

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, April 14, 2010.

The following actions were made during the meeting:

Commissioner Bliesner motioned to approve the business license and conditional use permit for (Jared Pratt) Pratt PowerVac located at 2590 S. 800 W. with the condition that any equipment must be stored outside and including the trailer not be parked on the street or within any setback area on the property. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bliesner, Commissioner Green, and Commissioner Heidt all in favor.

Commissioner Bliesner motioned to approve the business license and conditional use permit for Eric John (Advanced Radon Mitigation, LLC) located at 65 E. 2900 S. with the condition that any and all business equipment and trailers be prohibited from parking on the street and not be within any accessory setback designation on the property. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bliesner, Commissioner Green, and Commissioner Heidt all in favor.

Commissioner Green motioned to approve the business license and conditional use permit for Utonya Nielsen (Sweet Treat Gifts) at 315 W. 3400 S. Commissioner Bliesner seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Bliesner, and Commissioner Heidt all in favor.

Commissioner Marina Heidt called the Wednesday, April 14, 2010 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Marina Heidt, Commissioner Bill Green, and Commissioner Aaron Bliesner. Shari Phippen, the City Planner, was also present. Commissioner Carrie Cook and Commissioner Wayne Anderson were excused from the meeting.

Approval of 3-24-10 meeting minutes and agenda.

There was general consent for the evening's agenda and the meeting minutes for the March 24, 2010 meeting.

CONDITIONAL USE PERMIT/BUSINESS LICENSE

Pratt PowerVac—application for conditional use permit and business license for a home occupation (air duct/dryer vent cleaning) located at 2590 S. 800 W. (Applicant: Jared Pratt)
Mr. and Mrs. Pratt were present at the meeting. Ms. Phippen said this application was very straight forward. All work would be done off site. He has no employees, no business vehicles, and no signs. Commissioner Bliesner made a motion to approve the business license and conditional use permit for Jared Pratt (Pratt PowerVac) located at 2590 S. 800 W. with the condition that any equipment must be stored outside and including the trailer not be parked on the street or within any setback area on the property. Commissioner Green seconded the motion. Mr. Pratt asked for clarification on the setbacks. Commissioner Bliesner explained the setback requirement to the applicant. Mr. Pratt asked if the concrete driveway was safe. Commissioner Bliesner said it is not. It must be behind the front plane of the house. The reason they do this is they have a lot of people park big equipment in front of the house and they want to preserve the

rural and residential character of the neighborhood. Mr. Pratt said that shouldn't be a problem. Commissioner Bliesner said if he had a problem he had time to resolve it. The motion passed unanimously with Commissioner Bliesner, Commissioner Green, and Commissioner Heidt all in favor.

Advanced Radon Mitigation, LLC—application for a conditional use permit and business license for a home occupation (construction clean-up) located at 65 E. 2900 S. (Applicant: Eric John)

Mr. John was not present at the meeting. Commissioner Heidt questioned whether this could be done without the applicant present. Commissioner Heidt read the application. Ms. Phippen said the applicant's house was setback off the road. Commissioner Bliesner made a motion to approve the business license and conditional use permit for Eric John (Advanced Radon Mitigation, LLC) located at 65 E. 2900 S. with the condition that any and all business equipment and trailers be prohibited from parking on the street and not be within any accessory setback designation on the property. Commissioner Green seconded the motion. The motion passed unanimously with Commissioner Bliesner, Commissioner Green, and Commissioner Heidt all in favor.

Sweet Treat Gifts—application for a conditional use permit and business license for a home occupation (all-occasion candy bouquets) located at 315 W. 3400 S. (Applicant: Utonya Nielsen)

Mr. and Mrs. Nielson were present at the meeting. Mrs. Nielson brought some examples of the products she is selling. She stated this would be mostly an internet based business. Commissioner Green asked about the applicant's driveway and noted she would not have any problem with customers coming to pick up product. Commissioner Heidt asked if she had a website. Mrs. Nielson said she was working on the website now. The site will be Sweettreatgifts.com. Commissioner Green asked how she received her products. Mrs. Nielson said she did have a few UPS trucks come to her residents. Commissioner Green asked how these would be shipped. Mrs. Nielson said her husband worked for the postal service in Wellsville and he would be taking most of them. Commissioner Green made a motion to approve the business license and conditional use permit for Utonya Nielsen (Sweet Treat Gifts) at 315 W. 3400 S. Commissioner Bliesner seconded the motion. The motion passed unanimously with Commissioner Green, Commissioner Bliesner, and Commissioner Heidt all in favor.

