

The Meeting of the Nibley City Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, February 12, 2014.

The following actions were made during the meeting:

**Commissioner Anderson motioned to approve the conditional use permit and business license for My Nana's Daycare, a home occupation (daycare) located at 2543 S. 1000 W.; applicant Nancy Salazar, with modifications to the application to concur with existing Nibley ordinance. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Bliesner all in favor.**

**Commissioner Anderson motioned to recommend approval of the preliminary plat for Malouf Subdivision—an industrial subdivision located at approximately 2960 South 1500 West, to City Council with the following conditions; #1. That there be limited access to lot 1 from the round-about cul-de-sac showing on lot 2; #2. There be a dedicated road right-of-way for the cul-de-sac back to 1500 W. and including a 90 degree T into that radius; #3. Hold off building the connections from the cul-de-sac to 1500 West and the 1500 West connections to existing streets until such time as lots 2 and 3 are developed; thus requiring the developer to carry a bond. Commissioner Green seconded the motion.**

**Commissioner Anderson motioned to amend item #1. to read that lots 1 and 2 will be required to enter off the cul-de-sac until the road connecting the cul-de-sac to 1500 West is built; at that time they can have multiple entrances off that road, but not 1500 West. Commissioner Green seconded the motion. The amendment passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Bliesner all in favor.**

**The amended motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Bliesner all in favor.**

**Commissioner Anderson motioned to recommend approval of the preliminary plat for Logan Coach Subdivision—an industrial subdivision located at approximately 2990 South 800 West to City Council with the conditions that the 800 West roadway be brought up a 66 ft right-of-way (33 ft. from center of road); and that curb, gutter, sidewalk, park strip, and landscaping be put in as per the subdivision ordinance; and that the engineer's comments be taken care of before the final application was brought in. Commissioner Green seconded the motion. The motion passed unanimously 3-0; Commissioner Anderson, Commissioner Green, and Commissioner Bliesner all in favor.**

**Commissioner Anderson motioned to approve the conditional use permit and business license for Logan Coach, a trailer manufacturing business, located at 2990 South 800 West; with applicant Randy Austin with the following conditions: #1. Limiting the hours of operation from 5 a.m. to 7 p.m.; #2. Limiting truck deliveries**

and haul ways from 9:30 a.m. to 5:00 p.m.; and #3. The applicant makes sure the authority having jurisdiction (AHJ) does a building inspection on the building and the required upgrades made prior to occupancy. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Anderson motioned to reject the final plat for Foxborough Estates—Phase 4, located at approximately 3350 S. 1525 W. to City Council until infrastructure items from phases 1-3 were completed. Commissioner Green seconded the motion. The motion failed 2-1; with Commissioner Anderson, and Commissioner Green in favor. Commissioner Bliesner was opposed.

Commissioner Anderson motioned to reconsider the previous motion. Commissioner Green seconded the motion. The motion passed 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Bliesner all in favor.

The motion passed 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Bliesner in favor.

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Acting Planning and Zoning Commission Chair, Aaron Bliesner, called the Wednesday, February 12, 2014 Nibley City Planning Commission meeting to order at 7:09 p.m. Those in attendance included Commissioner Wayne Anderson, Commissioner Bill Green, and Commissioner Aaron Bliesner. The City Planner was also present. Commissioner Mark Lawver was excused from the meeting due to illness.

#### **Approval of 1-22-14 meeting minutes and the evening's agenda**

Commissioner Anderson made a motion to approve the previous meeting's minutes and the evening's agenda. Commissioner Green seconded the motion. The motion passed 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Bliesner all in favor.

#### **Conditional use permit/Business license**

**My Nana's Daycare—discussion and consideration of a conditional use permit and business license for My Nana's Daycare, a home occupation (daycare) located at 2543 S. 1000 W. (Applicant: Nancy Salazar)**

Ms. Nancy Salazar was present at the meeting.

The City Planner said Ms. Salazar was not currently a resident of Nibley but was looking to purchase a lot and build in Nibley. The City Planner said Nibley's home occupation code had a definition for day care but limited the number of children to eight; any more than eight was classified as a commercial daycare and was not permitted in residential zones. The City Planner said the applicant currently had 11 children but not all the children were there all the time leaving a two hour period when she had more than eight

children. The City Planner said the plans for the house the applicant was planning to build would have accommodations for curb side pick-up and drop-off.

