

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, November 14, 2012.

The following actions were made during the meeting:

Commissioner Green motioned to approve the conditional use permit and business license for Maria Suazo, located at 190 W. 3650 S. as long as the business adhered to the application and did not impact the neighborhood. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Beus, and Commissioner Anderson all in favor.

Commissioner Beus motioned to approve the accessory building permit for Luke Viernow located at 685 W. 3430 S. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Beus, Councilman Hansen, and Commissioner Anderson all in favor.

Commissioner Green motioned to send and recommend the Nibley City fence ordinance to City Council. Commissioner Lawver seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

Commissioner Lawver motioned to recommend the rezone of approximately 19.88 acres located at approximately 1200 West 2600 South from agricultural to R-2A to City Council. Commissioner Beus seconded the motion. The motion passed 3-2; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor. Commissioner Green was opposed.

Vice-Chair, Commissioner Wayne Anderson called the Wednesday, November 14, 2012 Nibley City Planning Commission meeting to order at 7:06 p.m. Those in attendance included Commissioner Wayne Anderson, Commissioner Bill Green, and Commissioner Kathryn Beus. The City Planner was also present. Commissioner Aaron Bliesner was excused from the meeting.

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

There was general consent for the evening's agenda and the previous meeting's minutes.

Conditional Use Permit/Business License

Maria Suazo—request a conditional use permit and business license for a home occupation (housekeeping) located at 190 W. 3650 S.

Mrs. Maria Suazo was present at the meeting. Commissioner Anderson asked the applicant what she planned on doing. Her son, interpreting for her, said she wanted to clean houses. Commissioner Anderson said it looked like everything was in order on the application.

Commissioner Green made a motion to approve the conditional use permit and business license for Maria Suazo, located at 190 W. 3650 S. as long as the business adhered to the application and did not impact the neighborhood. Commissioner Beus seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Beus, and Commissioner Anderson all in favor.

Accessory Building Permit

Luke Viernow—request approval to construct a 38' x 38' accessory building located at 685 W. 3430 S.

Mr. Luke Viernow was present at the meeting. The City Planner said this was in the Scott Farm subdivision. When the applicant originally came in he requested a building that was too big based on the size of the lot. He took the application back and made it smaller in compliance with the lot. The City Planner said this met everything it was required to. Commissioner Anderson asked for the north property line dimension. The City Planner said it was 20 feet. The City Planner said the shop was being done in conjunction with the house. Commissioner Anderson directed the applicant to city ordinances that gave the applicant height minimums and requirement when preparing his construction drawings.

Commissioner Beus made a motion to approve the accessory building permit for Luke Viernow located at 685 W. 3430 S. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Beus, Councilman Hansen, and Commissioner Anderson all in favor.

Commissioner Anderson recognized Scout Troop 408 from Nibley 8th Ward, who were present at the meeting.

Discussion of a proposal to amend the Nibley City fence ordinance, specifically as it relates to corner lot fences.

The City Planner said the Planning & Zoning Commission determined they wanted to make the restrictions on fences on corner lots less restrictive. In some cases people were being required to give up to 20 ft. of their yard in order to have a privacy fence. When the proposed ordinance came to City Council it was discovered that the incorrect ordinance had been codified and had been put into place. Because it was based on an incorrect ordinance the first time they felt it would be most appropriate to have the ordinance go back through the public hearing process. The City Planner said she included an illustration drawing in the ordinance of the major change being made. The City Planner reviewed and described her illustration and said this ordinance proposed a six foot fence on the property line along the street provided they maintain an increased clear view of 40 ft. The City Planner said there had been discussion of a contingency when a driveway was placed inside the 40 ft. clear view. She said this had not been addressed but the city provided building specs that required a driveway placed on the opposite side of the building lot.

The City Planner reported on the impact fee study being undertaken by the city. She said they had been in contact with the consultants and they wanted to meet with staff the week

after Thanksgiving for consulting. She said they should be work shopping with City Council the first week in December.

The City Planner reported on the RFP process in determining a city engineer. She said they anticipated going through the same process with the city financial advisor and attorney.

The City Planner noted that this was the first anniversary of the new city hall and discussed how the building had been received and the way the building had been used.

7:30—Public Hearing—A public hearing to receive comment regarding a proposal to amend the Nibley City fence ordinance, specifically as it relates to corner lot fences.

Commissioner Anderson opened the public hearing at 7:30. Commissioner Anderson gave the public direction.

Corlyss Drinkard asked the City Planner if the clear view consideration applied when there was a stop sign on the corner. The City Planner said a stop sign was the exception.

Scout Tate Fenton said he lived in Nibley and had no idea why he was here.

Scout Shawn Sampson asked if the fences hit the other people's property. Commissioner Anderson said they did not.

Scout Cody Atkinson asked if a fence had to be six feet high. The City Planner said in the front yard a fence cannot be higher than four feet.

Scout Andrew Garbin asked why a neighbor counted their fence as part of theirs. Commissioner Anderson said it was cheaper. The City Planner said neighbors often shared the cost of a shared fence.

