

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, May 13, 2015.

The following actions were made during the meeting:

Commissioner Davenport motioned to approve the application for a conditional use permit and business license for Little Steps Preschool located at 375 West 3300 South; applicant Eileen Lindquist, with the condition that all pick up and drop off of children must be done adjacent to the curb in front of the applicant's home. Commissioner Bernhardt seconded the motion. The motion passed unanimously 3-0; with Commissioner Davenport, Commissioner Bernhardt, and Commissioner Bliesner all in favor.

Commissioner Bernhardt motioned to approve the accessory building permit for Bret and Malinda Tolson located at 725 West 2680 South with no conditions. Commissioner Davenport seconded the motion. The motion passed unanimously 3-0; with Commissioner Bernhardt, Commissioner Davenport, and Commissioner Bliesner all in favor.

Acting Planning and Zoning Commission Chair Aaron Bliesner called the Wednesday, May 13, 2015 Nibley City Planning Commission meeting to order at 5:34 p.m. Those in attendance included Commissioner Thomas Bernhardt, Commissioner Dave Davenport, and Commissioner Aaron Bliesner. Shari Phippen, the City Planner, was also present.

Miss Phippen and the Planning and Zoning Commission discussed an applicant that was present but hadn't been included on the agenda. Miss Phippen said she would like to discuss having accessory building permits be approved by staff in the future. She and Commissioner Bliesner discussed how public hearings would function if permits were approved by city staff.

Approval of 4-15-15 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.

Commissioner Bliesner discussed the appointment of a Planning and Zoning Commission chair and acting chair.

Conditional Use Permit/Business License

Little Steps Preschool—discussion and consideration of a conditional use permit for a home occupation (preschool) located at 375 West 3300 South (Applicant: Eileen Lindquist)

Eileen Lindquist and Sheri Leishman were present at the meeting.

Miss Phippen said the application was for a home occupation/preschool and read the home occupation definition:

The use of a portion of a dwelling as an office, studio, or workroom for occupations which are conducted in the home and are incidental to the primary use as a home or residence . . .

Miss Phippen said if a business met the definition then it may be licensed as a home occupation, without regard for the type of business actually being conducted, provided that the business is legal and not otherwise specifically prohibited by ordinance. Miss Phippen there were stipulations that anyone who worked for the home occupation had to live in the home; people who didn't live in the home couldn't come to the home to work; and no part of the business could be run in an accessory building. Miss Phippen said Mrs. Lindquist's application stated that she would not have any outside employees, conduct any part of the business in an accessory building, will have no client visits other than the pick up and drop off of the kids and will also not have any business vehicles. Miss Phippen said this qualified the business to be licensed as a home occupation.

Miss Phippen said she thought it would be good to know how the applicant's class schedule would be structured—how many sessions for each of the three days, children per session, etc. She said the applicant cannot have more than eight individual children in a session and that her application stated that there would be 15 client visits per week. Miss Phippen suggested asking about how the 15 would be broken down to make sure the applicant was within the limit imposed by ordinance.

Mrs. Leishman, speaking for the applicant who was also present, said there would be 8 per session with a Tuesday/Wednesday/Thursday morning session with 8 children and a Tuesday/Thursday afternoon session with 7 children.

Miss Phippen said the business met the definition of home occupation, she recommend approving the conditional use permit, with the condition that all pick up and drop off must be done adjacent to the curb in front of the applicant's home.

Commissioner Davenport made a motion to approve the application for a conditional use permit and business license for Little Steps Preschool located at 375 West 3300 South; applicant Eileen Lindquist, with the condition that all pick up and drop off of children must be done adjacent to the curb in front of the applicant's home. Commissioner Bernhardt seconded the motion. The motion passed unanimously 3-0; with Commissioner Davenport, Commissioner Bernhardt, and Commissioner Bliesner all in favor.

Accessory Building Permit

Discussion and consideration of an application for a building permit to construct a 32' x 24' accessory building located at 725 West 2680 South (Applicant: Bret & Malinda Tolson)

Commissioner Bliesner noted that the applicant's address had been listed incorrectly on the application. He noted that the address should read 725 West 2680 South.

Bret and Malinda Tolson were present at the meeting.

Miss Phippen said City Code 10-12-16(C) outlined the size of accessory building which property owners may have. Size and height limits are based on acreage of the property. The Tolsons' property was .54 acres. Miss Phippen showed the Tolson's property on the screen for the Planning and Zoning Commission and public to view. She said their acreage would allow them an accessory building not larger than 20' tall, 1,500 square feet. She said the Tolsons were requesting a building permit for a 14' tall, 768 square foot outbuilding, both of which fell within what was allowed by ordinance. Because the Tolsons' were not on a corner lot, their accessory building setbacks would be 3' on the side and 1' on the back. Miss Phippen said the Tolsons' were proposing 5' on the side and 5' on the rear. Miss Phippen said she didn't feel an increase setback was necessary for this application,

Miss Phippen said that because the proposed building met the height, size and setback guidelines outlined by City ordinance, she recommend the Commission approve the request for a building permit.

