

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, June 24, 2015.

The following actions were made during the meeting:

**Commissioner Davenport motion to nominate Aaron Bliesner as Planning and Zoning Commission Chair. Commissioner Green seconded the motion. The motion passed 4-1; with Commissioner Davenport, Commissioner Green, Commissioner Bernhardt, and Commissioner Swenson all in favor. Commissioner Bliesner abstained from the vote.**

**Commissioner Bernhardt made a motion to approve the conditional use permit and business license for Mari's Salon, located at 414 West 3300 South (Applicant: Marisela Mota). Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Bernhardt, Commissioner Green, Commissioner Bliesner, Commissioner Davenport, and Commissioner Swenson all in favor.**

**Commissioner Green made a motion to approve the business license and conditional use permit for Extra Handyman located at 414 West 3300 South (Applicant: Luis Mota). Commissioner Bernhardt seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Bernhardt, Commissioner Bliesner, Commissioner Davenport, and Commissioner Swenson all in favor.**

**Commissioner Davenport made a motion to continue the applicant for a conditional use permit and business license for Little Discovery Preschool, located at 2355 Clear Creek Rd. (Applicant: Rebecca Bankhead) until the applicant could be present in order to answer the Planning and Zoning Commission's questions. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Davenport, Commissioner Green, Commissioner Bliesner, Commissioner Bernhardt, and Commissioner Swenson all in favor.**

**Commissioner Green made a motion to approve the business license and conditional use permit for PlastiFormance, Inc; located in the Heritage Business Park at 1723 West 2980 South (Applicant: Joseph Jeffs); with the condition that the applicant has the building inspector come in and inspect the building and make improvements before the license is given. Commissioner Davenport seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Davenport, Commissioner Bliesner, Commissioner Bernhardt, and Commissioner Swenson all in favor.**

**Commissioner Davenport made a motion to recommend the ordinance regulating animal control in Nibley City to City Council. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Davenport, Commissioner Green, Commissioner Bliesner, Commissioner Bernhardt, and Commissioner Swenson all in favor.**

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Acting Planning and Zoning Commission Chair Aaron Bliesner called the Wednesday, June 24, 2015 Nibley City Planning Commission meeting to order at 5:30 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Thomas Bernhardt, Commissioner Bill Green, Commissioner Dave Davenport, and Commissioner Bret Swenson. Shari Phippen, the City Planner, was also present.

Commissioner Bliesner welcomed the newest Planning and Zoning Commissioner, Bret Swenson, to his inaugural Planning and Zoning Commission meeting.

**Approval of 5-27-15 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.

Commissioner Bliesner asked for nominations for the position of Planning and Zoning Commission Chair and Acting Planning and Zoning Commission Chair. Miss Phippen said it was not necessary to appoint an official Vice-Chair. She said the position could fluctuate and could be decided on an as needed basis.

Commissioner Davenport motioned to nominate Aaron Bliesner as Planning and Zoning Commission Chair. Commissioner Green seconded the motion. The motion passed 4-1; with Commissioner Davenport, Commissioner Green, Commissioner Bernhardt, and Commissioner Swenson all in favor. Commissioner Bliesner abstained from the vote.

**Conditional Use Permit/Business License**

**Mari's Salon—discussion and consideration of a conditional use permit and business license for a home occupation (hair salon) located at 414 W. 3300 S. (Applicant: Marisela Mota)**

Mrs. Marisela Mota was present at the meeting.

Miss Phippen said the application was for a home occupation hair salon. Miss Phippen read the criteria that must be in place in order for a business to be considered a home occupation. She read the definition of a home occupation from Nibley City ordinance.

“The use of a portion of a dwelling as an office, studio, or workroom for occupations which are conducted in the home and are incidental to the primary use as a home or residence; provided additionally that: 1) individuals who perform occupation related activities at the home occupation residence must also live at that residence; 2) individuals who do not live at the home occupation residence must not report to that residence for occupation related activities; and 3) the occupation shall not use any accessory building, yard, or any space outside the main building not

normally associated with residential use. Applications meeting these criteria may (as determined by the appropriate land use authority) be classified a home occupation rather than being classified by the actual activity associated with the business, with the following exceptions. Child day-care/preschool for more than eight (8) children shall be classified as a commercial daycare rather than a home occupation. In addition, activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation.