Ms. Salazar said she currently worked with nine families and her overlap time was 2 hours because of State regulations; she was not allowed to go over 2 hours total. She stated that she would really like to build her home in Nibley. Ms. Salazar discussed the regulations she worked under in her business license with Logan city. Commissioner Bliesner said the number of kids would be an issue and with her quantity of kids she would have to go through City Council for a change to the ordinance. He said she could only have eight kids total under Nibley City ordinance. Commissioner Bliesner also discussed Nibley's regulations on outside employees. Commissioner Bliesner asked Ms. Salazar if she could work under those restrictions. Ms. Salazar said she could.

Commissioner Anderson made a motion to approve the conditional use permit and business license for My Nana's Daycare, a home occupation (daycare) located at 2543 S. 1000 W.; applicant Nancy Salazar, with modifications to the application to concur with existing Nibley ordinance. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Bliesner all in favor.

### **Preliminary Plat**

#### **Discussion and consideration of a preliminary plat for Malouf Subdivision- an industrial subdivision located at approximately 2960 South 1500 West.**

The City Planner said that based on comments received from the public and the Planning & Zoning Commission at the previous meeting's public hearing, she had met with the project proponents on a several occasions where they discussed road realignments and property access. She displayed the plat that had been the result of those discussions to the Planning & Zoning Commission and public present. The City Planner said the developer was trying sell lots 2 and 3 on the property and she suggested lot 1's access be restricted and limited to the cul-de-sac. She also suggested that 1500 W and 3930 S remain as presented on the plat and the proponent not be required to be improve or construct those roads until lots 2 and/or 3 are developed. The City Planner suggested that they should consider this a subdivision consideration and not consideration of a site plan.

Commissioner Green asked if Malouf had met with the city planner and knew the concerns of the citizen. The City Planner said all comments had been received the by the city relative to the subdivision of the land had been made available to the proposed developer. Commissioner Green asked if the City Council had looked at the proposed subdivision ordinance and associated land use chart. The City Planner said that neither of those items were pertinent to this request.

Commissioner Anderson said he was trying to look at this as a greater whole to the city. He said he agreed with waiting to construct 1500 W. and 3930 S. but thought they should still have the right of way dedicated to put a road in sometime in the future. The City Planner said this configuration provided the possibility of putting in trails that could connect to the city retention basin. Commissioner Anderson said he was concerned that

lot 3 was confined to the use of 1500 W. to get to the highway and would be forced to access the neighborhoods if it were ever developed. Commissioner Anderson reiterated that at the subdivision phase they were forced to confine their discussion to road placement and infrastructure. He felt at this point they couldn't legally say no to this development. Commissioner Anderson recommended that they keep the curved road connection because of lot 3 and if that was required then he suggested they have the other roads built now.

Commissioner Bliesner referred to a letter written by the residents and suggested if be read into the record because it suggested what the citizens had come up with as possible solutions. The City Planner recommended they wait until the city attorney had been able to review the letter; that the letter had been directed to the City attorney. The City Planner said Commissioner Bliesner could ask that the letter be attached to the official City Council minutes. Commissioner Bliesner told the public that the letter had been directed to the city attorney. There was no motion to have the letter attached to the official meeting minutes.

Commissioner Anderson made a motion to recommend approval of the preliminary plat for Malouf Subdivision—an industrial subdivision located at approximately 2960 South 1500 West, to City Council with the following conditions; #1. That there be limited access to lot 1 from the round-about cul-de-sac showing on lot 2; #2. There be a dedicated road right-of-way for the cul-de-sac back to 1500 W. and including a 90 degree T into that radius; #3. Hold off building the connections from eh cul-de-sac to 1500 West and the 1500 West. connections to existing streets until such time as lots 2 and 3 are developed; thus requiring the developer to carry a bond. Commissioner Green seconded the motion.

The Planning & Zoning Commission discussed other road and access variations.

Commissioner Anderson made a motion to amend item #1. to read that lots 1 and 2 will be required to enter off the cul-de-sac until the road connecting the cul-de-sac to 1500 West is built; at that time they can have multiple entrances off that road, but not 1500 West. Commissioner Green seconded the motion. The amendment passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Bliesner all in favor.

The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Bliesner gave direction to the public and suggested they had more “traction” on this issue with the City Council. He said the Planning & Zoning Commission was limited in what they could do.

