

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Wednesday, February 10, 2016.

The following actions were made during the meeting:

**Commissioner Davenport motioned to approve the conditional use permit and business license for Automotive Image Solutions located at 2938 South 600 West; applicant, Kris Falslev; with the condition that any client visits to his home occupation or home business are prohibited. Commissioner Bliesner seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Bliesner, Commissioner Swenson, and Commissioner Albrect all in favor.**

**Commissioner Davenport motioned to approve the conditional use permit and business license for Sunny Days Preschool located at 396 West 3650 South; applicant, Nikki Snyder. Aaron seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Bliesner, Commissioner Swenson, and Commissioner Albrect all in favor.**

**Commissioner Davenport motioned to approve the commercial business license application for Malouf Fine Linens located at 1525 West 2960 South in Nibley, with the following conditions; 1) changes to the nature of the business of the business or the hours of operation which are 8:30 a.m.-5:00 p.m. will require an amendment to the business license which will require re-application to the Planning Commission; 2) all heavy vehicle traffic, specifically, semi-trucks and delivery trucks, is limited to the business hours which are 8:30 a.m. to 5:30 p.m.; 3) semi-trucks will be prohibited from idling on the property when they are not actively engaged in picking up or dropping off a load from the warehouse; 4) all other City ordinances regarding public peace and safety are to be complied with; 5) All landscaping requirements will be complete within 8 months from issuance of the business license. Commissioner Albrect seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Albrect, Commissioner Bliesner, and Commissioner Swenson all in favor.**

**Commissioner Davenport motioned to recommend approval to the Nibley City Council for an ordinance regulating home occupations within Nibley City. Commissioner Albrect seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Albrect, Commissioner Swenson, and Commissioner Bliesner all in favor.**

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Planning and Zoning Commission Co-Chair Bret Swenson called the Wednesday, February 10, 2016 Planning and Zoning Commission meeting to order at 5:30. Those in attendance included Commissioner Bret Swenson, Commissioner Dave

Davenport, Commissioner Aaron Bliesner, and Commissioner Carol Albrect. Ms. Shari Phippen, Nibley City Planner, was also present. Commissioner Bill Green was excused from the meeting.

Commissioner Bliesner said he had resolved the issue of his ability to vote. He said the Mayor's interpretation of the ordinance was that he was in the Planning and Zoning Commission until a replacement was found and that he was still a voting member.

#### **Approval of 1-27-16 meeting minutes and the evening's agenda**

Commissioner Swenson made a motion to suspend the agenda and to reorder the items on the agenda. General consent was given for this revision to the agenda.

General consent was given for the evening's agenda.

Commissioner Davenport stated a concern with the previous meeting minutes and suggested the Deputy Recorder go back and review the previous meeting audio minutes in order to complete a sentence in the minutes.

Commissioner Davenport made a motion to postpone the approval of the January 27, 2016 meeting minutes upon completion of a review of the meeting minutes by the deputy recorder. Commissioner Albrect seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Albrect, Commissioner Swenson, and Commissioner Bliesner all in favor.

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

##### **Automotive Image Solutions—discussion and consideration of a request for a home occupation (automotive dent repair) located at 2938 South 600 West (Applicant: Kris Falslev)**

Mr. Kris Falslev was present at the meeting.

Ms. Phippen said the applicant had submitted an application for a repair business. The application met the requirements of not employing anyone not living at the home, his vehicles would be parked in a garage and out of the public right-of-way, and there would be signage on his vehicle, which was allowed by ordinance. Ms. Phippen stated her concern with client visits because their ordinance stated the home occupations couldn't be issued for automotive sales, service, or repairs if any part of the business was conducted out of the house.

Ms. Phippen said the application met all other necessary conditions to be licensed as a home occupation. She recommended the Planning and Zoning Commission approve the conditional use permit and business license with the condition that no client visits are allowed and that all repair work on the vehicles had to be done offsite.

Commissioner Davenport made a motion to approve the conditional use permit and business license for Automotive Image Solutions located at 2938 South 600 West; applicant, Kris Falslev; with the condition that any client visits to his home occupation or home business are prohibited. Commissioner Bliesner seconded the motion.

Commissioner Albrect asked what constituted a client visit? Ms. Phippen said this condition meant that someone couldn't bring his or her car to the applicant's house to be worked on.

Commissioner Swenson asked if Mr. Falslev had any questions or comment. Mr. Falslev said this would be all mobile and out of his truck. He said he had no issue with the conditions of his conditional use permit.

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

**Sunny Days Preschool—discussion and consideration of an application for a home occupation (preschool) located at 396 West 3650 South (Applicant: Nikki Snyder)**

Ms. Nikki Snyder was present at the meeting.

