

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, April 10, 2013.

The following actions were made during the meeting:

Commissioner Anderson motioned to approve the conditional use permit and business license for Henson Automotive at with the conditions that were previously stated in the meeting minutes from March 13, 2013. Commissioner Beus seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Beus, Commissioner Lawver, Commissioner Bliesner, and Commissioner Green all in favor.

Commissioner Bliesner motioned to approve the conditional use permit and business license for Janitech, located at 434 W. 2965 S., applicant Rosario Barbero. Commissioner Anderson seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Beus, Commissioner Green, and Commissioner Lawver all in favor.

Commissioner Anderson motioned to approve the business license for ECARS Auto Sales and Ross Bowen at 25 W. 3200 S. Commissioner Bliesner seconded the motion.

Commissioner Bliesner made a motion to amend to include a condition that whatever was included in the previously approved conditional use permit at Hunter Auto be transferred to this business license and conditional use permit. Commissioner Anderson seconded the motion. The amendment passed unanimously 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Beus, Commissioner Lawver, and Commissioner Green all in favor.

The amended motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Bliesner, Commissioner Beus, Commissioner Lawver, and Commissioner Green all in favor.

Commissioner Bliesner motioned to approve the building permit for a 25 x 22 accessory building at 465 W. 2850 S. as presented. Commissioner Anderson seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, Commissioner Beus, and Commissioner Green all in favor.

Commissioner Anderson motioned to approve the final plat of Phase 2 of Maple View Estates located at approximately 2800 S. 1200 W. contingent on the contract being worked out on the 2800 South street center line to the south with the current land owner, Gordon Zilles. Commissioner Beus seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Beus, Commissioner Bliesner, Commissioner Lawver, and Commissioner Green all in favor.

Commissioner Bliesner motioned to continue the consideration of a preliminary plat for Heritage Parkway until the applicant could be prepared and present to discuss the land issues. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Green, Commissioner Lawver, Commissioner Anderson, and Commissioner Beus in favor.

Commissioner Green motioned to approve the accessory building permit for a 32 x 22 accessory building located at 3731 S. 300 W. Commissioner Bliesner seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, and Commissioner Beus all in favor.

Planning and Zoning Commission Chair Mark Lawver called the Wednesday, April 10, 2013 Nibley City Planning Commission meeting to order at 7:03 p.m. Those in attendance included Commissioner Mark Lawver, Commissioner Kathryn Beus, Commissioner Wayne Anderson, Commissioner Aaron Bliesner, and Commissioner Bill Green. The City Planner was also present.

Approval of 3-27-13 meeting minutes and the evening's agenda

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

Conditional Use Permit/Business License

Henson Automotive Repair & Cleaning—modification of a previously issued conditional use permit and business license for an auto repair/house cleaning business located at 2790 S. Hwy 89 (Applicant: Alvin Henson)

The City Planner said there wasn't a new application because none of the information on the application had changed. She said the conditions of the approval were that there was no on-site work done. She said even though this location was in a commercial zone, she felt that conditions should be left in place until the site could be modified for commercial conditions. The City Planner said it needed to be approved as a conditional use permit and business license for automotive repair in a commercial zone.

Commissioner Anderson made a motion to approve the conditional use permit and business license for Henson Automotive at with the conditions that were previously stated in the meeting minutes from March 13, 2013. Commissioner Beus seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Beus, Commissioner Lawver, Commissioner Bliesner, and Commissioner Green all in favor.

Janitech—request a conditional use permit and business license for a home occupation (janitorial) business located at 434 W. 2965 S. (Applicant: Rosario Barbero)

Mrs. Rosario Barbero was present at the meeting. Commissioner Anderson asked about cleaning chemicals and where they would be stored. The applicant's son stated that they would be stored on site.

Commissioner Bliesner made a motion to approve the conditional use permit and business license for Janitech, located at 434 W. 2965 S., applicant Rosario Barbero. Commissioner Anderson seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Beus, Commissioner Green, and Commissioner Lawver all in favor.

ECARS Auto Sales, LLC—request a conditional use permit and business license for an auto sales business located at 25 W. 3200 S. (Applicant: Ross Bowen)

Mr. Ross Bowen was present at the meeting. Mr. Bowen said he didn't keep inventory and intended to put his sign at the Hunter Auto garage in Nibley City. Commissioner Bliesner noted there was already a conditional use permit and business license attached to that site that allowed auto sales. The City Planner said he needed approval for the business license. The Commissioners discussed the lots approved for car sales at the Hunter garage.

Commissioner Anderson made a motion to approve the business license for ECARS Auto Sales and Ross Bowen at 25 W. 3200 S. Commissioner Bliesner seconded the motion.

