

The Meeting of the Nibley City Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, June 25, 2014.

The following actions were made during the meeting:

Commissioner Bliesner motioned to approve the business license and conditional use permit for Premium Choice Insurance Brokerage located at 3586 S. 450 W; applicant, Kacey Kennington. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, and Commissioner Davenport all in favor.

Commissioner Anderson motioned to continue discussion of the preliminary plat for River Meadows Subdivision, a 13 lot subdivision located at approximately 3700 South 250 East, after the road had been realigned to continue north; with a 60 ft. right-of-way after the intersection; and to meet the engineer comments on the review. Commissioner Davenport seconded the motion. The motion passed 3-1; with Commissioner Anderson, Commissioner Davenport, and Commissioner Lawver in favor. Commissioner Bliesner abstained from the vote.

Commissioner Bliesner motioned to recommend to City Council that 2960 be classified as a local street on the east side of 89. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, and Commissioner Davenport all in favor.

Commissioner Bliesner motioned to recommend to City Council all new roads added since the adoption of the last Transportation Master Plan. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, and Commissioner Davenport all in favor.

Commissioner Bliesner motioned to recommend to City Council the connection between 2600 and Millville where the bridge would be built for access to the future high school. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, and Commissioner Davenport all in favor.

Commissioner Bliesner motioned to not recommend the road changes on the lot slated as the future Malouf development; the disconnection of 2960 and 2930 and the elimination of 1500 north of 2930; to City Council. Commissioner Anderson seconded the motion. Commissioner Davenport voted nay. Commissioner Anderson voted yea. Commissioner Bliesner voted yea. Commissioner Lawver voted yea. The motion passed 3-1.

Commissioner Bliesner motioned to recommend approval of the home occupation ordinance to City Council. Commissioner Anderson seconded the motion. The

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

Planning and Zoning Commission Chair Mark Lawver called the Wednesday, June 25, 2014 Nibley City Planning Commission meeting to order at 7:04 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Dave Davenport, Commissioner Mark Lawver, and Commissioner Wayne Anderson. Shari Phippen, the City Planner, was also present.

Approval of 06-11-14 meeting minutes and the evening's agenda

General consent was given for the evening's agenda. General consent was given for the previous meeting's minutes (6-11-14).

Staff Reports

Miss Phippen reported on the open house being held for the retiring Public Works Director.

Miss Phippen reported that the City offices would be close at 12:00 p.m. on Friday, June 27.

Miss Phippen described a flyer that had been coming to Nibley citizens through the mail. She said this was a private insurance company trying to sell insurance for the water lines between city property and private property. She said this was not endorsed or encouraged by the city.

Conditional Use Permit/Business License

Premium Choice Insurance Brokerage- discussion and consideration of a request for a home occupation (insurance sales) located at 3586 S. 450 W. (Applicant: Kacey Kennington)

The applicant was not present at the meeting. Miss Phippen said she understood that Mr. Kennington was requesting a home office. She said the nature of the business was such that there wouldn't be any client visits or shipping to the home and the business would be conducted over the internet or phone.

Commissioner Bliesner made a motion to approve the business license and conditional use permit for Premium Choice Insurance Brokerage located at 3586 S. 450 W; applicant, Kacey Kennington. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, and Commissioner Davenport all in favor.

Public Hearing

A public hearing to receive comment concerning a preliminary plat for River Meadows Subdivision, a 13 lot subdivision located at approximately 3700 South 250 East (Applicant: Tyler & Codee Obroy)

Miss Phippen described the proposed subdivision. She said all frontage and lot sizes had met the required specifications for the R2A zone. She said the Planning & Zoning Commission should consider the right-of-way width which had 2 existing 50 ft. rights-of-way feeding into it; she said it was proposed to be 50 ft. She said the difference between and 60 ft. and 50 ft. right-of-way was in the park strip and the sidewalk. She said the width of the pavement was the same so she felt alright with leaving the 50 ft. right-of-way. Miss Phippen said four lots fell within the flood plain and would affect the buildable area of the lot; the applicants would have to take the flood plain into consideration when configuring those lots. Miss Phippen said Nibley's engineer said the developers would need to clarify where the storm run-off would go and that the developer would need to remove a temporary turn around. She said the engineer's comments had been sent on to the developer's engineer. Miss Phippen displayed the transportation master plan for the area and said the master plan showed that 250 East would not cul-de-sac but would come out on Main street at about 3600 So. She felt the intent was to give another access off of Hollow Road. She felt they could discuss whether that intent was accomplished with by tying the road in elsewhere.

