Nibley City
Planning Commission Meeting
Thursday, August 29, 2024
Nibley City Hall
455 W. 3200 S.
Nibley, UT

6:30 p.m. Call to Order and Roll Call
Approval of Agenda
Approval of Minutes

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may participate in the meeting either in person or electronically via the meeting link provided at www.nibleycity.com .

1. **Public Hearing:** Resolution 24-20 - Amending the Nibley City Transportation Master Plan, removing 2500 South roadway between 1200 West and 1300 West
2. **Discussion and Consideration:** Recommendation for Resolution 24-20 - Amending the Nibley City Transportation Master Plan, removing 2500 South roadway between 1200 West and 1300 West
3. **Discussion and Consideration**: Conditional Use Permit for 'Cut & Carve CNC,' an Artisan Shop, at 3021 South 800 West (Applicant: Jeremiah Duncan)
4. **Discussion and Consideration**: Conditional Use Permit for 'Wasatch Animal Urgent Care, LLC,' a Small Animal Veterinary Clinic, at 2365 South Heritage Drive (Applicant: James Miller)
5. Staff Report and Action Items

Planning Commission agenda items may be tabled or continued if 1) Additional information is needed in order to take action on the item, OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. ***No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission****. The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.

Nibley City Planning Commission Agenda Item Report

August 29, 2024

Agenda Item #1 & #2: TMP Amendment: 2500 S Removal

Description

Public Hearing: Resolution 24-20 - Amending the Nibley City Transportation Master Plan, removing 2500 South roadway between 1200 West and Heritage Drive

Discussion and Consideration: Recommendation for Resolution 24-20 - Amending the Nibley City Transportation Master Plan, removing 2500 South roadway between 1200 West and Heritage Drive

Department

City Planning

Action Type

Legislative

Recommendations

Recommend denial of Resolution 24-20 - Amending the Nibley City Transportation Master Plan, removing 2500 South roadway between 1200 West and Heritage Drive with the recommended findings noted below

Reviewed By

City Planner, City Engineer, City Manager, Public Works Director

Background

Al Bingham has submitted an application to remove the 2500 South connection between 1200 West and 1300 West from the Transportation Master Plan. The applicant has stated the following in his application: “We are proposing a change to the general master transportation plan to create a safer transportation through a residential area.” Previously, the applicant proposed a Code amendment that would provide a variance for this requirement within the R-M zoning code. The applicant was directed by Staff and the Planning Commission that the more appropriate consideration for this request would be via a consideration for amendment of the Transportation Master Plan.

The currently adopted “Master Street Plan,’ an appendix of the Transportation Master Plan, last updated shows a future local road connection between 1200 W and the planned Heritage Drive at 2500 S. As this area develops with the medium to high density residential and commercial uses planned, retaining street connectivity is important to disperse traffic, provide for direct connections for all street users (including pedestrians and bicyclists), improve emergency access and support effective street maintenance. NCC 19.12.040(K) emphasizes street connectivity with the following statement:

Connectivity. R-M developments shall provide connectivity with the surrounding area and throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.

The 2500 South connection will support these objectives. Therefore, Staff is not supportive of removing this street from the Master Plan.

Agenda Item #3: Artisan Shop CUP

Description

Discussion and Consideration: Conditional Use Permit for ‘Cut & Carve CNC,’ an Artisan Shop, at 3021 South 800 West (Applicant: Jeremiah Duncan)

Department

City Planning

Action Type

Administrative

Recommendations

Approve the Conditional Use Permit with conditions and findings listed below

Reviewed By

City Planner

Background

Jeremiah Duncan has submitted an application to operate an Artisan Shop at his residence at 3021 South 800 West with a proposed business name of Cut & Carve CNC. He proposes to use an existing accessory building on his property to produce metal and wood art/signs, acrylic and steel cutouts. He proposes to primarily deliver materials directly to customers, with some limited client visitation. All machinery, dust collection, and storage of materials will be housed within the existing building. The building is set back approximately 3' from the side yard, 1' from the rear yard and 120' from the nearest neighboring home.

NCC 19.04.010 defines 'artisan shop' as:

A place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small scale, and which do not require industrial machinery for production of the items. Examples of such items include paintings, sculptures, pottery, jewelry, handblown glass, small wooden items, candles, soaps, and lotions.

NCC 19.20.010 lists 'artisan shop' as a conditional use in the R-2 zone in which the property is located.

