

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Wednesday, October 14, 2015.

The following actions were made during the meeting:

Commissioner Davenport motioned to approve the conditional use permit and business license for Ameriglass LLC, applicant Ben Barnett, located at 874 W Park View Circle, Nibley UT, 84321; with the condition that the Planning and Zoning Commission receive written permission from the actual property owner that they are in agreement with the business being located on their property. Commissioner Swenson seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Swenson, Commissioner Albrect, and Commissioner Bliesner all in favor.

Commissioner Davenport motioned to approve the business license and conditional use permit for Finish It Painting & Maintenance, applicant James Eldridge, located at 1205 W 3200 S, Nibley, UT 84321. Commissioner Swenson seconded the motion. The motion passed 4-0; with Commissioner Davenport, Commissioner Swenson, Commissioner Albrect, and Commissioner Bliesner all in favor.

Commissioner Davenport motioned to approve the conditional use permit and business license for DAW Holdings, Inc dba Dave Wakefield Construction, applicant Dave Wakefield, located at 974 W 2880 S, Nibley UT. Commissioner Swenson seconded the motion.

Commissioner Swenson made a motion to amend to add the condition that all business related vehicles be parked behind the front plane of the home. Commissioner Albrect seconded the amendment. The amendment passed 4-0; with Commissioner Swenson, Commissioner Albrect, Commissioner Davenport, and Commissioner Bliesner all in favor.

The amended motion passed 4-0; Commissioner Davenport, Commissioner Swenson, Commissioner Albrect, and Commissioner Bliesner all in favor.

Commissioner Davenport motioned to approve the conditional use permit and business license for Affordable Cleaning Services, applicant Silvia Lugo, located at 2327 S 730 W, Nibley, UT. Commissioner Swenson seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Swenson, Commissioner Albrect, and Commissioner Bliesner all in favor.

Commissioner Davenport motioned to approve the conditional use permit and commercial business license for Lutus United, located at 1770 W 2690 S, Nibley, UT, applicant Kevin McBride of 6910 S 4000 W, Wellsville, UT, with the

following conditions; that no license will be issued until Nibley City receives verification that the business has completed all of the County Building Inspector's requirements for the building; no events, sanctioned or otherwise, can take place at the location. It is to be used strictly for training purposes. Commissioner Swenson seconded the motion. The motion passed 4-0; with Commissioner Davenport, Commissioner Swenson, Commissioner Albrect, and Commissioner Bliesner all in favor.

Planning and Zoning Commission Chair Aaron Bliesner called the Wednesday, October 14, 2015 Planning and Zoning Commission meeting to order at 5:39. Those in attendance included Commissioner Aaron Bliesner, Commissioner Dave Davenport, Commissioner Carol Albrect, and Commissioner Bret Swenson. Ms. Shari Phippen, Nibley City Planner, was also present. Commissioner Bill Green was not present at the meeting.

Approval of 8-26-15 meeting minutes and the evening's agenda

General consent was given for the evening's agenda.

General consent was given for the previous meeting minutes.

Conditional Use Permit/ Business License

Ameriglass LLC—discussion and consideration of a conditional use permit and business license for a home occupation (windshield repair) located at 874 W Park View Circle (Applicant: Ben Barnett)

The applicant Ben Barnett was not present at the meeting.

Ms. Phippen said this conditional use permit and business license was a mobile windshield repair business. The business would be conducted off site and she didn't believe it would be windshield replacement. She was concerned that if it were replacement that there would be storage of inventory at the applicant's address. Ms. Phippen said she knew this business applicant was not the homeowner and that the applicant was a member of the family. She was certain that the homeowner was aware that the request had been made. Ms. Phippen said everything else met the regulations and definitions of a home occupation. Commissioner Swenson said he believed that this application would include windshield replacement and that inventory would be involved. The Planning and Zoning Commission discussed the perceived windshield inventory.

Commissioner Albrect asked why the applicant was not present at the meeting to answer questions. Ms. Phippen said the applicant had been informed of the meeting. Commissioner Swenson felt it should be a requirement to attend the meeting; that generally the applicant should be present when their application was being considered. Commissioner Albrect agreed. The Planning and Zoning Commission and Ms. Phippen discussed how Nibley could make it a requirement for the

applicant to be present at the meeting when his/her conditional use permit and business license was being considered. The Planning and Zoning Commission felt Ms. Phippen should include wording on the application that the applicant would need to provide written consent from the property owner before an application could be reviewed. Ms. Phippen asked if the Planning and Zoning Commission wanted to start requiring attendance. She suggested they could include wording on the business license application that the application may be tabled or continued if the applicant wasn't present at the scheduled meeting. After further discussion, Commissioner Bliesner, Commissioner Davenport, and Commissioner Albrect expressed that they had no strong opinion regarding the matter.

Commissioner Davenport made a motion to approve the conditional use permit and business license for Ameriglass LLC, applicant Ben Barnett, located at 874 W Park View Circle, Nibley UT, 84321; with the condition that the Planning and Zoning Commission receive written permission from the actual property owner that they are in agreement with the business being located on their property. Commissioner Swenson seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Swenson, Commissioner Albrect, and Commissioner Bliesner all in favor.