Commissioner Lawver gave directions to the public present. Commissioner Lawver opened the public hearing at 7:19.

Ron Bliesner said he lived just adjacent to the property proposed for subdivision. He said he didn't feel 3700 was a reasonable alternative to the Transportation Master Plan and felt it was an unsafe road; he said he was fine with the road connecting to the subdivision to serve the subdivision for local traffic. Mr. Bliesner said he had a concern with the proposed sidewalk extending past the property and up the right-of-way. He said to put a sidewalk there would take almost 20 ft. off his property which was all landscaped. He requested the sidewalk stop at the property boundary and did not extend further to the west on to his property.

Seeing no further comment, Commissioner Lawver closed the public hearing at 7:21.

Discussion and consideration of a preliminary plat for River Meadows Subdivision, a 13 lot subdivision located at approximately 3700 South 250 East (Applicant: Tyler & Codee Obray)

Commissioner Bliesner said he would not be voting on this subdivision because Mr. Ron Bliesner was his father. Commissioner Lawver requested he still participate in the discussion.

Commissioner Lawver said he had an issue with the subdivision not conforming to what they had on the books. He wanted to see 250 go through and connect. Commissioner Davenport agreed that 250 should extent through and agreed with Mr. Bliesner's assessment of 3700 being a main thoroughfare. Commissioner Bliesner noted that this was an example of a private street that the city inherited. Commissioner Anderson agreed that 250 needed to go through. Commissioner Anderson said he would be alright if 3700 South was left at 50 ft. up to the intersection but said the north side of the intersection would be a great place to transition to a 60 ft. right-of-way. Commissioner Anderson said

they needed to make adjustment for the road to continue through. Commissioner Davenport, Commissioner Lawver and agreed with Commissioner Anderson's suggestion. Commissioner Anderson said if they didn't follow the Transportation Master Plan they were stepping outside the bounds of State law. Commissioner Anderson said he thought they could stop the sidewalk at the property line but thought they should include a requirement that the developer put in the sidewalk when it became necessary or that they at least bond for the development of the sidewalk.

The applicant, Mr. Tyler Obray was present at the meeting. He said further north on the property had major flood plain issues. He said he had worked with surveyors on the flood plain. He felt a road was not viable through the flood plain and said the cul-de-sac was the best option for the city. Mr. Obray suggested the city have their engineer come out and review the flood plain. Commissioner Anderson said they could raise roads and structures above the flood plain. The Planning & Zoning Commissioners and Mr. Obray discussed retention, detention, and flood plain issues. The Planning & Zoning Commissioners and Mr. Obray discussed road connectivity scenarios and width options. Commissioner Anderson felt with all the changes that had been discussed that they would have to have the preliminary plat come back in order for the Planning & Zoning Commission to recommend it to City Council.

Commissioner Anderson made a motion to continue discussion of the preliminary plat for River Meadows Subdivision, a 13 lot subdivision located at approximately 3700 South 250 East, after the road had been realigned to continue north; with a 60 ft. right-of-way after the intersection; and to meet the engineer comments on the review. Commissioner Davenport seconded the motion. The motion passed 3-1; with Commissioner Anderson, Commissioner Davenport, and Commissioner Lawver in favor. Commissioner Bliesner abstained from the vote.

Public Hearing

A public hearing to receive comment concerning proposed changes to the Nibley City Transportation Master Plan

Miss Phippen said the two primary changes to the Transportation Master Plan were related to the development of the Malouf subdivision. She said they also needed also to change the plan to comply with the preliminary approval given by the City Council. She also noted changes to the road plan that would serve the new high school. Miss Phippen said the city had recently interviewed three firms that would study the realignment of 3200 South and Highway 165 and said they would most likely be revisiting the Transportation Master Plan after they had received and reviewed that study. Miss Phippen noted the inclusion of subdivision roads to the Transportation Master Plan that had been constructed to serve Neighborhood Non-Profit and Stonebridge subdivisions.

Commissioner Davenport asked about truck routes being designated on the Transportation Master Plan. Miss Phippen said there was a map included in the Transportation Master Plan that specified all truck routes. Commissioner Davenport updated the public that the city would be updating the General Plan and encouraged them to get involved in the input and generation of the updated plan.

