

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, February 22, 2012.

The following actions were made during the meeting:

**Commissioner Beus motioned to continue the BodyPillowShop.com application for a conditional use permit and business license for adjustment and resubmission of the application; until the next Planning & Zoning Commission meeting. Commissioner Lawver seconded the motion. The motion passed 3-0; with Commissioner Beus, Commissioner Lawver, and Commissioner Anderson all in favor.**

**Commissioner Lawver motioned to approve the final plat of Zollinger acres, phase 5. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.**

**Commissioner Lawver motioned to table the preliminary and final plat approval for Moose Manor District commercial lot split. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.**

**Commissioner Lawver motioned to continue the consideration of the high density zone until the next meeting. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.**

**Commissioner Lawver motioned to approve the application for a conditional use permit and business license for Megatronics, applicant Scott Phillips, located at 1430 W. 3390 S. with the condition that it function as a home office and that no product be stored outside of the residence or in any accessory buildings. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.**

**Commissioner Beus motioned to approve the conditional use permit and business license for Running Spirits Dreamcatchers, located at 3229 S. 1600 W., applicant Shana Roberts, as per the application. Commissioner Lawver seconded the motion. The motion passed unanimously 3-0; with Commissioner Bliesner, Commissioner Lawver, and Commissioner Anderson all in favor.**

**Commissioner Lawver motioned to continue the application for a conditional use permit and business license for Jones and Company for lack of information. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.**

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Vice-Chair, Commissioner Wayne Anderson, called the Wednesday, February 22, 2012 Nibley City Planning Commission meeting to order at 7:01 p.m. Those in attendance included Commissioner Mark Lawver, Commissioner Kathryn Beus, and Commissioner Wayne Anderson. Shari Phippen, the City Planner, was also present.

### **Approval of 2-8-12 meeting minutes and agenda**

There was general consent for the evening's agenda. There was general consent for the 2-18-12 meeting minutes.

Commissioner Lawver made a motion to suspend the agenda. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

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

#### **TheBodyPillowShop.com—request a conditional use permit and business license for a home occupation (e-commerce) located at 3586 S. 450 W. (Applicant: Garth & Karlie Philpott)**

Mrs. Kathy Kennington was present representing the applicants. Ms. Phippen said this was an online business selling body pillows and other support pillows; they would not store inventory and there would be no employees or client visits. Ms. Phippen asked if the applicants lived in Mrs. Kennington's house. Mrs. Kennington said they had moved the Montana and the business license was basically for tax purposes. Commissioner Beus asked if they could get a business license if they were not residents of Nibley. Commissioner Anderson asked if the applicant already had an existing business license in Nibley City. Ms. Phippen said to her knowledge they did not have an existing license. Commissioner Anderson said that city ordinance did not allow them to give a business license to if they did not live at the residence. Mrs. Kennington asked if she could put the license in her name. Commissioner Anderson said she could if she lived in Nibley and was an owner of the business. He advised her that her name would be attached to any tax documents related to the business. Commissioner Anderson said they would have to actually redo the application and suggested they continue the item at the next meeting. Mrs. Kennington expressed that she was unhappy with the way the application was handled within the city and discussed this with Commissioner Anderson.

Commissioner Beus made a motion to continue the BodyPillowShop.com application for a conditional use permit and business license for adjustment and resubmission of the application; until the next Planning & Zoning Commission meeting. Commissioner Lawver seconded the motion. The motion passed 3-0; with Commissioner Beus, Commissioner Lawver, and Commissioner Anderson all in favor.

Commissioner Lawver recognized Councilwoman Carrie Cook who was present at the meeting.

### **Final Plat**

#### **Zollinger Acres—request final plat approval for Phase 5 (5 lots) of Zollinger Acres Subdivision, located at approximately 3260 S. 1350 W. Applicant:**

Mr. Jared Nelson, representing Zollinger Acres was present at the meeting. Ms. Phippen said after receiving the engineering review that there were a few issues with the construction drawings but there were no issues with the plat; the issues with the construction drawings would be corrected before the engineered sign off on the project but those were not reviewed by the Planning & Zoning Commission or City Council. Ms. Phippen said her only minor concern was that the minimum lot size had to be 12,000 but the average had to be 14,000; the average of the whole subdivision was well above that but she believed the City Council had changed it that each individual phase needed to average 14,000 but because the preliminary plat had been approved prior to the language in the ordinance being changed she did not know if it was an issue. She said the five lots did not meet the 14,000 sq. ft. average. Commissioner Anderson asked if anything had changed from the preliminary plat approval. Mr. Jared Nelson said not a single thing had changed in the phase. Commissioner Anderson said he was inclined to let the lot size go because it had been previously approved. Ms. Phippen said she would have a definite answer on the preliminary approval before it went to City Council.

Commissioner Lawver made a motion to approve the final plat of Zollinger acres, phase 5. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

#### **Preliminary/Final Plat**

##### **Moose Manor District—request preliminary and final plat approval for a commercial lot split located at 2340 S. Heritage Dr. (Applicant: Andy Stroman)**

Mr. Andy Stroman was present at the meeting. Ms. Phippen said Mr. Stroman was interested in splitting some commercial property; just west of the property line was the Charter School. Mr. Stroman wanted to split the lot in half and buy the north-west .42 acres and build a commercial business on that lot. Ms. Phippen said she got the engineers review late this afternoon and had not had a chance to get it to the Planning & Zoning Commissioners. She discussed the engineer's findings. Ms. Phippen noted that there was no minimum lot size for commercial but did advise the Planning & Zoning Commission to make sure the issues on the engineers review are addressed before it is sent to City Council. Ms. Phippen and Commissioner Anderson discussed the location of the sewer line on the property. The Planning & Zoning Commission discussed that they did not need to act on this at this time. Mr. Stroman discussed the commercial design standards with the Commissioners. The Commissioners advised Mr. Stroman that they would not be able to approve the plat until the lot split was done by the owner.

