

The Meeting of the Nibley City Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, July 9, 2014.

The following actions were made during the meeting:

Commissioner Davenport motioned to recommend the rezone of 4.24 acres of property located at 173 W 4000 S from Residential R-1 to Residential R-1a. Commissioner Anderson seconded the motion. The motion passed 3-2; with Commissioner Davenport, Commissioner Anderson, and Commissioner Lawver in favor. Commissioner Green was opposed. Commissioner Bliesner abstained from voting.

Commissioner Bliesner motioned to recommend approval of the final plat for Phase 3 of Maple View Estates (23 lots), a conservation subdivision located at approximately 1150 West 2800 South. Commissioner Davenport seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Davenport, Commissioner Anderson, Commissioner Green, and Commissioner Lawver all in favor.

Planning and Zoning Commission Chair Mark Lawver called the Wednesday, July 9, 2014 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Mark Lawver, Commissioner Aaron Bliesner, Commissioner Bill Green, and Commissioner Dave Davenport. Shari Phippen, the City Planner, was also present.

Approval of 06-25-14 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.

Public Hearing

A public hearing to receive comment concerning a request to rezone 4.24 acres of property located at 173 W 4000 S from Residential R-1 to Residential R-1a.

(Applicant: Brian Rasmussen)

Miss Phippen displayed the property being discussed with the Cache County Parcel viewer. Miss Phippen said the Rasmussen's were intending to purchase the property between 250 West and 4000 South and had expressed interest in rezoning the property from R-1 (1 acre lot minimum with 200 ft. of frontage) to R-1a (3/4 acres lot minimum with 150 ft. of required frontage). Miss Phippen said there was a canal on the property and showed where the lot could be split. Miss Phippen said this would allow them to carve off a section and to subdivide into three lots.

Commissioner Anderson arrived at 7:03.

Miss Phippen discussed the zoning requirements in the areas surrounding the property. She said the request was not incompatible with the land surrounding it. Miss Phippen said

she saw no issues with making a positive recommendation that the property be rezoned to R-1a.

Commissioner Lawver gave direction to the public present. Commissioner Bliesner stated he would abstain from voting because of a possible conflict of interest. Commissioner Lawver opened the public hearing at 7:06.

Larry Slade said he would like to see some sort of proposal of what would be going into the property before it was rezoned. He mentioned items such as streets, water, sewer, and how it would be subdivided. He proposed that those items be submitted before the property was considered for rezone.

Barbara Wilden of 660 West 3200 South said she was curious if this would be a family group building houses or if it would be a speculative business of people making money, referencing a possible subdivision. Mrs. Wilden agreed with Mr. Slade. She said she was curious of the intent down the road.

Dave Anderson of 115 West 4000 South said he lived adjacent to the proposed property. He asked why there was a 200 foot frontage requirement on the zones in that area. He said it was fine for him right now because he bought it because he didn't want a neighbor there. He stated he didn't like the idea of back properties being right up against his property. Mr. Anderson said he had the same questions as Mr. Slade. Mr. Anderson expressed scenarios that would be acceptable to him. He said he would like to see what the Rasmussen's really wanted to do there.

Richard Leishman 3566 South Main said he lived down on the highway. He said there would be double traffic and said the people who purchase the property along 4000 south purchased it for the size of lots they were having. Mr. Leishman said they would be spot zoning with this proposal if they went to R-1a and he would be careful of spot zoning a small piece with a large group around it. Mr. Leishman said 4000 South had been considerably improved over the years but was concerned with more traffic being added to the road.

Barbara Wilden asked about the plans for 4000 South. She discussed scenarios she had heard of. Miss Phippen said this would be something they would deal with when they widened the road. She believed at some future point that 4000 would need significant improvement. Commissioner Anderson said 4000 South was planned to be a collector which would be a 60 ft. right-of-way. Mr. Leishman asked if they already had the rights to widen the road. Miss Phippen said they did in some areas and said the development of the proposed regional park would impact that road significantly at some point.

John Wallentine of 3968 S. 280 W. said he had property bordering with the property proposed for rezone to the west and asked where the SE corner of the property would end and where the frontage for that lot would end. Miss Phippen measured out the property for Mr. Wallentine and addressed Mr. Wallentine's questions.

Janis Wallentine of 3968 S. 280 W. said she was confused. She asked how many total houses could potentially be there if the property was rezoned. Commissioner Lawver said R1 was 1 acre with 200 ft. of frontage. He said with R-1A they needed $\frac{3}{4}$ acre with 150 ft. of frontage.

