

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Wednesday, May 11, 2016.

The following actions were made during the meeting:

**Commissioner Bliesner motioned to approve the business license and conditional use permit for Hernandez Lawn Care located at 2984 South 500 West; applicant, Jose Hernandez, with the condition that any equipment or business vehicles associated with the business not be parking in the public right-of-way or with any of the accessory use set backs on the property. Commissioner Green seconded them motion. The motion passed unanimously 3-0; with Commissioner Bliesner, Commissioner Green, and Commissioner Swenson all in favor.**

**Commissioner Bliesner motioned to table consideration of a business license and conditional use permit for Cache Valley Sheds, located in an existing business at 25 West 3200 South; applicant, Cache Valley Sheds until such time as the business license issue on the property is resolved and suggest the applicant and property owner meet with Nibley City Staff to figure out issues with parking at the business. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bliesner, Commissioner Green, and Commissioner Swenson all in favor.**

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Planning and Zoning Commission Co-Chair Brett Swenson called the Wednesday, May 11, 2016 Planning and Zoning Commission meeting to order at 5:33. Those in attendance included Commissioner Bill Green, Commissioner Bret Swenson, and alternate Commissioner Aaron Bliesner. Mr. David Zook, Nibley City Manager, was also present.

#### **Approval of 04-27-16 meeting minutes and the evening's agenda**

General consent was given for the evening's agenda.

The previous meeting minutes couldn't be approved because of the absence of Commissioners who were present at the April 27, 2016 meeting.

#### **Conditional Use Permit/ Business License**

**Hernandez Lawn Care—discussion and consideration of an application for a conditional use permit/business license for a home occupation (lawn care) located at 2984 South 500 West (Applicant: Jose Hernandez)**

The applicant, Jose Hernandez, was not present at the meeting.

Mr. Zook quoted the home occupation definition (Section 10-2) from Nibley City code. Mr. Zook said this application met the requirements that were set forth under the home application definition. There would be no outside employees and the work

wouldn't be done at the resident. Mr. Zook said that Ms. Phippen recommended the Planning and Zoning Commission approve the conditional use permit and business license for this applicant.

Commissioner Bliesner made a motion to approve the business license and conditional use permit for Hernandez Lawn Care located at 2984 South 500 West; applicant, Jose Hernandez, with the condition that any equipment or business vehicles associated with the business not be parking in the public right-of-way or with any of the accessory use set backs on the property. Commissioner Green seconded them motion. The motion passed unanimously 3-0; with Commissioner Bliesner, Commissioner Green, and Commissioner Swenson all in favor.

**Cache Valley Sheds—discussion and consideration of an application for a commercial business license for a retail business located in an existing business (Grant's Hometown Auto) at 25 West 3200 South (Applicant: Cache Valley Sheds)**

The applicant, Jared Harris, was present representing Cache Valley Sheds.

Mr. Zook said this was a retail business licenses at Grant's Hometown Auto to share the property. Cache Valley Sheds had entered into a contract with Grant Swenson to have him sell sheds for their company; he would be acting as a dealer/contractor of Cache Valley Sheds. Mr. Zook said Nibley's land use chart had no limitations on the number of commercial businesses that can be operated out of one site and that the city had made provisions for secondary businesses so long as the additional traffic is minimal or non-existent. Mr. Zook said Cache Valley sheds had provided a sketch of the property delineating where the sheds would be placed on the property. Mr. Zook displayed this sketch.

Mr. Zook reviewed Ms. Phippen's concerns with this application. Ms. Phippen had said there were times when Grant's customer load was high enough that the site becomes crowded. The parking on the property isn't striped or structured and she worry that adding the sheds to the property will further complicate the problem. Ms. Phippen said that prior to moving the sheds on to the property, Grant's will need to delineate parking spaces on the property to show they have enough room to accommodate their vehicle load and the sheds, without parking vehicles on the non-asphalted area. Mr. Zook said that Ms. Phippen was also concerned that there was another business running from the same site. She believed there is a consignment shop inside the building, in addition to the auto repair shop. If that was the case, then that business was operating without a license and so the property was in violation of City land use laws. Ms. Phippen had noted that if they Planning and Zoning Commission wanted to approve the business license and conditional use permit then they should attach the following conditions:

- No business license will be issued until such time as Grant's can present the City with a parking plan and complete striping/painting of parking on the property.

- No business license will be issued until such time as Grant's can present the City with evidence that all business running out of the location are appropriately licensed with Nibley City.
- No vehicles can be parked on non-asphalted surfaces on the property.
- All other City ordinances related to nuisances must be observed.

The Planning and Zoning Commission discussed if they could table this application until City Planner's concerns were addressed. Mr. Zook recommended the first condition also include a recommendation that the parking plan show that there was sufficient parking according to Nibley City ordinance.

Commissioner Bliesner said he had concerns about the business because of the amount of business that was being run outside the building. He said the property needed to be evaluated for what parking standard it needed to meet. He also felt the accessory building was being used as part of one of the businesses and that parking would need to be calculated for that factor as well. Commissioner Bliesner was also concerned with the third proposed condition on the application, "No vehicles can be parked on non-asphalted surfaces on the property." He said all commercial properties had to have asphalt anywhere a car was parked. He said this was derived from the Storm Water Protection Act and he felt they would also need to have stormwater handling. He said they needed to be in compliance with the law on stormwater protection. Commissioner Bliesner said they would need to accommodate for customer parking as well as inventory parking.

