

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, October 12, 2011.

The following actions were made during the meeting:

Commissioner Green motioned to approve the A-2-Z preschool at 2868 S 1080 W.; applicant Marla Wood, reminding her she could not go over eight children. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor.

Commissioner Cook motioned to approve the request for a permit for Nibley City to construct a monument sign located at 455 W. 3200 S. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Cook, Commissioner Heidt, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Cook motioned to continue the application for a sign from the Peterson Country Store for the purpose of getting clarity from City Council so they could get a clear definition on an electronic message display. Commissioner Heidt seconded the motion.

Commissioner Bliesner motioned to amend the motion to say; to continue this item for the purpose of further research and investigation regarding this application and to give the chance for the applicant to come and answer some questions. Commissioner Cook seconded the amendment. The amendment passed unanimously 4-0; with Commissioner Bliesner, Commissioner Cook, Commissioner Heidt, and Commissioner Green all in favor.

The amended motion passed unanimously 4-0; with Commissioner Cook, Commissioner Heidt, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Cook motioned to table the application for Hernandez Gardening, applicant Jose Hernandez, until he could come in and answer questions; specifically about equipment. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Cook, Commissioner Heidt, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Aaron Bliesner called the Wednesday, October 12, 2011 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Carrie Cook, Commissioner Bill Green, Commissioner Aaron Bliesner, and Commissioner Marina Heidt. Commissioner Wayne Anderson was excused from the meeting. Ms. Phippen, City Planner, was also in attendance.

Approval of 9-28-11 meeting minutes and agenda

There was general consent on the evening's agenda and general consent on the last meeting's minutes.

Conditional Use Permit/Business License

A-2-Z Preschool—request a conditional use permit and business license for a home occupation (preschool) located at 2868 S. 1080 W. (Applicant: Marla Wood)

Mrs. Marla Wood was present at the meeting. Ms. Phippen questioned how many classes she would have per week. Mrs. Wood said it would be 1 class two times per week for an hour and a half each time. Commissioner Bliesner asked if it she anticipated it increasing from there. Mrs. Wood said she was looking at numbers from 4-8 children. She said she did not anticipate doing more than one class per week. Commissioner Green asked if she had a fence. Mrs. Wood said she did but it was not completely enclosed and she did not intend to have outside classes. She said with a group of four kids it was really easy to observe what was going on.

Commissioner Green made a motion to approve the A-2-Z preschool at 2868 S 1080 W.; applicant Marla Wood, reminding her she could not go over eight children.

Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor.

Hernandez Gardening—request a conditional use permit and business license for a home occupation (landscaping) located at 2984 S. 500 W. (Applicant: Jose Hernandez)

Mr. Jose Hernandez was not present at the meeting. Commissioner Bliesner said he was unclear what the business was; he said the application was vague. He would like to talk to the applicant about equipment and trailers, etc. Commissioner Cook agreed. Ms. Phippen said she would recommend waiting. Commissioner Bliesner asked for a motion to suspend the agenda.

Commissioner Heidt made a motion to suspend the agenda. Commissioner Cook seconded the motion. The motion passed unanimously 4-0; with Commissioner Heidt, Commissioner Cook, Commissioner Green, and Commissioner Bliesner all in favor.

Sign Permit

Petersen's Country Store—request a permit to construct an on-premise billboard sign located at 2759 S. Hwy 89/91 (Applicant: Matt Petersen/Braxton Schenk)

Ms. Phippen said this essentially looked like the exact same thing that was proposed before except it was not an electronic message display (EMD). She believed they would like to change the static image periodically if there was a special promotion to advertise. Commissioner Bliesner questioned what the sign actually was? Ms. Phippen recommended it be approved where it would just be a static backlit image; she had that in writing from the sign manufacturer. Commissioner Bliesner said his concern was that it was LED, lit with static images. Ms. Phippen said the whole thing would be backlit. Commissioner Bliesner said it still said Freedom, LED on the drawing; an electronic sign meant anything that was lit by electronic means which are electronically powered. He

