

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Wednesday, September 14, 2016.

The following actions were made during the meeting:

**Commissioner Green motioned to approve the conditional use permit and business license for Grandma's Playhouse, an artisan shop located at 4360 Hollow Rd.; applicant, Judy Ann Jones. Commissioner Albrect seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Albrect, Commissioner Davenport, Commissioner Swenson, and Commissioner Johnson all in favor.**

**Commissioner Swenson motioned to recommend approval of the final plat for Phase 8 of Zollinger Acres, a 7-lot phase of a residential subdivision located at approximately 3260 South 1350 West; applicant, MV Properties, LLC, to the Nibley City Council; with the condition that the setbacks will be on the final plat to be presented to City Council. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Green, Commissioner Davenport, Commissioner Albrect, and Commissioner Johnson all in favor.**

**Commissioner Green motioned to strike the waiver provision from the proposed conservation residential subdivision ordinance. Commissioner Albrect seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Albrect, Commissioner Davenport, Commissioner Swenson, and Commissioner Johnson all in favor.**

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Planning and Zoning Commission Co-Chair Dave Davenport called the September 14, 2016 Planning and Zoning Commission meeting to order at 5:30. Those in attendance included Commissioner Dave Davenport, Commissioner Bret Swenson, Commissioner Bill Green, and alternate Commissioner Aaron Bliesner. Mr. Stephen Nelsons, Nibley City Treasurer, was also present. Minutes were taken and prepared by Deputy City Recorder, Cheryl Bodily.

#### **Approval of 8-24-16 meeting minutes and the evening's agenda**

General consent was given for the evening's agenda.

Commissioner Jim Johnson arrived at 5:31 p.m.

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

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

**Grandma's Playhouse—discussion and consideration of a conditional use permit and business license for an artisan shop located at 4360 Hollow Rd. (Applicant: Judy Ann Jones)**

The applicant wasn't present at the meeting.

Mr. Nelson read the information provided by Nibley City Planner, Ms. Phippen, that was included in the meeting FYI packet and made available on the city website and Utah Public Notice website.

*"Mrs. Jones is has submitted an application for a home-based artisan shop where she will make handmade craft items for sale online. She will have her grandchildren assist her.*

- *Nibley City Code 10-2 defines "Artisan Shop" as:
  - *A place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small scale, and which do not require industrial machinery for production of the items. Examples of such items include paintings, sculptures, pottery, jewelry, handblown glass, small wooden items, candles, soaps, and lotions.**
- *Mrs. Jones lives in the R-E zone, and Nibley City Code 10-10 allows artisan shops as a conditional use in the R-E zone.*
- *Mrs. Jones is not proposing to use an accessory building for any portion of her business. She will have no client visits to her home and all items will be shipped via USPS.*
- *Staff recommendation is that Mrs. Jones be approved for a conditional use permit and business license for Grandma's Playhouse, as it meets the definition of an artisan shop and is an allowed use of the property."*

Commissioner Green made a motion to approve the conditional use permit and business license for Grandma's Playhouse, an artisan shop located at 4360 Hollow Rd.; applicant, Judy Ann Jones. Commissioner Albrect seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Albrect, Commissioner Davenport, Commissioner Swenson, and Commissioner Johnson all in favor.

### **Final Plat**

#### **Discussion and consideration of a final plat for Phase 8 of Zollinger Acres, a 7-lot phase of a residential subdivision located at approximately 3260 South 1350 West (Applicant: MV Properties, LLC)**

Mr. Nelson read the information from the meeting FYI packet:

- *"MV Properties has submitted a final plat for the final phase of the Zollinger Acres subdivision.*
- *This phase is located at 3260 South 1350 West. It will be a cul-de-sac that runs to the West of where a road currently is stubbed in. There is also one additional lot on 1350 West that will be included as part of this phase.*
- *The property is located in the R-2A subdivision, which requires a minimum lot size of 12,000 and a lot size average of 14,000 square feet. All 7 lots in this phase are above 12,000 square feet.*

- Lot size average: 16,400
- All water shares for the entire subdivision have been turned over to the City with previous phases.
- There are no outstanding infrastructure improvements from previous phases that would prohibit construction of this phase. Stormwater needs will be handled by detention ponds within the subdivision.
- The only outstanding issue with the plat is that there are no building setbacks on the plat, but I don't think that should hold up the Commission making a recommendation on this plat. Those will just need to be included prior to the plat appearing before the City Council.
- This plat is in line with the preliminary plat, and meets the lot size and frontage requirements outlined in City ordinance. I recommend it be forwarded on to the City Council with a favorable recommendation for their approval."

Commissioner Green asked if everything had been complete in phase 7 of the proposed subdivision. Mr. Nelson reiterated that Ms. Phippen had said that there were no outstanding infrastructure improvements from previous phases that would prohibit construction of the current phase. Only that stormwater needs would need to be handled by detention ponds within the subdivision.

Commissioner Swenson made a motion to recommend approval of the final plat for Phase 8 of Zollinger Acres, a 7-lot phase of a residential subdivision located at approximately 3260 South 1350 West; applicant, MV Properties, LLC, to the Nibley City Council; with the condition that the setbacks will be on the final plat to be presented to City Council. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Green, Commissioner Davenport, Commissioner Albrect, and Commissioner Johnson all in favor.