**7:00—Public Hearing—A public hearing to receive comment concerning a preliminary plat for Logan Coach Subdivision—an industrial subdivision located at approximately 2990 South 800 West.**

The City Planner said Nibley had been approached by Logan Coach who were purchasing the property but did not need the entire property to conduct their business so they were proposing a subdivision of the land. They wanted to market the remainder of the lot for sale. The City Planner said the engineer had looked at the application and there was an issue regarding road dedication. The City Planner said this met the requirements for subdivision. The preliminary plat called out the necessary set-backs and the storm water improvements that would need to be done would come in then the land was sold and would be part of the site plan approval. The City Planner read the engineers comments regarding the road dedication. He noted the appearance of intent to provide a 60 to 66 ft road dedication. The engineer also suggested the city consider requiring the addition of curb and gutter as a condition of approval and noted the rerouting of exiting irrigation ditch with properly dedicated utility easements.

Commissioner Bliesner opened the public hearing at 8:01. Commissioner Bliesner gave instructions to the public present.

Vern Fielding, with Parker Real Estate, and representing Logan Coach, said they didn't currently have an interested party for this portion of the property. He said the primary purpose of the application was to subdivide the property and allow Logan Coach to only encumber the land they intended to use long term and freeing the remaining land to be sold. He said they would rededicate whatever road needed to be done to benefit the city. He requested the Planning & Zoning Commission do preliminary and final consideration at this time so that the developer could move forward.

Scott Larsen said he lived directly to the east of the property. He asked what would be done with the canal. He said the Planning & Zoning Commission should require the developer to live up to Nibley's subdivision ordinances. They had the right and ability and should do that as a city.

Barbara Wilden of 3200 South said they once lived next to Logan Coach at 224 South. She said even then, as a small company, there were problems with traffic, and their employees. She noted the company was bigger now and with the division of property there would be more industrial uses and problems. Mrs. Wilden discussed the history of WeatherShield. She said Nibley had a problem with industrial zones in the middle of subdivisions. She discussed the children going to two schools and using 800 West. Mrs. Wilden said her problem was with the traffic and the citizens that accessed 800 West.

Matt Timmos who lived on the north side of WeatherSheild said he would like to see the canal remain open and rerouted to the north of the property; he liked seeing the pheasants that inhabited the canal. He wanted to see the cul-de-sac off of 666 remain closed that traffic come off of 800 West and not 660.

Audra Anderson, who lived right across from the property, said her concern was the road. She said it was very narrow right in front of her house and she was afraid to take a walk when there was no curb and no gutter.

Seeing no further comment, Commissioner Bliesner closed the public hearing at 8:12.

**Discussion and consideration of a preliminary plat for Logan Coach Subdivision—an industrial subdivision located at approximately 2990 South 800 West.**

Randy Austin, with Logan Coach, was present at the meeting. He said they just wanted to build trailers and said they would work with the community to “see this thing fly”.

Commissioner Bliesner noted that this lot was legally conforming but that changes to the property could configure updates. The City Planner said this would affect the site plan and not the subdivision. Commissioner Anderson said there were a few comments from the city engineer that would need to be taken care of before this application went to final approval. The City Planner said the developer had been told that they wouldn’t go before City Council until March. She suggested the Planning & Zoning Commission could deal with preliminary consideration and final consideration at their meeting in two weeks.

Commissioner Anderson made a motion to recommend approval of the preliminary plat for Logan Coach Subdivision—an industrial subdivision located at approximately 2990 South 800 West to City Council with the conditions that the 800 West roadway be brought up a 66 ft right-of-way (33 ft. from center of road); and that curb, gutter, sidewalk, park strip, and landscaping be put in as per the subdivision ordinance; and that the engineer’s comments be taken care of before the final application was brought in. Commissioner Green seconded the motion. The motion passed unanimously 3-0; Commissioner Anderson, Commissioner Green, and Commissioner Bliesner all in favor.

The City Planner asked if the Planning & Zoning Commission would be comfortable considering final approval at their next meeting provided the applicant resolve the matters that had been discussed.