NCC 19.28 provides the procedures and basis for issuance of conditional use permits. Specifically, 19.28.050(A) provides:

A conditional use permit shall be approved if reasonable conditions are imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, then the conditional use may be denied. Substantial mitigation shall not mean complete elimination of all detrimental effects.

Reasonably anticipated detrimental effects associated with the proposed use include potential noise-related impacts, dust associated with the wood production, and potential traffic generated from retail sales, deliveries or employees.

Noise Impacts

To limit noise impacts, NCC 19.28.050(C)(1)(f) provides that "Conditional Uses shall not operate, or cause outside disturbance from 10:00 p.m. to 7:00 a.m." In addition, subsection c states "Applicant may be required to limit noise associated with the conditional use that emanates beyond their property boundaries to less than 50 dBA." Staff recommends imposing both of these conditions to mitigate potential impacts related to noise.

Dust Impacts

To mitigate potential impacts related to dust, Staff recommends that wood production be limited to areas within the shop noted on the provided plan. This will also help mitigate potential impacts related to noise.

Traffic Impacts

To mitigate potential impacts related to traffic, Staff recommends limiting any employees outside of any persons living at the residence to one, consistent with limitations of home occupations.

Light Impacts

To mitigate potential impacts related to light associated with the business, Staff recommends that any installed outdoor lighting be compliant with Nibley City Outdoor Lighting Standards found in 19.24.240.

Recommended Conditions of Approval

1. The operation of the artisan shop shall be limited to the hours of 7:00 am – 10:00 pm.
2. All wood production activities, including storage of materials, shall be limited to the wood shop noted on the provided site plan.
3. All noise that emanates beyond the property boundaries associated with the proposed use shall be limited to less than 50 dBA.
4. The business may not have more than one employee who does not live at the residence report to the location at a time.
5. Any installed outdoor lighting shall be compliant with Nibley City Outdoor Lighting Standards found in 19.24.240.

Recommended Findings

1. Potential noise-related impacts may be mitigated by limiting hours of operation, restricting activity to within the proposed building and restricting noise beyond the property boundary to no more than 50 dBA.

2. Potential traffic related impacts may be mitigated by limiting the business to no more than one employee who does not reside at the address, consisted with restrictions for home occupations.
3. Potential dust-related impacts may be mitigated by operating within the existing buiding.
4. Potential light-related impacts may be mitigated by adhering to Nibley City Outdoor Lighting Standards.

Agenda Item #3: Veterinary Clinic CUP

Description

Discussion and Consideration: Conditional Use Permit for 'Wasatch Animal Urgent Care, LLC,' a Small Animal Veterinary Clinic, at 2365 South Heritage Drive (Applicant: James Miller)

Department

City Planning

Action Type

Administrative

Recommendations

Approve the Conditional Use Permit with conditions and findings listed below

Reviewed By

City Planner

Background

James Miller has submitted a business license for Wasatch Animal Urgent Care, LLC,' a Small Animal Veterinary Clinic, at 3021 South 800 West. Heritage Animal Hospital operates within the same building. As stated on the application, the business provides veterinary emergency services as an extension of a currently operating veterinary hospital located at the same address. The site for this business is in a commercial zone and is bordered by other commercial and light industrial uses, as well as low-density residential along Hwy 89/91. commercial zone. The business is classified as Veterinary Clinic, Small Animal, which is a conditional use in the commercial zone in which the business is located.

'Veterinary Clinic, Small Animal' is defined as follows:

A veterinary clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semi-domesticated animals. May include office space, medical labs, appurtenant facilities, and kennels and/or enclosures for animals under the immediate medical care of a veterinarian.

NCC 19.28.050(A) provides the basis for granting a conditional use permit, as follows:

A conditional use permit shall be approved if reasonable conditions are imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, then the conditional use may be denied. Substantial mitigation shall not mean complete elimination of all detrimental effects.

Traffic impacts

The use is anticipated to have negligible impacts upon overall traffic or level of service on adjacent streets. No mitigating measures are recommended.

Parking

There is currently adequate parking to meet the parking requirements for the businesses at the site. This use is not anticipated to generate significant parking demand above what is already required for Heritage Animal Hospital.

Hours of Operation and Noise

The business is anticipated to have some noise-related impacts. The applicant has proposed that the business operate between 6 pm – 11 pm on Monday-Friday and 1 pm – 11 pm on Saturdays and Sunday. NCC 19.28.050(C)(1)(e) states:

Hours of Operation: The city may put limits of hours of operation from 7:00 a.m. to 10:00 p.m. on a conditional use application to mitigate noise and traffic to nearby residential zones.

