

The Meeting of the Nibley City Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, February 26, 2014.

The following actions were made during the meeting:

Commissioner Bliesner motioned to approve the conditional use permit and business license for Audrey Bandley Music, a home occupation (music sales/lessons) located at 4475 Hollow Road and applicant Audrey Bandley. Commissioner Anderson seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, Commissioner Green, and Commissioner Davenport all in favor.

Commissioner Bliesner motioned to approve the conditional use permit and business license for Bullfrog Spa; a commercial spa retail store located at approximately 2690 South Hwy 89/91. Commissioner Green seconded the motion. The motion passed unanimously 5-0; Commissioner Davenport voted yea, Commissioner Green voted yea, Commissioner Anderson voted yea, Commissioner Bliesner voted yea, and Commissioner Lawver voted yea.

Commissioner Anderson motioned to recommend approval of the Nibley City land use notification ordinance with the following changes: removing item #2 from section D and to add a public hearing for zone changes to the column under the Planning & Zoning Commission in table 10-1a-6. Commissioner Green seconded the motion. The motion passed unanimously 5-0; Commissioner Davenport voted yea, Commissioner Green voted yea, Commissioner Anderson voted yea, Commissioner Bliesner voted yea, and Commissioner Bliesner voted yea.

Planning and Zoning Commission Chair Mark Lawver called the Wednesday, February 26, 2013 Nibley City Planning Commission meeting to order at 7:05 p.m. Those in attendance included Commissioner Mark Lawver, Commissioner Wayne Anderson, Commissioner Aaron Bliesner, Commissioner Bill Green, and Commissioner Dave Davenport. The City Planner was also present.

Approval of 02-12-14 meeting minutes and the evening's agenda

The Planning & Zoning Commission gave general consent for the evening's agenda.

Commissioner Davenport introduced himself to the Commissioners.

The Planning & Zoning Commission gave general consent of the last meeting's minutes.

Conditional Use Permit/Business License

Audrey Bandley Music—consideration of a request for a conditional use permit and business license for a home occupation (music sales/lessons) located at 4475 Hollow Road (Applicant: Audrey Bandley)

Ms. Audrey Bandy was not present at the meeting. The City Planner said the applicant was going to music lessons and sales and distributing. She guessed it would be mostly sheet music. She said the applicant's house and driveway were big enough and she was going to ship from a P.O. box in Providence. She also said there would be no signs. The City Planner said that staff recommended approval of this application.

Commissioner Bliesner made a motion to approve the conditional use permit and business license for Audrey Bandy Music, a home occupation (music sales/lessons) located at 4475 Hollow Road and applicant Audrey Bandy. Commissioner Anderson seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Lawver, Commissioner Green, and Commissioner Davenport all in favor.

Bullfrog Spa—consideration of a request for a conditional use permit and business license for a commercial spa retail store located at approximately 2690 South Hwy 89/91 (Applicant: Tom Makin/Bullfrog Spa)

Mr. Tom Makin was present at the meeting. The City Planner this was across from the former Peterson's Farm store in a large bank of buildings that had been largely unoccupied. She said Bullfrog Spa wanted to set up a permanent store in Nibley. The City Planner discussed how the applicant intended to improve the look of the building. She said the business' hours operation would be Mon—Sat from 10:00 a.m. to 6:00 p.m. She said they had no hazardous materials on site and a very limited number of employees and there was appropriate access to the property for what they were planning to do. The City Planner recommended they approve the application and said she didn't feel they needed to put any conditions on the application.

Commissioner Bliesner made a motion to approve the conditional use permit and business license for Bullfrog Spa; a commercial spa retail store located at approximately 2690 South Hwy 89/91. Commissioner Green seconded the motion.

Mr. Makin said they were taking four spots; just over 5,000 ft. Commissioner Bliesner asked if they would have any product outside of the building. Mr. Makin said they may have a spa out on a turntable and described the approximate location of this display. Commissioner Bliesner questioned if the ordinance allowed them to have a display in the public area. Commissioner Lawver felt if it was not permanently bolted down then it was allowed. Commissioner Bliesner said he was concerned with storing or displaying stuff outside. Commissioner Anderson said he couldn't recall anything prohibited this in Nibley's ordinance. Mr. Makin said they intended to live by the ordinances as long as they were made aware. Commissioner Davenport questioned if this would set a bad precedence for other businesses that might come in later.

