

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, August 10, 2011.

The following actions were made during the meeting:

Commissioner Anderson motioned to approve the conditional use permit and business license for Lura Craner and Creative Discoveries Preschool located at 3400 S. 1500 W. per the application with one change; that the drop off be in front of the house and the driveway not used. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Green, Commissioner Bliesner, Commissioner Cook, and Commissioner Heidt all in favor.

Commissioner Anderson motioned to approve the conditional use permit and business license for Andrew Craner and PilotAndy Aviation located at 3400 S. 1500 W. per the conditions set forth on the application. Commissioner Heidt seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Heidt, Commissioner Bliesner, Commissioner Cook, and Commissioner Green all in favor.

Commissioner Cook motioned to table this applicant, Nibley City, for the monument sign, and have them bring back a sign design that fit their ordinance so they could see a diagram again. Commissioner Green seconded the motion. The motion passed 4-0; with Commissioner Cook, Commissioner Green, Commissioner Bliesner, and Commissioner Heidt in favor. Commissioner Anderson abstained from the vote.

Commissioner Aaron Bliesner called the Wednesday, August 10, 2011 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Marina Heidt, Commissioner Bill Green, Commissioner Carrie Cook, and Commissioner Wayne Anderson.

Approval of 6-13-11 meeting minutes and agenda

There was general consent on the evening's agenda and the 6-13-11 meeting minutes.

Ms. Phippen said the applicant for Revolution Radio was out of town which was why they were not discussing that agenda item.

Conditional Use Permit/Business License

Creative Discoveries Preschool—request a conditional use permit and business license for a home occupation (preschool) located at 3400 S. 1500 W. (Applicant: Lura Craner)

Mrs. Lura Craner was present at the meeting.

Commissioner Anderson arrived at 7:02.

Ms. Phippen said Mrs. Craner was wanting to do a preschool at her home; it was fairly standard but she had a question about how often the classes would happen and how many. Mrs. Craner said it would be Tuesday, Wednesday, and Thursday with a morning class from 9:30 to 11:30 and an afternoon class from 12:30-3:00. Mrs. Craner said there would be a maximum of six kids in each class. Commissioner Bliesner asked if Ms. Phippen had anything else to add and took questions from the Commission.

Commissioner Heidt asked about Mrs. Craner's driveway. Mrs. Craner said it was a pull-in/pull-out type driveway. Commissioner Heidt asked Mrs. Craner's policy on picking up kids. Mrs. Craner said she would have them pull into the driveway or park in front of the home; there would be no crossing the street. Commissioner Cook said she had a concern because of where the applicant's house was located. Commissioner Bliesner said in the past they had routinely asked people to not pull into the driveway because of the issues involved with backing out, but in this case he thought it may be better to use the driveway. He asked the Commission their opinions. Commissioner Cook said she would rather see them pull into the driveway and get off 1500 West. Commissioner Bliesner asked if Mrs. Craner had kids slated to be in there. Mrs. Craner said she did. Mrs. Craner said she could come out and walk the children to the cars or to class. The Commissioners discussed the safest possibilities for dropping off kids. Commissioner Heidt said she would rather people pull to the side of the road; she would rather they not have people backing on to 1500 West.

Ms. Phippen said the applicant did want a sign and home occupations were limited to a name plate sign that would be attached to the house. Commissioner Bliesner said she could have a sign as long as it complied with the ordinance they had on the books; they did not review it.

Commissioner Anderson made a motion to approve the conditional use permit and business license for Lura Craner and Creative Discoveries Preschool located at 3400 S. 1500 W. per the application with one change; that the drop off be in front of the house and the driveway not used. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Green, Commissioner Bliesner, Commissioner Cook, and Commissioner Heidt all in favor.

PilotAndy Aviation, LLC—request a conditional use permit and business license for a home occupation (flight school) located at 3400 S. 1500 W. (Applicant: Andrew Craner)

Mr. Craner was not present at the meeting. The Commission determined they felt they could discuss this application without him present. Mrs. Craner was present for the discussion. Ms. Phippen asked how they did ground school at their house. Mrs. Craner said it was just one on one book training; ground school is the books and the learning. Commissioner Heidt asked how many would be at ground school at a time. Mrs. Craner said it would be one at a time. Commissioner Bliesner asked if Ms. Phippen had any concerns other than the question about ground school.

