

The Meeting of the Nibley City Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, December 10, 2014.

The following actions were made during the meeting:

Commissioner Anderson motioned to approve the conditional use permit and business license for Cache Valley Services located at 187 W. 3650 S; applicant Hermelinda Saldivar with the conditions that the business follow all items listed on the application with the following exceptions; no outside employees; and hours of operation limited to 7:00 a.m. to 6:00 p.m.; and limiting customer visits to no more than eight (8) per day. Commissioner Green seconded the motion.

Commissioner Anderson motioned to amend the number of client visits to allow no more than ten (10) client visits per day. Commissioner Green seconded the motion. The amendment passed 4-0; with Commissioner Anderson, Commissioner Green, Commissioner Davenport and Commissioner Lawver in favor.

The motion passed 4-0; with Commissioner Anderson, Commissioner Green, Commissioner Davenport, and Commissioner Lawver all in favor.

Commissioner Anderson motioned to approve the conditional use permit and business license for Bartholomew Fitness located at 2580 S. 1100 W; applicant Kylie Bartholomew with the conditions stated on the application. Commissioner Green seconded the motion. The motion passed 4-0; with Commissioner Anderson, Commissioner Green, Commissioner Davenport, and Commissioner Lawver all in favor.

Commissioner Davenport motioned to adopt the 2015 Nibley City Planning & Zoning Commission Meeting Schedule and the proposed change of meeting time to 5:30 p.m. Commissioner Green seconded the motion. The motion passed 3-1; with Commissioner Davenport, Commissioner Green, and Commissioner Lawver in favor. Commissioner Anderson abstained from voting on this motion.

Commissioner Davenport motioned to recommend the City Council adopt an ordinance regarding offences against public peace and property in Nibley City. Commissioner Anderson seconded the motion. The motion passed 3-1; with Commissioner Davenport, Commissioner Anderson, and Commissioner Davenport in favor. Commissioner Lawver was opposed.

Commissioner Anderson motioned to recommend the nuisance abatement procedures document to City Council to be adopted as policy. Commissioner Davenport seconded the motion. The motion passed unanimously 4-0; with Commissioner Anderson, Commissioner Davenport, Commissioner Green, and Commissioner Lawver all in favor.

Planning and Zoning Commission Chair Mark Lawver called the Wednesday, December 10, 2014 Nibley City Planning Commission meeting to order at 7:03 p.m. Those in attendance included Commissioner Mark Lawver, Commissioner Dave Davenport, Commissioner Wayne Anderson, and Commissioner Bill Green. Shari Phippen, the City Planner, was also present.

Approval of 11-12-14 meeting minutes and the evening's agenda

General consent was given for the evening's agenda.

General consent was given for the previous meeting's minutes

Conditional Use Permit/Business License

Cache Valley Services—consideration of a request for a conditional use permit and business license for a home occupation (tax & document preparation) located at 187 W. 3650 S. (Applicant: Hermelinda Saldivar)

Adrianna Gonzalez was present representing Hermelinda Saldivar. Miss Phippen said the proposed business included document translation and preparation of income tax returns. Miss Phippen said Nibley City ordinance didn't allow outside employees to report to a home and the application stated that the applicant would like to have other employees come to the home. Miss Phippen was also concerned with a statement that they applicant expected 15+ client visits to her home during tax season. Ms. Gonzalez said there wouldn't be that many clients visiting the home and that the only other employee would be herself. Miss Phippen felt 15+ client visits a day was too much of an impact to the neighborhood unless they could limit the hours of operation to the residents. Miss Phippen reiterated that this business couldn't be licensed if there would be outside employees.

Commissioner Anderson made a motion to approve the conditional use permit and business license for Cache Valley Services located at 187 W. 3650 S; applicant Hermelinda Saldivar with the conditions that the business follow all items listed on the application with the following exceptions; no outside employees; and hours of operation limited to 7:00 a.m. to 6:00 p.m.; and limiting customer visits to no more than eight (8) per day. Commissioner Green seconded the motion.

The Planning & Zoning Commissioners discussed the number of client visits they felt they could approve which wouldn't impact the residential neighborhood.

Commissioner Anderson made a motion to amend the number of client visits to allow no more than ten (10) client visits per day. Commissioner Green seconded the motion. The amendment passed 4-0; with Commissioner Anderson, Commissioner Green, Commissioner Davenport and Commissioner Lawver in favor.

The motion passed 4-0; with Commissioner Anderson, Commissioner Green, Commissioner Davenport, and Commissioner Lawver all in favor.

Bartholomew Fitness—consideration of a request for a conditional use permit and business license for a home occupation (personal training) located at 2580 S. 1100 W. (Applicant: Kylie Bartholomew)

Ms. Kylie Bartholomew was present at the meeting. Commissioner Green asked the applicant if clients would come to her house to be trained. Ms. Bartholomew said she would be conducting consultations with clients and then sending plans to her clients via email. Ms. Bartholomew asked for the process she would take if she were to have clients come to her home to work out. Commissioner Anderson told Ms. Bartholomew that she would need to keep within the parameters the conditional use permit and business license application set forth.