said the problem was specifically the intensity of the light; taking any moving electronic boards and having those images not moving they are still too bright and piercing. Commissioner Cook said they had a lot of specs on construction but not on the electronic portion. Commissioner Bliesner said it looked purposefully vague. Ms. Phippen said there was nothing in their ordinance that said the back lighting could not be LEDs. Commissioner Bliesner said if it was LED then by definition it was electronic. Commissioner Bliesner asked what their definition of an electronic message board was. Ms. Phippen said they did not have one because it was struck from their ordinance. Commissioner Bliesner said they needed to have a definition to say what was not allowed specifically. Ms. Phippen said her concern was that they had nothing to back up that said backlighting cannot be LEDs. Commissioner Bliesner said he had no problem approving the sign as long as they could specifically say it was not LED lit; the way it was presented made it unclear whether it was an LED board or backlit. Ms. Phippen looked up her email from the sign company.

The Planning & Zoning Commission moved on the Nibley sign while Ms. Phippen did some research.

Nibley City—request a permit to construct a monument sign located at 455 W. 3200 S.

Ms. Phippen said the only difference was that this was a smaller sign; they took the frame off from around the Nibley logo; they shrunk it down and took “Hall” off.

Commissioner Cook made a motion to approve the request for a permit for Nibley City to construct a monument sign located at 455 W. 3200 S. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Cook, Commissioner Heidt, Commissioner Green, and Commissioner Bliesner all in favor.

The Planning & Zoning Commission went back to discussing the request from Peterson Country Store for a sign. Ms. Phippen read the email she received from the sign manufacturer. Commissioner Bliesner said it sounded like the same thing without the motion; his specific problem was with the intensity and piercing of the light. Commissioner Cook said whether they pushed pause or not it could be the same light; she said that did not give them a clear answer. Commissioner Cook said she wanted to see an example.

Commissioner Bliesner thought this concern needed to go out to the City Council immediately. If they could manipulate the sign from a laptop inside the office or put an SD card in he would consider it an electronic message board. Commissioner Cook asked about tabling the motion. Commissioner Bliesner said he did not want to deal with it and wanted to send it on to City Council; if they did not have a definition; the City Council struck it down. Commissioner Bliesner said they did not have the proper clarification on what the intent was and what their intent to enforce was. Ms. Phippen read what the ordinance said about illumination; “the source on indirect lighting shall not be visible from the street. In no case shall direct rays of light be permitted to penetrate a property in a residential zone”. The Planning & Zoning Commission discussed their ideas on what

the applicant was intending to put up. Commissioner Bliesner suggested they have a motion that allowed the applicant to have the idea floated at City Council and have them weigh in on the proposal. The Planning & Zoning Commission agreed that there should be a formal request from them to have this included on the City Council's agenda.

Commissioner Cook made a motion to continue the application for a sign from the Peterson Country Store for the purpose of getting clarity from City Council so they could get a clear definition on an electronic message display. Commissioner Heidt seconded the motion.

Commissioner Bliesner made a motion to amend the motion to say; to continue this item for the purpose of further research and investigation regarding this application and to give the chance for the applicant to come and answer some questions. Commissioner Cook seconded the amendment. The amendment passed unanimously 4-0; with Commissioner Bliesner, Commissioner Cook, Commissioner Heidt, and Commissioner Green all in favor.

The amended motion passed unanimously 4-0; with Commissioner Cook, Commissioner Heidt, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Cook made a motion to table the application for Hernandez Gardening, applicant Jose Hernandez, until he could come in and answer questions; specifically about equipment. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Cook, Councilman Hansen, Commissioner Green, and Commissioner Bliesner all in favor.

OTHER BUSINESS

Discussion and consideration of a streetscape ordinance and tree care plan for Nibley City.

Commissioner Cook asked if they could have more time to look at this ordinance. Ms. Phippen said they could put it off for two weeks and then they could look at Heritage Trees as well. The Planning & Zoning Commission decided to put this conversation off for two weeks because Commissioner Green needed to leave.

There was general consent to adjourn at 7:50.