

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, April 25, 2012.

The following actions were made during the meeting:

Commissioner Anderson motioned to table the preliminary and final plat approval for a commercial lot split located at 2340 S. Heritage Dr. in order for Ms. Phippen to have the opportunity to research the previous meeting minutes involving Sierra Commercial Park Condominium to make sure the proponent selling the lot and doing the lot split was in compliance with all required development agreements that were enacted in minutes with City Council and the Planning & Zoning Commission. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Green, Commissioner Beus, Commissioner Lawver, and Commissioner Bliesner all in favor.

Commissioner Aaron Bliesner called the Wednesday, April 25, 2012 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Wayne Anderson, Commissioner Mark Lawver, Commissioner Kathryn Beus, and Commissioner Bill Green. Shari Phippen, the City Planner, was also present.

Approval of 3-21-12 and 4-11-12 meeting minutes and agenda

There was general consent on the evening's agenda. There was general consent for the 3-21-12 meeting minutes and the 4-11-12 meeting minutes.

Preliminary/Final Plat

Moose Manor District—request preliminary and final plat approval for a commercial lot split located at 2340 S. Heritage Dr. (Applicant: Andy Stroman)

The applicant, Andy Stroman was not present. Ms. Phippen said she was not convinced that Mr. Stroman would need to be present for the plat; if it were the site plan she would suggested he be present for approval. Ms. Phippen said there were issues that needed to be worked out in the development agreement with regards to outstanding items from the subdivision this lot was being subdivided from she listed those items. Commissioner Bliesner asked about the unpaved parking area behind the building that was supposed to be fenced off. Commissioner Bliesner reviewed discussion that was held with the developer. He said the applicant did not want to pave the entire area and convinced City Council to approve it as fenced storage. Ms. Phippen said that was done before she was with the city. Commissioner Anderson asked if there was sufficient space on the remainder of the lot to accommodate parking as required in city ordinance. Ms. Phippen said there was; in front there were 30-35 parking spaces. Commissioner Bliesner said he had no desire to hold up the applicant but did not know how they could move forward until they were in compliance with the original conditions on their approval.

Commissioner Anderson reviewed the parking requirements in the current city ordinance and said they did not want to create a non-compliant lot and they did not want to go back on what had already been agreed to. Commissioner Bliesner said it was their obligation to

not approve any further changes to the property until the developer came into compliance.

Commissioner Anderson made a motion to table the preliminary and final plat approval for a commercial lot split located at 2340 S. Heritage Dr. in order for Ms. Phippen to have the opportunity to research the previous meeting minutes involving Sierra Commercial Park Condominium to make sure the proponent selling the lot and doing the lot split was in compliance with all required development agreements that were enacted in minutes with City Council and the Planning & Zoning Commission. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Green, Commissioner Beus, Commissioner Lawver, and Commissioner Bliesner all in favor.

Commissioner Bliesner asked Ms. Phippen if she recommended approval of the plat other than the issues they had with the landowner. Ms. Phippen said she had.

Discussion and consideration of an ordinance creating a high density zone.

The Planning & Zoning Commission addressed and discussed the issues and changes they had discussed at previous meetings with Ms. Phippen. They discussed parking, open space, business licenses and conditional use permits, landscape requirements, and recreational vehicle parking.

Commissioner Lawver left at 8:06 and returned at 8:09.

Discussion regarding updates to the Nibley sign ordinance - specifically regarding electronic message displays.

Ms. Phippen suggested they could leave the ordinance alone but constitute what defined direct and indirect lighting. Commissioner Bliesner said that needed to be done either way. The Commissioners discussed the light bulb drawing that each Commissioner had with them. Commissioner Bliesner said he still believed that LED lighting was not direct. Commissioner Bliesner said he would also like to consider that the light like at the Maverick with the tubes inside was a direct light but was a diffused direct light. He said they needed to work their definition to not exclude things that they mean to include and visa versa. Commissioner Lawver thought they didn't need a definition of direct or indirect lighting; he thought they needed a measurement of how much light was being put out which would apply to all signs. Commissioner Lawver and Commissioner Bliesner discussed the intensity and focus of lighting. Commissioner Anderson thought what Commissioner Lawver suggested would work. If they regulated from the intensity of an LED any other sign was going to be in incompliance because they don't have the ability to get as bright.

Ms. Phippen asked what direction the Planning & Zoning Commission was going. Commissioner Anderson thought from listening to discussion from the City Council that they were going back to their proposed ordinance. He said they needed to look at it and make sure they had the right quantities. Commissioner Lawver suggested for a measuring device, that they needed to go to a camera shop and get a photometer that a photographer

would use. Commissioner Bliesner discussed making the ordinance retroactive. Ms. Phippen said they couldn't do that because applicants were vested and granted approval based on the ordinances that were in place at the time. Commissioner Bliesner said he would insist that the ordinance be retroactive until he had an opinion from the city attorney. Commissioner Anderson said bringing new regulation on to what is existing could be done but they couldn't ask for things to be torn down. Commissioner Bliesner said just the light output needed to be brought into compliance and could be made retroactive. The Commissioners discussed bringing all signs into compliance and the time period and businesses it would affect. Commissioner Beus asked how they determined how much light was appropriate which the Commissioners discussed. Commissioner Bliesner said they needed to have a lighting consultant look at the ordinance. Commissioner Anderson said he liked the previous draft ordinance with adjustments on light measuring and they needed some perspective. Ms. Phippen asked if they needed to do away with the section on lighting types and focus on the lighting output regardless of the type of sign. Commissioner Anderson said he thought that was the way to go because they didn't know where technology was going to go.

There was general consent to adjourn at 8:45.

Attest: _____
Deputy City Recorder