

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, December 14, 2011.

The following actions were made during the meeting:

Commissioner Heidt motioned to approve the application for a business license and conditional use permit for Alejandro Romero located at 1167 W. 3200 S. for Romeros & Associated Services with the condition that the trailer for the business be parked behind the front plane of the house. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Heidt, Commissioner Anderson, Commissioner Cook, and Commissioner Bliesner all in favor.

Commissioner Anderson motioned to approve the application for a conditional use permit and business license for Absolutely Clean Air; applicant Troy Rasmussen located at 3412 South Main per the conditions set forth on the application. Commissioner Cook seconded the motion.

Commissioner Bliesner motioned to amend to include that any company equipment be stored behind the front plane of the house and absolutely not stored in the public right-of-way. Commissioner Cook seconded the motion to amend. The motion passed 4-0; with Commissioner Bliesner, Commissioner Cook, Commissioner Heidt, and Commissioner Anderson all in favor.

The amended motion passed 4-0; with Commissioner Anderson, Commissioner Cook, Commissioner Heidt, and Commissioner Bliesner all in favor.

Commissioner Anderson motioned to approve the application for a conditional use permit and business license for Ben Garner and Tazmanian Tree Service located at 205 Quarter Circle Drive as a home occupation with no storage in the yard as listed in 10-10-2 item 4 under Home Occupation, per the application; with the exception that he be limited to two trailers and one other vehicle to be stored behind the front plane of the house and not to be stored in the public right-of-way. Commissioner Cook seconded the motion. The motion passed 3-1; with Commissioner Anderson, Commissioner Cook, and Commissioner Bliesner in favor. Commissioner Heidt was opposed.

Commissioner Anderson motioned to recommend approval of the boundary line adjustment located at approximately 1685 W. 2960 S. Commissioner Heidt seconded the motion. The motion passed 4-0; with Commissioner Anderson, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor.

Commissioner Anderson motioned to recommend approval to the City Council for the modification of the Cottages PUD. Commissioner Heidt seconded the motion. The Commissioners voted 2-1; with Commissioner Anderson and Commissioner

Heidt in favor. Commissioner Cook was against the motion and Commissioner Bliesner abstained from voting. The motion failed.

Commissioner Aaron Bliesner called the Wednesday, December 14, 2011 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Carrie Cook, Commissioner Marina Heidt, and Commissioner Wayne Anderson. Ms. Phippen the City Planner was also present. Commissioner Bill Green was excused from the meeting.

Approval of 11-9-11 meeting minutes and agenda

There was general consent on the minutes from the 11-9-11 meeting and general consent for the evening's agenda.

Conditional Use Permit/Business License

Romeros & Associated Services—request a conditional use permit and business license for a home occupation (handyman/remodeling) located at 1167 W. 3200 S. (Applicant: Alejandro Romero)

Mr. Alejandro Romero was present at the meeting. Ms. Phippen said the applicant would be working at his clients' homes and he would not employ any other employees; he would be a one man operation.

Commissioner Anderson arrived at 7:02

Mr. Romero said he would not have any client visits; all the work would be done offsite. Ms. Phippen asked the applicant about business vehicles. The Planning & Zoning Commission discussed Mr. Romero's driveway at his residence. Ms. Phippen said providing there were some conditions applied to the parking of his work vehicles she did not have any problems with the application.

Commissioner Bliesner said they were operating under the understanding that this was a home office with no employees coming to his residence and that all business would be conducted off the premise. Commissioner Cook asked Mr. Romero about the parking of his vehicle.

Commissioner Heidt made a motion to approve the application for a business license and conditional use permit for Alejandro Romero located at 1167 W. 3200 S. for Romeros & Associated Services with the condition that the trailer for the business be parked behind the front plane of the house. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Heidt, Commissioner Anderson, Commissioner Cook, and Commissioner Bliesner all in favor.

Absolutely Clean Air—request a conditional use permit and business license for a home occupation (vent cleaning) located at 3412 South Main (Applicant: Troy Rasmussen)

Mr. Troy Rasmussen was present at the meeting. Ms. Phippen said this was another application where all the work would be done off-site with no employees. Ms. Phippen clarified the size of the applicant's van. She said she had no problems with approval as long as the applicant left his business equipment out of the public right-of-way.

Commissioner Anderson made a motion to approve the application for a conditional use permit and business license for Absolutely Clean Air; applicant Troy Rasmussen located at 3412 South Main per the conditions set forth on the application. Commissioner Cook seconded the motion.