Mr. Zook and the Planning and Zoning Commission discussed the required vehicle load for the property. Commissioner Swenson said he had noticed that there were vehicles not parked on pavement. Commissioner Bliesner agreed that this needed to be enforced and said if Nibley City ordinance didn't require stormwater mitigation for parking lots then the ordinance needed to be fixed. Commissioner Green suggested the applicant move the sheds to the non-asphalted part of the parking lot and to move the cars to the pavement.

Commissioner Bliesner made a motion table consideration of a business license and conditional use permit for Cache Valley Sheds, located in an existing business at 25 West 3200 South; applicant, Cache Valley Sheds until such time as the business license issue on the property is resolved and suggest the applicant and property owner meet with Nibley City Staff to figure out issues with parking at the business. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bliesner, Commissioner Green, and Commissioner Swenson all in favor.

## **Workshop**

**Discussion regarding an updated Annexation Policy Plan for Nibley City**

Mr. Zook said that Ms. Phippen had come across the regulations on annexation policy plans. I had been operating under the assumption that the process to change the annexation boundaries was as simple as amending a map.

Mr. Zook said that State law outlined a detailed process that cities go through when creating an annexation policy plan and that process is the same when a City chooses to amend the plan. The process involves gathering input from adjoining municipalities and also from the county and other affected entities. The process requires that the Commission first examine and discuss the existing plan, then spend a couple of weeks gathering input from affected entities, then take that information and incorporate it into the new policy plan. After this is done, the Commission holds a public hearing and then makes a recommendation to the Council regarding amending the plan. State Code 10-2-401.5 outlines what the City is required to do regarding annexation policy plans.

Mr. Zook read the process for updating and amending the annexation plan. State Code (10-2-401.5) had been included in the meeting information packet. Mr. Zook said Ms. Phippen had taken the City's existing policy plan and made some initial changes. She indicated that the process was a little odd because the Commission would be writing at the same time as they were waiting for input from other entities. Mr. Zook said Ms. Phippen would be preparing notices to the affected entities and allowing them to provide input over the course of the next two weeks so the Planning and Zoning Commission would be discussing that input at the meeting on May 24, 2016.

**Discussion regarding an updated Future Land Use Map for Nibley City**

Mr. Zook said the future land use map was an important part of the General Plan update process and took the recommendation of the general plan and outlined areas where the city envisioned certain type of development happening. He said this wasn't a zoning map, but talked about where the city might see future zoning going. I was a vision for how the city might develop in the future. Mr. Zook said this was the first draft of the map and it was anticipated that there would be several draft of the map before the Planning and Zoning Commission adopted the map. Mr. Zook said there was an ordinance being created to govern the mixed-use, planned unit development areas. Commissioner Bliesner made the distinction that this was a concept plan and was a component of the general plan; it was a hypothetical zoning graphic based on what the community said about the city. Mr. Zook highlighted and discussed the two changes that were being proposed on the zoning concept map and then reiterated what the Planning and Zoning Commission should discuss.

Commissioner Bliesner discussed that there were a fair number of plans that were presented at the general plan update. He asked if those draft maps were used when developing this proposed map. Mr. Zook said he was not sure. Commissioner Bliesner said there should also be a subsequent revision to the master road plan based on this map; especially incorporating the planned unit development overlay

zone. The Planning and Zoning Commission discussed the planned unit development overlay zone as drawn near a proposed regional park. Commissioner Bliesner said he was concerned with the proximity of the planned unit development overlay zones to the proximity of major arterial roads. He said this would be the highest density in the city and would require a lot more roadways. He suggested that the overlay zone be shifted the right to have more access to Highway 89. Commissioner Bliesner said he was a fan of the high-density overlay option. He felt they were disproportionately loaded with medium density; he said it wasn't practical. He was concerned that there was a planned unit development overlay in the middle of low density with no medium density anywhere around it. Commissioner Bliesner said that usually mixed use needed to have a viable component of commercial. He said commercial was not viable because it wasn't near an arterial road. He said they also needed to avoid putting traffic load on to 4000 South.

Commissioner Bliesner said he felt commercial should be going in along SR 165 but focused on the stretch between the new high school and Little Wonders Preschool. He had no objection for neighborhood commercial in the other areas along SR 165. He said neighborhood commercial stayed with the character of the neighborhood better. Commissioner Bliesner discussed a home-based business near his parent's home that was not running as a home based business. Commissioner Swenson recommended the limitation of commercial on Main Street from the preschool to down past Hollow Road. Commissioner Bliesner said they needed to keep the roads plan in perspective when considering these zones. Commissioner Bliesner suggested developing 4400 South and connecting through to Hollow Road and having a four way stop and commercial. He said it would alleviate stress on the road. Commissioner Swenson asked to have this discussion brought back for the next Planning and Zoning Commission meeting so that the absent commissioners could give their input.

There was general consent to adjourn at 7:07.

Attest: \_\_\_\_\_  
Deputy City Recorder