Scout Ammon Orm described where he lived and asked if the fence ordinance would apply to his property. The City Planner said she would have to look at his property. She looked his property up on Google maps and described the fence requirements for his lot.

Mr. Tom Davis asked for further clarification on the clear view and placement of a stop sign. He wondered if the clear was necessary on a corner with a stop sign. He thought the clear view should be impacted if it was at a controlled intersection. Commissioner Anderson said traffic engineers will typically give a clear view based on the size of a road which is typically 25 ft. on a residential road. Commissioner Anderson said typically the 40 ft. setback encroached into the front yard anyway

Commissioner Mark Lawver arrived at 7:38.

Scout Nathan Davis asked why there was a cross-walk on the short roadway with nothing there but no cross walk on the cul-de-sac road. Commissioner Anderson said typically a

cul-de-sac was smaller road and did not require the same traffic standards. The City Planner described the future road development in Mr. Davis' residential area.

Scout Will Sampson asked if they were going to build a fence and there was tree in the middle of adjoining property what they would do. Commissioner Anderson said they would have to work it out with the neighbor.

Seeing no further comment, Commissioner Anderson closed the public hearing at 7:46.

Discussion and consideration of a proposal to amend the Nibley City fence ordinance, specifically as it relates to corner lot fences.

Commissioner Beus said she did not like how it looked to have a six foot fence right along the property line on corner lots. She knew it was aesthetic but she did not like the look and felt the fences did not hold up. Commissioner Anderson said if there were bigger lots it was less of a view issue but with the smaller lots it became an issue. Commissioner Anderson said he didn't feel it looked any worse than what the current ordinance required. Commissioner Lawver said he didn't want to look into anyone's backyard.

Commissioner Green made a motion to send and recommend the Nibley City fence ordinance to City Council. Commissioner Lawver seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor.

7:45—Public Hearing—A public hearing to receive comment regarding an application to rezone approximately 19.88 acres located at approximately 1200 West 2600 South from Agricultural to Residential R-2A. (Applicant: River Valley Development, LLC)

Kevin Allen, representing the developer, was present at the meeting. The City Planner described where the property was located and described the requirements of the R-2A zone. She said the general plan anticipated this be zoned similar to the zones around it. The City Planner said the staff position was to pass a favorable recommendation on to City Council. The City Planner showed the Planning & Zoning Commission the development's concept plan.

Commissioner Anderson opened the public hearing at 7:56.

Barbara Wilden, a resident of Nibley, said she had a problem taking any land out of agriculture but her main concern was the definition of "cluster" subdivision and asked how it related to the high density subdivision the City Council refused to pass a while ago. The City Planner said the cluster subdivision had been on the books for quite some time and described the cluster subdivision.

Corlyss Drinkard, a Nibley resident, said she was against taking any land out for development. Ms. Drinkard asked if they had any other development in Nibley that were considered a cluster subdivision. The City Planner said Stone Bridge

Tom Davis, a Nibley resident, asked if the growth in Nibley was growing at a pace that necessitated a demand for the development of this property. He saw a lot of undeveloped lot and land sitting around Nibley. Commissioner Anderson said it was a private rights issue. Anyone can come in and request their land be developed.

Seeing no further comment, Commissioner Anderson closed the public hearing at 8:03.

Concept Plan

Discussion and consideration of a concept plan for a cluster subdivision located at approximately 1200 W. 2600 S. (Applicant: River Valley Development, LLC)

The City Planner displayed the proposed concept plan to the Planning & Zoning Commission and public present. She said she did not have exact numbers on lot sizes and open spaces because they did not require that at concept. She was concerned with access because now they had 55 lots exiting from one access. She reviewed the access options she had discussed with the developer. The Planning & Zoning Commission discussed canals, roads, and right-of-ways.

Discussion and consideration of an application to rezone approximately 19.88 acres located at approximately 1200 West 2600 South from Agricultural to Residential R-2A.

Commissioner Green left at 8:14 and returned at 8:16.

Commissioner Anderson said he didn't see a problem with the rezone. It met with the general plan and matched the adjacent areas.

Commissioner Lawver made a motion to recommend the rezone of approximately 19.88 acres located at approximately 1200 West 2600 South from agricultural to R-2A to City Council. Commissioner Beus seconded the motion. The motion passed 3-2; with Commissioner Lawver, Commissioner Beus, and Commissioner Anderson all in favor. Commissioner Green was opposed.

Commissioner Anderson said the City Planner had valid concerns about the lack of access. He asked Mr. Allen for his thoughts. Mr. Allen said he knew they were going to have to change the accesses and he said he like the idea of open space along 1200 west and placing a berm. He said they intended to deed the open space to the city and said they intended to work openly with the city during preliminary. Mr. Allen said his partner was Jay Stocking with Sierra Homes. Commissioner Anderson said if Mr. Allen addressed the concerns they had brought up then he felt good about the concept. He said he would like to see more of this in Nibley because it then it would preserve more open space. The City Planner agreed and said the integrity of the zone was maintained and it was a marketable product.

There was general consent to adjourn at 8:30.