Ms. Phippen said Ms. Snyder had requested to have a preschool inside of her home. Ms. Phippen reviewed Ms. Snyder's proposed class schedule. Ms. Phippen said Ms. Snyder's yard was already fenced and ordinance limited her to 8 students per class. Ms. Phippen said the applicant had sufficient curb space to allow for pick-up and drop-on. Ms. Phippen said Ms. Snyder had requested a small nameplate sign. Ms. Phippen said she could have a small sign provided it was attached to the home. Ms. Phippen reviewed the applicant's pick-up and drop-off schedule.

Ms. Phippen said that based on her evaluation of the application that she would suggest the conditional use permit and business license be approved and had no suggested conditions.

Ms. Snyder asked how she could have more than 8 kids in each session. Ms. Phippen described that Nibley City ordinance limited the number of children per class to 8. If Ms. Snyder wanted to hold larger class sizes then she would need to be licensed with the State and be a commercial preschool

Commissioner Davenport made a motion to approve the conditional use permit and business license for Sunny Days Preschool located at 396 West 3650 South; applicant, Nikki Snyder. Aaron seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Aaron, Commissioner Swenson, and Commissioner Albrect all in favor.

**Malouf Fine Linens, Inc.—discussion and consideration of a business license application for a commercial bedding distribution center located at 1525 West 2960 South (Applicant: Malouf Fine Linens)**

Malouf Fine Linens had no representation at the meeting.

Ms. Phippen said Malouf Fine Linen's anticipated opening date was March 17, 2016 so they were coming in to get their business license. Ms. Phippen stated their proposed business hours would be Monday through Friday from 8:30 a.m. to 5:30 p.m.

Ms. Phippen said Malouf Fine Linens had built a building at 1525 West 2960 South, just West of the Stonebridge subdivision. They were given site plan approval last year and have been working on building construction. They are at the point where they have submitted the application for their business license. These hours of operation will be inclusive of all business activities. All FedEx and UPS shipments will be limited to those hours, all container shipment (done via semis) will be done during those hours, and all employees would come and go during those hours.

Ms. Phippen stated that Nibley City Code 10-2 defines "Warehousing" as:

"A place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution. This term does not include fuel tank farms."

She said the property on which the Malouf building sits was zoned Industrial. Nibley City Code 10-10, the land use chart, classified "Warehousing" as conditionally permitted in an industrial zone.

Ms. Phippen said that Nibley City Code 10-14 outlined questions to be asked when considering a conditional use in an industrial zone. The vast majority of these were addressed to the City's satisfaction in the site plan approval. Ms. Phippen reviewed each suggested question and how the applicant had addressed them.

Ms. Phippen said it was her opinion that the business license met the requirements to be licensed as a "Warehouse" in the Nibley City industrial zone. She recommend approving the business license application and had the following suggested conditions:

- The business is to be licensed as a warehouse and business hours are limited to Monday-Friday 8:30 am-5:00 pm.
- Changes to the nature of the business or the hours of operation require an amendment to the business license, which requires re-application to the Planning Commission.

- All heavy vehicle traffic, specifically, semi-trucks and delivery trucks, is limited to the business hours.
- Semi-trucks are prohibited from idling on the property when they are not actively engaged in picking up or dropping off a load from the warehouse.
- All other City ordinances regarding public peace and safety are to be complied with.

Commissioner Swenson asked about regulations regarding signage

Commissioner Albrecht asked if the landscaping had been put in. Ms. Phippen said the landscaping was not a requirement of occupancy and that the landscaping would be put in when the ground was suitable to put in landscaping. Ms. Phippen said there was landscape requirements that had been approved during the site plan approval process. Commissioner Bliesner said if the landscaping were not complete all the City would need to do is pull their conditional use permit in for review. He said they had recourse if the landscaping were not put in but he felt it was a non-issue and that they were just waiting for the weather to get good. Ms. Phippen said they would need to put a condition on the business license because landscaping was not tied into the business; it was tied to the site plan. Commissioner Swenson asked if there were residential requirements for landscaping. Ms. Phippen said there weren't. Commissioner Swenson discussed a city that required residential landscaping. Commissioner Davenport and Ms. Phippen discussed whether this application was for a conditional use permit and a business license. Ms. Phippen said they had already been given the conditional use permit when the site plan was approved and that the business was a conditional use so they were approving the business license application. Commissioner Albrecht discussed flooding in her neighborhood and the perception that a large building had caused flooding to some residential housing. Commissioner Albrecht asked how she addressed her neighbors that were concerned that this large building would cause flooding. Ms. Phippen described site plan water retention and storm water basin requirements when subdivision happened. Commissioner Bliesner described the technical adsorption of water and the increased water evaporation when land is taken up.