Commissioner Anderson made a motion to approve the conditional use permit and business license for Bartholomew Fitness located at 2580 S. 1100 W; applicant Kylie Bartholomew with the conditions stated on the application. Commissioner Green seconded the motion. The motion passed 4-0; with Commissioner Anderson, Commissioner Green, Commissioner Davenport, and Commissioner Lawver all in favor.

Discussion and consideration of the 2015 Nibley City Planning & Zoning Commission Meeting Schedule

Miss Phippen projected the proposed meeting schedule for the Planning & Zoning Commissioners and public to view. The Planning & Zoning Commission and Miss Phippen discussed the proposed schedule and then the proposed time change to 5:30 p.m. Commissioner Davenport discussed the possibility of an earlier meeting time conflicting with public hearings and the possibility that the earlier time would prohibit the public from attending.

Commissioner Davenport made a motion to adopt the 2015 Nibley City Planning & Zoning Commission Meeting Schedule and the proposed change of meeting time to 5:30 p.m. Commissioner Green seconded the motion. The motion passed 3-1; with Commissioner Davenport, Commissioner Green, and Commissioner Lawver in favor. Commissioner Anderson abstained from voting on this motion.

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

Miss Phippen reminded the Planning & Zoning Commission that they had asked that she discuss the truancy provisions with Nibley's legal representation. After further research into State code, Miss Phippen said she felt it would be more appropriate to incorporate the State's provisions on truancy by reference (Compulsory Education Requirements §53A-11-1). Miss Phippen said truancy was enforced by the school district and the police.

Miss Phippen discussed the Planning & Zoning Commissioners suggested changes to construction/noise hour limits. She discussed the research she had conducted on the time limits set in other Utah communities. Miss Phippen said she didn't recommend changing the time limit from 10:00 p.m. to 7:00 a.m. Commissioner Anderson asked about fees

associated with noise violations. Miss Phippen said the city needed to discuss how they dealt with infractions further. She said violation of the construction/noise limits would be a civil infraction. Commissioner Lawver asked if there was any city code which would give a “pass” to agricultural uses. Miss Phippen said there was not. Commissioner Davenport discussed the research he had done on other municipalities regarding noise ordinances. He concurred with Miss Phippen that the cut off should be no later than 9:00 or 10:00 p.m. He said that seemed to be the “norm”.

Miss Phippen discussed the provisions under section “IV. Disturbing the Peace” regarding loud music.

Commissioner Davenport made a motion to recommend the City Council adopt an ordinance regarding offences against public peace and property in Nibley City. Commissioner Anderson seconded the motion.

Commissioner Green asked for and received clarification on the complaint process.

The motion passed 3-1; with Commissioner Davenport, Commissioner Anderson, and Commissioner Davenport in favor. Commissioner Lawver was opposed.

Commissioner Lawver stated that he just didn’t like the ordinance and expressed that he felt neighbors should work these types of issue out between themselves. He didn’t want to pass a rule for people to be nice.

Discussion and consideration of an ordinance regarding nuisance abatement procedures I Nibley City

Miss Phippen said there had been changes made to this document from the version previously discussed. She summarized the changes that had been made with the Planning & Zoning Commission. She said she felt this would go to the City Council to be adopted as a resolution or policy. It was a question of whether they liked the process that it outlined. She said she would like it to be recommended as policy so that if it didn’t work it could be changed quickly and they could avoid the process to amend an ordinance.

Commissioner Anderson made a motion to recommend the nuisance abatement procedures document to City Council to be adopted as policy. Commissioner Davenport seconded the motion. The motion passed unanimously 4-0; with Commissioner Anderson, Commissioner Davenport, Commissioner Green, and Commissioner Lawver all in favor.

Workshop Discussion

Discussion of an ordinance regulating cell phone towers in Nibley City

Miss Phippen said this ordinance had been a request from the City Manager. He would like to see something in place so that if the times comes that Nibley does have an application for a tower there would be a framework in place to regulate the tower. Miss Phippen said there was a law that stated they couldn’t flat out deny a cell tower in the city unless they had documented clear and convincing reasons for the denial. She said they

could regulate their placement, height, etc. but they couldn't deny them. Miss Phippen said she had shared the ordinance passed by Hyde Park City with the Planning & Zoning Commission but had not had as opportunity to review the ordinance to make comments or suggestions on the application of this type of ordinance in Nibley City.

Commissioner Davenport said he didn't feel he knew enough about this issue to have any useful input or comments. Commissioner Davenport discussed an ordinance from Gillette, Tennessee. He felt most often the issue was that the towers were a visual nuisance. Commissioner Davenport requested more time to research this issue. Miss Phippen expressed that she felt the issue could be addressed through the conditional use permit process.

Commissioner Anderson felt the airport requirements could go away and referred to industrial zones next to residential zones. Commissioner Green gave Miss Phippen several discussion points to research for their next discussion on the ordinance.

Commissioner Lawver thanked Commissioner Anderson for his ten years of service on the Planning & Zoning Commission. Commissioner Anderson said he felt everyone should have an opportunity to serve in this capacity and said he knew there would be a lot less complaints.

There was general consent to adjourn the meeting at 8:05.

Attest: _____
Deputy City Recorder