

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, May 9, 2012.

The following actions were made during the meeting:

Commissioner Lawver motioned to approve the conditional use permit and business license for Rainbow Place Preschool, applicant Jennifer Shelley, located at 3155 S. 1600 W. with the condition that class sizes are limited to 8 and any signage meet the current sign ordinance including that it is attached to the house. Commissioner Beus seconded the motion.

Commissioner Lawver made a motion to amend to include the conditions as per the application. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

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

Commissioner Beus motioned to approve the business license and conditional use permit for Amanda Cunningham and Bumble Beez Day Care at 735 W. 3200 S. with the conditions regarding the fence and the sign as per the application and that she cannot take on kids until the fence is complete. Commissioner Lawver seconded the motion. The motion passed unanimously 3-0; with Commissioner Beus, Commissioner Lawver, and Commissioner Anderson all in favor.

Commissioner Lawver motioned to recommend the preliminary and final plat for the commercial lot split of Moose Manor District located at 2340 S. Heritage Dr. to City Council. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

Commissioner Beus motioned to recommend approval of the preliminary site plan for CampSaver, LLC, located at 2280 S. Heritage Dr. referencing the notes they talked about at the 5-9-12 meeting and that before coming back they review what is required for final approval and have those item in place before coming back. The motion passed unanimously 3-0; with Commissioner Beus, Commissioner Lawver, and Commissioner Anderson all in favor.

Commissioner Lawver motioned to approve the building permit for a 25'x40' accessory building for Daren Orme located at 1129 W. 2450 S. 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 recommend the Nibley City Legacy Tree Program to the City Council for approval. Commissioner Beus seconded the motion.

The motion passed 4-0; with Commissioner Lawver, Commissioner Beus, Commissioner Anderson, and Commissioner Bliesner all in favor.

Commissioner Beus motioned to recommend the High Density Zone Ordinance to City Council. Commissioner Lawver seconded the motion. The motion passed unanimously 4-0; with Commissioner Beus, Commissioner Lawver, Commissioner Anderson, and Commissioner Bliesner all in favor.

Planning & Zoning Commission Vice-chair, Commissioner Wayne Anderson called the Wednesday, May 9, 2012 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Wayne Anderson, Commissioner Mark Lawver, and Commissioner Kathryn Beus, and Commissioner Aaron Bliesner. Shari Phippen, the City Planner, was also present. Commissioner Bill Green was excused from the meeting.

Approval of 4-25-12 meeting minutes and agenda

There was general consent for the evening's agenda. There was general consent for the 4-25-12 meeting minutes.

Conditional Use Permit/ Business License

Rainbow Place Preschool—request for a conditional use permit and business license for a home occupation (preschool) located at 3155 S. 1600 W. (Applicant: Jennifer Shelley)

Mrs. Jennifer Shelley was present at the meeting. Ms. Phippen said the Shelley's lived in the Meadow View Subdivision and Mrs. Shelley was requesting to do a preschool three days a week with two, two hours sessions each day. Ms. Phippen said she was not concerned with drop off or pick up issues. Ms. Phippen said she questioned how many kids would be in each class; city code sets limits of 8 kids for each class. Mrs. Shelley said she had reconsidered and was trying to make it work with eight kids in each session and adding more sessions. For now she was only considering holding the school three days a week. Ms. Phippen said with that understanding, she had no other problems with the application. Commissioner Anderson asked about fencing. Ms. Phippen reviewed Mrs. Shelley's signage options.

Commissioner Lawver made a motion to approve the conditional use permit and business license for Rainbow Place Preschool, applicant Jennifer Shelley, located at 3155 S. 1600 W. with the condition that class sizes are limited to 8 and any signage meet the current sign ordinance including that it is attached to the house. Commissioner Beus seconded the motion.

Commissioner Lawver made a motion to amend to include the conditions as per the application. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

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

Bumble Beez Day Care—request for a conditional use permit and business license for a home occupation (day care) located at 735 W. 3200 S. (Applicant: Amanda Cunningham)

Amanda Cunningham was present at the meeting. Ms. Phippen said the applicant said their backyard would be fully fenced within the month she was hesitant to grant approval because she lived on 3200 South which was a very busy road. Mrs. Cunningham said she was still working to get approval through the state and did not anticipate having children at her home until the fence was complete. Ms. Phippen asked about the applicant's operating hours. Mrs. Cunningham said he anticipated starting at 7 a.m. to 5 or 6 p.m.

Commissioner Beus made a motion to approve the business license and conditional use permit for Amanda Cunningham and Bumble Beez Day Care at 735 W. 3200 S. with the conditions regarding the fence and the sign as per the application and that she cannot take on kids until the fence is complete. Commissioner Lawver seconded the motion. The motion passed unanimously 3-0; with Commissioner Beus, Commissioner Lawver, and Commissioner Anderson all in favor.

