

The Meeting of the Nibley City Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, May 28, 2014.

The following actions were made during the meeting:

Commissioner Anderson motioned to approve the conditional use permit and business license for Frosted Mango Productions located at 2616 S. 1000 W; applicant Jessica Dana. Commissioner Davenport seconded the motion. The motion unanimously passed 3-0; with Commissioner Anderson, Commissioner Davenport, and Commissioner Bliesner all in favor.

Commissioner Anderson motioned to grant an extension on the previously approved preliminary plat for Heritage Parkway Cluster Subdivision, located at approximately 1300 West 2600 South. Commissioner Davenport seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Davenport, and Commissioner Bliesner all in favor.

Commissioner Anderson motioned to approve the final plat for Malouf Subdivision, a three (3) lot industrial subdivision located at approximately 1500 West 2960 South with the conditions that 1) the utility easement is worked out with Nibley City's engineer, and 2) additional standard notes are added to the plat. Commissioner Davenport seconded the motion. The motion failed unanimously 0-3; with Commissioner Anderson, Commissioner Davenport, and Commissioner Bliesner opposed.

Commissioner Davenport motioned to recommend the City Council not approve the final plat for Malouf Subdivision, located at approximately 1500 West 2960 South, until the plat is in compliance with the Nibley City transportation master plan and Utah state code. Commissioner Anderson seconded the motion. The motion passed unanimously 3-0; with Commissioner Davenport, Commissioner Anderson, and Commissioner Bliesner all in favor.

Commissioner Davenport motioned to approve the site plan for Malouf Fine Linens with the following conditions: 1) If the City Council makes changes to the final plat that would affect the site plan, that the site plan would come back to the Planning & Zoning Commission for modification and 2) The undeveloped portion of lot 1 will not be left fallow and will be used for an agricultural purpose such as farming or pasture.

Commissioner Anderson made a motion to amend to strike condition 2 from the motion. Commissioner Davenport seconded the motion. The motion failed 2-1; with Commissioner Anderson and Commissioner Davenport in favor. Commissioner Bliesner was against.

Commissioner Anderson made a motion to amend condition 2 of the motion to state "The undeveloped portion of lot 1 will be maintained in compliance with

current Nibley City ordinance”. Commissioner Davenport seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Davenport, and Commissioner Bliesner all in favor.

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

Action Planning and Zoning Commission Chair Aaron Bliesner called the Wednesday, May 28, 2014 Nibley City Planning Commission meeting to order at 7:04 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Wayne Anderson, and Commissioner Dave Davenport. Shari Phippen, the City Planner was also present.

Approval of 5-14-14 meeting minutes and the evening’s agenda

There was general consent of the evening’s agenda and the 5-14-14 meeting minutes.

Conditional Use Permit/Business License

Frosted Mango Productions—consideration of a request for a conditional use permit and business license for a home occupation (photography/videography) located at 2616 S. 1000 W. (Applicant: Jessica Dana)

Mrs. Jessica Dana was not present at the meeting. Commissioner Bliesner described the business application. He said this seemed to be essentially a home office he and the remaining Commissioners felt comfortable moving forward without the applicant present.

Commissioner Anderson made a motion to approve the conditional use permit and business license for Frosted Mango Productions located at 2616 S. 1000 W; applicant Jessica Dana. Commissioner Davenport seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Davenport, and Commissioner Bliesner all in favor.

Preliminary Plat Extension

Discussion and consideration of a request for an extension of time on a previously approved preliminary plat for Heritage Parkway Cluster Subdivision, located at approximately 1300 West 2600 South. (Applicant: River Valley Development)

Ms. Phippen said the subdivision was originally given preliminary approval in May of 2013 and Nibley ordinance states that unless all or part of a subdivision is recorded within a year then preliminary approval lapsed unless the applicant came back for an extension of time. The City Planner relayed discussion that had taken place with the developer. She said they were looking at going forward with construction of the first phase of the development in the Fall of 2014. Ms. Phippen said she believed the developer had a date and time frame in mind for moving forward and that this would not hang indefinitely and thought it would be appropriate to extend their preliminary plat for one year.

Commissioner Anderson made a motion to grant an extension on the previously approved preliminary plat for Heritage Parkway Cluster Subdivision, located at approximately 1300 West 2600 South. Commissioner Davenport seconded the motion.

Commissioner Davenport asked if the development was going to be phased. Miss Phippen said it would be phase. Commissioner Davenport asked if she knew how many phases. Miss Phippen was not sure and gave her best estimation of the number of phases. Commissioner Davenport asked about the total number of lots. Miss Phippen said there would be 47. Commissioner Davenport asked if there was a limit on the number of extensions they would grant. Miss Phippen believed there was just 1-one year extension.