Ms. Phippen asked if it was Commissioner Davenport's intent that the consent be giving prior to the business license being issued. Commissioner Davenport said it was.

Finish It Painting & Maintenance- discussion and consideration of a conditional use permit and business license for a home occupation (painting/remodeling) located at 1205 W 3200 S (Applicant: James Eldridge)
The applicant James Eldridge was not present at the meeting.

Ms. Phippen said Mr. Eldridge wouldn't have employees or client visits and his business wouldn't be conducted out of an accessory building. Ms. Phippen said the applicant had indicated that he had a business vehicle that was limited to one Jeep Cherokee, which would be parked in the driveway and may have signage on it. Ms. Phippen said the business met the requirements to be classified and approved as a home occupation. Ms. Phippen said she recommended approving the conditional use permit and business license.

Commissioner Davenport made a motion to approve the business license and conditional use permit for Finish It Painting & Maintenance, applicant James Eldridge, located at 1205 W 3200 S, Nibley, UT 84321. Commissioner Swenson seconded the motion. The motion passed 4-0; with Commissioner Davenport, Commissioner Swenson, Commissioner Albrect, and Commissioner Bliesner all in favor.

20/20 Window Cleaning—discussion and consideration of a conditional use permit and business license for a home occupation (window cleaning) located at 436 W 3650 S (Applicant: Taylor Forbush)

The applicant Taylor Forbush was not present at the meeting.

Ms. Phippen said this application should have been stricken from the agenda. The applicant did not live at the location and the homeowner declined having the business license in their name and the application was pulled.

DAW Holdings, Inc dba Dave Wakefield Construction—Discussion and consideration of a conditional use permit and business license for a home occupation (general contractor) located at 974 W 2880 S (Applicant: Dave Wakefield)

The applicant, Dave Wakefield was not present at the meeting.

Ms. Phippen said Mr. Wakefield planned to employ people not working at the home as part of his business. However, they would not be working from the home. They would only report to the job site, which was permitted. The application stated there would be a limited number of client visits; 5 or less per week. The applicant had a business vehicle, a single pick-up truck, which would be parked in his driveway. The truck would have a logo on it, which Ms. Phippen said was allowed in Nibley City ordinance.

Commissioner Bliesner said he would characterize this as a home office with client visits.

Commissioner Davenport made a motion to approve the conditional use permit and business license for DAW Holdings, Inc dba Dave Wakefield Construction, applicant Dave Wakefield, located at 974 W 2880 S, Nibley UT. Commissioner Swenson seconded the motion.

Commissioner Swenson made a motion to amend to add the condition that all business related vehicles be parked behind the front plane of the home. Commissioner Albrect seconded the amendment. The amendment passed 4-0; with Commissioner Swenson, Commissioner Albrect, Commissioner Davenport, and Commissioner Bliesner all in favor.

The amended motion passed 4-0; Commissioner Davenport, Commissioner Swenson, Commissioner Albrect, and Commissioner Bliesner all in favor.

Ms. Phippen and the Planning and Zoning Commissioners discussed drafting a home occupation ordinance. Commissioner Bliesner expressed his concerns with business vehicles and equipment and home occupation for renters that added to the volume of vehicles and equipment.

Affordable Cleaning Services—discussion and consideration of a conditional use permit and business license for a home occupation (residential/office cleaning) located at 2327 S 730 W (Applicant: Silvia Lugo)

The applicant Silvia Lugo was not present at the meeting.

Ms. Phippen said Ms. Lugo's application stated she would have no employees or client visits and would have no business related vehicles. Ms. Lugo would not be conducting any part of her business out of an accessory building. Ms. Phippen said the application met the definitions and limitations of a home occupation.

Commissioner Davenport made a motion to approve the conditional use permit and business license for Affordable Cleaning Services, applicant Silvia Lugo, located at 2327 S 730 W, Nibley, UT. Commissioner Swenson seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Swenson, Commissioner Albrect, and Commissioner Bliesner all in favor.

Lutus United—discussion and consideration of a conditional use permit and business license for a mixed martial arts training facility in a commercial zone located at 1770 W 2690 S (Applicant: Kevin McBride)

The applicant, Kevin McBride was not present at the meeting.

Ms. Phippen said this business was proposed to be located in the Four-Point Plaza on the west side of Highway 89. She described the location of the proposed business. The business would operate Monday-Saturday from 6:00 a.m. to 9:00 p.m. and would be a mixed martial arts training facility. She said there would be no events at this location as the location was not set up for an audience. Ms. Phippen read Nibley's City Land Use code 10-2 "RECREATION/ ENTERTAINMENT, COMMERCIAL: A place and/or building, or portion thereof, that is used or is intended for fee based, indoor or outdoor recreation of all types. This term includes, but is not limited to, bowling alleys, skating rinks, billiard and pool halls, dance hall, amusement center, movie theaters, arcades, athletic clubs, equestrian facilities, indoor tennis/racquetball courts, miniature golf courses, athletic training centers, gyms, and the like." Ms. Phippen said Mr. McBride's facility met the requirements to be approved as a commercial recreation/entertainment, which was allowed in Nibley's commercial zone. Ms. Phippen discussed parking at the site. Ms. Phippen said Mr. McBride had already been in contact with the County Building Inspector, Paul Berntson. The building inspector had given them the list of things they need to do and provide prior to being able to occupy and open the space.