Commissioner Anderson made a motion to approve the conditional use permit and business license for Andrew Craner and PilotAndy Aviation located at 3400 S. 1500 W. as per the conditions on the application. Commissioner Heidt seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Heidt, Commissioner Bliesner, Commissioner Cook, and Commissioner Green all in favor.

Sign Permit

Request approval for a monument sign to be located at the new Nibley City Hall located at 455 W. 3200 S. (Applicant: Nibley City)

Ms. Phippen said she had a problem with this application; it was too big. Their monument signs are limited to 20 square feet and this one was 30. It's 12 x 2.5. She had no problem with the design of it or the lighting. Commissioner Anderson asked for a review of what area of the sign was considered.

Ms. Phippen said it did not count the anchor to the ground; the area comprising the message portion of the sign not including the supporting structure. Ms. Phippen read the definition of the sign area: the area comprising the message portion of a sign and not including the supporting structure. When computing the area of sign background, only the face or faces which may be seen from one direction may be considered.

Commissioner Bliesner said he thought that would include the brick and cap at the very least; he would like to consider anything exposed; any supporting structure should be underground on a monument sign. Commissioner Anderson said he thought they could say the letters were supported by the brick if they wanted to take it just by definition. Commissioner Heidt said if someone came in with an obnoxious sign they would need to know how to interpret the ordinance. Commissioner Anderson said if you had a panel sign like the Nibley City logo which was attaching to the brick then he would consider the brick the supporting structure; the panel was the sign. Commissioner Anderson noted Maverick's lighted sign; the area they considered was the lighted portion. Commissioner Bliesner said that was structurally a sign; it had no other purpose. He was alright with not counting the foundation that stuck out of the ground; the square area that was effectively the silhouettes of the sign, was the sign; anything that stuck above the foundation.

Ms. Phippen said when she said it was 30 square feet she did the width of the base and the height of the brick.

Commissioner Heidt said she thought the placard with the city logo on it made it cheesy. Commissioner Cook agreed with that. Commissioner Heidt said it made it look dated. Ms. Phippen said if they took off the logo it would also take what was behind the sign off and brought it into compliance; the placard and brick behind it were about a fourth of the width, side to side of the sign. Commissioner Bliesner said he was not crazy about the logo on the sign. Ms. Phippen said she would rather have them go with a conservative interpretation. Commissioner Bliesner said it was his feeling that even though they had to interpret the ordinance in favor of the applicant when there was vagary; when they were dealing with the city, it made it harder to deal with future applicants that may fit under the same loose interpretation. The city should walk the line and go by the strictest

interpretation. It was his feeling as a commissioner that if it did not meet the interpretation of the ordinance that it was denied.

Ms. Phippen said they couldn't just deny it because it was a conditional use. The condition would need to be that it be brought into compliance. Commissioner Bliesner questioned that there was not an applicant present to discuss this. Ms. Phippen said the intent was that she was the applicant; that she would present it to the Planning & Zoning Commission. Commissioner Cook said she would like to see it back before they approved it. Ms. Phippen said they could table the application until they saw a sign that complied with city ordinance.

Commissioner Cook made a motion to table this applicant, Nibley City, for the monument sign, and have them bring back a sign design that fit their ordinance so they could see a diagram again. Commissioner Green seconded the motion.

Commissioner Heidt asked for clarification on what the motion achieved. Ms. Phippen said with the Planning & Zoning Commission's approval she would advise them to take the logo part of the sign off.

The motion passed 4-0; with Commissioner Cook, Commissioner Green, Commissioner Bliesner, and Commissioner Heidt in favor. Commissioner Anderson abstained from the vote.

Commissioner Cook asked Ms. Phippen to include discussion on the position of flag poles and the placard. Commissioner Bliesner said he was willing to consider any serious effort that was not a stretch of the interpretation. Commissioner Cook said because they had to hold rules to the next person that came through they had to make sure this was strictly by the ordinance.

