

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, February 23, 2011.

The following actions were made during the meeting:

Commissioner Anderson motioned to approve the conditional use permit and business license for Casey Judd at 933 W. 2730 S. for Judd Meetings & Events, LLC with the conditions set forth on the application. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Green, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor.

Commissioner Cook motioned to approve the conditional use permit and business license for Garret Fronk at 890 W. 2465 S. for Auto Appearance; with the conditions that all work be done off site from this address and that the home office is used strictly for tax purposes. Commissioner Anderson seconded the motion. The motion passed unanimously 5-0; with Commissioner Cook, Commissioner Anderson, Commissioner Heidt, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Aaron Bliesner called the Wednesday, February 23, 2011 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Carrie Cook, Commissioner Marina Heidt, Commissioner Bill Green, and Commissioner Wayne Anderson. Shari Phippen, the City Planner, was also present.

Approval of 2-9-11 meeting minutes and agenda.

After some discussion on meeting procedure, Commission Chair Bliesner asked for general consent on the February 9th minutes and the evening's agenda. The Commission gave general consent on the minutes and the evening's agenda.

CONDITIONAL USE PERMIT/BUSINESS LICENSE

Judd Meeting & Events, LLC—request approval for a conditional use permit and business license for a home occupation (event planning) located at 933 W. 2730 S. (Applicant: Casey Judd)

Mr. Casey Judd was not present at the meeting. Ms. Phippen said she believed this could be handled without Mr. or Mrs. Judd being present. She said Mr. Judd worked for the university in events planning; conference coordinating, event planning, and meeting coordinating. Ms. Phippen said there would be no employees or clients coming to his home, it was strictly a home office, everything would be done offsite. Ms. Phippen said she recommended approval.

Commissioner Anderson made a motion to approve the conditional use permit and business license for Casey Judd at 933 W. 2730 S. for Judd Meetings & Events, LLC for the conditions set forth on the application. Commissioner Green seconded the motion.

The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Green, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor.

Auto Appearance—request approval for a conditional use permit and business license for a home-based auto dent repair/accessory business located at 890 W. 2465 S. (Applicant: Garret Fronk)

Mr. Garret Fronk was present at the meeting. Ms. Phippen said a couple of years ago they redid their land-use chart and redid their definition of a home occupation. It went to City Council and they were adamant that activities involving the sales, service, leasing, etc. of motor vehicles not be classified as a home occupation. There was not an appropriate classification where this business could work in a residential zone.

Mr. Fronk said his intention was to supplement his income while he went to school. He had been trained in paint-less repair. He intended to do drive around doing repairs. This would all pretty much be off-site but there was the chance that someone would come to his home so he included that as a possibility. Ms. Phippen said that made it clearer for her because she thought his business would all be coming to his house. Commissioner Cook asked for a good picture of the last thing he did. Mr. Fronk said it was basically fixing a dent without having to paint them; he saved the customer a lot of money because they did not have to pay to paint the vehicle. Commissioner Cook asked what kind of tools he used for that. He said he used bars and picks and a few lights. Commissioner Cook asked if he would be using any loud equipment like air guns or generators. Mr. Fronk said no, it was all by hand; he did have an electric drill. Commissioner Bliesner said his experience was that he would have everything in a bag in the trunk of his car. Commissioner Bliesner said he thought they could consider that this was more of a home office situation and that any activity could be addressed in a condition. He said there were some auto body activities that he would not necessarily classify as automotive.

Commissioner Cook made a motion to approve the conditional use permit and business license for Garret Fronk at 890 W. 2465 S. for Auto Appearance; with the conditions that all work be done off site from this address and that the home office is used strictly for tax purposes. Commissioner Anderson seconded the motion.

Commissioner Heidt said she wanted it noted that in their land-use chart motor vehicle sales and service are not permitted anywhere except in commercial and industrial. They needed to be very careful on how they worded this so it would not be interpreted as “the good ‘ole boy” system. She said she did not have a problem with it but wanted to note that this was not classified as motor vehicle repairs or service; there would be no service to the engine or transmission; it was all exterior repairs. The Commission asked that the motion be read back. Commissioner Heidt said she wanted it included that the repairs were along the lines of the paint-less dent repair service. Commissioner Bliesner asked if it made any difference what he was doing as long as he was not doing it on his property. Commissioner Heidt was concerned about the neighbor. Commissioner Heidt wanted if reflected in the minutes that this was not vehicle sales or service.

The motion passed unanimously 5-0; with Commissioner Cook, Commissioner Anderson, Commissioner Green, Commissioner Heidt, and Commissioner Bliesner all in favor.

