

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, October 1, 2020.

The following actions were made during the meeting:

Commissioner Logan moved to approve the Conditional Use Permit, to operate corporate office and warehouse (Applicant: Stander, Inc.). Commissioner Mansell seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Brown, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Commissioner Logan moved to approve the Conditional Use Permit, proposing an addition to the existing building at 2410 Heritage Drive (Applicant: Stander, Inc.) with the conditions to receive final approval from the City Engineer and Public Works Director and comply with the Fire Code, subject to an inspection of the Fire Marshall. Commissioner Brown seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Brown, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Planning Commission Chair Tyler Obray called the Thursday, October 1, 2020 Planning Commission meeting to order at 6:31 p.m. Those in attendance included Commissioner Tyler Obray, Commissioner Karina Brown, Commissioner Bret Swenson, Commissioner Garrett Mansell and Commissioner Matt Logan. Mr. Levi Roberts, Nibley City Planner, was also present. Jamie Ann Gonzales, Office Specialist, was present to record the minutes.

Approval of 8-20-2020 meeting minutes and the evening's agenda

Commissioner Swenson moved to approve the 8-20-2020 meeting minutes. Commissioner Mansell seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Brown, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Commissioner Mansell moved to approve the 10-1-2020 evening's agenda. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Brown, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Discussion and Consideration for a Conditional Use Permit, to operate corporate office and warehouse (Applicant: Stander, Inc.)

Mr. Roberts gave background and considerations using a prepared visual presentation *STANDER – CONDITIONAL USE PERMIT* (a printed version of this presentation is included in the printed meeting minutes). The original business was already evaluated in 2017 through the site plan review process but was never issued a business license.

Staff recommended approval of the Conditional Use Permit, to operate corporate office and warehouse.

Commissioner Logan moved to approve the Conditional Use Permit, to operate corporate office and warehouse (Applicant: Stander, Inc.). Commissioner Mansell seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Brown, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Discussion and Consideration for a Conditional Use Permit, proposing an addition to the existing building at 2410 Heritage Drive (Applicant: Stander, Inc.)

Applicant Jason Allred was present. Mr. Roberts gave background using a prepared visual presentation *STANDER – CONDITIONAL USE PERMIT* (a printed version of this presentation is included in the printed meeting minutes). The presentation included a site/utility plan, renderings, and landscaping plan. Mr. Roberts discussed traffic and circulation, utilities, parking, and landscaping.

Staff recommended approval with the following conditions:

- Site Plans shall receive final approval from the City Engineer and Public Works Director
- The building addition shall comply with the Fire Code, subject to an inspection of the Fire Marshall

Commissioner Logan questioned the ordinance for parking on 1350 W. Commissioner Obray was concerned about parking and asked the applicant's plans for expanding desktops inside the building. Mr. Allred said that most of the offices were maxed out and they were adding a little bit more. He said they were short on warehousing space and did not see using the additional offices. Commissioner Swenson and Commissioner Mansell were both interested in the applicant's access. Commissioner Mansell wanted to see the location on GIS (Geographic Information System) and asked if the only access was off of Heritage Dr. Mr. Roberts said there was also a private drive on 1350 W. Mr. Allred explained the purpose of the Heritage Dr. access. Commissioner Obray wanted to prevent the employees from parking on Nibley Park Ave in front of Thomas Edison Charter School. Commissioner Swenson wanted to know the height of the new addition compared to the existing building. Mr. Roberts stated it was 29 feet. The Commission discussed the setbacks.

Commissioner Logan moved to approve the Conditional Use Permit, proposing an addition to the existing building at 2410 Heritage Drive (Applicant: Stander, Inc.) with the conditions to receive final approval from the City Engineer and Public Works Director and comply with the Fire Code, subject to an inspection of the Fire Marshall. Commissioner Brown seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Brown, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Workshop: Discussion regarding the Zone designations of 'Florist/Garden Center'