The motion passed unanimously 5-0; Commissioner Davenport voted yea, Commissioner Green voted yea, Commissioner Anderson voted yea, Commissioner Bliesner voted yea, and Commissioner Lawver voted yea.

7:00—Public Hearing—A public hearing to consider revisions to the Nibley City land use notification ordinance.

The City Planner said she had made the recommended changes requested at the previous Planning & Zoning Commission meeting. She reviewed the changes she had made, specifically, the addition of public hearings at the Planning & Zoning Commission level. The City Planner said the State no longer required signs to be posted on physical properties because the previous requirement predated email and technology. The City Planner said she had discussed this with Nibley City's legal counsel and he had suggested Nibley also remove this requirement.

Commissioner Lawver gave directions to the public present. Commissioner Lawver opened the public hearing at 7:25.

Erin McNeil was present and stated that her husband had been concerned that Nibley was eliminating paper notifications but she could see that was obviously not the case. The City Planner said it was required by the State and Nibley didn't have the power to change this requirement.

Seeing no further comment, Commissioner Lawver closed the public hearing at 7:27.

Discussion and consideration of revisions to the Nibley City land use notification ordinance.

Commissioner Lawver asked why the Planning & Zoning Commission wouldn't be holding a public hearing on zone changes. The City Planner said she had inadvertently been taken out and would correct it.

Commissioner Bliesner discussed historic public posting areas. Commissioner Anderson said he felt the letters were better than anything and that people paid more attention to them. The City Planner agreed that letters mailed to adjacent property owners was the most effective form of notification. Commissioner Davenport said it made sense to him to no longer post notification on public property but he felt it became incumbent on Nibley City to make sure they got the notices out; even to the extent that they got letters out sooner than 10 days. He felt it would be good to ere on the side of giving more days notification. The City Planner discussed how she compiled the lists of property owners that needed to be notified of a public hearing, using a County GIS website. Commissioner Davenport asked if the city or the proprietor took on the biggest brunt of responsibility in notifying the public. The City Planner said the city took the biggest role because they knew how to do it, it was easier for them, and they could ensure that it got done, but the city needed to figure out how to charge the proprietor for it.

Commissioner Anderson made a motion to recommend approval of the Nibley City land use notification ordinance with the following changes: removing item #2 from section D and to add a public hearing for zone changes to the column under the Planning & Zoning Commission in table 10-1a-6. Commissioner Green seconded the motion. The motion passed unanimously 5-0; Commissioner Davenport voted yea, Commissioner Green

voted yea, Commissioner Anderson voted yea, Commissioner Bliesner voted yea, and Commissioner Bliesner voted yea.

Staff Reports

The City Planner showed an example of how she compiled lists of land owners that needed to be notified of the public hearing. The Planning & Zoning Commission thought they should ere on the side of caution and go 400 ft. from the proposed parcel.

Commissioner Anderson said they should print a .pdf of the parcels that had been sent notification for the next public hearing. Commissioner Davenport suggested that further down the road they could include a texting or “tweeting” level of communication. The City Planner said this website was publicly available at www.cachecounty.org and the GIS Parcel viewer.

The City Planner reported on the Logan Coach development. She said they had decided to wait to ask for subdivision of the property until they had a buyer for the other parcel.

The City Planner said the next item she would be bringing to the Planning & Zoning Commission was the administrative powers section of Nibley ordinance. The City Planner asked the Planning & Zoning Commissioners to provide input to Commissioner Lawver to pass on to the City Council when they considered the proposed changes to the land use definition ordinance. The Planning & Zoning Commission discussed the function and purpose of the land use chart. Commissioner Anderson said they should keep the land use chart general because they didn’t know what was coming in the future.

Commissioner Green asked if the City Council got the Planning & Zoning Commission’s recommendation on phase 4 of Foxborough subdivision. The City Planner said they had and reported on the actions she had taken.

Commissioner Bliesner started discussion on the proposed Malouf subdivision.

There was general consent to adjourn at 8:31.