cars could be done on the property and not go onto 3200 or the sidewalk.

Commissioner Anderson made a motion to table the request for a conditional use permit for Hunter Auto Care at 25 W. 3200 S. until the applicant came back with a to scale parking plan that they could make a decision from. Commissioner Heidt seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Heidt, and Commissioner Bliesner all in favor.

**7:15—Public Hearing—A public hearing to consider a partial amended plat for the Sunset Parks planned unit development (PUD) located at located at 2770 S. 1000 W. (Applicant: Randy Gnehm)**

Mr. Randy Gnehm was present at the meeting. Ms. Phippen said Mr. Gnehm had someone that was interested in buying a lot but they wanted to build a bigger garage which would extend the lot into another lot; they wanted to take what was currently five lots and make it into four. There would be one less lot in that area than what was currently plotted. It still met all frontage requirements and was still consistent with the

approval they were given. Ms. Phippen had some questions with the infrastructure that was in the ground but did not think that would prohibit approval.

Commissioner Bliesner opened the public hearing at 8:04.

Norma Dawson said her property was adjacent to these lots and wanted to know how this would affect her property. Mr. Gnehm said it would not affect her; they were going to eliminate one lot and make the other lots bigger. The lot next to her would be a little bit bigger and the house would be a little further away from her. Ms. Dawson asked if the walkway would still be there and Mr. Gnehm said it would. Mr. Gnehm said all the bigger lots had sold.

Seeing no further public comment, Commissioner Bliesner closed the public hearing at 8:08.

Commissioner Anderson made a motion to recommend approval to City Council for the amended plat for Sunset Parks (PUD). Commissioner Heidt seconded the motion.

Commissioner Bliesner said the pedestrian access between the two lots was not show on the plat and if it was a requirement of plat approval then it must be shown on the plat and must be preserved. Mr. Gnehm said it was in concept only. Commissioner Anderson said the shading suggested they were only dealing with four lots and would not change the original requirements of the PUD.

The motion passed 3-0; with Commissioner Anderson, Commissioner Heidt, and Commissioner Bliesner in favor.

Commissioner Anderson suggested noting that this did not affect any prior requirements of the planned unit development to the lot.

**7:45—Public Hearing—A public hearing to consider on ordinance regarding the landscaping of public rights-of-way in Nibley.**

Ms. Phippen said this was an ordinance about landscaping the public rights-of-way. The Tree Board had come up with the ordinance.

Commissioner Bliesner opened the public hearing at 8:16 and seeing no public comment closed the public hearing at 8:16.

**Other**

**Discussion with Rod Elwood, City Parks Superintendent, regarding the proposed Nibley City Tree Care Plan**

Mr. Rod Elwood was present at the meeting. Commissioner Bliesner said he was wondering what the genesis for the list of trees included in the Tree Plan was; he thought the list was rather broad; he was also curious about the tree species. Mr. Elwood said it came from list that had been produced for Northern Utah that they had adapted. Mr. Elwood and the Planning & Zoning Commission discussed the Tree Care Plan and

Streetscape Ordinance including tree types and species, maintenance requirements and replacements requirements. Commissioner Bliesner, Commissioner Heidt, and Mr. Elwood suggested Mike Swenson look at the Tree Care Plan.

**Discussion of draft ordinances regarding home occupations and conditional use permits**

This discussion was postponed.

There was general consent to adjourn at 9:01.