Resident Laura Frandsen was present. She wanted to build an accessory building to conduct a home floral business. Currently, this was not allowed under the city code. Mr. Roberts gave background and considerations using a prepared visual presentation *FLORIST/GARDEN CENTER – ZONE DESIGNATION* which included a rendering (a printed version of this presentation is included in the printed meeting minutes). Mrs. Frandsen has a 1.3-acre lot. Mr. Roberts recommended adding florist/garden center to the list of allowed uses in the R-1A zone (.75

acres). The Planning Commission discussed it. Mr. Roberts noted that it could be added as Conditional or Permitted Use. Commissioner Obray thought it was a tough decision because a 1.3-acre property had plenty of room to build a detached accessory building but there was not that much space on a .75-acre lot. He also noted the Conditional Use of no more than one employee reporting at a time. Commissioner Mansell suggested making it a Conditional Use to mitigate any negative impact. Commissioner Swenson thought it was tough because you open the door to what else could be invited in. Mr. Roberts reminded The Commission that the proposal was just for this use, a florist and garden center and all home-based businesses. Commissioner Obray questioned the number of customers currently allowed under the ordinance. The Planning Commission discussed the difference between a florist and garden center. Mr. Roberts noted the option to split up the two definitions in the ordinance. The Commission discussed the conflict of retail outlet. Commissioner Brown felt it was a great way to support business without having to buy expensive property. As Planning and Zoning, Commissioner Swenson reminded the Commission that they wanted to accommodate the citizens within reason of the code but also think of the impact on the neighborhood. He thought they needed to split up florist and garden center. The Commission discussed the use with the applicant. Commissioner Logan was concerned about litigation issues. There was general consent to split up florist and garden center and make florist a Conditional Use in an R1-A and R1 zone and deal with subsequent ones on a case to case bases. Mr. Roberts confirmed that they could hold a public hearing at the next meeting. Commissioner Obray agreed. There was general consent to:

- Split up the definition of florist and garden center
- Make florist a Conditional Use in an R1-A and R1 zone and deal with subsequent cases on a one on one bases

The meeting recessed at 7:20pm. The meeting resumed at 7:24pm.

Workshop: Landscaping requirements for residential and commercial developments

Mr. Roberts gave background and potential provisions using a prepared visual presentation *LANDSCAPING REQUIREMENTS* (a printed version of this presentation is included in the printed meeting minutes). Mr. Roberts informed the Commission of current swale issues that could lead to flooding in Apple Creek. He said there are specifications in the code, but right now we do not have a good way to monitor it. Commissioner Mansell said that many HOAs (Homeowner Associations) include it in their CC&Rs (Covenants, Conditions & Restrictions). Mr. Roberts mentioned that the city ordinance only addresses the front yard and the park strip. Commissioner Logan suggested combining a time frame with an amount of deposit that would be refunded. Commissioner Obray wanted to include extension periods allowed for weather conditions and availability of contractors. He also wanted to see the deposit put into the building permit process on the contractor, which could be built into the mortgage for the homeowner.

Commissioner Obray left the meeting at 7:30pm.

Commissioner Swenson said that Millville was doing something similar with requiring a deposit and timeframe. He recommended researching other cities. Mr. Roberts added that the City would only refund the money after the property was inspected and met the standards. Commissioner Swenson recommended having residents sign a form, giving acknowledgement that they were aware of the requirements. He wondered if the City would partner with residents to populate trees in the park strips. The Commission discussed trees in the park strips and CC&Rs. Mr. Roberts informed the Commission that the City wanted to adopt a tree policy plan and he said the City Manager, David Zook wanted to reinstitute the Tree Committee. The Commission discussed potential residents that would be a good fit for the committee. Mr. Roberts informed the Commission that a public hearing could be held for landscaping requirements at the next meeting.

There was general consent to:

- Have new homeowners sign a form giving acknowledgment of the landscaping requirements
- Require a timeframe with a deposit through the building permit process, allowing homeowners to have it built into the mortgage

Staff Report and Action Items

Mr. Roberts informed the Commission regarding the following:

- Ridgeline Park, phases 1-3 review process
- Final Negotiations on the park agreement
- Nibley Meadows preliminary plat
- Approval of the RPUD (Residential Planned Unit Development) ordinance by City Council
- Parks and Recs Director, Chad Wright attendance at next meeting
- Status of Firefly Estates
- Announced that Jamie Ann Gonzales, Office Specialist was working on Code Enforcement
- Changes to Nuisance Ordinance

Commissioner Brown adjourned the meeting at 7:55 p.m.

Attest: _____
Office Specialist