Miss Phippen said the business being requested would have client visits but the nature of the business was such that she could only assist one client at a time and it shouldn't be an undue burden to the neighborhood. Miss Phippen discussed that the applicant had adequate parking. Miss Phippen described that the application stated there would be no outside employees, no signage, and no business vehicles. Miss Phippen said this application met the requirements to be licensed as a home occupation and it was her recommendation that this application for a conditional use permit and business license be approved.

Commissioner Bernhardt made a motion to approve the conditional use permit and business license for Mari's Salon, located at 414 West 3300 South (Applicant: Marisela Mota). Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Bernhardt, Commissioner Green, Commissioner Bliesner, Commissioner Davenport, and Commissioner Swenson all in favor.

**Extra Handyman—discussion and consideration of a conditional use permit and business license for a home occupation (handyman) located at 414 W. 3300 S. (Applicant: Luis Mota)**

Mr. Luis Mota was present at the meeting.

Miss Phippen said this application was for another home occupation and stated there would be no outside employees, the business wouldn't be conducted out of an accessory building, there would be client visits, and no business related vehicles. Miss Phippen said this qualified the business to be licensed as a home occupation and because it met the definition of a home occupation she recommended approving the application and had no suggested conditions.

Commissioner Green made a motion to approve the business license and conditional use permit for Extra Handyman located at 414 West 3300 South (Applicant: Luis Mota). Commissioner Bernhardt seconded the motion.

Commissioner Green asked the applicant where he would be conducting business. Mr. Mota said he would visit client's home and described the tools and vehicle he used. Commissioner Bernhardt asked if there limitations in terms of conditional use permits per household. Commissioner Bliesner suggested they discuss this later in the meeting.

Commissioner Swenson asked if it was in the best interest of Nibley City to require proof of a professional license for these types of applications. Commissioner Bliesner said that was typically regulated by the State and said when people came to the city for a business license it was typically for a tax ID number which was required by the Internal Revenue Service.

The motion passed unanimously 5-0; with Commissioner Green, Commissioner Bernhardt, Commissioner Bliesner, Commissioner Davenport, and Commissioner Swenson all in favor.

Commissioner Bliesner described that conditional use permits stayed attached with the property and described his reservations with this being the case. Miss Phippen said she had been considering this too and felt it was worth looking at again and suggested perhaps limiting the home occupation licenses to two (2) per home at any given time. Commissioner Bliesner said he felt there was an interest in this. Miss Phippen said she would also like to discuss requiring applicants to provide evidence of licensure through the State. Commissioner Bliesner suggested Miss Phippen and the Planning and Zoning Commission discuss these items during a 5-10 minute workshop period at the end of the meeting.

**Little Discovery Preschool—discussion and consideration of a conditional use permit and business license for a home occupation (preschool) located at 2355 Clear Creek Rd. (Applicant: Rebecca Bankhead)**

Ms. Rebecca Bankhead was not present at the meeting. Commissioner Bliesner asked Miss Phippen if she felt the applicant needed to be present for the discussion. Miss Phippen said she had a question about the number of students and how many children she would have at her home per day. Miss Phippen said this was her only concern and said that Nibley City ordinance prohibited no more than 8 students per class at one time. She felt they could approve the conditional use permit and business license as long the limit of 8 students in a class was stated in the motion specifically. Commissioner Bliesner asked for a motion and suggested the Planning and Zoning Commission continue the discussion until the applicant could be present.

Commissioner Davenport made a motion to continue the applicant for a conditional use permit and business license for Little Discovery Preschool, located at 2355 Clear Creek Rd. (Applicant: Rebecca Bankhead) until the applicant could be present in order to answer the Planning and Zoning Commission's questions. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Davenport, Commissioner Green, Commissioner Bliesner, Commissioner Bernhardt, and Commissioner Swenson all in favor.

**PlastiFormance, Inc.—discussion and consideration of a business license for a plastic injection and molding business located in the Heritage Business Park at 1723 W. 2980 S. (Applicant: Joseph Jeffs)**

Mr. Joseph Jeffs was not present at the meeting. Commissioner Bliesner asked Miss Phippen if there was anything in her findings that would indicate they needed the applicant present. Miss Phippen said she had no real concerns and described the operations of the proposed business. She said the business met the definition of light manufacturing. She suggested the application be ap-

proved with the condition that before the license is issued that the applicant contact the Cache County Building Inspector and have an inspection done to ensure that no upgrades to the building needed to be completed prior to the business occupying the building. The Planning and Zoning Commission and Miss Phippen discussed items that may be found by the building inspector when conducting a “change of use inspection” on an existing building.

