

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Wednesday, November 18, 2015.

The following actions were made during the meeting:

Commissioner Green motioned to approve the conditional use permit and business license for Kikkert, LLC, located at 421 W. 3300 S; applicant, Isaac Kikkert. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Swenson, Commissioner Bliesner, Commissioner Davenport, and Commissioner Albrect all in favor.

Commissioner Green motioned to approve the business license and conditional use permit for Kettle Korn of Cache Valley, located at 2800 S. Main, applicant, Jeremy Devey. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Swenson, Commissioner Bliesner, Commissioner Davenport, and Commissioner Albrect all in favor.

Commissioner Green motioned to approve the kennel license for three (3) dogs located at 3010 S. Main, applicant, Makenzie Clark. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Swenson, Commissioner Bliesner, Commissioner Davenport, and Commissioner Albrect all in favor.

Planning and Zoning Commission Chair Aaron Bliesner called the Wednesday, November 18, 2015, Planning and Zoning Commission meeting to order at 5:45. Those in attendance included Commissioner Aaron Bliesner, Commissioner Dave Davenport, Commissioner Bill Green, Commissioner Carol Albrect, and Commissioner Bret Swenson. Ms. Shari Phippen, Nibley City Planner, was also present.

Approval of 10-28-15 meeting minutes and the evening's agenda

All Commissioners were in favor of approving the evening's agenda.

All Commissioners were in favor of adopting the previous meeting's minutes.

Conditional Use Permit/ Business License

Kikkert, LLC—discussion and consideration of a request for a home occupation (online retail) located at 421 W. 3300 S. (Applicant: Isaac Kikkert)

Mr. Isaac Kikkert was present at the meeting.

Ms. Phippen said the request was for a home occupation but she was not exactly sure what Mr. Kikkert was making. However, it didn't appear to have a substantial

impact on the neighborhood; there were no client visits, none of the business would be run out of an accessory building, there would only be typical residential deliveries, and there would be no outside employees.

Commissioner Green made a motion to approve the conditional use permit and business license for Kikkert, LLC, located at 421 W. 3300 S; applicant, Isaac Kikkert. Commissioner Swenson seconded the motion.

Mr. Kikkert said he was making leather wallets and planned to eventually source out other products. Commissioner Green asked if he would be using any hazardous materials. Mr. Kikert said no.

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

Kettle Korn of Cache Valley—discussion and consideration of a request for a kettle corn business located at 2800 S. Highway 89/91 (Applicant: Jeremy Devey)

Mr. Jeremy Devey was present at the meeting.

Ms. Phippen said this application would be time limited and seasonal but didn't qualify under a temporary vendor license. She said this business needed to be licensed as a commercial business because it was in a commercial use in a commercial location. Ms. Phippen said Nibley's Land-Use code (Title 10-2) allowed for this business as a conditional use in a commercial zone; she said it fell under the umbrella of retail and restaurant. Ms. Phippen said the land-use chart allowed the business to be conditionally permitted. Ms. Phippen said she had been contacted by the county building inspector, who had inspected the facility, and she was informed that there were no upgrades needed at the business facility.

Ms. Phippen said she recommended the Planning and Zoning Commission approve this business license and conditional use permit.

Commissioner Green made a motion to approve the business license and conditional use permit for Kettle Korn of Cache Valley, located at 2800 S. Main, applicant, Jeremy Devey. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Swenson, Commissioner Bliesner, Commissioner Davenport, and Commissioner Albrect all in favor.

Kennel License

Discussion and consideration of a request for a kennel license for three (3) dogs located at 3010 S. Main (Applicant: Makenzie Clark)

Ms. Makenzie Clark was not present at the meeting.

Commissioner Bliesner asked if the applicant had been informed that the Planning and Zoning Commission expected the applicant to be at the meeting. Ms. Phippen said the applicant had been given this information.

Ms. Phippen said conditional use permits for a third dog (kennel license) could be issued when a property is at least 3/4 of an acre, which this property was, and in the event that the third dog is being trained or is a certified service animal. Ms. Phippen said this application met both requirements and said under Nibley's land-use ordinance the conditional use permit could be issued. Commissioner Bliesner asked if the lot was a legally conforming lot. Ms. Phippen said it was; she had pulled the property up on the County parcel viewer and that it was recorded as an acre.

Commissioner Swenson asked how many dogs were allowed with a kennel license. Ms. Phippen said the maximum number of dogs allowed was 3 and that the property had to meet the conditions set forth by Nibley City ordinance.