Other

Discussion and consideration of a Nibley City Tree Care Plan

Commissioner Bliesner asked if the Tree Care Plan came from the tree board. Ms. Phippen said it did; it was part of the Tree City U.S.A. application. Ms. Phippen said they were suggested trees for residents to plant in their park strips. She and Rod Elwood went through different trees listed on the USU Tree Browser and put the ones Mr. Elwood was most comfortable with; they were the ones staff and the Tree Board were going to recommend to the city. There were also tips for residents to consider; it was a source of information to be given to Nibley citizens. Commissioner Cook asked if this was something they had to abide by or if it was just suggestions. Commissioner Heidt said she understood this to be that any new trees being put in had to come from this recommended list. Ms. Phippen suggested they needed to take the word "recommended" off. The Planning & Zoning Commission discussed some of the trees on the lists. Commissioner Bliesner said they would not want to put a maple under a power line. Ms. Phippen said if they wanted to review this more then she could have Mr. Elwood come to the next meeting. Commissioner Bliesner was concerned with some of these trees and also had concerns with some of the zones. He said Mr. Elwood may know more about trees than

he did but he was more conservative. He thought Mr. Elwood coming in would be a good idea. Commissioner Bliesner said it was good to have as much variety as they could but they had to be careful about shaggy things next to streets. Ms. Phippen said there would be a streetscape ordinance that would be on their next agenda. Commissioner Bliesner said he would not give approval that did not give at least 7 feet of head room over a walkway.

Ms. Phippen asked if there was anything she needed to add before it was brought back. Commissioner Cook said they needed to know if it was a requirement or a suggestion. Commissioner Bliesner said it would need to be an ordinance; he would fully support an ordinance that would require trees and very strict tree regulations in the park strip. Commissioner Bliesner asked if staff had had anyone from the Extension look at the list. Ms. Phippen said she could have someone from the Extension look at it. Commissioner Bliesner specifically asked that Craig Aston who was in horticulture, and taught at USU look at the list.

Ms. Phippen said she gave them a copy of the agenda for the Planner's meeting and the league conference and asked that they let her know if they would be going by the next meeting and she would get the registrations in.

The Planning & Zoning Commission discussed conditional use permit and business license that had been issued in the city and what appeared to be violations of those permits. Commissioner Cook said there was a perception of Nibley City that needed to be changed. Commissioner Bliesner said with the big, blatant things they needed to take action. Commissioner Heidt said she thought they needed to give the power to someone who could take action; she did not feel Ms. Phippen had been given that authority. Commissioner Bliesner said he thought by nature of their positions in the city they had a duty. Commissioner Anderson suggested they start a tracking log of these items of concern so they could track what was happening. Ms. Phippen said she thought that could be a fairly routine agenda item. Commissioner Anderson thought that would go a long ways with other city staff to see that these items were being noted. Commissioner Bliesner also readdressed the issue of just allowing home offices to be outright allowed. Ms. Phippen suggested she bring it up with the City Council as a discussion item to see if it was worth pursuing. Commissioner Bliesner also readdressed parking in the street for a home business; he would like the ordinance to have a line that stated equipment associated with a home based business not be allowed at any time to be stored in the public right of way. The equipment, trailers, and backhoes did not belong in the street. Commissioner Cook said she did not agree with that. Commissioner Bliesner said he knew she was against that because of truckers. Commissioner Bliesner said he was speaking as someone who lived in a denser area of town. He wanted to see those two things progress. Commissioner Cook said she would like to be able to offer them a better option and asked if he was asking for an ordinance to be written? Commissioner Bliesner said he was. Ms. Phippen thought Commissioner Bliesner had a valid point but thought as they continued to write these things that required them to be more observant and heavy handed then they would need to hire someone to do code enforcement. Ms. Phippen said she would have discussion drafts of those two ordinances for them to review.

The Planning & Zoning Commission had a lengthy discussion about who the City Planner answered to. Commissioner Cook said they needed to know if they were allowed to demand that the City Planner to do something for them; she asked if there was anything that formalized that. She thought there should be. Commissioner Anderson agreed they were getting large enough that they should have an SOP (standard operating procedure).

There was general consent to adjourn at 9:11.