Given the context of the site, which is primarily within a commercial and light industrial context, with the nearest home nearly 300' from the site, operating within the hours that the applicant has requested is reasonable. Staff recommends that the City limit the hours of operation to not occur outside of 7:00 am – 11:00 pm.

Light Impacts

To mitigate potential impacts related to light associated with the business, Staff recommends that any installed outdoor lighting be compliant with Nibley City Outdoor Lighting Standards found in 19.24.240.

Recommended Conditions

1. The business is limited to operate within the hours of 7:00 am – 11:00 pm.
2. Any installed outdoor lighting shall be compliant with Nibley City Outdoor Lighting Standards found in 19.24.240.

Recommended Findings

1. The business is anticipated to have limited traffic impacts on nearby streets.
2. Onsite parking is adequate to serve the needs of the business.
3. Potential noise related impacts may be mitigated by limiting the hours of operation to within 7:00 am – 11:00 pm.
4. Potential light-related impacts may be mitigated by adhering to Nibley City Outdoor Lighting Standards.

Nibley

Printed: 08/23/2024

1300 West 2600 South

08/14/2024 - 08/13/2124

Rezone, Code Change, or Master Plan Change Application

Plan Check

Application Status

New

Permit/License #

7792055

Reference Number

142bc470-58f1-11ef-9b19-d95647188e3a

Status

Active

Application Review Status

Final-Review Not Reviewed

Date Submitted

08/12/2024

Fees

Plan Check	$500.00
Subtotal	**$500.00**
Processing Fee	**$16.00**
Total	**$516.00**
Amount Paid	**$516.00**
Total Due	**$0.00**

Payments

08/14/2024	Online	$500.00
Total Paid		**$516.00**

Application Form Data

(Empty fields are not included)

First Name

Al

Last Name

Bingham

Address Street

2352 S Highway 89 / 91

City

Nibley

State

Utah

Zip Code
84321

Phone
(801) 243-7800

Email
abingham@momentumloans.com

Is the property owner representative different from the listed property owner
no

Request Type:
Master Plan Change

Project Address Street
1300 West 2600 South

Tax I.D. Number(s)
03-227-0003

Project Size (Acres)
18.94

Current Zoning (check all that apply)
R-2- Residential

Proposed Zoning (check all that apply)
R-M- Mixed Residential

Site Plan and Map (please attach)
Nibley West 23.1 Site Plan - Option A-4 2024.04.02.pdf

What is the need for the proposed zone change?
2500 South connection to 1200 West

What will the public benefit be if the zone change is granted?
Yes

How does the proposal comply with the goals and policies of the Nibley City General Plan?
We are proposing a change to the general master transportation plan to create a safer transportation through a residential area.

Is there any annexation of property necessary?
No

Please explain how the anticipated use is appropriate for the surrounding area.
In the proposed development

What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

2600 South

Please attach a statement from the County treasurer showing the current tax status of the property.

Nibley West 23.1 Site Plan - Option A-4 2024.04.02.pdf

Signature

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete, and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me concerning this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Nibley may rescind any approval, or take any other legal or appropriate action. I understand that any cost of engineering, legal, fire, or other review incurred by the City shall be my responsibility to pay. I also acknowledge that I have reviewed the applicable sections of the Nibley City Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses.

Posting. Not less than ten (10) days before the public hearing, Applicant is responsible for posting a sign in a prominent place on the property containing, in lettering that may be reasonably read by passersby, the time, date, and location of the public hearing. The posting shall not be required before the application being accepted. However, the City shall require that, not less than ten (10) days before the public hearing, the Applicant provides the City with evidence of compliance with this requirement.