WORKSHOP ITEMS

Discussion concerning updates to the Nibley City sign ordinance, specifically those concerning electronic messaging displays

Mr. Braxton Schenk and Mr. Carson McCullom with Freedom LED were present at the meeting. Ms. Phippen said she was at a meeting two weeks ago with a lot of the other planners in the valley and they started discussing electronic messaging displays. She then got a call from Braxton Schenk who had been hired to do an electronic sign for the Peterson Farm Store but with their current ordinance they were not allowed; their ordinance only allowed a 15' x 12' sign. Ms. Phippen said that commercial signage is trending towards electronic message displays and she thought they needed to make some provisions so they could be accommodating but not have a "free for all". Ms. Phippen had gathered some wording gathered from various sources to be included in Nibley's ordinance. Ms. Phippen said Mr. Schenk and Mr. McCullom did have a personal interest in seeing this ordinance changed but they were also very knowledgeable about electronic signage and Mr. Schenk also worked on the Planning Commission in Syracuse and could help guide them in amending their ordinance.

Ms. Phippen said the proposed sign was just over 4.5 ft. tall and would be about 15 ft. in the air. The broader issue they were looking at is how any electronic message display should fit into the context of their ordinance. Commissioner Bliesner clarified that they were suggesting a 60" X 10 ft. size; and that it sounded like their current ordinance was intended for a scrolling text sign. Ms. Phippen said the proposal was allowing for significantly more. Commissioner Anderson suggested they learn about the sign and the technology. Commissioner Bliesner said they had two different issues; whether Peterson's needed a sign and should get one and whether or not Nibley should changed their sign ordinance; sometimes when they confuse a current project with an ordinance rewrite they do not get the ordinance they want. Commissioner Bliesner said Peterson Farm Store was concerned that people had a tendency to overshoot their entrance. There was a potential safety issue with the intersection; it was a little "iffy" making that turn. There were some conditions that were outside their control because they were outside of their project; there is no turn lane and there are a number of large evergreen trees that are immediately adjacent to the property line. Commissioner Bliesner suggested they consider recommending that a variance be granted as it was his opinion that those conditions were outside of Peterson's control. That would allow them to write the ordinance the way it needed to be written for the rest of the city and still allow what is appropriate for that site. Ms. Phippen said what he would need a variance from had nothing to do with the electronic portion of the sign and they would be hard pressed to relate anything to safety or accidents; she questioned what he would be getting a variance from. Commissioner Anderson said basically the whole sign requirement.

Commissioner Anderson said he thought their ordinance needed to be updated for the technology that is available now. He thought they should learn about the technology as a

separate item and think about their ordinance as a separate item. He said when they applied for the sign permit they would deal with that then. He said he did not think their ordinance would follow what they had proposed because they already had some good limitation on sizes that he felt were still applicable. Commissioner Bliesner agreed and said he wanted to take the applicant portion off the table so they could focus on learning the technology.

Commissioner Cook said the only concern she had was early mornings and how bright those signs could be; sometimes the color schemes were quite bright. Her biggest concern was color scheme. Her other concern was the South Corridor Study that was being done with Envision Cache Valley and taking into account that theirs will not be the only sign on that freeway in the next five years.

Mr. Schenk said they had not prepared a presentation; they were there to help where they could and instruct on what the technology was actually capable of. He said they could control the colors and brightness. There were ways to allow LED signs to not be blinding to drivers.

The Planning & Zoning Commission adjourned outside at 7:50 to see an example electronic sign brought by Mr. Schenk and Mr. McCullom. The Planning & Zoning Commission meeting reconvened at 7:55.

Mr. Schenk said LED had an automatic, timed, brightness and contrast settings and they all have a manual switch. They tell their customers if they are blinding their customers then they are turning them away from their business. He said a lot of city's include a nighttime brightness requirement in their ordinance suggesting a certain nit. It is hard to regulate a nit because cities have to buy a costly radar gun to monitor it; it is usually regulated to a percentage of brightness to. If the city gets complaints that a sign is too bright, they can go to the sign owner and ask to see their percentage settings. Commissioner Anderson asked if there was a standard in the maximum brightness; this year's model could be brighter than last year's model. Mr. Schenk said that was the only time he had actually seen a nit in a sign code. The Planning & Zoning Commission discussed size and color issues with electric signs. Mr. Schenk also said that size didn't really limit what the sign did; they could do as much damage or cause a hazard with a smaller sign as they do with a large sign. Mr. Schenk said they needed to build restrictions into their ordinance because they would help them out when people want a lot bigger signs; they will have restrictions in place that will keep them under control within their city limits.

