

The Meeting of the Nibley City Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, November 12, 2014.

The following actions were made during the meeting:

**Commissioner Davenport motioned to approve the conditional use permit and business license for Princess Toppers, a home occupation (hair accessories) located at 1005 West 3200 South; Shannon Gooch. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Davenport, Commissioner Green, and Commissioner Bliesner all in favor.**

**Commissioner Davenport motioned to deny the conditional use permit and business license for Royal Pottery, a home occupation (historical pottery) located at 1005 West 3200 South; applicant: Shawn Gooch, because the business would be conducted out of an accessory building and because on the land-use chart it was considered to be an artisan shop which was not permitted in an R-2 zone. Commissioner Green seconded the motion. The motion passed 3-0; with Commissioner Davenport, Commissioner Green, and Commissioner Bliesner all in favor.**

**Commissioner Green motioned to approve the building permit for a 24' x 30' accessory building located at 2913 South 800 West; applicant Minh Hoang, with the provision that the setbacks (10 ft. from the back of the property line and 5 ft. from the side) noted by the City Planner be noted and the building be placed accordingly. Commissioner Davenport seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Davenport, and Commissioner Bliesner all in favor.**

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Acting Planning and Zoning Commission Chair Aaron Bliesner called the Wednesday, November 12, 2014 Nibley City Planning Commission meeting to order at 7:06 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Dave Davenport, and Commissioner Bill Green. Shari Phippen, the City Planner, was also present. Commissioner Mark Lawver was excused from the meeting.

#### **Approval of 10-29-14 meeting minutes and the evening's agenda**

Commissioner Davenport made a motion to approve the 10-29-14 meeting minutes with the grammatical changes he had expressed to the deputy recorder. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Davenport, Commissioner Green, and Commissioner Bliesner all in favor.

General consent was given for the evening's agenda.

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

**Discussion and consideration of a conditional use permit and business license application for Princess Toppers, a home occupation (hair accessories) located at 1005 West 3200 South (Applicant: Shannon Gooch)**

Shannon Gooch was not present at the meeting. Her husband, Shawn Gooch was present to represent the applicant.

Commissioner Davenport made a motion to approve the conditional use permit and business license for Princess Toppers, a home occupation (hair accessories) located at 1005 West 3200 South; Shannon Gooch. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Davenport, Commissioner Green, and Commissioner Bliesner all in favor.

**Discussion and consideration of a conditional use permit and business license application for Royal Pottery, a home occupation (historical pottery) located at 1005 West 3200 South (Applicant: Shawn Gooch)**

Mr. Shawn Gooch was present at the meeting. Miss Phippen said there was an issue with this application. She stated that the applicant talked about making pottery out of a shop behind his home. She said current Nibley ordinance prohibited a business from being conducted out of an accessory building. If the activity related to the business could be conducted out of the home then it could be approved.

Commissioner Bliesner asked Mr. Gooch if he understood the ordinance. Mr. Gooch said he did but also stated that this had never been an issue at any of his previous residence. Miss Phippen and Commissioner Bliesner discussed if this part of Nibley's ordinance had been discussed at City Council. Miss Phippen felt this business was an artisan shop and said and noted that an artisan shop was prohibited in R-2 zoning and suggested that the applicant appeal because she didn't feel there was significant enough impact to the neighborhood to merit denying the request. She noted that the business would have no client visits and was a very low impact activity. She said she felt an artisan shop should be opened up to all residential and said the change would be supported by staff. Commissioner Bliesner felt they shouldn't muddle the applicant with discussion of an ordinance change. He said he would like to address the issue of using accessory buildings for business purposes because he felt it was nonsense. Commissioner Bliesner called for a motion on the item.

Commissioner Davenport made a motion to deny the conditional use permit and business license for Royal Pottery, a home occupation (historical pottery) located at 1005 West 3200 South; applicant: Shawn Gooch, because the business would be conducted out of an accessory building and because on the land-use chart it was considered to be an artisan shop which was not permitted in an R-2 zone. Commissioner Green seconded the motion. The motion passed 3-0; with Commissioner Davenport, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Bliesner told the applicant that he felt the ordinance was unduly restrictive and should be changed.

### **Accessory Building Permit**

#### **Discussion and consideration of a request for a 24' x 30' accessory building located at 2913 South 800 West (Applicant: Minh Hoang)**

Mr. Minh Hoang was present at the meeting. Mr. Hoang stated that his address had been published wrong on the agenda. He said his address was 2913 not "2903". Commissioner Bliesner asked for the address change to be noted on the record.