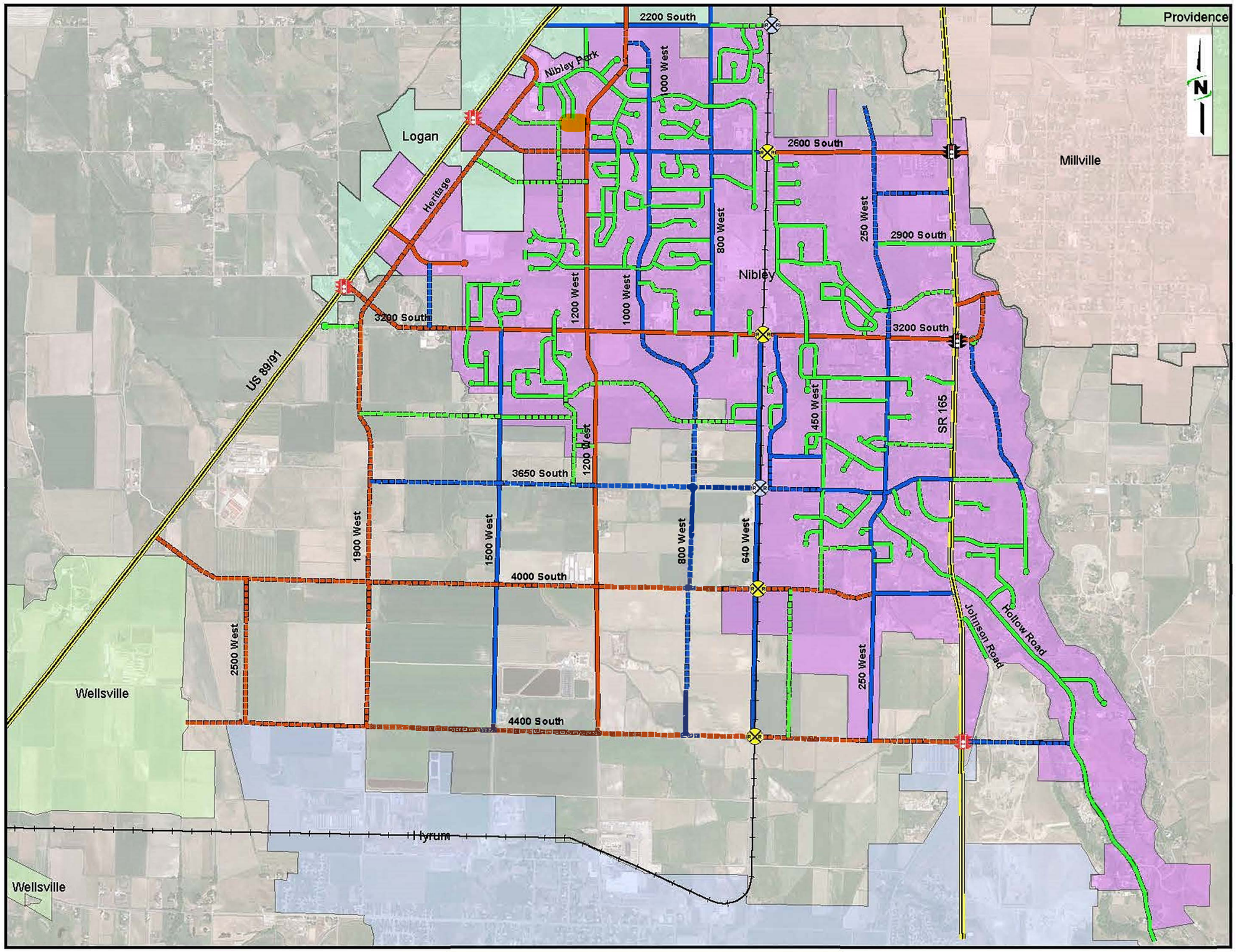
With my signature, I give consent to receive service of process at the email listed on this application.

Electronically Signed

Al Bingham - 08/12/2024 3:23 pm

Nibley City Master Street Plan (DRAFT)

Update 9-12-2024



Legend

- Nibley Municipal Boundary 2020

Road Classification

- Principal Arterial
- Minor Arterial
- Collector
- Local
- *Future Minor Arterial
- *Future Collector
- *Future Local
- Rail Road

Rail Road Crossings

- Existing
- Proposed

Stop Lights

- Existing
- Proposed

* Future streets are conceptual and show general connections. Side treatments and landscaping determined at final design.

J·U·B ENGINEERS, INC.

0 1,200 2,400 3,600 4,800 Feet

Nibley City
Master Street Plan

Update 3-25-2021

Legend

Nibley Municipal Boundary 2020

Road Classification

- Principal Arterial
- Minor Arterial
- Collector
- Local
- *Future Minor Arterial
- *Future Collector
- *Future Local
- Rail Road

Rail Road Crossings

- Existing
- Proposed

Stop Lights

- Existing
- Proposed

* Future streets are conceptual and show general connections. Side treatments and landscaping determined at final design.

J·U·B ENGINEERS, INC.