Commissioner Lawver made a motion to table the preliminary and final plat approval for Moose Manor District commercial lot split. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

#### **Public Hearing**

**7:30—A public hearing to receive comment regarding a proposed ordinance regarding a high density zone.**

Ms. Phippen said the general plan passed in 2007 called for a high density residential zone. The city previously had an ordinance for a Planned Unit Development but elected to repeal that ordinance. Ms. Phippen said the ordinance outlined provision for development for that type of zone; the high density zone was not intended to be available anywhere in the city and she discussed where the high density zones could be located. Preparing this as a rezone gave the city the option to deny if it was not in line with the vision for the city and gave them more regulatory control. Ms. Phippen reviewed the permitted uses in a high density zone and the zone development standards and the project approval process.

Commissioner Anderson opened the public hearing at 7:55.

Barbara Wilden asked the difference between the high density and the Planned Unit Development. Commissioner Anderson said they looked at this as an overlay and a zone and the reason they chose the zone was because they can deny a zone without reason. Commissioner Anderson said a PUD was a conditional use which they couldn't deny; they could ask for incentives for things but could not deny them. Mrs. Wilden asked about on street parking and Commissioner Anderson said they had reworded it to have no on street parking. Mrs. Wilden asked if this could be located next to a low zone density. Commissioner Anderson said this could only be located within 660 ft. of a commercial or industrial zone in Nibley or any commercial or industrial zone in a surrounding municipality. Mrs. Wilden asked about lot sizes and Ms. Phippen addressed her questions. Mrs. Wilden asked if this could include a four-plex. Commissioner Lawver said he read that it could and Mrs. Wilden said she had a problem with that; she did not want to see Nibley turn into some areas like they have in Logan such as Yorkshire. Commissioner Anderson said that was why they had the limitations. Mrs. Wilden asked who would have to take care of the open space. Ms. Phippen said the developer would have to demonstrate an ability to take care of the open space and demonstrate that to the city to get approval. The Commissioners discussed that it would be very difficult to get a four-plex under these standards and requirements. Mrs. Wilden said this looked like a good way to manage the growth that would happen; they still had a rural atmosphere.

Seeing no further comment, Commissioner Anderson closed the public hearing at 8:09.

**Discussion and consideration of an ordinance creating a high density zone.**

Commissioner Anderson said he would like to continue this discussion until Ms. Phippen could provide the verbiage on the home occupation usage and to give the Commissioners who were absent the opportunity to weigh in.

Commissioner Lawver made a motion to continue the consideration of the high density zone until the next meeting. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

The Planning & Zoning Commission asked Ms. Phippen to include a definition of a single family attached dwelling. The Planning & Zoning Commission and Ms. Phippen

discussed requiring garages. Commissioner Lawver said he would also like to look at expanding the open space requirement; especially since they could use their buffer as the open space requirement. Commissioner Anderson requested Ms. Phippen show some mock up drawings of a few projects if there was budget money available. Commissioner Lawver asked for further definition on retention basins. Commissioner Anderson said they should define on street parking as none. The Commission discussed that they also needed to define what portion of the zone needed to be within the 660 ft. of a commercial or industrial zone and a maximum project size.

**Conditional Use Permit/Business License**

**Megatronics—request a conditional use permit and business license for a home occupation (electronics sales) located at 1430 W. 3390 S. (Applicant: Scott Phillips)**

Mr. Scott Phillips was not present at the meeting. Ms. Phippen said the applicant accepted delivery of electronics at his home and resold them; he sold them at Lee's Market Place where he was the assistant store manager. She said the applicant did have a few client visits and deliveries to the home but no outside employees.

Commissioner Lawver made a motion to approve the application for a conditional use permit and business license for Megatronics, applicant Scott Phillips, located at 1430 W. 3390 S. with the condition that it function as a home office and that no product be stored outside of the residence or in any accessory buildings. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

**Running Spirits Dreamcatchers—request a conditional use permit and business license for a home occupation (crafts) located at 3229 S. 1600 W. (Applicant: Shawna Roberts)**

Mrs. Roberts was not present at the meeting. The Planning & Zoning Commissioners agreed that this application seemed pretty clear.

Commissioner Beus made a motion to approve the conditional use permit and business license for Running Spirits Dreamcatchers, located at 3229 S. 1600 W., applicant Shana Roberts, as per the application. Commissioner Lawver seconded the motion. The motion passed unanimously 3-0; with Commissioner Bliesner, Commissioner Lawver, and Commissioner Anderson all in favor.

**Jones Company—request a conditional use permit and business license for a home occupation (e-commerce) located at 2862 S. 450 W. (Applicant: Krista & John Jones)**

Mr. and Mrs. Jones were not present at the meeting. Ms. Phippen said she was not sure what the applicants were selling. Commissioner Anderson thought it would be wise to continue this application.

Commissioner Lawver made a motion to continue the application for a conditional use permit and business license for Jones and Company for lack of information.

Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

There was general consent to adjourn at 8:56.

Attest: \_\_\_\_\_  
Deputy City Recorder