

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, March 9, 2011.

The following actions were made during the meeting:

**Commissioner Cook motioned to approve the business license and conditional use permit for Christopher Simpson for Simpson Construction, LLC located at 389 W. Sheridan Circle. Commissioner Green seconded the motion.**

**Commissioner Green motioned to amend that the applicant was required to park his construction equipment behind the front plan of the house; preferably behind the fence and not park in the street. Commissioner Cook seconded the amendment. The amendment passed unanimously 3-0; with Commissioner Green, Commissioner Cook, and Commissioner Bliesner all in favor.**

**The amended motion passed unanimously 3-0; with Commissioner Cook, Commissioner Green, and Commissioner Bliesner all in favor.**

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Commissioner Aaron Bliesner called the Wednesday, March 9, 2011 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Carrie Cook, and Commissioner Bill Green. Shari Phippen, the City Planner, was also present. Commissioner Marina Heidt and Commissioner Wayne Anderson were excused from the meeting.

**Approval of the February 23, 2011 meeting minutes and the evening's agenda.** Commissioner Bliesner called for approval of the 2-23-11 meeting minutes and the agenda. There was general consent on the agenda and the 2-23-11 meeting minutes.

#### **CONDITIONAL USE PERMIT/BUSINESS LICENSE**

**Simpson Construction, LLC—request approval for a conditional use permit and business license for a home occupation (residential remodeling) located at 389 W. Sheridan Circle (Applicant: Christopher Simpson)**

Mr. Chris Simpson was present at the meeting. Commissioner Bliesner said this appeared to be an application for a home office for a construction business. He asked Mr. Simpson if he had anything to add to the application. Commissioner Bliesner asked what kind of equipment he had. Mr. Simpson said he had an enclosed trailer and a dump trailer. Commissioner Bliesner asked if he would be storing them at his house. Mr. Simpson said he would. Commissioner Green noted his application stated he could store them behind the fence.

Commissioner Cook made a motion to approve the business license and conditional use permit for Christopher Simpson for Simpson Construction, LLC located at 389 W. Sheridan Circle. Commissioner Green seconded the motion.

Commissioner Bliesner said because of the nature of the business and the nature of the equipment he liked to specify that people who do this type of business are not permitted to park their equipment on the public right-of-way.

Commissioner Green made a motion to amend that the applicant was required to park his construction equipment behind the front plan of the house; preferably behind the fence and not park in the street. Commissioner Cook seconded the amendment. The amendment passed unanimously 3-0; with Commissioner Green, Commissioner Cook, and Commissioner Bliesner all in favor.

The motion passed unanimously 3-0; with Commissioner Cook, Commissioner Green, and Commissioner Bliesner all in favor.

The Planning & Zoning Commission clarified the motion and the amendment for the applicant.

**7:30—Public Hearing—A public hearing to consider a revised ordinance regulating signs within Nibley City.**

Ms. Phippen said two weeks ago they discussed the need to accommodate electronic signs or displays. She incorporated some of the discussion from two weeks ago into the proposed addition to the ordinance; she changed the maximum height some to allow for a roof-like structure provided it did not increase the maximum sign height from ground to top of the sign area by more than 25%. She added that electric signs would only be allowed in commercial zones along highway 89/91. If there was a case where it was permitted in a residential zone because of a school the electronic portion had to shut off between 10:00 p.m. and 6:00 a.m. and sexually oriented businesses (SUB) were prohibited from having them. Ms. Phippen said to measure light intensity levels there was a relatively inexpensive measurement tool they could acquire. They would go out to the sign and it adjusted for the ambient light and they measure the difference between when the sign was on and off and it was limited to a certain amount of difference between the two; which was a easier way to regulate them because it took into account the light conditions around it. It went from recommending output levels by nits to measuring the difference between when the sign is off versus being on. Commissioner Green asked about lowering the level at night. Ms. Phippen said the addition covered that as well; when they get the light measurement unit it can measure during night or day. She included in the provisions that “all electronic message displays were subject to inspection by city staff to ensure compliance”. Ms. Phippen noted that she had also added “After sunset no sign can utilize a white background for greater than or equal to 10% of the sign area”.

Commissioner Bliesner opened the public hearing at 7:37.

Mr. Kody Rich said he wanted to know the limitations for a business within the city limits. He did not know the restrictions or constraints of what he could and couldn't do. He said his business was between 3290 and 3260. Commissioner Bliesner said all of that area was already in the code and most of what they were “tweaking” was in the

commercial zone. Ms. Phippen said he was limited to a name plate sign that could go on his home because they were in a residential zone. Mr. Rich asked if there was any way to appeal that. Commissioner Bliesner said there was no way to appeal it because he was in that zone however, he did not know that his chances were good but that area did have commercial adjacent to it. Commissioner Green asked what kind of sign he was looking to get. Mr. Rich said he did not want flashing lights or dancing ladies but perhaps a 3 ft. vinyl sign. Commissioner Cook said she knew they had issues with people being out of compliance with signs already. The Planning & Zoning Commission discussed where his property was, what zone he was in, and what signage he was allowed to have. Ms. Phippen said the way the ordinance was written right now he was allowed three square feet total and it would have to be attached to something. Commissioner Bliesner said the notion of city officials in general was to be pretty restrictive in residential zones but his gut feeling was that someday that would all be commercial. Mr. Rich clarified that because it was a home based business he could not necessarily have a sign. He brought up EK Accessories. Commissioner Bliesner said that was because they were in an industrial zone which was the most intensive zone in the city.