Commissioner Bliesner made a motion to amend to include that any company equipment be stored behind the front plane of the house and absolutely not stored in the public right-of-way.

The applicant asked about parking his equipment in his driveway; he said he had a circular driveway and asked about parking during the day. Commissioner Bliesner gave Mr. Rasmussen instructions about the parking of his business equipment.

Commissioner Cook seconded the motion to amend. The motion passed 4-0; with Commissioner Bliesner, Commissioner Cook, Commissioner Heidt, and Commissioner Anderson all in favor.

The amended motion passed 4-0; with Commissioner Anderson, Commissioner Cook, Commissioner Heidt, and Commissioner Bliesner all in favor.

Tazmanian Tree Service—request a conditional use permit and business license for a home occupation (tree care) located at 205 Quarter Circle Dr. (Applicant: Ben Garner)

Mr. Ben Garner was present at the meeting. Ms. Phippen said one of the things they tasked Mr. Garner with previously was to come up with a revised application or come up to terms with his previously issued conditional use permit. He decided to come up with a revised application. He will be employing other people but those people will not be working at his home. Ms. Phippen reviewed the conditions associated with employees. Ms. Phippen said Mr. Garner had said he would have a limited number of client visits; he put five per week. He did have business vehicles and he said he didn't need signage. Ms. Phippen said if he stuck to the condition on this application, her concerns were the amount of equipment he had had in the past and the amount of firewood he had in the past. Ms. Phippen said this was a business that could very easily go beyond the bounds of what is allowed in a residential neighborhood. She thought they could approve the application with fairly strict conditions placed on the business to keep it appropriate for a residential neighborhood. She said Mr. Garner would also need to stick with those conditions.

Commissioner Heidt asked what the clients would be visiting his home for. Mr. Garner he put those on there as a just in case. He could have clients coming to pick up some wood to smoke fish for example. Commissioner Heidt asked if he would have 80 ft. tall

wood storage in his backyard. Mr. Garner said he hoped not. Commissioner Heidt said that would be one of her concerns; if he had a lot of wood storage in his backyard. Commissioner Anderson said they needed to first find a classification for the business in the Nibley Land-Use chart. The Planning & Zoning Commission discussed classifying the business. Commissioner Cook asked if Mr. Garner would be processing any of the wood on his site. Mr. Garner said it would be processed off site; the only thing they would be cutting at his home would be for his own personal use.

Commissioner Bliesner asked for the definition of a lumber cord. Ms. Phippen read that definition to the Commission. Commissioner Heidt asked if the wood stored at his home would be used for construction. Mr. Garner said none of it would be. Commissioner Anderson asked Mr. Garner if he had an off-site location if he could have them picking up wood there. Mr. Garner said they could not come to where he was working but after hours they could pick up the product. Mr. Garner said the extent of wood that would be stored there was minimal; they had two cords there now. What he was storing there now would be used for small projects; wood carving or if someone wanted to make a mantle; he said he would not go over that. Mr. Garner said they were not storing any equipment on his property other than his pick-up and trailer and a pick-up in the backyard. In the summer he may have another truck in the backyard.

The Commission agreed that five client visits a week was not an issue. The Commission agreed that this was not a lumber yard per the definition that was read to them. Mr. Garner said he was not selling any firewood and he would not go over five cord which he thought was reasonable. Commissioner Anderson said he was concerned that this may be retail. Ms. Phippen read the definition of retail. The Commission determined that it did not fall under retail. Commissioner Anderson said if they could not classify it then they could not approve it. Commissioner Bliesner asked about agricultural use. Ms. Phippen read the definition of agricultural use; she said agricultural production is permitted everywhere but she did not consider this to be agricultural production because it was not grown on site. Commissioner Heidt said she would put it under home occupation per city code; in her mind he was just trying to have a home occupation.

Commissioner Anderson made a motion to approve the application for a conditional use permit and business license for Ben Garner and Tazmanian Tree Service located at 205 Quarter Circle Drive as a home occupation with no storage in the yard as listed in 10-10-2 item 4 under Home Occupation, per the application; with the exception that he be limited to two trailers and one other vehicle to be stored behind the front plane of the house and not to be stored in the public right-of-way. Commissioner Cook seconded the motion.

The Commissioners discussed the motion. Commissioner Heidt thought the requirement that an accessory building not be used in the home occupation should be changed. Commissioner Bliesner agreed with that.