Accessory Building Permit

Daren Orme—request for a building permit for a 25'x40' shop located at 1129 W. 2450 S.

Mr. Daren Orme was not present at the meeting at 7:16.

There was general consent to suspend the agenda.

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 and Mr. Tyler Shurtleff were present at the meeting. Ms. Phippen projected the plat for the Commission and public present to refer to. Ms. Phippen said they had added another development agreement on to the current developer (Mark Daines & Brett Peterson) for the outstanding items from the Sierra Commercial subdivision; the fire hydrant, curb and gutter work, street lighting, storm water redirection, and landscaping. She said they had 120 days after the close of the sale of the Moose Manor District portion of the property to complete the original development agreement. Ms. Phippen said Mr. Daines and Peterson had already verbally agreed to the plan. If the developers don't follow through the city would put a lien on the remaining property but if they did not like the development agreement and did not sign the agreement then the current request could be affected. Commissioner Anderson said a lien on the property was not any good until the property was sold. Ms. Phippen said there was also language in the agreement that if they defaulted they could be taken to court. Commissioner Anderson discussed the developers' financial situation. Mr. Shurtleff listed the items they had agreed to complete. Mr. Stroman addressed their due diligence and that they were past the point of no return. Commissioner Anderson said the issue was that they had been

given the conditions six years ago and they were still not done. They needed to be sure the conditions were done first and their past history spoke for them. He said they were “putting the cart before the horse”. The Commissioners discussed the conditions that the developer needed to complete with Mr. Stroman and Mr. Shurtleff. Ms. Phippen said she had gone to the site and noted that they were in compliance with parking spaces. Commissioner Anderson suggested bonding with the developer for the work; he said it was easier to act on a bond; they would not have to spend the money on the court system and it would get done quicker. Ms. Phippen said she would put a bond in the development agreement. Mr. Shurtleff said they had fronted a lot of money on the property already and had given a lot of money to the developers and he was afraid if they required them to bond then they would back out? Commissioner Anderson said he had not issue with the lot split but wanted to know how the city was going to deal with this issue in the future.

Commissioner Lawver made a motion to recommend the preliminary and final plat for the commercial lot split of Moose Manor District located at 2340 S. Heritage Dr. to City Council. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

Preliminary Site Plan

Review and approve preliminary site plan for CampSaver, LLC, located at 2280 S. Heritage Dr. (Applicant: Tyler Shurtleff/Andy Stroman)

Ms. Phippen displayed the CampSaver, LLC site plan for the Planning & Zoning Commission and public present to review. Ms. Phippen asked what some of the materials on the building would be made of. Mr. Shurtleff said it was anticipated to be metal and they would be making final color choices in the next couple of days. Ms. Phippen said their design guidelines required that 60% of the side of the building that faced the public view be made of primary building materials such as brick or stone but it also gave the city the ability to review other materials and decide if it was an acceptable material. As of now, they were at approximately 35% if they did not count the siding as a primary building material. Mr. Stroman and Mr. Shurtleff said if they took the windows out then it was 60%. Commissioner Anderson said you took the overall square footage and then took the windows out; then it had to be 60% of the space left. Mr. Stroman said they would make sure it was 60% with architectural numbers at final approval. Ms. Phippen said she was not worried about the east and north elevations because they had considered expanding the building in the future and it backed to the charter school so there was no public right of way through it. Commissioner Anderson said they needed to tie in the white siding material they currently had on the west and south elevations with the rest of the building.

Ms. Phippen displayed the landscape plan for review. She said there was a 20% landscape requirement for commercial lots. Ms. Phippen said she had calculated they would need 35,000 sq. ft. of landscaping and currently they were at approximately 31,000 sq. ft. or 18%; they would need exact calculations at final approval. Mr. Stroman and Mr. Shurtleff described what they would do when they expanded the building. Commissioner

Anderson said he understood not doing anything with the undeveloped part of the property but suggested they could grade the property and keep some native grasses that wouldn't require mowing and could be maintained with rainwater; he suggested they show that. Ms. Phippen said that would take care of the landscaping requirement. Commissioner Anderson asked how they met the tree requirement. Ms. Phippen said it was not possible to have a tree every 300 sq. ft. because a lot of their landscape was being used as retention. Ms. Phippen said she would get a Nibley City tree list to the applicants. Ms. Phippen said she liked what they had planned for the landscaping. She said when they brought their final site plan in they would need to provide a drainage plan.

Commissioner Anderson said before final approval they needed to make sure they had 60% primary building material on the face of the building; they needed to look at the white metal panels on the south and west elevations; they needed to check the landscaping requirement and include native grasses as landscaping in the undeveloped areas; and they needed to check and make sure they meet all the requirements on the entrances.