Miss Phippen said this building met the size and height limits for approval. She said the location need to be changed because the building was located in the public utility easement. She said no building could be located within the public utility easement according to the applicant's subdivision plat.

Commissioner Green made a motion to approve the building permit for a 24' x 30' accessory building located at 2913 South 800 West; applicant Minh Hoang, with the provision that the setbacks (10 ft. from the back of the property line and 5 ft. from the side) noted by the City Planner be noted and the building be place accordingly. Commissioner Davenport seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Davenport, and Commissioner Bliesner all in favor.

#### **Discussion and consideration of an ordinance regarding property and public peace in Nibley City.**

Miss Phippen said this ordinance stemmed from frequent complaints Nibley City got about noise. She said she had decided to encompass other issues from Nibley City ordinance such as truancy and littering and put them under a broader umbrella of public peace and property. Miss Phippen said she was not sure it was necessary for Nibley City to have its own truancy provisions because the school district already had those provisions and enforced them. Commissioner Bliesner said he would like an opinion from the city attorney. Miss Phippen said this ordinance set out hours for construction and set out what constituted disturbing the peace. Commissioner Bliesner said he didn't see anything that was a red flag. The Planning & Zoning Commission discussed how they would proceed with reviewing the ordinance.

Commissioner Green suggested adding the following categories under II. Definitions: Eyesore, Fire Hazard, and Safety Hazard. Miss Phippen said "eyesore" was too subjective and fire hazards were already covered in the nuisance ordinance.

Commissioner Davenport discussed the word "brief" when referring to section IV. Disturbing the Peace, B.1.b. He was not comfortable with the word "brief" and wanted to discuss quantifying the wording in this section. Commissioner Davenport said the problem was parties. Miss Phippen stated she felt this would only be enforced if there was a neighbor who would actually sign to issue a citation against their neighbor. She said violations against this would be based on complaints. Commissioner Davenport proposed they strike the paragraph. Commissioner Davenport, Commissioner Green, and Commissioner Bliesner were in favor of striking B.1.b.

Commissioner Davenport discussed section IV. Disturbing the Peace, C; Construction Repair. The Planning & Zoning Commissioners discussed editing the title of this section to "Construction and/or Repair." He noted a grammatical change and asked for clarification on the hours of ten o' clock. Commissioner Davenport said the idea of someone running a road grater next to his house until 10:00 p.m. was unappealing. Commissioner Bliesner suggested the following wording: "Site excavation, grating, and operation of other heavy equipment in or adjacent to residential zones shall be limited to . . .". Miss Phippen felt that during the summer a 7:00 p.m. cut-off time was unreasonable. Commissioner Bliesner felt they should highlight this section and the suggested edit and discuss it again when all the Planning & Zoning Commission members were present. Commissioner Bliesner suggested editing his previously suggested revision and changed the hours to 7 a.m. to 7 p.m. Commissioner Davenport said would work on editing and word-smithing this section with the City Planner.

Commissioner Davenport discussed section IV. Disturbing the Peace, D. "No chainsaws and/or other woodcutting equipment capable of producing noise, or gasoline or elector powered lawn care equipment, shall be used between the hours of ten o' clock (10:00) p.m. and seven o' clock (7:00) a.m. in any residential areas, regardless of the underlying zoning district." Commissioner Davenport suggested changing the hours on this section to 7:00 a.m. to 7:00 p.m. He said 10:00 p.m. was too late. Commissioner Bliesner discussed what he felt what was being perceived and reality. And stated he didn't see the point of arguing about it.

Commissioner Bliesner asked Miss Phippen to modernize section IV. Disturbing the Peace, A. when referring to "radio, CD player, tape player, musical instrument, phonograph, or sound amplifier"

#### **Discussion and consideration of an ordinance regarding nuisance abatement procedures in Nibley City.**

Commissioner Bliesner, Commissioner Davenport, and Commissioner Green felt this ordinance was ready and had no suggested revisions. They decided to wait to recommend the ordinance together with the ordinance regarding property and public peace in Nibley City.

#### **Staff Reports**

Miss Phippen informed the Planning & Zoning Commissioners of the Nibley City Employee Christmas party being held on December 18, 2014. She reminded the Planning & Zoning Commissioners of the remaining Planning & Zoning Commission schedule for 2014.

There was general consent to adjourn at 8:11.