

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, July 8, 2015.

The following actions were made during the meeting:

Commissioner Davenport motioned to nominate Commissioner Bill Green to act as Planning and Zoning Commission Chair. Commissioner Bernhardt seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Bernhardt, Commissioner Swenson, and Commissioner Green all in favor.

Commissioner Davenport motioned to approve the application for a 24' x 24' accessory building located at 3140 South 700 West; applicant, Richard Eliason, with the condition that the building be constructed at least 3 feet from the applicant's north property line. Commissioner Bernhardt seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Bernhardt, Commissioner Swenson, and Commissioner Green all in favor.

Commissioner Davenport motioned to approve the request to rezone 4.24 acres of property located at 173 West 4000 South from Residential R-1 to Residential R-1A; applicant John & Janice Wallentine, and recommend the rezone to City Council. Commissioner Swenson seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Swenson, Commissioner Bernhardt, and Commissioner Green all in favor.

Commissioner Davenport motioned to approve Resolution 15-01PC: A resolution designating staff as the review authority for accessory building approvals, with the condition that a third paragraph be added with wording as follows "The authority to approve building permits for accessory buildings shall be returned to the Planning Commission upon separation of the current City Planner, Shari Phippen, from her employment with Nibley City." Commissioner Bernhardt seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Bernhardt, Commissioner Swenson, and Commissioner Green all in favor.

Commissioner Dave Davenport called the meeting to order at 5:36.

Commissioner Davenport made a motion to nominate Commissioner Bill Green to act as Planning and Zoning Commission Chair. Commissioner Bernhardt seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Bernhardt, Commissioner Swenson, and Commissioner Green all in favor.

Acting Planning and Zoning Commission Chair, Bill Green called the July 8, 2015 Planning and Zoning Commission meeting to order at 5:36. Those in attendance included Commissioner Bret

Swenson, Commissioner Dave Davenport, Commissioner Thomas Bernhardt, and Commissioner Bill Green. Shari Phippen, the City Planner, was also present.

Approval of 6-24-15 meeting minutes and the evening's agenda

General consent was given for the previous meeting's minutes.

General consent was given for the evening's agenda.

Building Permit

Richard Eliason—consideration of a request for a building permit for a 24'x24' accessory building located at 3140 South 700 West

Miss Phippen described the location of the accessory building on the lot and said Mr. Eliason's property was .57 acre, which would allow him a 1,500 square foot building, much larger than what the applicant was requesting, so he was within the size limit of the ordinance. Miss Phippen described the dimension of the building. She said the proposed accessory building met all height requirements. Miss Phippen said the applicant was not on a corner lot, so his accessory building setbacks were 3 feet on the side and 1 foot on the back. She said the applicant's proposed setbacks were 30' on the rear and 2' on the side, and that the applicant needed a minimum of 3' from his side property line. Miss Phippen said she recommend that the application be approved, with the condition that the building is located a minimum of 3' from the north property line.

Commissioner Davenport made a motion to approve the application for a 24' x 24' accessory building located at 3140 South 700 West; applicant, Richard Eliason, with the condition that the building be constructed at least 3 feet from the applicant's north property line. Commissioner Bernhardt seconded the motion.

Commissioner Swenson asked if the drip line of the structure was taken into account. Miss Phippen said the setback requirements took the dripline into account and were in place to ensure an accessory building didn't drip onto the adjoining property.

The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Bernhardt, Commissioner Swenson, and Commissioner Green all in favor.

Public Hearing

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

Miss Phippen showed the proposed property on the County parcel viewer. She said the property came to the Planning Commission about a year ago for rezone from R-1 to R-1A. The Commission made a recommendation to the Council that the property be rezoned. However, before the Council was able to hear the request, the property purchase fell through and so the rezone request was taken off the table. Because this was a separate party it was considered a separate request. Miss Phippen described the differences between an R-1 and R-1A zone. She clarified that there

was no subdivision being proposed. Miss Phippen described how many lots would be available within each zone (2 lots with R-1, and 3 lots with R-1A). Miss Phippen said the long term plan for this area was low density residential and she said the rezone wouldn't effect the use of the land. She said the request was consistent with the long term use of the property. Miss Phippen recommend sending this rezone request on to the City Council with a recommendation for their approval of the rezone

Commissioner Green asked if the rezone proposal would blend with the surrounding area. Miss Phippen said this consideration wouldn't be out-of-character with the surrounding area.