Planning and Zoning Commission discussed the circumstances and when and how the animal ordinance was changed. They discussed the process of review should there be a problem with a kennel license.

Commissioner Green made a motion to approve the kennel license for three (3) dogs located at 3010 S. Main, applicant, Makenzie Clark. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Green, Commissioner Swenson, Commissioner Bliesner, Commissioner Davenport, and Commissioner Albrect all in favor.

Workshop

Discussion of an ordinance regulating home occupations in Nibley City.

Ms. Phippen said that she had prepared a draft of an ordinance that would outline regulations governing home occupations. She said the ordinance governed parking behind the front plane of the house and out the public right-of-way, outlined certain things that were specifically prohibited as home occupations, gave further requirements for pre-schools and daycares, and general guidelines. She said the draft had been prepared from a combination of other cities' ordinances.

Commissioner Green addressed that there was still no regulations on transfer of conditional use permit rights after a year. Ms. Phippen said she had not included this because she had no definitive or clear answers to the issue and would include this when she had the necessary answers. Commissioner Swenson said discussed the regulations regarding business hours. Ms. Phippen said the hours were related only to client visits.

Commissioner Bliesner asked why D. "Neighborhood Disruptions Not Permitted" had been stricken. Commissioner Davenport said he felt the information was covered under G. "Restrictions". Commissioner Davenport said he liked paragraph D. and Commissioner Bliesner said he wanted to ensure the items in the paragraph

were included somewhere in the ordinance. The discussed whether the items had been sufficiently covered in the ordinance.

Commissioner Bliesner stated his concerns with child care visits and the limitation of eight children at once. He said there was a loophole that a business could have 8 children at once several times a day. Ms. Phippen said they were limited to two sessions a day and a maximum of four total session per week and to directed Commissioner Bliesner to section H-1.-a.

Commissioner Davenport referred to paragraph C. and asked if the Planning and Zoning Commission was still able to table or continue a procedure if it was not provided for in that paragraph. Ms. Phippen said those were basic rules of parliamentary procedure and did not need to be stated in the ordinance.

Commissioner Davenport pointed out a few “typos” and said he felt the ordinance was good.

Commissioner Bliesner asked Ms. Phippen to direct him to the regulations regarding parking. She directed him to section G.-5. After reviewing the section Commissioner Bliesner stated that it looked pretty good. Ms. Phippen said she might need to clarify that people could still park their business trucks and cars in their driveway.

Ms. Phippen asked if the Planning and Zoning Commission felt this could be scheduled for a public hearing at the next Planning and Zoning Commission meeting. None of the Commissioners expressed any reservations with scheduling a hearing. Ms. Phippen said she would go ahead and schedule the public hearing on December 9.

Staff Report

Ms. Phippen said the City would be handing out turkeys to its employees and elected/appointed personnel. Please come by the City office and pick up your turkey on Monday, November 23rd, from 3-4:30 p.m. If you’re not able to make it that day, please let Alejandra in the front office know and we will make arrangements to have the turkey brought to you.

Ms. Phippen said the City’s annual end of the year party will be held Thursday, December 17th, at 6:00 p.m. and will be on the USU campus at the Skyroom.

Commissioner Bliesner asked for a report on the general plan public open house, which Ms. Phippen reported on. She said there would be another public open house when the plan was presented. She said there would be another steering committee meeting in a few weeks. Commissioner Bliesner expressed his concern with the limited amount of variations in the alternative that were proposed. He said all the plans that had been presented were more intensive than he anticipated for Nibley. Commissioner Albrect said she would still like to see a community center that was not commercial.

Commissioner Davenport asked about the moratorium on zoning changes that was scheduled for discussion on the next City Council agenda. Ms. Phippen said it was not atypical for a city to temporarily enact land use regulations when a city was undergoing a general plan change or undertaking some major project related to land use. Ms. Phippen said this was limited to a six-month period of time by State law and the city could freeze any annexation, subdivision, zoning, and re-zoning applications. Ms. Phippen also described the impending ordinance doctrine.

Ms. Phippen said Nibley had been asked to change the Telecommunication Tower Ordinance. She said they had been asked to change the setback area from a 1.5:1 to a 1:1; so the setback would only have to be equal to the height of the tower. Commissioner Davenport asked who had made the request. Ms. Phippen said the request was from the Mayor. Ms. Phippen said the requests had not come from an applicant.

There was general consent to adjourn at 6:42.

Attest: _____
Deputy City Recorder