

NIBLEY CITY CORPORATION
PLANNING & ZONING COMMISSION
Wednesday, November 28, 2007

The following actions were made during the meeting

Action Item 1: Commissioner Rudd made a motion to approve Pro vision request for a business license and conditional use permit for a home office at 4053 South Main. Seconded by Commissioner Dustin. Motion passed unanimously.

Action Item 2: Commissioner Anderson made a motion to approve the conditional use permit for this applicant at this address with the conditions as set forth in the application with the following two conditions:

- 1- No roosters on site.
- 2- No coop constructed on site.

Seconded by Commissioner Rudd. Motion passed with Commissioners Bliesner, Anderson and Rudd in favor of the motion. Commissioner Dustin abstained.

Action Item 3: Commissioner Rudd made a motion to approved Dustin Engineers, LLC for a conditional use permit and business license at 923 West 2880 South in Nibley. Seconded by Commissioner Anderson. Motion passed with Commissioners Bliesner, Anderson and Rudd in favor of the motion. Commissioner Dustin abstained.

MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Jessica Lawes

The following members of the Nibley City Planning and Zoning Commission were in attendance: Commissioners Aaron Bliesner, Curtis Rudd and Shaun Dustin and Wayne Anderson arriving at 7.24 p.m. Also in attendance was Zoning Administrator Shari Phippen. The meeting took place in the Nibley City Hall, 625 West 3200 South. Acting Chairman Anderson called the November 28, 2007 meeting to order at 7:05 p.m.

Item 1: Approval of minutes and agenda:

General consent for the evening's agenda and minutes from the previous meeting.

Item 2: Pro-Vision: request a conditional use permit and business license for a handcrafted golf putter business located at 4053 South Main Street. Applicant Clayton Egbert met before the commission. Mr. Egbert said it is a small business run off of acquaintances with a wood shop in his garage and will be making and selling golf putters. He said he has been doing this for 10 years. Commissioner Rudd asked about the amount of wood. Mr. Egbert said he gets it from all over the world and it is only received in small quantities and is delivered by UPS and FedEx. Commissioner Bliesner said the application said that an accessory building is not needed. Mr. Egbert said they are built in his shop in Paradise. Mr. Egbert said it is just a hobby and there would probably not be more that 5 UPS deliveries a month and currently no sign is needed. Commissioner Rudd said that if a sign is wanted he would have to come back to the commission.

Commissioner Rudd made a motion to approve Pro Vision's request for a business license and conditional use permit for a home office at 4053 South Main. Seconded by Commissioner Dustin. Motion passed unanimously.

Commissioner Dustin made a motion to suspend the agenda. General consent was given.

Commissioner Anderson arrived at 7:24

Commissioner Dustin stated for the record that he had a conflict of interest on the next two agenda items as he is on the Planning Commission and is an applicant on both items.

Item 3: Shaun & Hannah Dustin: request a conditional use permit to have 4 chickens located at 923 West 2880 South. Applicants Shaun and Hannah Dustin met before the council. Commissioner Rudd asked how big the coop was. Shaun Dustin said it is 2' x 4', which is sized for four chickens. Commissioner Anderson asked if they were going to be able to keep 100 feet from any residence to the coop. Mr. Dustin said every residence except for theirs and that it is not a permanent structure. Commissioner Bliesner asked if their yard was fenced. Mr. Dustin said they have a 6-foot privacy fence. Shari Phippen said the ordinance states it has to be 100 feet from the dwelling unit. Mr. Dustin said they could put the coop in a corner if needed. Commissioner Rudd asked the size of the lot. Mr. Dustin said it is a ¼ of an acre or about 14,000 square feet and that is why they are here for a conditional use permit. Commissioner Bliesner said his understanding is that for a lot that size there are no animal rights and if it is not a permitted use the Planning Commission cannot approve it. Shari Phippen said the ordinance only states that lots under ¾ of an acre require a conditional use permit for animal or fowl unit rights. Mr. Dustin said they would not be replacing the chickens as they pass and could request a permit for the particular four chickens.

Commissioner Bliesner said he is nervous about the distinction of a hutch and a coop and the one thing he can see that is not a problem is that there are no roosters and if chickens are added there could be no roosters and maintain 4 hens. Commissioner Anderson said if a complaint came in from the neighbors the chickens will have to go. Mr. Dustin said that if a neighbor has a complaint the chicken will be taken care of and if they complain about the whole operation they will work something out.

Commissioner Anderson made a motion to approve the conditional use permit for this applicant at this address with the conditions as set forth in the application with the following two conditions:

- 3- No roosters on site.
- 4- No coop constructed on site.

Seconded by Commissioner Rudd. Motion passed with Commissioners Bliesner, Anderson and Rudd in favor of the motion. Commissioner Dustin abstained.

Item 4: Dustin Engineers, LLC: requests a conditional use permit and business license application for a consulting engineer business located at 923 West 2880 South. Applicant Shaun Dustin met before the commission. Mr. Dustin said it would be a home office and needs to have a business license for mail purposes.

Commissioner Rudd made a motion to approved Dustin Engineers, LLC for a conditional use permit and business license at 923 West 2880 South in Nibley. Seconded by Commissioner Anderson. Motion passed with Commissioners Bliesner, Anderson and Rudd in favor of the motion. Commissioner Dustin abstained.

Item 5: Discussions:

Shari Phippen said Larry Anhder would like to have a joint meeting with the City Council and Planning Commission on December 12, 2007 at 6 – 8 p.m. to give presentation of the first draft of the Conservation Subdivision Ordinance.

Item 6: Adjournment –

General consent to adjourn at 7:52 p.m.

Signed _____
Planning & Zoning Chairman

Attest _____
Assistant Deputy Recorder