Commissioner Green opened the public hearing at 5:48.

Janice Wallentine said they had always wanted the lot behind their property. She said at some point they would try to subdivide the area into three lots and keep the lot behind them.

Seeing no further comment, Commissioner Green closed the public hearing at 5:50.

Discussion and consideration of a request to rezone 4.24 acres of property located at 173 West 4000 South from Residential R-1 to Residential R-1A. (Applicant: John & Janice Wallentine)

Commissioner Davenport made a motion to approve the request to rezone 4.24 acres of property located at 173 West 4000 South from Residential R-1 to Residential R-1A; applicant John & Janice Wallentine, and recommend the rezone to City Council. Commissioner Swenson seconded the motion.

Commissioner Green asked the applicant for their intent with the open canal. Mr. Wallentine said he would like to leave it open and use it as a sort of boundary line. Miss Phippen said she felt it would be more marketable if the ditch were left open.

The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Swenson, Commissioner Bernhardt, and Commissioner Green all in favor.

Discussion and consideration of Resolution 15-01PC: A resolution designating staff as the review authority for accessory building approvals.

Miss Phippen said she had realized that it wasn't necessary for the public to come to the Planning and Zoning Commission for requests for accessory buildings; if an accessory met the ordinance requirement then it could be constructed. Miss Phippen said the resolution would designate herself and public works employee, Austin Powel (the building inspector) as authorities for accessory building approvals. She said the conditions the be followed for an accessory building were very specific and outlined in Nibley City ordinance. Commissioner Davenport asked about a circumstance in which an applicant disagreed with the accessory building authority and asked if the applicant would then ask to appear before the Planning and Zoning Commission. Miss Phippen said the applicant would have to apply for a variance and wouldn't come before the

Planning and Zoning Commission in that circumstance. She said the applicant would the ask to see the variance appeal authority to ask to vary from Nibley City ordinance.

Commissioner Bernhardt asked what kind of paper work would be filed . Miss Phippen said it would be an identical application but she would include a box on the second page designating building size. She said she would then hand the application to Austin who retained a record of all building permits. Commissioner Bernhardt asked about the potential of Miss Phippen leaving her job and the possibility of the Planning and Zoning Commission taking that authority back.

Commissioner Davenport asked if they could pass the resolution so that it would expire if Miss Phippen left her position; he said it would expire and the authority would be turned back to the Planning and Zoning Commission. Miss Phippen edited the wording to Resolution 15-01PC to include the wording “3. The authority to approve building permits for accessory buildings shall be returned to the Planning Commission upon separation of the current City Planner, Shari Phippen, from her employment with Nibley City.”

Commissioner Davenport made a motion to approve Resolution 15-01PC: A resolution designating staff as the review authority for accessory building approvals, with the condition that a third paragraph be added with wording as follows “The authority to approve building permits for accessory buildings shall be returned to the Planning Commission upon separation of the current City Planner, Shari Phippen, from her employment with Nibley City.” Commissioner Bernhardt seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Bernhardt, Commissioner Swenson, and Commissioner Green all in favor.

Discussion

Miss Phippen and the Planning and Zoning Commission discussed if they would hold a meeting on July 22, 2015. Miss Phippen noted that the first meeting in August would be the Nibley City employee summer picnic. She suggested the meeting options she felt the Planning and Zoning Commission had. The Planning and Zoning Commission decided to hold the first meeting on August on the 5th and gave general consent.

There was general consent to vamanos at 6:09.

Attest: _____
Deputy City Recorder