0 1,200 2,400 3,600 4,800 Feet

Nibley

Printed: 08/21/2024

Cut & Carve CNC

08/09/2024 - 12/31/2024

Home Occupation License

General

Permit/License #
9048377

Reference Number
5c74d290-567f-11ef-9ff9-69237a9895ef

Application Status
Under Review

Status
Active

Application Review Status

Pre-Review	Approved
Planning	Not Reviewed
Final-Review	Not Reviewed

Date Submitted
08/09/2024

Fees

Home Occupation Application Fee	$30.00
Subtotal	**$30.00**
Amount Paid	**$30.00**
Total Due	**$0.00**

Payments

08/09/2024	Online	$30.00
Total Paid		**$30.00**

Application Form Data

(Empty fields are not included)

Proposed Business Name
Cut & Carve CNC

Please select the reason you are requesting a conditional use permit/business license:
Manufacturing

Has your business been registered with the State of Utah?
Yes

State Business Registration # and/or State Tax ID # and/or Federal Tax ID #
99-1654806

Do you sell goods or physical products?
Yes

Business Activity

Other

Description of Business

I make metal and wood art/signs, ect., by request, as a side gig.

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location.

Most projects are organized over the phone, email, and messaging. CNC machine is fully enclosed in detached building reducing noise to minimum. Most projects do not require any hearing protection in the first place. I use my front room for any visits that need to happen.

Will there be any noise or offensive odors associated with the business?

Yes

Will you be utilizing any hazardous or toxic materials, or will there be any byproducts of that nature?

No

Do you plan to employ people not living at this address as part of the business?

No

Do you understand that Nibley City does not allow business operations outside of the main residential building including in yard areas or accessory buildings, which includes detached garages?

Yes

Do you understand that any business signage is limited to a 3 square foot nameplate sign affixed to your home?

Yes

How many clients will visit this location weekly?

0

Will there be any additional water or sewer discharge associated with the business?

No

Will you have business vehicles which will require parking accommodations?

No

Describe how you will provide parking for client visits (if applicable)

Driveway

How many business shipments do you anticipate sending and receiving from this location each week and how will these deliveries be shipped?

I don't use anything more than a pickup truck. When I don't deliver, clients are driving personal vehicles to pickup. If things get going well, I may use UPS or Fedex.

Will you be able to provide adequate indoor storage for these deliveries?

Yes

Street Address

3021 South 800 West

City

Nibley

State
UT

Zip Code
84321

First Name
Jeremiah

Last Name
Duncan

Phone Number
(801) 361-6767

E-mail
jeremiahsduncan@msn.com

Signature

I certify under penalty of perjury that this application and all information submitted as part of this application are true, complete, and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Nibley may rescind any approval, or take any legal or appropriate action. I understand that any cost of engineering, legal, fire, or other review incurred in the City shall be my responsibility to pay. I also acknowledge that I have reviewed the applicable sections of the Nibley City Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses.

With my signature, I give consent to receive service of process at the email listed on this application.

Electronically Signed
Jeremiah Duncan - 08/09/2024 12:44 pm

Messages

08/09/2024 12:50 pm - Amy Johnson

I just reviewed your application, it looks good, it will be submitted as-is.

Comments:

08/09/2024 12:51 pm - Applicant

Thank you!

08/19/2024 12:00 pm - Levi Roberts

Jeremiah,

Thanks for submitting this application. Based upon the description you provided for your business, it appears that this business would be classified as an 'Artisan Shop' which is defined as follows:

"A place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small scale, and which do not require industrial machinery for production of the items. Examples of such items include paintings, sculptures, pottery, jewelry, handblown glass, small wooden items, candles, soaps, and lotions."

Because you propose to operate the business in a detached building, the business would be classifies as 'artisan shop' rather than 'home occupation,' which doesn't allow use of any accessory building, yard, or any space outside the main building not normally associated with residential use.

Artisan Shop is a conditional use in the residential zone in which the property is located. Therefore, this requires consideration from our Planning Commission. Unless you would like to amend your application, so that the business is confined to the main building, I will plan on putting this application on the next Planning Commission agenda on August 19 at 6:30 PM. Thanks,

Levi Roberts, Nibley City Planner

08/19/2024 15:27 pm - Applicant

Does the fact that business is conducted in the residence and the work is in an accessory building change anything?

08/19/2024 15:57 pm - Levi Roberts

Based upon your description, the work is in the outbuilding, so it would need to be classified as an outbuilding. The meeting is actually on August 29, not 19.