Commissioner Bernhardt made a motion to approve the accessory building permit for Bret and Malinda Tolson located at 725 West 2680 South with no conditions. Commissioner Davenport seconded the motion. The motion passed unanimously 3-0; with Commissioner Bernhardt, Commissioner Davenport, and Commissioner Bliesner all in favor.

Final Plat

Zollinger Acres—discussion and consideration of a final plat for Phase 7 of Zollinger Acres (11 lots), a subdivision located at 1350 West 3350 South. (Applicant: MV Properties, LLC)

Mr. Jared Neilson was present at the meeting representing MV Properties, LLC.

Miss Phippen said this was the next to last phase of Zollinger Acres which consisted of 11 lots. She noted the required lot sizes and frontage requirements in the R-2a zone, and discussed how the proposed plat measured up the them. She noted that some of the lots showed less than 100 feet of frontage but that the measurement didn't take into account the length of the curved portion of the lot. Miss Phippen said all lots were about the 12,000 square foot minimum and the average lot size was 16,125 square feet. She described that all required water shares had previously been turned over to the city.

Miss Phippen said the only problem on the plat was that all the lots had the same address. She said the addressing would need to be fixed. Miss Phippen told the Planning and Zoning Commission that there was an outstanding item for the subdivision. She said there was an incomplete re-

tention pond from phase 1 of the development. The retention pond was allowed to be incomplete and development was continued because the pond was directly impacted by the lawsuit with the Blacksmith Fork Irrigation Company. Miss Phippen said she had talked to the city engineer and public works director and they had concluded that the developer will be required to complete the pond as part of this phase of development.

Miss Phippen discussed the road development of 1350 West. She described the land portion that belonged to the city. She said the city could only allow that developer to develop roads that directly impacted their project and adjacent to property owned by the developer. She said the city would like to work out an agreement with the developer to have the city pay them to finish the city's portion of the road. She said they were not required to build that portion of the road.

Miss Phippen said the plat met all the conditions and specification to recommend approval to the City Council and it was staff's recommendation that the Planning and Zoning Commission recommend the final plat.

Commissioner Davenport made a motion to recommend the final plat of Zollinger Acres, Phase 7, located at 1350 West 3350 South to the City Council; with the condition that all lot addresses be corrected on the final plat before presentation to the City Council. Commissioner Bernhardt seconded the motion. The motion passed unanimously 3-0; with Commissioner Davenport, Commissioner Bernhardt, and Commissioner Bliesner all in favor.

Commissioner Bliesner recessed the meeting at 5:59 so that Miss Phippen could conduct city business with a citizen. The meeting resumed at 6:04.

Workshop

General Plan Update—Discussion regarding the status of the General Plan update

Miss Phippen said she was approximately half-way through her review of the General Plan update. She said there were significant formatting and grammatical correction that needed to be made. Miss Phippen said they had originally anticipated presenting the preliminary draft to the during a public presentation before the meeting but said the water emergency had set things back. Miss Phippen said she anticipated finishing her review of the draft tomorrow, reviewing the document with Mr. Zook, then being able to send the draft back to the consultants. She said she would like to have the draft up for review by the next meeting. Miss Phippen said she would like to make a public presentation of the draft at the next meeting and then later hold a public hearing once the public had a chance to absorb and contemplate the draft. Miss Phippen said the next meeting should have a large agenda; presentation of the draft general plan, a public hearing on the cell tower ordinance, and a public hearing regarding the vicious animal ordinance. Commissioner Bliesner, Commissioner Davenport, and Commissioner Bernhardt all agreed with Miss Phippen's timeline.

Commissioner Bernhardt asked about the realignment of 3200 South. He ask if the City Council had directed the Planning and Zoning Commission to undertake that issue. Miss Phippen said she

and the City Manager would sit down and discuss the City Council's direction. She and the Planning and Zoning Commission discussed their perceived understanding of the City Council's direction.

Commissioner Davenport said he would not be present for the next Planning and Zoning Commission meeting.

Miss Phippen asked the Planning and Zoning Commission to send her their thoughts on a new appointment to the Planning and Zoning Commission.

Miss Phippen informed the Planning and Zoning Commission that the filing date to run for City Council was June 15. She said there would be three open seats: Councilmember Jacobsen's, Councilmember Hellstern's, and Councilmember Whittaker's. She said that Councilmember Whittaker was moving and needed to resign from the City Council so the City Council would be making a 6 month appointment to fill her seat.

There was general consent to adjourn at 6:14.

Attest: _____
Deputy City Recorder