The Planning & Zoning Commission discussed some general issues that would need to be addressed in an ordinance revision.

- Height restrictions
- Square footage restrictions
- Requirements the LED signs have to meet.
 - brightness percentages
 - nits

Limitations within zones

- allowed/not allowed on 89/91 and allowed/not allowed on highway 165
- frontage on arterial streets
- distances from residential zones

Commissioner Bliesner said so far in discussion it had been a foregone conclusion that they would allow it and that because technology was changing that it should be allowed. He asked the Commission if they thought these signs should be allowed. He said they do not necessarily need it, Peterson's may need it, but the community at large may not. They need to answer that question before they go forward with a rewrite. The argument in communities where they did not allow back-lit signs was they believed it detracted from the character of their community and they are in a community where their general plan is fairly clear about preserving agricultural and rural heritage. Commissioner Bliesner said his concern on a personal level was if these signs would detract from the rural character and at what distance from the highway did that matter. If they were visible along that frontage road he did not know if he was in favor. Commissioner Cook said they needed to take into account the size influencing the visibility. Ms. Phippen said in preserving the rural character that was why she thought they were alright along 89/91 because that was the major entrance into the valley but not along highway 165. Commissioner Heidt said their overall plan for 165 was neighborhood commercial and she thought that wouldn't work. Commissioner Cook said she would tend to go more towards where they do want them to go. The Planning & Zoning Commission discussed a monument sign in providence; they thought it was too low to the ground and interfered with traffic right at an intersection. Mr. Schenk suggested another restriction on monument signs; he said it was all about the restrictions. Commissioner Cook said they should also consider limiting content on the sign to avoid advertising by an SOB (sexually oriented business). Ms. Phippen said that would be eliminated by the SOB ordinance. Commissioner Bliesner said they could solve a huge part of his concern by restricting the height somewhat; the higher the sign is the more it clears buildings and trees and the further away it can be seen from and have a higher impact.

Mr. Schenk described the sign that would be placed at the Peterson Farm Store; it was architecturally pleasing, it would be less bright than their example because it was not as high a quality. Mr. Schenk asked how they should move forward with the Peterson sign. He asked if they should apply for a variance as discussed before. Commissioner Anderson said he would have to apply to the city first and then be rejected before seeking a variance. Ms. Phippen said they had a single person that acted as an appeal authority; they could appeal to him based on the fact that she said it did not meet the sign ordinance and said they could not have it as their code currently exists. Ms. Phippen gave the timeline for a variance; she said she was not inclined to believe that they would get a variance on this; the kind of sign they want is a self created situation. Commissioner Anderson said this was not a hardship. Ms. Phippen said it was her estimation that they needed to make provisions for it. Planner and officials across the valley are recognizing that this was the way a lot of commercial signage was going. They need to decide when and how they want to regulate them. Ms. Phippen said she would come back in two weeks with more concrete information, a proposal, hold a public hearing, and then

recomend it on to City Council. Ms. Phippen said this type of sign would always be a conditional use and require review by the Planning & Zoning Commission.

Commissioner Bliesner asked the commission for what specifics needed to be addressed by Ms. Phippen in the ordinance. Commissioner Green liked the provision only on 89/91 and not on 165; he also thought 100 ft. from residential was too close. He and Commissioner Anderson suggested 300 ft. from residential. Commissioner Heidt suggested the front of the property; size limits; height limits; dark restrictions on colors and light; turn off times for certain areas. Commissioner Green also wanted to address how, as technology got brighter, they could keep it regulated. Commissioner Bliesner said he did not think it should be based on percentages. They should be able to identify specifically how bright the sign is. The city could assess a building permit fee that would offset the cost of the equipment to measure the brightness; the city should have the ability to do the scientific measurement and document the brightness at any given moment, without notice. Commissioner Bliesner said they needed to get educated on how many nits they could have and what was appropriate; he thought that was the only way they could deal with it. Commissioner Cook wanted to know the direction of the South Corridor project. Ms. Phippen said that was not going anywhere right now. Commissioner Bliesner said he was also concerned that 50 square feet was excessively large; he thought 4 x 8 was adequate. Commissioner Anderson said with that they needed to differentiate between the sign and the display area. Commissioner Bliesner suggested the maximum footage of the display board to be 32 sq. ft and that any additional backlit portion of the sign was restricted as well. Commissioner Anderson said he disagreed and thought, particularly for that area, that 32 sq. ft. was too small. Mr. McCullom agreed that that size sign was small for that area. Commissioner Bliesner agreed with restricting the flashing, blinking, and starburst as well.

There was general consent to adjourn at 9:19 p.m.