Commissioner Lawver gave direction to the public present. Commissioner Lawver opened the public hearing at 7:56.

Liz Bird of Sunset circle said she had no problem with the proposed plan. She liked that the plan connected the two neighborhoods and left the factory coming out on to the highway.

Erin McNeil addressed the discussion of “best practices” made by Commissioner Bliesner at the last City Council meeting. She read best practices from the Nibley City General Plan, p. 49, “The City of Nibley has formulated the following goals and policies to provide direction in decisions regarding transportation planning and development.” She then read from page 49, section 2.0 of the General Plan, “There are many strategies to be considered when developing a streets masterplan. Although the efficient movement of vehicles is a primary objective, there are other objectives that need to be considered. For example, roads optimized for efficient vehicle movement are often not desired in residential areas. As Nibley is primarily a residential community, careful planning is needed to ensure a proper balance between land use policies and efficient transportation. . . the quality of a city’s street design largely determines the overall character of the neighborhood. . . Residential streets serve a variety of purposes not limited to providing a place for vehicles and pedestrians to travel. Residential street design has a significant influence on neighborhood aesthetic quality and desirability. There is also a proven relationship between street design and vehicle speed. Most citizens desire peaceful neighborhood streets. Appropriate street design is critical to create a safe, pleasant neighborhood.”

Chris Field of Maple Valley Road said he didn’t like the idea of tying in the two neighborhoods because it sent everyone from Stonebridge strait down his road. He said there might be 1 semi a week down his road as opposed to 50 cars a day speeding down his road. He said cutting it off would force everyone down the side road rather than out of the subdivision.

Jerimiah Durtch of Sunset Circle said Stonebridge still had 1200 and highway 89/91 and said there were still a lot of roads to take them north. He said industrial should not be connected to neighborhoods. He said he was very much in favor of the current proposal.

Chase Gibbons of Stonebridge Dr. said if the two residential subdivisions did connect then it wouldn’t make any difference and described the route he took to go North. He said it was important the industrial and residential roads didn’t connect and said he was in favor of the current proposal.

Jed Grunig of Stonebridge said he was supportive of the proposed plan because 1500 was only about two blocks difference between that and 1200 and said there was adequate access north/south with 1200. He said if they did have people coming on 1500 that were trying to get north then they would be routed up to 1200 and would have the major road that Nibley was planning for north/south access. It would give people access to the

highway where there was planned light. He said the proposed road was not that far a connection to the north.

Cody Sorenson said he realized they were making lemonade at this point. He said he appreciated the work the Planning & Zoning Commission had done. He said they were shaping Nibley for the future and making Nibley what they wanted it to be.

Randy Spalding, who lived on the edge of Stonebridge, said he really liked the new plan. He felt the connectivity was there and that there was no need to connect to the industrial zone. He felt that it was a result of the plat proposed by the City Council that many people had now taken their homes off the market.

Seeing no further comment, Commissioner Lawver closed the public hearing at 8:06.

Discussion and consideration of changes to the Nibley City Transportation Master Plan

Commissioner Bliesner requested that in the future the map generator highlight the changes that were being proposed on future maps.

Commissioner Bliesner said he agreed with Mr. Spalding and other like comments but said that no one seemed to be catching on that the it is still zoned industrial on both sides of the loop that connect residential. He said there was no minimum lot size in industrial. He discussed if Malouf over moved and the new owner decided they did not need the other half of the industrial lot. He said there wouldn't be access to the other half of the lot except through the residential neighborhoods. He said if they did this they would prohibit access. Commissioner Bliesner discussed lots 2 and 3 that had no street in front of the lots so they could access from one point on the west and they couldn't, as a matter of law, prohibit them from accessing the lot from the east which also meant truck traffic through the residential neighborhood with no other alternative and he felt this was a mistake and could not vote for it. He wanted to make sure the residents understood what would be coming.

Preston Frischknect, Malouf's spokesperson, said as part of risk management the identified the worst case scenario and said it was not the scenario they were painting. Commissioner Bliesner reiterated that it was outside the city's control if they approved this plan. Mr. Frischknect agreed to work with the city in good faith.