### **Discussion and consideration of an update to the Nibley City conservation residential subdivision ordinance**

Mr. Nelson read the noted provided by Ms. Phippen in the meeting packet:

- "When this matter was brought before the Commission at the 8/10 meeting, the Commission expressed a desire to have residential design standards in place on smaller lots, in order to ensure the quality of housing was not adversely impacted by the size of the lot. South Salt Lake City has residential design guidelines that I have modified in a few spots and which I think are a good starting point for discussion. I have incorporated those guidelines into the document.
- A couple of other items to address:
  - Waiver—Mayor Dustin would like to see the waiver provision in 10-18-7 stricken in its entirety. The original intent of the provision was to create the possibility where innovative ideas and concepts that weren't already included in the ordinance could be used. Also, some of the numbers in

*the development standards could only be met if a very specific set of circumstances lined up, which it doesn't always. I believe that, with the revisions the Commission has made, both to the development standards chart and to other provisions of the ordinance, the waiver provision can be stricken.*

- *Frontage/Setbacks on Small Lots- I will have some sketches to go over (I have included them with the meeting materials), but as I've gone through the development standards, I am worried about the effect that the combination of frontage and setback requirements will have on small lots.*
  - *On a 6,000 sq. ft. lot, with an 80' frontage, there is only 75' depth on the lot. If you factor in the setbacks outlined in our current conservation subdivision ordinance of 30' front, 25' back, 10' side, you are left with a 60'x20' buildable area on the lot. It is not possible to get a quality home on a lot that is only 20' deep.*
  - *The sketches I have will show the buildable area on a lot if we make adjustments to the setback requirements. Alternatively, we could adjust the frontage (which I have done in the ordinance draft so that we could discuss the point) so that there is more depth to the lot. It seems that mid-sized homes run from 35'-45' deep."*

Commissioner Albrect asked about and the Planning and Zoning Commission discussed the size of a medium-sized home. Commissioner Bliesner and Commissioner Johnson said these lots called for a reduced setback. Commissioner Johnson said you needed at least 25 ft. to build a decent size home. The Planning and Zoning Commission discussed minimum sized frontage requirements.

Commissioner Bliesner said the only setback that gave him concern was the front setback; he said if it wasn't enough then there were problems parking in a driveway without hanging over the sidewalk or into the public right-of-way. He said they needed a minimum of 20 ft. Commissioner Johnson said he could provide samples of houses that he had built with 50 ft. of frontage; he said the depth of the lot was increased. He said lots with 70 ft. frontage were all right.

Commissioner Davenport asked if the Commissioner's had any issue with striking the waiver requirement? Commissioner Davenport said he was in favor of seeing it go because it seemed to negate everything that had been put in the ordinance. Commissioner Swenson said that it gave the City an out and Commissioner Bliesner countered that it gave the developer an in. Commissioner Johnson discussed how difficult it was to write ordinance that covered every situation. He said waivers were for the City's benefit because only the City had the right to grant a waiver but that the issue sometimes became too political. Commissioner Bliesner said there was a problem with equity in administration between applicants. Commissioner Bliesner said he had found that every time the City wasn't absolute in ordinance that they either painted themselves into a corner or they never got what they wanted.

Commissioner Johnson, Commissioner Albrect, Commissioner Bliesner, and Commissioner Green all indicated that they were in favor of striking the waiver.

Commissioner Green made a motion to strike the waiver provision from the proposed conservation residential subdivision ordinance. Commissioner Albrect seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Albrect, Commissioner Davenport, Commissioner Swenson, and Commissioner Johnson all in favor.

The Planning and Zoning Commission decided to continue discussion on the conservation subdivision ordinance at the next meeting. Commissioner Green expressed that he didn't like anything about the ordinance. He said they had no way to know if the open space would benefit the city.

General consent was given to continue discussion of an update to the Nibley City conservation residential subdivision ordinance at the next Planning and Zoning Commission meeting.

### **Commission and Staff Report**

Commissioner Davenport said Ms. Phippen had been approached multiple times with a parent having an adult child who lives outside the home and wanted to have the adult child as an employee of their home occupation business. She has also been presented with a parent having enough space to accommodate a business for an adult child wanting to run a home occupation business out of the parent home but the child did not live in the home. Commissioner Davenport asked the Planning and Zoning Commissioner's opinion of allowing direct family members (parents and immediate children) to come and work in a home business or occupation.

Commissioner Green said he had no problem with it. Commissioner Swenson questioned if they could limit the number to one or two children. Commissioner Bliesner said there were issues with the additional traffic load and the presence of people who are unknown to the community or neighbors. He said he was against the proposal. Commissioner Green said that the conservation subdivision would increase traffic by "a ton" and they should allow the increase of one or two.

Commissioner Bliesner said that higher density did have some infrastructural benefits that did benefit the city; a home-based business increased the impact on infrastructure intensity. Commissioner Johnson said he was in favor of allowing some children to come into the house to work; 1 or 2 was fine. Commissioner Albrect expressed that she was thinking of this through the view of the parent and thought it might be nice for the parent to be able to tell the child that this was not allowed by city ordinance. Commissioner Green said he had no problem immediate family employees but didn't want to allow more than 8 students in the instance of a preschool or daycare because there were more employees to supervise.

Commissioner Swenson agreed with Commissioner Johnson and also with Commissioner Albrect. He said the business needed to be owned by the homeowner. Commissioner Davenport questioned what the key distinction was between an adult child and any other adult employee? Commissioner Bliesner said there was an

argument that Nibley was a family community and support family oriented activities including business. He also expressed that there was a difference between an activity that required one person to accomplish and an activity that required more than one person and the impact on the neighborhood. Commissioner Davenport said Nibley was a residential community with homes that were never intended to be businesses. Commissioner Davenport also expressed concern with enforcement.

Commissioner Davenport asked which Planning and Zoning Commission would be present at the September 28 meeting. Commissioner Green and Commissioner Davenport said they would be unavailable.

There was general consent to adjourn the meeting at 6:30 p.m.

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