Eric John arrived at the meeting and the Planning & Zoning Commission discussed the motion made for his business. Mr. John described his business and what it entailed to the Commissioners.

WORKSHOP ITEMS

Discussion regarding enforcement projects for Summer 2010.

Ms. Phippen said she had compiled a list of compliance issue concerns with Bob's service station; under Nibley's parking ordinance they are allowed 5 parking spots per service bay. Bob's has 3 service bays so they can have a maximum of 18 total parking spots. They have a lot of cars for sale and they do not have a license to sell vehicles. Their standing cars are not on asphalt, they have too many cars there, and they need a screening area for the tires. Ms. Phippen said Bob's had lost its license through Sinclair and could no longer sell gas. Commissioner Heidt asked what their business license was for. Ms. Phippen said they have two; one for the convenience store/gas station and one for the automotive portion. The Commission discussed actual ownership of the business. Commissioner Bliesner asked what violations they wanted to focus on. Ms. Phippen said she intended to focus on the build-up of all the tires, too many cars, the selling of cars, and the asphalt. Commissioner Bliesner said he did not mind the lack of asphalt when there were trailers parked there because they were not dripping oil. Commissioner Heidt asked if Bob's had been informed of any of these issues yet. Ms. Phippen said they had not; she would be taking this

list and sending them a letter. Ms. Phippen asked if there were other areas in Nibley the Planning & Zoning Commission were concerned about.

Eric John returned and discussed at addition to his house with the Commission.

Commissioner Bliesner said he is most concerned with the weed ordinance. Ms. Phippen said the weed ordinance could pass at tomorrow's City Council meeting and if it did pass it would be included in the newsletter with the next utility billing. She said she would also be sending copies of the new ordinance to developers informing them that they were responsible for clearing their undeveloped property of weeds. Commissioner Bliesner said it was the single most significant compliance problem they have in the city because of the biological impact. Commissioner Bliesner said the current ordinance was so arbitrary that they couldn't enforce it.

Commissioner Bliesner said he did see issues with the number of people parking landscape trailers in the street. Whenever they are not on the job site they are parked in the public right-of-way on the street. It congests the streets and becomes a safety hazard. Business equipment should not be stored in a way that affects the neighborhood.

Commissioner Bliesner asked where they were with the fence ordinance. Ms. Phippen said it was in the Mayor's hand right now. She said she should follow up with him. Commissioner Bliesner said they need to enforce all ordinances as written. He said he did not agree with the ordinance but on principle if they were not going to change it, they needed to enforce it.

Commissioner Heidt said she had also notice some signs that seemed out of compliance. Ms. Phippen said they have a parks superintendent who was really diligent in coming and pulling signs out if they are in the public right-of-way. The Commission discussed the preschool in the corner of 800 W. and 2600 South. The Commission had issues with the sign and the lack of fence on the property. Commissioner Bliesner said that sign was not in harmony with the intent of signs in a residential neighborhood. Commissioner Bliesner said he was pretty sure her sign was not in compliance with city ordinance.

Report on land use legislative updates

Ms. Phippen distributed a summary of the Senate Bills that passed and she thought would have an impact on planning. Senate Bill 126 removes some of the requirements for public hearings on vacating, altering or amending a subdivision plat or other actions that don't affect the overall boundaries of the plat. Commissioner Green asked for clarification on boundaries. Ms. Phippen said as long as the exterior of the property remains the same they are not required to have a public hearing.

Commissioner Bliesner asked about HB 222-Land Use Meeting Notice. Ms. Phippen said this only increased the notice requirement for land use ordinance amendments from three days to ten. Ms. Phippen said Nibley was doing that already.

Ms. Phippen discussed her thoughts from the League of Cities and Towns meeting.

There was general consent to adjourn at 8:28 p.m.