Commissioner Davenport questioned the wording “machine shop”. Commissioner Bliesner said it was his understanding that a machine shop was permitted or conditional in the industrial zone. Miss Phippen said that the passing of the last year’s ordinance that basically everything was conditional in the industrial zone.

Commissioner Green made a motion to approve the business license and conditional use permit for PlastiFormance, Inc; located in the Heritage Business Park at 1723 West 2980 South (Applicant: Joseph Jeffs); with the condition that the applicant has the building inspector come in and inspect the building and make improvements before the license is given. Commissioner Davenport seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Davenport, Commissioner Bliesner, Commissioner Bernhardt, and Commissioner Swenson all in favor.

#### **Discussion and consideration of an ordinance regulating animal control in Nibley City.**

Miss Phippen said she believed this ordinance was ready for recommendation to City Council. Miss Phippen described the changes that had been made to the proposed ordinance since it was last discussed at with the Planning and Zoning Commission; the inclusion of a definition of “Attack”; a reference to the State code regarding cruelty to animals and referencing the State’s definite of cruelty to animals; she clarified the question regarding the court ordering an animal being put down, getting rid of the animal, or putting further control measures in place. She said the prosecutor could require these if the animal had been designated as dangerous and said the harm had to be actual.

Miss Phippen discussed an issue that had been presented to her about a domestic cat that had been cross bred with a wild african cat (a Savannah cat). Miss Phippen asked if they wanted to extend the same prohibitions that had been extending regarding cross-bred dogs to cross bred cats. Commissioner Davenport and Commissioner Green agreed that this made sense and Commissioner Swenson asked if there were other cities that made this distinction. Miss Phippen said she believed the ordinance was ready for recommendation to City Council. Commissioner Bliesner said he didn’t feel they needed the further prohibition. Commissioner Davenport suggested that this was a great start and thought they could progress and come back and modify the document later if needed.

Commissioner Davenport made a motion to recommend the ordinance regulating animal control in Nibley City to City Council. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Davenport, Commissioner Green, Commissioner Bliesner, Commissioner Bernhardt, and Commissioner Swenson all in favor.

## **Workshop**

Commissioner Bliesner said he would like to see home based businesses in rental properties be prohibited. He felt having renters was already an impact and that stretching to included a business was too much of an impact to the neighborhood. He described this situation in Nibley and said he was not comfortable with all the business equipment impact.

Commissioner Bliesner said he wanted to address the parking of business equipment in the public right-of-way. He said he felt it should be codified that all home based business equipment be parked behind the front plane of the house. Commissioner Bliesner said that he felt that an ordinance that put a prohibition on business vehicles in the street could apply retroactively as it was a public property and that they could govern what happening in the streets. Commissioner Davenport asked if there had been a complaint and asked if the business license could be brought up for review of the conditional use permit.

Commissioner Bliesner said he wanted to discuss having conditional use permits expire with the business license. Miss Phippen said she would discuss this with the city attorney. Commissioner Bliesner said he felt this should be the case and that a conditional use permit shouldn't be allowed to continue indefinitely. Miss Phippen described that conditional use permits expire and were considered abandoned if they hadn't been used in one year. Miss Phippen said she would also get the City Attorney's opinion on making the ordinance retroactive.

Miss Phippen discussed the second Planning and Zoning Commission meeting in July. She said she would be out of town on July 22. Miss Phippen said the first meeting in August was on the 12th and that the Nibley City employee party was also scheduled for August 12th. She asked for the Planning and Zoning Commission's thoughts. The Planning and Zoning Commission agreed that they would discuss this at the first meeting in July and tentatively plan on the July 22 meeting until they could determine if there is a need for the meeting.

Commissioner Green expressed his appreciation of the work that went into the Nibley Children's Theatre but said that he had had a hard time hearing what was said.

There was general consent to adjourn at 6:23 p.m.

Attest: \_\_\_\_\_  
Deputy City Recorder