

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, October 26, 2011.

The following actions were made during the meeting:

Commissioner Anderson motioned to approve the application for a conditional use permit and business license for Road Runner Enterprises and Keldon Eppich at 1059 W. 2450 S. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Heidt all in favor.

Commissioner Green motioned to approve the conditional use permit, business license, and kennel license for Meagan Larsen at 949 W. 2770 S.; as long as it did not exceed 2 females and 1 male and they be kept in inside the house for the majority of the time. Commissioner Anderson seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Anderson, and Commissioner Heidt all in favor.

Commissioner Anderson motioned to approve the billboard sign for Peterson's Country Store located at 2759 S. Hwy. 89.91 with the condition that sign does not flash, strobe, or include animation. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Heidt all in favor.

Commissioner Anderson motioned to recommend the streetscape ordinance, heritage tree ordinance, and tree care plan to City Council with the clarification on three trees scratched off the list; smoke tree, black alder, and locust trees. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Heidt all in favor.

Commissioner Marina Heidt called the Wednesday, October 26, 2011 Nibley City Planning Commission meeting to order at 7:02 p.m. Those in attendance included Commissioner Marina Heidt, Commissioner Bill Green, and Commissioner Wayne Anderson. Shari Phippen, the City Planner was also in attendance. Commissioner Aaron Bliesner and Commissioner Carrie Cook were excused from the meeting.

Approval of 10-19-11 meeting minutes and agenda

There was general consent on the evening's agenda and the 10-19-11 meeting minutes.

Conditional Use Permit/Business License

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 at 7:02. Ms. Phippen said the applicant was told he needed to be here.

Commissioner Anderson made a motion to suspend the agenda. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Heidt all in favor.

Road Runner Enterprises—request a conditional use permit and business license for a home occupation (home maintenance) located at 1059 W. 2450 S. (Applicant: Keldon Eppich)

Mr. Keldon Eppich was present at the meeting. Ms. Phippen said given the nature of the business, all the work would be done off site; this was essentially a home office. He would also not have any employees. Commissioner Green asked Mr. Eppich if he would have any equipment at his house. Mr. Eppich said he would have his tools which would only be in his garage and his paperwork. Mr. Eppich said his work entailed framing, drywall, tile work, repair and detail work; basically handyman work.

Commissioner Anderson made a motion to approve the application for a conditional use permit and business license for Road Runner Enterprises and Keldon Eppich at 1059 W. 2450 S. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Heidt all in favor.

Megan Larsen—request a conditional use permit, business license, and kennel license for a home occupation (dog breeding) located at 949 W. 2770 S.

Miss Megan Larsen and Sandra Larsen were present at the meeting. Ms. Phippen said this was a unique situation. Lots in the Shadow Brook subdivision were smaller; Megan's lot was approximately 1/3 of an acre and in that case was limited to two dogs. Nibley's ordinance does allow a conditional use permit for a third dog if it is a service animal. Miss Larsen had provided her with enough background information that she believed in this case with what she wanted to do would qualify as a service animal because of the purpose of her intended business. The dogs were small and they have a fenced yard for the limited time the dogs would be outside. With puppies they would be sold before the animals would need to be registered or licensed. Ms. Phippen said she was O.K. with the approval of the conditional use permit and business license and kennel license because of the therapeutic benefits of the business. Commissioner Green said they would not be able to see anything in their backyard; they had a 6 foot fence. Miss Larsen said she bred one of her dogs last year and it went very well and it was a good experience. Commissioner Anderson asked the purpose for the third dog. Ms. Phippen said it would be 2 females and a male so she could alternate breeding every other year.

Commissioner Green made a motion to approve the conditional use permit, business license, and kennel license for Meagan Larsen at 949 W. 2770 S.; as long as it did not exceed 2 females and 1 male and they be kept in inside the house for the majority of the time. Commissioner Anderson seconded the motion. The motion passed unanimously 3-

0; with Commissioner Green, Commissioner Anderson, and Commissioner Heidt all in favor.