Commissioner Beus made a motion to recommend approval of the preliminary site plan for CampSaver, LLC, located at 2280 S. Heritage Dr. referencing the notes they talked about at the 5-9-12 meeting and that before coming back they review what is required for final approval and have those item in place before coming back. The motion passed unanimously 3-0; with Commissioner Beus, Commissioner Lawver, and Commissioner Anderson all in favor.

Commissioner Anderson recognized LaRae Wilden who was present at the meeting.

The Planning & Zoning Commission decided to return the accessory building permit. Ms. Phippen said she recommended approval of the permit.

Commissioner Lawver made a motion to approve the building permit for a 25'x40' accessory building for Daren Orme located at 1129 W. 2450 S. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

Discussion and consideration of Legacy Tree program and application

Commissioner Beus asked about the \$200 price. Ms. Phippen said that was basically what it would cost for purchase and for Mr. Elwood's time to plant and a small plaque to go with the tree. Ms. Phippen said it gave citizens the ability to give a living tribute to someone and helped the city get more trees without paying for them. Ms. Phippen gave the Commissioners a Google picture of proposed sites at Heritage Park, Clear Creek Park, and the Elkhorn Park for Legacy trees which they discussed. Ms. Phippen displayed the proposed Legacy Tree application form for review. Commissioner Anderson said he thought the cost was going to limit the people that did this. Ms. Phippen asked if he thought the city should subsidize some of the costs. Commissioner Anderson said he thought they should start at \$200 and go from there. He thought they could see if they could get a Tree City grant that could subsidize something like this program.

Commissioner Beus asked if the dedication was limited to residents of Nibley. Ms. Phippen said it could be dedicated to anybody. The Commission discussed the plaque. Ms. Phippen said it had been discussed but had not been settled on.

Commissioner Bliesner arrived at 8:48.

Commissioner Beus asked if other cities had a legacy tree program. Ms. Phippen said Smithfield did and that it was quite successful. She thought the cost was about the same. Commissioner Beus liked the idea but had some concern with the price. She said she liked the suggestion of continuity of trees at each park. Commissioner Anderson also said he liked the concept.

Commissioner Lawver made a motion to recommend the Nibley City Legacy Tree Program to the City Council for approval. Commissioner Beus seconded the motion. The motion passed 4-0; with Commissioner Lawver, Commissioner Beus, Commissioner Anderson, and Commissioner Bliesner all in favor.

Discussion and recommendation of beautification plan for 3200 South

Ms. Phippen said Mr. Anhder had a plan for 3200 South as far as the tree planting went. It was anticipated that as time went on that 3200 South would continue to be the major thoroughfare through Nibley and that it should be beautiful. This was a plan that gave a layout for doing that.

There was general consent to continue the 3200 South plan until the next Planning & Zoning Commission meeting.

Discussion and consideration of an ordinance creating a high density zone

Ms. Phippen said she incorporated the prohibition on any on street parking. She added language about landscaping in a “park like manner”. She included wording about centralizing open space unless there was an opportunity to tie into the Nibley City trail system. Commissioner Anderson recalled they wanted to identify the alley in the graphics. Ms. Phippen noted that. Ms. Phippen said she knew they had concerns with a home office and added wording that limited it to business which required no customer visits and which were limited to employees who reside within the home. Commissioner Bliesner wanted it limited to businesses that function as a home office they only needed and address to put on a tax form for a business filing. The wording was edited accordingly.

Commissioner Beus made a motion to recommend the High Density Zone Ordinance to City Council. Commissioner Lawver seconded the motion. The motion passed unanimously 4-0; with Commissioner Beus, Commissioner Lawver, Commissioner Anderson, and Commissioner Bliesner all in favor.

Ms. Phippen said the High Density Ordinance would go to City Council and there would be another public hearing.

Ms. Phippen said she hadn't had time to research the sign ordinance so she had not put it back on the agenda. She asked the Planning & Zoning Commissioners opinion on the attorney's notes. Commissioner Anderson said he was good with what the attorney said and wanted to go back to the version they had a year ago. Commissioner Lawver said that was a good starting point. Commissioner Anderson said they needed to quantify some of the lighting levels in the document. Commissioner Bliesner said he disagreed with the attorney. He thought the attorney was basing his opinion a sign type that was not covered in the new sign type. The fact that sign builders were going to instantly changeable signs changed the precedent and that they could fight it. Commissioner Bliesner thought he was basing it on general precedent without considering that the sign type was different and not covered in the precedent and that standard would be reasonable on any sign type that wasn't instantly changeable by reprogramming. He said it was simply a regulation of light intensity. Commissioner Anderson said they could just ask the sign owner to comply with the new ordinance. Commissioner Bliesner said it could or could not be in compliance with the switching of the images.

Commissioner Bliesner asked for updates on the previously approved items.

There was general consent to adjourn at 9:20.

Attest: _____
Deputy City Recorder