The motion passed 3-1; with Commissioner Anderson, Commissioner Cook, and Commissioner Bliesner in favor. Commissioner Heidt was opposed.

Ms. Phippen described the appeals process to Mr. Garner.

Boundary Line Adjustment

Discussion and consideration of a request for a boundary line adjustment located at approximately 1685 W. 2960 S. (Applicant: Blake Parker/Alan Spendlove)

Mr. Blake Parker was present at the meeting. Ms. Phippen said this came about because of a mistake she made a couple of years ago with the approval of Cosmo Cricut site. The Comstock's were granted a variance to have parking in the front of the building. The Comstock's were still in the process of the selling the business and the building; they had come to an agreement with the exchange of a little bit of land. Ms. Phippen described the lot line adjustment. Ms. Phippen said there were no frontage requirements in industrial zone and no minimum lot size; they were required by state law to present boundary line adjustments. She had no issues with the being recommended to City Council for approval.

Commissioner Anderson made a motion to recommend approval of the boundary line adjustment located at approximately 1685 W. 2960 S. Commissioner Heidt seconded the motion. The motion passed 4-0; with Commissioner Anderson, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor.

Modification of PUD Conditions

The Cottages—Discussion and consideration of a request to modify the conditions of a 55+ planned unit development (Applicant: Dan Farnsworth/Clayne Leichty/Jay Harrison)

Mr. Dan Farnsworth, Mr. Clayne Leichty, and Mr. Jay Harrison were present at the meeting. Ms. Phippen said the developers were requesting that the city allow them to modify their CCNR's; they are requesting to remove the condition that 80% of the home ownership in the subdivision be 55 and older. In exchange for that, they were proposing that they make a donation in the amount of \$15,000 specifically for the development of the corner park at 250 West and 3650 South. Ms. Phippen said she and Mr. Anhder felt the City Council would benefit from a recommendation from the Planning & Zoning Commission. Mr. Harrison said last year the Planning & Zoning Commission gave their approval. Mr. Farnsworth discussed that with the development of the park it would be better to improve and benefit the immediate neighborhood that had had concerns about the density. They had talked with the committee chair of the park and asked what might be a benefit to them. They had discussed quality playground equipment and ground covering for some picnic areas. Mr. Farnsworth said Mr. Johnson was excited about receiving that money.

Commissioner Bliesner said he thought the process was a little bit loose. Ms. Phippen discussed the issues that she thought came up during the City Council meeting on February 17, 2011. Commissioner Bliesner said the money stuff he considered to be a political discussion and not meant for them as appointed officials. Commissioner Cook agreed with that. Commissioner Heidt said she was ok with this overall; it made sense why they wanted to do this but they should consider the residents that live there. They

would need to hear from them and see the document they signed and include them in the process. Mr. Harrison said he thought it would be fair to make it subject to the people that live there; he said the aesthetics would remain there and he could see older people gravitating there anyway. Commissioner Cook asked what else they had done to better their situation. Mr. Harrison said right now there were not a lot of buyers who could get the money out of their current home to be able to move to a new home. He also said they had also come down on price point.

Commissioner Bliesner said he would like to separate out the applicant's economics; he said from a purely land use standpoint he was a fan of smaller lots in general but in Nibley they were tied by their zoning restrictions. For him to vote to allow this was not a small thing because he feared changing this property was a lot like creating a spot zone. Commissioner Heidt agreed that the community would benefit from the completion of this development. Commissioner Cook said she was not in favor of it because it was not the city's responsibility to rezone; the reason it was made a PUD was because it was 55 and older. The Planning & Zoning Commission discussed the possibility of making the development a conservation subdivision. The Planning & Zoning Commission discussed dropping the age to 40 and older.

Commissioner Anderson made a motion to recommend approval to the City Council for the modification of the Cottages PUD. Commissioner Heidt seconded the motion. The Commissioners voted 2-1; with Commissioner Anderson and Commissioner Heidt in favor. Commissioner Cook was against the motion and Commissioner Bliesner abstained from voting. The motion failed.

Ms. Phippen introduced Mark Louver, who was present at the meeting, as a future member of the Planning & Zoning Commission.

Workshop

First review and discussion of a high-density overlay ordinance

The Commissioners hear a review and discussed the high-density overlay ordinance.

Going back to the PUD request and discussion, Commissioner Cook said the reason she voted with a no was that the only reason they were coming to them was because they wanted to be profitable.

Commissioner Heidt read a letter to the Planning & Zoning Commission.

There was general consent to adjourn at 9:23.