Sign Permit

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

Mr. Matt Peterson and Mr. Braxton Schenk were present at the meeting. Commissioner Heidt said when this was before them two weeks ago they were not clear what type of sign they wanted to put up. She said they wanted them to have a sign, they needed a sign, and their job was to make sure they get the right sign. Ms. Phippen said Commissioner Bliesner's concern from last time was the LEDs and whether they were making up the face of the sign or was just part of the sign. Ms. Phippen said in their sign ordinance, in their definitions, the only lighting that was allowed for an on premise billboard was indirect lighting; if the LEDs were making up the face of the sign she did not know how that was not direct lighting. Mr. Peterson distributed a diagram to the Planning & Zoning Commission. Mr. Peterson had the last meeting minutes and noted the concern seemed to be LED lighting. He read from minutes of the last meeting that a Commissioner had said their application was "purposefully vague". Mr. Peterson said that was not their intent; the sign was exactly what it was and had not changed from the last time. He said their sign ordinance had changed and had limited what they could do with the sign. He noted that LED lighting was not in the ordinance at all. They were trying to promote their business and development attractively, appropriately, and fiscally responsibly.

Financially they had 30,000+ cars a day that he was trying to look for at least 2-3 seconds; that was all he wanted. Mr. Peterson said they had a horrible entrance but with all the negatives they were excited about this year because they have three new tenants and they wanted to be able to advertise and promote. Mr. Peterson described how people typically entered his store. Mr. Peterson said they were trying to fit within the context of their sign ordinance. He said the LED sign was in the context of the ordinance; he wanted the same image that would stay there for an extended period of time. Commissioner Heidt clarified that they would have that advertisement with the LEDs. Mr. Peterson said he believed they fit within the parameters they had established in the ordinance. The issue he believed was at hand was whether it was direct or indirect light. Mr. Schenk gave technical instruction about the LED lights and said by technical terms it was not direct light. Commissioner Green asked if they did not have electricity going to the sign if they would see anything. Ms. Phippen said their point was there was no prohibition in the ordinance against LED. She said Matt wanted the ability to once a week or once a month advertise the current product or sale using LEDs. Mr. Peterson said the sign was not animated and he just wanted text. Ms. Phippen suggested if it was approved that they include a limitation on how many times it could change. Mr. Peterson said he would have a start and a stop time or a time he turned off the sign and if he did not have a special event he would like to change the sign so that after it shut off and was turned back on the next day there could be a different message. Mr. Peterson said they wanted to build something that would fit within the parameters of their ordinance. Mr. Schenk said considering the investment, if Mr. Peterson was willing to go static, it was a concession he had never seen before. Ms. Phippen said one of the unintended consequences to the ordinance that the City Council passed was that they struck out all reference to electronic

message display; in doing so they created they left open an opportunity for someone to do static signs composed of LEDs; if they did not flash, and were not strobe lights, or were not animated. They did leave a prohibition against animated signs, strobe lights, and flashing lights. The Planning & Zoning Commission discussed the sign specifics amongst themselves. Commissioner Anderson asked for a definition of flashing. Ms. Phippen said there was not one. Commissioner Anderson asked if everything else fit the parameters of the ordinance. Ms. Phippen said it did.

Commissioner Anderson made a motion to approve the billboard sign for Peterson's Country Store located at 2759 S. Hwy. 89.91 with the condition that sign does not flash, strobe, or include animation. Commissioner Green seconded the motion.

Commissioner Green made a motion to amend that the condition include; it be a static image that can be changed every 24 hours. The amendment died due to lack of second.

Commissioner Heidt asked about lumens on the sign and how much light is measured. Mr. Schenk said this sign automatically defaulted down to 10% after dusk and even if it were to be left on at night it would default down to 7% of its brightness. The intent was to not be obnoxious to the customers; to be customer friendly. He said Mr. Peterson would have to call him for a password to adjust the brightness.

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

Other Business

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

Commissioner Green asked for a definition of "street tree planting". Ms. Phippen directed Commissioner Green to that section of the ordinance. Commissioner Anderson asked if all the trees they had previously discussed had been removed. Ms. Phippen determined they needed to remove the smoke tree, black alder and locust. Ms. Phippen said the criteria for the heritage tree ordinance seemed to be the same for most other city's heritage trees.

Commissioner Anderson made a motion to recommend the streetscape ordinance, heritage tree ordinance, and tree care plan to City Council with the clarification on three trees scratched off the list; smoke tree, black alder, and locust trees. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Anderson, Commissioner Green, and Commissioner Heidt all in favor.

Ms. Phippen reminded the Planning & Zoning Commission that there was only one meeting in November on the 9th. The first meeting in December would be in the new building.

Ms. Phippen said December 15th was the employee Holiday dinner at the new building.

Ms. Phippen said the Hernandez request was tabled until he came back in.

There was general consent to adjourn at 8:07.