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

Final Plat

Discussion and consideration of a final plat for Malouf Subdivision, a three (3) lot industrial subdivision located at approximately 1500 West 2960 South

Miss Phippen said the developer was choosing to record this development in phases. They were choosing asking for consideration of lot 1; so the agenda should have read “phase 1, one (1) lot of a three (3) lot subdivision”. Miss Phippen said recording only lot 1 made it so the developer was not responsible for the development of the road that would connect the three lots. Miss Phippen relayed the notes given by the city engineer after his review of the lot plat. She said the developer would need to work out the easement size with the engineer and add the standard notes to the plat. She said other than those two things, the plat was acceptable.

Commissioner Davenport disclosed a possible conflict of interest and stated that his home was located in the Stonebridge subdivision. He believed he could curb any biases or reign in any prejudices that he had and deal with the issue fairly. Commissioner Davenport said he did intent to vote on the issue.

Commissioner Anderson made a motion to approve the final plat for Malouf Subdivision, a three (3) lot industrial subdivision located at approximately 1500 West 2960 South with the conditions that 1) the utility easement is worked out with Nibley City’s engineer, and 2) additional standard notes are added to the plat. Commissioner Davenport seconded the motion.

The City Planner and Planning & Zoning Commission discussed the possibility of dividing lots 2 and 3 further.

Commissioner Bliesner said he was unable to vote in favor of the motion. He said this was not what they had recommended to city and was not a version that he would have voted to send to City Council. Commissioner Bliesner said this version not in compliance with the general plan or traffic master plan. He said the drawing the City Council approved was changed significantly greater than 15% which he believed should have triggered a return to the Planning & Zoning Commission. Commissioner Bliesner said it

was his opinion that his was not a legal setup. He said the action the City Council took was outside the boundaries of state law. He said any subsequent vote on this project to continue will not be on approval of the current site plan. Commissioner Anderson, Commissioner Bliesner, and Miss Phippen discussed state code and responses by the city attorney and City Council regarding the legality of the preliminary approval made by the City Council. Commissioner Bliesner said he didn't believe that the City Council intentionally broke state code; he thought there was enough pressure and noise and that they were looking for a solution that best fit the situation and inadvertently broke state code. Commissioner Bliesner said they did know that the preliminary plat had changed more than 15% of what was recommended and should return to the Planning & Zoning Commission.

The motion failed unanimously 0-3; with Commissioner Anderson, Commissioner Davenport, and Commissioner Bliesner opposed.

Commissioner Davenport made a motion to recommend the City Council not approve the final plat for Malouf Subdivision, located at approximately 1500 West 2960 South, until the plat is in compliance with the Nibley City transportation master plan and Utah state code. Commissioner Anderson seconded the motion. The motion passed unanimously 3-0; with Commissioner Davenport, Commissioner Anderson, and Commissioner Bliesner all in favor.

Site Plan

Discussion and consideration of a site plan for Malouf Fine Linens

The City Planner and Planning & Zoning Commission discussed whether they should move forward with the site plan approval. Miss Phippen projected the site plan for the Planning & Zoning Commission and public present to view. She described the proposed site and landscaping plan.

Andrew Thayer, representing Malouf Fine Linens, was present at the meeting and addressed the Planning & Zoning Commission questions. Miss Phippen and the Planning & Zoning Commission discussed the proposed landscaping and which areas of the lot would be landscaped.

Commissioner Davenport made a motion to approve the site plan for Malouf Fine Linens with the following conditions: 1) If the City Council makes changes to the final plat that would affect the site plan, that the site plan would come back to the Planning & Zoning Commission for modification and 2) The undeveloped portion of lot 1 will not be left fallow and will be used for an agricultural purpose such as farming or pasture.

Commissioner Anderson made a motion to amend to strike condition 2 from the motion. Commissioner Davenport seconded the motion. The motion failed 2-1; with Commissioner Anderson and Commissioner Davenport in favor. Commissioner Bliesner was against.

Commissioner Bliesner was concerned that the unused land not be left unattended or left as weeds. Mr. Thayer said being the property owner that they didn't want to own ugly property. He said the land would be maintained and gave the Planning & Zoning Commission his assurances that it would be maintained. Commissioner Anderson said they could not legally dictate what a personal property owner did with their vacant land but they could tell them to maintain it.

Commissioner Anderson made a motion to amend condition 2 of the motion to state "The undeveloped portion of lot 1 will be maintained in compliance with current Nibley City ordinance". Commissioner Davenport seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Davenport, and Commissioner Bliesner all in favor.

Commissioner Bliesner said he had a problem with the lack of specificity. He did not specifically know what "maintained" meant. Miss Phippen said they were risking getting into an unlawful exactness; he was exacting from them above and beyond what they had already satisfied and imposing additional requirements. Miss Phippen said they had already satisfied what Nibley City ordinance dictated.

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

Staff Reports

There was general consent to adjourn at 8:25.