

The Meeting of the Nibley City Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, April 23, 2014.

The following actions were made during the meeting:

Commissioner Bliesner motioned to approve the conditional use permit and business license for Historic Pianos, located at 2340 S. Heritage Dr., Unit J.; with applicant Ralph Nielsen. Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Green, Commissioner Lawver, and Commissioner Davenport all in favor.

Commissioner Bliesner motioned to approve the conditional use permit and business license for DAC-Wise; a home occupation (lawn mowing) business located at 235 W. Quarter Circle Drive and applicant Danny Wiser with the conditions outlined by city staff (no equipment will be parked on the public right-of-way or beyond the front plane of the house). Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Green, Commissioner Davenport, and Commissioner Lawver all in favor.

Commissioner Bliesner motioned to continue the applications for a conditional use permit and business license for Caregive Support Network. A home occupation (home health/hospice) business located at 4676 Hollow Rd. and applicant Joleen Huber; until such time as the applicant could be present to answer questions concerning the application. Commissioner Green seconded the motion. The motion passed 4-0; with Commissioner Bliesner, Commissioner Green, Commissioner Lawver, and Commissioner Davenport all in favor.

Planning and Zoning Commission Chair Mark Lawver called the Wednesday, April 23, 2014 Nibley City Planning Commission meeting to order at 7:06 p.m. Those in attendance included Commissioner Mark Lawver, Commissioner Aaron Bliesner, Commissioner Dave Davenport, and Commissioner Bill Green. Commissioner Wayne Anderson and the City Planner were excused from the meeting.

Approval of the 3-9-14 meeting minutes and the evening's agenda

Commissioner Bliesner made a motion to approve the evening's agenda. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Lawver, Commissioner Davenport, and Commissioner Green all in favor.

Commissioner Bliesner summarized his proposed changes to the minutes. Commissioner Bliesner described what was intended by his statement and why he proposed the change.

Commissioner Bliesner made a motion to approve the minutes with his proposed changes. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Lawver, Commissioner Davenport, and Commissioner Green all in favor.

Mr. Ralph Nielson was the only applicant present at the meeting at 7:11.

Commissioner Bliesner made a motion to suspend the agenda. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Lawver, Commissioner Davenport, and Commissioner Green all in favor.

Conditional Use Permit/Business License

Historic Pianos—Consideration of a request for a commercial piano restoration business located at 2340 S. Heritage Dr., Unit J. (Applicant: Ralph Nielsen)

Mr. Ralph Nielsen was present at the meeting. Commissioner Lawver said this was a commercial business located in the business condos. The applicant's hours were on an as needed basis; he had applied for a state business license; he has no outside employees; parking was sufficient; and city staff had recommended approval of the conditional use permit and business license.

Commissioner Bliesner made a motion to approve the conditional use permit and business license for Historic Pianos, located at 2340 S. Heritage Dr., Unit J.; with applicant Ralph Nielsen. Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Green, Commissioner Lawver, and Commissioner Davenport all in favor.

Mr. Nielsen asked about requirements for his business signage. Commissioner Lawver and Commissioner Bliesner instructed Mr. Nielsen to check with the property development HOA and that they would check with the city's engineer to check to see if it complied with Nibley City ordinance.

DAC-Wise—Consideration of a request for a home occupation (lawn mowing) business located at 235 W. Quarter Circle Drive. (Applicant: Danny Wiser)

The applicant, Danny Wiser was not present at the meeting.

Commissioner Lawver said the City Planner had recommended the Planning & Zoning Commission approve the request provided the condition was put in place that no equipment will be parked on the public right-of-way or beyond the front plane of the house. Commissioner Lawver said this met the conditions of home occupation in that it had no employees coming to the house and the business didn't require structural alterations.

Commissioner Bliesner made a motion to approve the conditional use permit and business license for DAC-Wise; a home occupation (lawn mowing) business located at 235 W. Quarter Circle Drive and applicant Danny Wiser with the conditions outlined by city staff (no equipment will be parked on the public right-of-way or beyond the front plane of the house). Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Green, Commissioner Davenport, and Commissioner Lawver all in favor.

Caregive Support Network—Consideration of a request a home occupation (home health/hospice) business located at 4676 Hollow Rd. (Applicant: Joleen Huber)

The applicant, Joleen Huber, was not present at the meeting.

Commissioner Lawver read notes from the City Planner that stated she didn't think this applicant needed a business license but the applicant had insisted that they did.

Commissioner Bliesner made a motion to approve the conditional use permit and business license for Caregive Support Network located at 4676 Hollow Rd. and applicant Joleen Huber with conditions that all activities at this property be limited to home office use for the resident; i.e. no meetings, no client visits, or employees at the home other than residents of the home. Commissioner Green seconded the motion.

Commissioner Davenport questions why the applicant's name was not on the application and he noted that the question "Do you plan to employ persons not living at this address as part of the business?" was answered with a "yes". Commissioner Davenport said he didn't know if Ms. Huber was the employee. He noted the "RN" referred to on the applicant. He said it didn't seem like Ms. Huber was the applicant. Commissioner Davenport felt there was inference on the application that the employee was not going to be living at the house.

Commissioner Bliesner said he was willing to withdraw his motion but that it would need to be seconded. He said he intended to move to continue the item until the Planning & Zoning Commission's questions could be answered by the applicant. Commissioner Bliesner said he had a strong speculation that this was a question of semantics.

Commissioner Green made a motion to withdraw his second. Commissioner Bliesner withdrew his motion.