**Conditional Use Permit/Business License**

**Logan Coach—discussion and consideration of a conditional use permit and business license for Logan Coach, a trailer manufacturing business, located at 2990 South 800 West (Applicant: Randy Austin)**

Mr. Randy Austin was present at the meeting. The City Planner said was given a letter which summarized the business and the business operations. The City Planner stated her primary concerns with the operation of the business. She didn’t have concerns with the number of employee. She said she was concerned with the level of business operations at 5:00 a.m. The City Planner said the trailers would be removed by the property by individuals coming to the property and towing them out. She said it was represented to her that all noise would be confined to the plant. The City Planner suggested Logan Coach not be allowed to occupy the building until they had completed a change of use inspection for the building and had sent documentation of the completion of the inspection to the city. The City Planner said Logan Coach was willing to comply with any trucking restrictions that Nibley City put on them.

Commissioner Anderson asked how dealers would pick up their trailers. Mr. Austin said 50% of the time they would have flat bed trailers come in and pick up to three trailers at a time. Commissioner Anderson asked about their operations at 5:00 a.m. Mr. Austin said they would be willing to comply with whatever regulations Nibley put in place. Commissioner Anderson asked how many trucks they anticipated per day. Mr. Austin projected 8 per day in and out. Commissioner Anderson asked about the painting process. Mr. Austin said their materials came in pre-painted. Mr. Austin said they did spray lacquer the cabinets in the living quarters of their trailers. Commissioner Anderson asked which hours of operation the applicant was requesting. Mr. Austin said they were requesting 5 a.m. to 7 p.m. Mr. Austin said they worked on a quota system and strove to work only Monday through Thursday. Commissioner Anderson asked about a building inspection and if it was required code. The City Planner said it was; she said they were currently putting new mechanisms in place to ensure building inspections happened when there was a change of use. Commissioner Anderson asked if everything would be contained in the building and referred to noise. Mr. Austin said the only thing staged outside the building would be trailers ready to be shipped which would be stored on the east and south ends of the lot. Commissioner Anderson asked if the proponent would be doing anything with the canal. Logan Coach said it would be advantageous to them if it were move to the north and around the corner. Commissioner Green addressed crossing guards on the property trucking route. The City Planner reviewed crossing guard requirements. Commissioner Bliesner felt it would be appropriate to limit truck traffic to a specific window and Commissioner Anderson discussed reservations with a 5:00 a.m. start time. Commissioner Bliesner thought it could be advantageous because traffic wouldn't conflict as much with others going to work.

Commissioner Anderson made a motion to approve the conditional use permit and business license for Logan Coach, a trailer manufacturing business, located at 2990 South 800 West; with applicant Randy Austin with the following conditions: #1. Limiting the hours of operation from 5 a.m. to 7 p.m.; #2. Limiting truck deliveries and haul ways from 9:30 a.m. to 5:00 p.m.; and #3. The applicant makes sure the authority having jurisdiction (AHJ) does a building inspection on the building and the required upgrades made prior to occupancy. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Bliesner called for a five minute break at 8:47. The meeting resumed at 8:57.

### **Final Plat**

#### **Discussion and consideration of a final plat for Foxborough Estates—Phase 4, located at approximately 3350 S. 1525 W.**

The City Planner said this was the fourth and final phase of the Foxborough subdivision that would finish the subdivision, tying it all together. The lots were consistent with the required size, cul-de-sacs were the appropriate length and radius, and the frontages were complete. She said there was a minor issue on the dedication of the drainage pond; it needed to be noted that it was being dedicated to Nibley City.

Commissioner Anderson asked if all infrastructure improvements in phases 1-3 had been completed according to what was on their plat. The City Planner said she would need to verify that with Nibley's Public Works Director. Commissioner Bliesner asked for that verification to be done between now and when the issue came before City Council. Commissioner Anderson asked about a 5-foot sidewalk along 3200 South on the north property line of phase 1. The City Planner said the issue of the sidewalk and the piping of the canal are things the city and developer agreed to as part of phase 3 leave until phase 4 went to City Council. Final resolution of those two items would be made by the City Council when this phase came before City Council. Commissioner Anderson thought this was bypassing a step. Commissioner Anderson asked about the landscaping and ponds in phases 1 and 2. The City Planner discussed landscaping requirements that involved the LDS church. Commissioner Anderson asked who had agreed that City Council would be the deciding factor on when these items happened. The City Planner said the mayor, developer, and their respective attorneys; because there were disputes on what was and wasn't required.