Commissioner Bliesner made a motion to amend to include a condition that whatever was included in the previously approved conditional use permit at Hunter Auto be transferred to this business license and conditional use permit. Commissioner Anderson seconded the motion. The amendment passed unanimously 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Beus, Commissioner Lawver, and Commissioner Green all in favor.

The amended motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Beus, Commissioner Lawver, and Commissioner Green all in favor.

Commissioner Bliesner made a motion to suspend the agenda to move to the next applicant who was present. Commissioner Anderson seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, Commissioner Beus, and Commissioner Green all in favor.

Accessory Building Permit

Justin Hobbs—request a building permit for a 25x22 accessory building located at 465 W. 2850 S.

Mr. Justin Hobbs was present at the meeting. Commissioner Bliesner was concerned that the utility easements were not shown on the drawings. The City Planner said there was a 10 foot utility easement on each lot but residents were allowed to build in the easement with the understanding that it could be removed if the utilities exercised the easement. Commissioner Bliesner disagreed with the City Planner. Mr. Hobbs said it was three feet

from the property line. Commissioner Bliesner said the size of the house was not properly represented on the drawing. Mr. Hobbs described the dimensions of his yard and house and said it would be 75-80 feet away from the house. Commissioner Bliesner wondered if they got in the habit of building permanent structures in an easement if it really was an easement. He thought there was a conflict in the ordinance.

Commissioner Bliesner made a motion to approve the building permit for a 25 x 22 accessory building at 465 W. 2850 S. as presented. Commissioner Anderson seconded the motion.

Commissioner Bliesner asked about the height of the building and reviewed the height restrictions for an accessory building in a residential zone with the applicant.

The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, Commissioner Beus, and Commissioner Green all in favor.

Final Plat

Discussion and consideration of a final plat for Phase 2 of Maple View Estates—a conservation residential subdivision located at approximately 2800 South 1200 West. (Applicant: Neighborhood Non-Profit)

Ms. Kim Datwyler was present at the meeting. The City Planner said this was the next phase of the Neighborhood Non-Profit development. She asked Ms. Datwyler about a meeting with the current landowner, Gordon Zilles. Ms. Datwyler reviewed the area they were in the process of acquiring. She said they had not come to an agreement with a couple of issues in the contract. She hoped they could approve the plat contingent on this occurring because there was a contract in place and it could be enforced. The City Planner said their engineer had a couple of issues with the construction drawing that would have to be worked out before the engineer would sign off on the construction drawings; the location of one sewer line and connecting a storm line box.

Commissioner Anderson made a motion to approve the final plat of Phase 2 of Maple View Estates located at approximately 2800 S. 1200 W. contingent on the contract being worked out on the 2800 South street center line to the south with the current land owner, Gordon Zilles. Commissioner Beus seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Beus, Commissioner Bliesner, Commissioner Lawver, and Commissioner Green all in favor.

Preliminary Plat

Discussion and consideration of a preliminary plat for Heritage Parkway, a cluster subdivision located at approximately 2700 South 1200 West. (Applicant: River Valley Development)

The applicant was not present at the meeting. The City Planner expressed a concern that she had not been able to communicate with the applicant via email. She wondered if they were getting her emails. The City Planner said because they were doing a cluster subdivision they were limited to 47 lots. She thought the layout of the land gave variety

to the lots in the subdivision. The City Planner and Commissioners discussed moving one lot and access to the open space and a lot sided by streets on three sides. The City Planner thought for the purposes of preliminary plat that the request could be approved and moved to City Council. Commissioner Bliesner said he couldn't vote yes on the application because of the three sided lot. Commissioner Anderson agreed that it would be bad planning if the lot were left siding three roads.

Commissioner Bliesner made a motion to deny the consideration of a preliminary plat for Heritage Parkway. The motion died due to lack of a second.

Commissioner Bliesner made a motion to continue the consideration of a preliminary plat for Heritage Parkway until the applicant could be prepared and present to discuss the land issues. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Green, Commissioner Lawver, Commissioner Anderson, and Commissioner Beus in favor.

Accessory Building Permit

Erick Nielson—request a building permit for a 32x22 accessory building located at 3731 S. 300 W.

The City Planner said she asked the City Public Works Director about the curb cut and he said it was not a big deal. Commissioner Lawver thought there were no issues with the permit.

Commissioner Green made a motion to approve the accessory building permit for a 32 x 22 accessory building located at 3731 S. 300 W. Commissioner Bliesner seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, and Commissioner Beus all in favor.

The Planning & Zoning Commission discussed the height of the building and determined the height met the ordinance requirements.

Staff Reports

The City Planner said they were going to need to start requiring a letter signed by the canal company from each developer at preliminary and final plat approval. This should be from any canal company that may be affected by their development. Commissioner Bliesner suggested they simplify and require the developer notify the canal company of the public hearing held when the development is presented to the Planning & Zoning Commission.

There was general consent to adjourn at 8:21.