Noreen Brown of 4000 S. main asked if they put a road in if they could have 1 acre lots? She assumed the answer was no.

Larry Slade asked where they were thinking of putting a road? Commissioner Lawver said he was not proposing putting in a road; he was guessing. He stated that an engineer would have to look at the property.

Brain Rasmussen of 975 West 2675 South said he intended to build on the west piece and then intended to sell off the east piece. He said he had no intention of putting in a road. He stated his intent was to split the property into three lots. Mr. Rasmussen said they loved the area, wanted to stay in the area, and that this piece of property was very attractive to them.

Discussion and consideration of a request to rezone 4.24 acres of property located at 173 W 4000 S from Residential R-1 to Residential R-1a. (Applicant: Brian Rasmussen)

Commissioner Lawver said the lots to the east that didn't have the 200 ft. of frontage were in existence before Nibley's zoning laws came into effect and were grandfathered in. Commissioner Davenport addressed Mr. Slade's question. Commissioner Lawver said Mr. Rasmussen had given a sufficient answer. He said an engineer would have to look at the property but currently it was all just speculation. Commissioner Davenport noted that some of the property to the south and west were already zoned R-1a so that this wouldn't be the only property zoned 1-a. Commissioner Davenport asked if there was sufficient water and sewer to the property. Miss Phippen said at the point of subdividing the property, the applicant was required to provide the city with shares in a canal company in order to ensure the city was able to provide the water to the property. She said the property owner was also required to hook onto the sewer and there were sufficient sewer pipelines to hook onto. Commissioner Davenport addressed the individual questions that had been asked by the public during the public hearing. Commissioner Bliesner said any new plat would be required to satisfy the frontage of that zone. Commissioner Bliesner stated the proponent should not be under the illusion that they would be able to put more lots in, and get away with it, than the zoning requirement in the subdivision ordinance would require. Commissioner Bliesner discussed and described a spot zone. He said this technically would not be a spot zone. Commissioner Anderson said the area was slated for medium density in the Nibley City General Plan. Mrs. Wallentine received clarification on subdivision after a rezone is granted. Miss Phippen said the request was not out-of-line with what the general plan anticipated. Mr. Slade asked if the canal right-of-way had an influence on the subdivision of the lot. Commissioner Lawver described how the canal could impact the property. Miss Phippen said it wouldn't affect the number of lots they could develop. She said they would have to provide a canal easement and that it would affect the buildable area of the lot.

Commissioner Davenport made a motion to recommend the rezone of 4.24 acres of property located at 173 W 4000 S from Residential R-1 to Residential R-1a. Commissioner Anderson seconded the motion. The motion passed 3-2; with Commissioner Davenport, Commissioner Anderson, and Commissioner Lawver in favor. Commissioner Green was opposed. Commissioner Bliesner abstained from voting.

Final Plat

Discussion and consideration of a final plat for Phase 3 of Maple View Estates (23 lots), a conservation subdivision located at approximately 1150 West 2800 South (Applicant: Neighborhood Nonprofit Housing Corporation)

Kim Datwyler, the director of Neighborhood Nonprofit Housing Corporation (NNHC) was present at the meeting. Miss Phippen described that the phase being considered proposed to finish the subdivision. Miss Phippen displayed the preliminary plat for Phase 3 of Maple View Estates and described the general location of the property. Miss Phippen said she had received the finalized comment from the engineers; she said they had no problems with the configuration of roads or lots but were concerned with the layout of a sewer line. She described where the engineer had recommended the sewer line go. Mrs. Datwyler, Miss Phippen, and the Planning & Zoning Commission discussed placement of the sewer line.

Miss Phippen said there was also a question about the canal on the east side of the property. Mrs. Datwyler said it was proposed that the canal would stay open and it was not proposed to be fenced. Commissioner Bliesner requested the applicant make the homeowners aware of the Nibley City fence ordinance. Mrs. Datwyler nodded her head in the affirmative.

Commissioner Bliesner made a motion to recommend approval of the final plat for Phase 3 of Maple View Estates (23 lots), a conservation subdivision located at approximately 1150 West 2800 South. Commissioner Davenport seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Davenport, Commissioner Anderson, Commissioner Green, and Commissioner Lawver all in favor.

Staff Reports

Miss Phippen said Nibley City hoped to have the new Public Works Director on board within the next three weeks. She said an offer had been extended that morning.

Miss Phippen gave the Planning & Zoning Commissioners the dates for the next League of Cities and Town conference.

There was general consent to adjourn at 7:58.