Clair Schenk asked the difference between a service sign on page 2 and what Mr. Rich was asking for. Ms. Phippen said the difference was that it was incidental. Service signs were put up, not to attract, but to direct people. They were not put up for advertising.

Mr. Rich asked when City Council meetings were held. Commissioner Bliesner told him they were at 6:00 on the first and third Thursdays of every month.

Seeing no other public comment, Commissioner Bliesner closed the public hearing at 7:50.

### **Discussion and consideration of a revised ordinance regulating signs within Nibley City.**

Commissioner Cook asked if they were amending a portion of the sign ordinance or the entire ordinance. Ms. Phippen said they were amending only a portion of the sign ordinance; she had included the entire ordinance to put in it context as to what was being amended and what was staying the same.

Commissioner Bliesner asked what a non-home, home occupation business located in a residential zone was? Ms. Phippen said as an example she had been approached about purchasing a lot strictly to grow trees on it; that was a permitted use in a residential zone. This also included the little fruit stand at the end of 3200. She said maybe they needed to include “non-home occupations located in residential zones may have no signage”. Commissioner Cook clarified that a small hobby farm would be permitted in a residential zone.

Commissioner Bliesner asked if any of the Commissioners thought the residential sign ordinance was too restrictive. Commissioner Cook and Commissioner Green did not think so and asked where they drew the line. Ms. Phippen said the other problem she had with Mr. Rich’s request was that putting a sign on the property made that a place of

business, not just storage, and that was in direct violation of his conditional use permit because that was drawing business to the accessory building. Nibley's home occupation regulation said that no part of a business can be conducted out of an accessory building. Commissioner Green asked why Ms. Phippen had the Christmas and Holiday banners crossed out on pages 3 and 4. Ms. Phippen said because it had been incorporated at the end. Commissioner Bliesner noted they were going to allow lighted signs on 89/90 and why they would not include a strip along highway 165. Ms. Phippen said last time the commission was unanimously in favor of completely eliminating lighted signs on 165. Commissioner Bliesner said he was not suggesting lighted signs; if they could single out 88/90 for a particular application of signage then why couldn't they single out 165 for a different application of signage that was more permissive than would normally be allowed; not necessarily as permissive as 89/90. Ms. Phippen said it was more restrictive because of the residential nature. Commissioner Bliesner said his feeling was that 165 was not truly a residential nature. Commissioner Bliesner said he was suggesting that perhaps the home based businesses that existed in that residential zone along 165 have a more lenient option to what the current home-based business limitation is; which is fairly strict. Ms. Phippen said she thought all home based businesses needed to abide by the same regulations and a change in the requirements in that area could have the effect of making that area commercial. Commissioner Green said he was happy with the proposed sign ordinance and did not want to relax any restrictions along 165.

Commissioner Bliesner asked if there was money in the budget to purchase the equipment for measuring the light output. Ms. Phippen said it would be there. Commissioner Bliesner asked if they should structure an impact fee associated with a lighted sign considering there would be extra management and equipment to buy and maintain; he thought there should be. She did not want to penalize the business owner for having an ornery neighbor. Commissioner Bliesner suggested they needed to have a fee and ticketing procedure for people who are out of compliance which is a component of funding the city's extra time and money and equipment; typically that was also offset by the larger group of people that apply for a particular opportunity. He suggested all applicants requesting to put in one of these signs pay some sort of fee. Ms. Phippen said an application fee was already included for a sign; it was approximately \$30; she would be alright with charging \$50 for an electronic sign application fee. The Planning & Zoning Commission agreed with an application fee and that it should be higher for an electronic sign. Commissioner Bliesner said the city would incur costs because of their request.

Commissioner Cook said by limiting the color schemes she thought it did not make sense to take out animation. Commissioner Bliesner said the constant flickering had a strobe effect. Ms. Phippen said she did not have a problem keeping it with static images; most of the places she looked at allowed some animation but she could see it taken to the extreme. Commissioner Bliesner said he didn't have a problem with the animation. He said it was the intensity of an LED signs and not the content that mattered. Commissioner Cook asked about SOBs she needed reminding if that line could be viewed as discrimination. Ms. Phippen said they could not argue discrimination because it was not

limiting them from having a sign and there were some things a city could more heavily legislate against and a sexually oriented business was one of them.

Ms. Phippen said it would be beneficial to the City Council to know the opinion of the full Commission. The Planning & Zoning Commission decided to wait until they had a full Commission to act on the proposed ordinance.

Ms. Phippen asked how they felt about changing the maximum height some to allow for a roof-like structure provided it did not increase the maximum sign height from ground to top of the sign area by more than 25%. Commissioner Cook said she thought it help to blend to the businesses roofline. Ms. Phippen it gives them on option to blend their sign in with their building or the other buildings surrounding them. Commissioner Cook, Commissioner Green, and Commissioner Bliesner did not have any issues with that aspect of the ordinance.

Ms. Phippen said she would put it back on the agenda so everyone could talk about it. Commissioner Green said he may not be there for that meeting but noted that he had a “yes” vote on the proposed ordinance.

There was general consent to adjourn at 8:52 p.m.