Can you please provide a little more detailed description of the business activity (type of equipment used, hours of use, type of materials) and a site plan of the building proposed to be used for the business? Thanks,

08/19/2024 15:59 pm - Levi Roberts

Sorry, clarification, it would need to be classified as an artisan shop (not outbuilding).

08/19/2024 16:33 pm - Applicant

Thanks for the reply.

The equipment I have is mostly what I have acquired for woodworking and metalworking with home repair and projects/hobbies over the years. I have things like a table saw, grinder, drill, welder, hammers, chisel, etc. I took a beginning blacksmith class and have a small forge and anvil. I have a flat table cnc that will control a plasma torch and small milling spindle.

All are contained/used in the building. I have severe asthma and have a dust collector for when I do any woodworking and a MERV13 filter for plasma and welding gasses. I have not had any breathing issues running things this way for the last several years.

I am mostly trying to work out this business license so I might be able to make some money with my tinkering. It has been fun to make acrylic cutouts for desert racing trophies and some steel cutouts for a rancher in Garland who wanted an 8 foot Sasquatch silhouette to setup and take down randomly on his property near to I15. I have also cut out steel flags and tulips, along with no tresspassing signs. I would like to start making and selling at craft fairs.

I have attached a screenshot saved to Word that shows the building location on my property.
Shop location.docx

08/20/2024 7:52 am - Levi Roberts

Jeremiah,

Thanks for providing this information. We will include this information to the Planning Commission. Thanks,

Levi

Nibley

Printed: 08/22/2024

Wasatch Animal Urgent Care, LLC

08/19/2024 - 12/31/2024

Commercial Business License

Commercial Business

Application Status

Under Review

Permit/License #

4506957

Reference Number

435cafd0-5ea4-11ef-bed5-0d81f89833ce

Status

Active

Application Review Status

Pre-Review	Approved
Planning	Not Reviewed
Final-Review	Not Reviewed

Date Submitted

08/19/2024

Fees

Commercial Business Application Fee	$30.00
Initial Business License Fee	$125.00
Fire Inspection Fee	$45.00
Subtotal	**$200.00**
Amount Paid	**$30.00**
Total Due	**$170.00**

Payments

08/19/2024	Online	$30.00
Total Paid		**$30.00**

Application Form Data

(Empty fields are not included)

First Name

James

Last Name

Miller

Contact Email

wauc24@gmail.com

Phone Number

(435) 294-2683

Business Name
Wasatch Animal Urgent Care, LLC

Phone Number
(435) 294-2683

Email
wauc24@gmail.com

Organization Type
LLC

Is this business selling tangible goods?
No

Have you registered your business with the State of Utah?
Yes

State Business Registration Number
13828382-0160

Federal Tax ID Number (EIN)
99-1615945

Business Street Address
2365 South Heritage Drive

City
Nibley

State
UT

Zip Code
84321

Business Activity
Professional Service

Describe the Business. Please include details about its functions (i.e. sales, manufacturing, etc.)
Veterinary emergency services. this is an extension of a currently operating veterinary hospital located at the same address.

Do you use, store, or manufacture any chemical, combustible, or hazardous materials?
No

Does your business sell alcohol for sales or consumption?
No

Projected Opening Date

07/01/2024

Days and hours of operation

Monday-Friday 6-11pm, Saturday and Sunday 1pm-11pm

Do you understand this requirement for conditional use permit approval, if applicable?

Yes

Are you moving into a new or already existing building?

Existing

Mailing Street Address

2365 South Heritage Drive

City

Nibley

State

UT

Zip Code

84321

Owner First Name

James

Owner Last Name

Miller

Phone

(435) 770-6174

Street Address

710 E 2160 N

City

North Logan

State

UT

Zip

84341

Date of Birth

03/21/1986

Are there any additional owners/officers of this business?

No

Is there at least one manager who is not an owner/officer?

No

Signature

I certify that the information contained in this application is true and correct. I agree to conduct my business following Nibley City ordinances and any other State or Federal statutes or laws governing the operation of such business. Further, I understand that false disclosure of information on this application or failure to comply with said ordinances, laws, and statutes may result in the revocation of my business license. I understand that License renewals are due January 1st each year. The license will indicate an expiration date. I understand that I am ultimately responsible for ensuring timely renewal payments. After March 1st, the license is no longer valid and business owners are required to submit a new application and pay associated fees.

With my signature, I give consent to receive service of process at the email listed on this application.

Electronically Signed

James Miller - 08/19/2024 9:28 pm