Commissioner Davenport made a motion to approve the commercial business license application for Malouf Fine Linens located at 1525 West 2960 South in Nibley, with the following conditions; 1) changes to the nature of the business of the business or the hours of operation which are 8:30 a.m.-5:00 p.m. will require an amendment to the business license which will require re-application to the Planning Commission; 2) all heavy vehicle traffic, specifically, semi-trucks and delivery trucks, is limited to the business hours which are 8:30 a.m. to 5:30 p.m.; 3) semi-trucks will be prohibited from idling on the property when they are not actively engaged in picking up or dropping off a load from the warehouse; 4) all other City ordinances regarding public peace and safety are to be complied with; 5) All

landscaping requirements will be complete within 8 months from issuance of the business license. Commissioner Albrect seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Albrect, Commissioner Bliesner, and Commissioner Swenson all in favor.

### **Discussion**

#### **Discussion with Jim Miller regarding possible veterinary clinic in Nibley City**

Mr. Jim Miller was present at the meeting. His father, Bob Miller, was also present.

Ms. Phippen said that next to the Stander property, where the two roads meet, there was a parcel of property where the road curves. She said the applicant intended to put a veterinary clinic on the property and were there to discuss the conceptual business and property with the Planning and Zoning Commission. Ms. Phippen displayed this property for the Planning and Zoning Commission and public present.

Commissioner Davenport suggested a disclaimer that any discussion they held could not be misunderstood as approval or disapproval of the plan. Ms. Phippen said this was put on the evening's agenda as a discussion item and there could be no binding actions or promises made.

Mr. Bob Miller said his son and his son's brother-in-law had asked him to work on this project from an advisory standpoint. He described the purchase of the property. Mr. Miller provided a three ring binder to the Planning and Zoning Commission with conceptual ideas of what they would like on the property. This included a floor plan. Mr. Miller said this would be a beautiful, full-service facility and that all boarding would be inside.

Mr. Jim Miller said showed a concept sight plan to the Planning and Zoning Commissioners. He said he intended for this to be a full-service, small animal facility. Mr. Miller discussed the boarding aspect of the facility.

Commissioner Bliesner suggested Mr. Miller work up a sight plan that included the parking required by ordinance, building, and set backs so that they could ensure that their building and the facilities they wanted would work. He also suggested Mr. Miller pay attention to Nibley's commercial design standards. Commissioner Davenport also suggested Mr. Miller offer up a way to mitigate noise. Commissioner Davenport and Commissioner Bliesner suggested Mr. Miller become very familiar with Nibley City ordinances as he proceeded. Commissioner Albrect stated her concerns with the play area and the number of dogs the facility would board.

#### **Discussion and consideration of an ordinance regulating home occupations in Nibley City**

Ms. Phippen said she had cleaned up the draft home occupations ordinance based on the Planning and Zoning Commission's previous meeting discussion. She said she had made all the changes requested by the Planning and Zoning Commission.

Commissioner Bliesner left the meeting at 6:39 p.m.

Ms. Phippen commented on section K.1.j; page 4, Material Safety Data Sheets. She said she felt they should simplify the ordinance by stating that any material that would require a MSDS was prohibited.

Commissioner Bliesner returned at 6:41 p.m.

Commissioner Bliesner and Ms. Phippen debated the use of the language “chemicals will be dealt with on a case-by-case basis.” Ms. Phippen felt the city could be accused of being arbitrary and that it was recommended they don’t use this type of language in ordinance. Commissioner Swenson agreed that it would be hard to be specific. Commissioner Davenport felt the language they had drafted was sufficient and said he was comfortable with it but may not be comfortable with it if he had more knowledge of it. The Planning and Zoning Commission discussed asking Ms. Phippen to take the draft ordinance to the County Fire Marshall because they expressed he would have the expertise they didn’t or would have a “better idea”. Ms. Phippen stated that she felt it was unnecessary. Ms. Phippen said she recommend that the Planning and Zoning Commission forward the draft to the City Council for their review and adoption. Commissioner Swenson said he felt that is was fine.

Commissioner Davenport made a motion to recommend approval to the Nibley City Council for an ordinance regulating home occupations within Nibley City. Commissioner Albrect seconded the motion. The motion passed unanimously 4-0; with Commissioner Davenport, Commissioner Albrect, Commissioner Swenson, and Commissioner Bliesner all in favor.

Commissioner Bliesner was excused from the meeting at 6:54 p.m. to do pack checks for his Scouts.

### **Workshop**

#### **Annual training on Utah’s Open & Public Meetings Act**

The Internet connection in the building was not working. Ms. Phippen said the Planning and Zoning Commission was required to be trained annually but that this could be put off until the next meeting. She said it was approximately a 30 minutes video. Commissioner Swenson said they would reschedule this training for the next Planning and Zoning Commission meeting.

There was general consent to adjourn at 6:55 p.m.

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