Commissioner Anderson made a motion to reject the final plat for Foxborough Estates—Phase 4, located at approximately 3350 S. 1525 W. to City Council until infrastructure items from phases 1-3 were completed. Commissioner Green seconded the motion.

Brian Seamons, representing Foxborough, asked what requirements hadn't been completed. The City Planner thought they were referring to the piping of the canal and the completion of the sidewalk. Mr. Seamons asked how Planning & Zoning Commission could hold them accountable should the church not come in the next five years. Mr. Seamons said he understood that the city wanted to get the pipe should the rest of the pipe go in. Commissioner Bliesner said he was concerned that the Planning & Zoning Commission didn't have all the information they needed because they had somehow gotten skipped. Commissioner Anderson said this was part of the reason for his motion. The Commissioners discussed tabling the application. Commissioner Anderson told the applicant that if the request was rejected then they could appeal to City Council. Mr. Seamons said there was not a significant amount that was left and they needed to all get together (Planning & Zoning Commission, City Council, and the developer) and discuss the ditch and sidewalk. Commissioner Anderson said they had multiple developments in the city that got approval for their final phase and left previous phase improvement undone and the citizens got left to pick up the pieces. He said the mechanism the Planning & Zoning Commission had to prevent this was to reject the phase. Mr. Seamons said they could reject the motion and they would leave a dead end road; he said the Planning & Zoning Commission was being totally unreasonable. Commissioner Anderson called for point of order.

The motion failed 2-1; with Commissioner Anderson, and Commissioner Green in favor. Commissioner Bliesner was opposed.

Commissioner Anderson said the Planning & Zoning Commission had been bypassed and that the city couldn't do this. Commissioner Bliesner thought if Foxborough had a

deal with the City Council and public works then they could make it a condition of their approval. Commissioner Anderson stated that improvements never happened and then developers still got building permits issued and that this should not happen. Commissioner Anderson said he was not comfortable with bypassing approval and letting City Council make all the decisions. The City Planner felt it was because of her that the Planning & Zoning Commission was overlooked and described the process that had taken place. Commissioner Bliesner said there was too much the Planning & Zoning Commission didn't know because they were bypassed. Commissioner Anderson said there were too many things left unfinished in Nibley's subdivisions. The City Planner and Planning & Zoning Commission discussed how to move forward.

Commissioner Anderson made a motion to reconsider the previous motion.  
Commissioner Green seconded the motion.

There was no further discussion on the motion.

The motion passed 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Bliesner in favor.

### **Workshop**

#### **Discussion of updates to the Nibley City land use notification ordinance.**

The City Planner said the next logical step in updating their code was to bring their land use notification ordinance into compliance with state code. She felt the public hearings brought to the Planning & Zoning Commission should be simplified. She described the sections that would be changed. The City Planner said she had consolidated some of the land uses because they had the same notification requirements. Commissioner Anderson said he had a slight change of heart after the last couple of Planning & Zoning Commission meetings. He suggested the preliminary approval of subdivisions and zone changes should have a public hearing at the Planning & Zoning Commission level. He said it was important they made the right recommendation as the recommending body. Commissioner Bliesner wanted an option to be added that would allow low risk items to simply go through staff. The City Planner said that would be in a different section of code. Commissioner Anderson thought they should also keep a public hearing for a proposal to vacate, alter, or amend a public street or right-of-way. Mrs. Wilden felt it was important to hold as many public hearings as possible so that the public had the opportunity to express their opinion. Commissioner Bliesner said it had always bothered him that a lot of the geographical items never came before the Planning & Zoning Commission; he specifically referenced annexations and said public comment had an important role in this. Mr. Larsen expressed that the Planning & Zoning Commission could always asked for a public hearing regardless of if there was a check mark next to it. The City Planner said she would check State code on how annexation petitions were handled because there was very specific code associated with them.

The City Planner asked the Planning & Zoning Commission if they were comfortable with holding a public hearing on this item at the next Planning & Zoning Commission

meeting. The Planning & Zoning Commission gave consent that they were comfortable with holding the public hearing.

**Staff Reports**

Commissioner Bliesner asked for an update on the discussion held at City Council on the proposed subdivision ordinance and land use chart. The City Planner said Mayor Dustin had asked Commissioner Lawver to attend City Council meetings to facilitate more communication between City Council and the Planning & Zoning Commission.

There was general consent to adjourn at 9:59.