Ms. Phippen said the application met the requirements to be granted a conditional use permit and business license. She recommend the application be approved with the following conditions; no license will be issued until Nibley receives verification that the business has completed all of the County Building Inspector's requirements for the building and that no events, sanctioned or otherwise, can take place at the location. It is to be used strictly for training purposes.

Commissioner Davenport made a motion to approve the conditional use permit and commercial business license for Lutus United, located at 1770 W 2690 S, Nibley, UT, applicant Kevin McBride of 6910 S 4000 W, Wellsville, UT, with the following conditions; that no license will be issued until Nibley City receives verification that the business has completed all of the County Building Inspector's requirements for the building; no events, sanctioned or otherwise, can take place at the location. It is to be used strictly for training purposes. Commissioner Swenson seconded the motion.

The Planning and Zoning Commission and Ms. Phippen discussed the condition prohibiting events at the location.

The motion passed 4-0; with Commissioner Davenport, Commissioner Swenson, Commissioner Albrect, and Commissioner Bliesner all in favor.

Workshop

Workshop discussion regarding code enforcement/administrative citation program

Ms. Phippen provided a sample administrative enforcement ordinance taken from Milford City, Utah. Ms. Phippen also provided a flow chart, which summarized the process that she would like the ordinance to follow. Ms. Phippen summarized the process she outlined. Ms. Phippen said she would like to follow the process and then craft an ordinance that supported the process; she wanted the process to be as smooth as possible. Ms. Phippen some of the points she liked and disliked about the Milford ordinance. Commissioner Bliesner expressed his concerns with fining a resident without first giving notice. Ms. Phippen said staff had been directed to be "heavy handed". Commissioner Davenport noted that the flow chart gave them 5 days to act after a citation and then there would be no fine. Ms. Phippen compared the citation to a fix-it ticket. Ms. Phippen said she wanted to discuss what types of policies and procedures the Planning and Zoning Commission would like to see implemented in an administrative citation program. The Planning and Zoning Commissioners discussed citation and enforcement procedures of fences, weeds, junk, and non-complying accessory buildings.

Ms. Phippen discussed that current land-use and zoning violations of city code were turned over to the Sheriff's department and weren't the highest priority. Nibley City needed a mechanism in place where they could handle their own problems and at some point attach fines to the city utility bill. Ms. Phippen and the Planning and Zoning Commission discussed who would oversee a hearing for a violation. Ms. Phippen said it would most likely be staff and that it could be whomever the Mayor appointed. She discussed the requirements of the person overseeing the hearings. Commissioner Bliesner said he liked where Ms. Phippen was going and although he didn't believe in all the city ordinances, he believed they should enforce the ordinances on the books. Ms. Phippen said that it may some day get to the point that someone was hired for citation enforcement and that one of the primary drivers

behind this citation ordinance was that at a certain point they ran out of enforcement options in code.

Ms. Phippen told the Council that the WeatherShield property was being used for amateur car racing. Commissioner Albrect described what she had observed at the property. Ms. Phippen said the Mayor had asked her to talk to the Planning and Zoning Commission about including things in the City Land Use Chart that were specifically prohibited and prohibited them throughout the city on both public or private property. These items would need to be defined and then specifically prohibited in Nibley City ordinance. Commissioner Albrect discussed the mixed/strong feelings of her neighbors regarding the racing. Commissioner Bliesner compared the racing to events such as the Tour of Utah discussed permitting these types of events with a special event permit. He felt ruling things out completely would be extreme. He said it would need to be an event where the participants would need to check off “the boxes” and provide needed safety for an event. Ms. Phippen said she didn’t feel there was anywhere in Nibley that could accommodate motor sports and thought they should be banned. Ms. Phippen said the Mayor would like the City to look into something specifically tied to street racing. Commissioner Davenport said he saw motor sports as a completely different issue than items such as Tour of Utah or Heritage Days.

The Planning and Zoning Commission directed Ms. Phippen to work on drafting a home occupation ordinance.

Discussion/Report on the Utah League of Cities & Towns conference

Commissioner Davenport said he felt the Utah League of Cities and Towns conference was very informative and thanked Ms. Phippen for her direction on what workshops would be most beneficial.

Commissioner Bliesner said he had found over the years that a lot of the discussions were academic and large.

Discussion of update to Nibley City General Plan

Ms. Phippen said Nibley City would hold a public open house in three weeks (November 5) to solicit information regarding the plan for Nibley from the public. She said the steering committee was meeting on Wednesday. Ms. Phippen said the City Council would be doing a visioning workshop with the consultants following their meeting on November 5. She said she intended to have the Planning and Zoning Commission included in the workshop.

Ms. Phippen summarized the remaining 2015 Planning and Zoning Commission meeting schedule.

There was general consent to adjourn at 7:21.

Attest: _____
Deputy City Recorder