Commissioner Lawver said the proposal was wrong and created an undue burden on citizens that lived along 1500. He hoped what was being be proposed was exactly what happened but said he could not plan that way. He said industrial ground was more valuable than residential ground and he could not imagine this property being rezoned. He felt this was the worst plan for those neighborhoods and was poor planning and noted the collector that dead ended. Commissioner Lawver said he didn't see the need to have connectivity today but said it would be essential 15 years from now.

Commissioner Anderson discussed utilities and said the sewer in the west was almost at capacity and they would need more places to take the sewer west. Commissioner Anderson said he disagreed with this routing from the beginning and still believed the plan recommended by the Planning & Zoning Commission from the preliminary plat was the best recommendation. He said he was alright with all the other housekeeping items on the Transportation Master Plan but said this item killed the recommendation.

Commissioner Davenport discussed zoning residential land next to industrial land and said it was an incompatible use. He said they were all trying to guess what would be the right decision. He said it was not a good idea to mix industrial traffic with residential traffic. Commissioner Davenport discussed industrial traffic from lot 3 being trapped going through residential roads. Commissioner Davenport said he didn't feel this was a great solution and said he liked the idea of dead-ending both residential roads but they knew was not feasible under Nibley City ordinance. Commissioner Davenport said he thought this was the solution he could live with and was willing to take the risk.

Commissioner Anderson noted that some of Garbett Home subdivision roads had been taken off of the Master Plan. Miss Phippen said she would clean it up.

Commissioner Bliesner made a motion to recommend to City Council that 2960 be classified as a local street on the east side of 89. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, and Commissioner Davenport all in favor.

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Public Hearing

A public hearing to receive comment concerning a proposed home occupation ordinance

Commissioner Lawver called for a recess at 8:36. The meeting reconvened at 8:42.

Miss Phippen said this outlined what could be a home occupation; things that were really low impact. She said this ordinance outlined why they allowed home occupations; the fact that a license is required; and what required Planning & Zoning Commission approval. This would give city staff the ability to approve home offices without the applicant coming before the Planning & Zoning Commission. She said the ordinance stated that anyone renting a home would have to get approval from the home owner before applying for a home occupation. Miss Phippen summarized the guidelines, restrictions, and limitation that would be set forth in the ordinance. She discussed the appeal and revocation process of a home occupation permit.

Commissioner Lawver opened the public hearing at 8:48.

Cody Sorenson asked if there would be any new fees with getting an application. Miss Phippen said the fees would be the same with the exception of a home office. They would not need to pay the fee to come before the Planning & Zoning Commission.

Erin McNeil asked if this would be applied retroactively. Miss Phippen said it could not be applied retroactively. Miss Phippen said they currently could bring a home occupation back for appeal or revocation but that the new ordinance was more specific and detailed on bringing back a business license for review.

Seeing no further comment, Commissioner Lawver closed the public hearing at 8:50.

Discussion and consideration of a proposed home occupation ordinance

Commissioner Davenport felt all of the changes that had been discussed at the 06-11-14 meeting had been incorporated. Commissioner Bliesner requested more time to review that changes that had been made to the most recent draft which was discussed by the Commissioners. Commissioner Bliesner addressed his concern with dust and the fact that it may affect a neighbor who may have asthma. Commissioner Bliesner felt the operator of the business had the obligation to contain those types of thing or their business didn't belong in a residential neighborhood. Commissioner Anderson said he felt the intent was to not be specific, giving them more latitude in the review process. Miss Phippen said they were getting into things that were really subjective and next to impossible for the city to enforce. She also did not want the city to be put into the position of playing the middle man when regarding neighborhood disruptions. She said State code would cover a complaint made by multiple people. Miss Phippen said she preferred to err on the side of being liberal when it came to ordinances because it but a huge burden on the city with a certain level of specificity.

Commissioner Bliesner made a motion to recommend approval of the home occupation ordinance to City Council. Commissioner Anderson seconded the motion. The motion

passed unanimously 4-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, and Commissioner Davenport all in favor.

Staff Report—contintued

Miss Phippen said they interviewed consultant for the redesign of 3200 South and said once the interviewees had been notified of the committees decision they would make the decision public.

Miss Phippen reported on the interview process for the new city Public Works Director. She said they hoped to make an offer to the new candidate in the next week and a half. She said they had interviewed some exceptional candidates. Miss Phippen discussed the loss of Bill Saunders. Commissioner Anderson asked for an update on building inspection. Miss Phippen addressed Commissioner Anderson's question.

There was general consent to adjourn at 9:02.