Commissioner Bliesner made a motion to continue the applications for a conditional use permit and business license for Caregive Support Network. A home occupation (home health/hospice) business located at 4676 Hollow Rd. and applicant Joleen Huber; until such time as the applicant could be present to answer questions concerning the application. Commissioner Green seconded the motion. The motion passed 4-0; with Commissioner Bliesner, Commissioner Green, Commissioner Lawver, and Commissioner Davenport all in favor.

Workshop Discussion

Discussion regarding creation of a Home Occupation ordinance for Nibley City

Commissioner Lawver said he hadn't had a chance to review the proposed ordinance. Commissioner Davenport said it was a good start but that was as far as he would go with it. Commissioner Bliesner said he had a few items he wanted the City Planner to address.

Commissioner Bliesner discussed Section A. Item 4. "the occupation shall not use any accessory building, yard, or any space outside the main building not normally associated

with residential use”; he said he was in favor of allowing accessory building use for things that could be contained inside the accessory building.

Commissioner Bliesner discussed wording on page 1 “Child daycare/preschool for more than eight (8) children shall be classified as daycare, commercial rather than a home occupation.” He felt they were limited to eight children and that they shouldn’t increase that number anymore. Commissioner Davenport felt that paragraph would be more appropriate on page two, under paragraph H.

Commissioner Bliesner discussed Section G. Item 3. “Home occupations shall not involve the unauthorized use of hazardous or annoying substances or processes nor shall they create any hazardous or offensive odors, noises, fumes, gases, dust, radiation, glare, electrical interference, vibrations, heat, wastes, pathogens or any other harmful substances or effects.” Commissioner Bliesner said the same paragraph seemed to exist under section D. Neighborhood Disruptions/Not Permitted

Commissioner Bliesner discussed Section G. Item 4. “Home occupations shall be conducted entirely within the dwelling unit and may not occupy, with either goods, materials, equipment or activities, any attached garage, accessory building or lot area.” Commissioner Bliesner said he would prefer it be restricted from the garage and allowed in the accessory building because then residents would be parked in their garages.

Commissioner Bliesner discussed Section G. Item 5. “No more than one vehicle used with the home occupation and complying with provisions for vehicle storage of the zone in which the home occupation is located may be stored at the residence. Said vehicle shall be stored in the garage or behind the front plane of the home.” Commissioner Bliesner felt this would be a good place to specify that vehicles and equipment associated with a home business not be allowed to park in the public right-of-way.

Commissioner Bliesner discussed Section G. Item 7. “Employees of home occupations shall consist only of members of the family residing in the dwelling or other individuals whose activities are conducted away from the residence.” Commissioner Bliesner suggested the word “immediate” be inserted between the words “the” and “family”.

Commissioner Bliesner referred to Section G. Item 11. “Meetings held for the purpose of marketing, taking orders or training may be held at the residence; provided, that no violations of this chapter occur.” Commissioner Bliesner thought they ought to strike this.

Commissioner Bliesner discussed Section H. Item 1.d. “All life safety and building codes shall be met and a building permit, if necessary, shall be obtained for remodeling” Commissioner Bliesner said there was conflict between item 1.d. and another earlier item in the document.

Commissioner Bliesner referred to Section I. Item 5. “Stables, kennels, pet stores, or any other commercial animal breeding business, or similar activities are prohibited. Activities may be allowed within the scope of a hobby license as issued by the Animal Services

Division of Sandy City.” Commissioner Bliesner said this clearly hadn’t been edited yet and suggested they only allow these things in commercial or agricultural zones. Commissioner Davenport suggested striking the last sentence would have the same effect.

Commissioner Bliesner discussed to Section I. Item 11. “Number of vehicular stops/or visits that would exceed 24 per day.” He thought that was a high number. Commissioner Davenport agreed.

Commissioner Bliesner said they needed to address which items could be addressed and approved by staff: on street parking of anything associated with the business; equipment, client visits, or otherwise, potential site improvements especially for lots that are legally non-conforming. He said some home occupations might require some action to bring the property into compliance.

Commissioner Bliesner said he would like the application to include the number of people that lived in the home and the number of room/bedrooms in the home. Commissioner Lawver didn’t think that was necessary and didn’t feel they could go there. He said it wasn’t any of the city’s business who lived in the home and how many rooms were used. Commissioner Bliesner suggested they could ask about total square footage and the amount of square footage the business would take up. Commissioner Bliesner referred to including more restrictions for higher density zones. Commissioner Bliesner questioned whether or not the city needed to require a home office business license; he could see why they issued them but not why they required them.

Commissioner Davenport referred to defining things they felt comfortable with staff approving. He said the Sandy regulation had already done that and suggested they include something similar. He said he like 5-16-7 and 5-16-8 and 5-16-9 of the Sandy ordinance which gave the ground for denial, suspension, or revocation of a home occupation. Commissioner Davenport said this would provide the enforcement aspect of the ordinance. He said without “teeth” the ordinance was not enforceable.

Staff Reports

Commissioner Lawver said that he had email Mayor Dustin that day and copied the City Council, Planning & Zoning Commission, Mr. Zook, and Miss Phippen on the email. He said the only response he had gotten was from Mr. Zook. Commissioner Lawver read the email he had sent, to the Planning & Zoning Commission. The email referred to the recently approved Malouf subdivision. Commissioner Lawver summarized the response he had received from Mr. Zook. Commissioner Bliesner and Commissioner Lawver both said they couldn’t vote to approve the final plat at this point.

Commissioner Bliesner made a motion to adjourn at 7:58. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Lawver, Commissioner Green, and Commissioner Davenport all in favor.