

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, September 5, 2012.

The following actions were made during the meeting:

**Commissioner Green motioned to approve the conditional use permit and business license for 1430 W. Sunset Circle, applicant David and Bethany Tullis.**

**Commissioner Lawver seconded the motion. The motion passed 3-0; with Commissioner Green, Commissioner Lawver, and Commissioner Bliesner all in favor.**

**Commissioner Green motioned to approve the conditional use permit and business license located at 3190 S. 700 W., applicant Roy Womack. Commissioner Lawver seconded the motion. The motion passed 4-0; with Commissioner Green, Commissioner Lawver, Commissioner Anderson, and Commissioner Bliesner all in favor.**

**Commissioner Anderson motioned to table the sign ordinance to the next scheduled Planning & Zoning Commission meeting and hold a public hearing at the next meeting. Commissioner Lawver seconded the motion. The motion passed 4-0; with Commissioner Anderson, Commissioner Lawver, Commissioner Green, and Commissioner Bliesner all in favor.**

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Commissioner Aaron Bliesner called the Wednesday, September 5, 2012 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Mark Lawver, Commissioner Bill Green, and Commissioner Wayne Anderson. The City Planner was also present. Commissioner Kathryn Beus was excused from the meeting.

#### **Approval of 8-8-12 meeting minutes and agenda**

There was general consent on the evening's agenda.

Commissioner Lawver made a motion to approve the 8-8-12 meeting minutes. Commissioner Green seconded the motion. The motion passed 3-0; with Commissioner Lawver, Commissioner Green, and Commissioner Bliesner all in favor.

#### **Conditional Use Permit/Business License**

**Tullis Enterprises, LLC—request a conditional use permit and business license for a home occupation (carpentry/internet sales/consulting) located at 1430 W. Sunset Circle (Applicant: David & Bethany Tullis)**

David Tullis was present at the meeting. The City Planner said the applicants had decided to branch out and do several things and intended to use their home as an office. The City Planner said she recommended approval based on the information provided on the application. Mr. Tullis said he thought there would be a couple of changes to the business license with the state; specifically stating that there would be no active sales but that

would obviously happen with the nature of the business. Mr. Tullis said he would be revising that and was working with the Small Business Development Center at Utah State University. Mr. Tullis described his businesses.

Commissioner Green made a motion to approve the conditional use permit and business license for 1430 W. Sunset Circle, applicant David and Bethany Tullis. Commissioner Lawver seconded the motion.

Commissioner Bliesner made the applicant aware that a conditional use permit could be called in for review if at any time there was a complaint.

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

Commissioner Anderson arrived at 7:06.

**Belroy Printing & Design—request a conditional use permit and business license for a home occupation (design work/online printing) located at 3190 S. 700 W. (Applicant: Roy Womack)**

Mr. Roy Womack was present at the meeting. The City Planner said the applicant was currently renting the basement of the home but they did not prohibit business license from being issued from renters. She said there were no other conditional use permits issued at the home. She said he did have a business partner that would be working elsewhere. The printing would be done off-site or contracted out and done over a computer. The City Planner recommended the application be approved.

Commissioner Green made a motion to approve the conditional use permit and business license located at 3190 S. 700 W., applicant Roy Womack. Commissioner Lawver seconded the motion. The motion passed 4-0; with Commissioner Green, Commissioner Lawver, Commissioner Anderson, and Commissioner Bliesner all in favor.

**7:00 Public Hearing—A public hearing to consider amendments to the Nibley City Sign ordinance, as it relates to electronic signs.**

The City Planner said based on the discussion they had with Mr. Freeborg from YESCO and after reviewing the previous meeting minutes, she had edited the dissolve time, phase time, and dwell time for electronic message displays in the proposed sign ordinance. The ordinance provided for a method of measuring the light output based on the area of the sign, sets out automatic dimming capabilities, limited the size of the sign, and delineated permitted zones. She said there were no other changes to the existing ordinance outside of those related to electronic message displays.

Commissioner Bliesner gave the public present instructions and opened the public hearing at 7:12

Barbara Wilden said her problem was that this was a public hearing and she did not feel that the public had been notified. She knew in the City Council it was law to require

publishing. She noted that this was not a planned meeting and was not being held at its normal time. Mrs. Wilden did not think anybody knew what they were doing and that they were doing it tonight. She also noted there was no agenda on the website. She felt that there had not been ample notification of the public hearing and that nobody had a chance to read the proposed ordinance.

Seeing no further comment, Commissioner Bliesner closed the public hearing at 7:15.

The City Planner said when the last Planning & Zoning Commission meeting was postponed it was noticed when the meeting would be held. She also sent notification to the Herald Journal and had received confirmation from the Herald Journal. The City Planner said notification was also sent to the city website administrator so the city had met its notification requirements. Commissioner Bliesner asked what the notification requirement was. The City Planner said ten days. Commissioner Bliesner asked how many places it needed to be notified. The City Planner said on the website and in the newspaper of general circulation. Commissioner Bliesner asked if it was confirmed to be on the website. Commissioner Lawver said the agenda was not on the website. Commissioner Bliesner said that she had done her job in sending it to the website administrator but it was also the city's obligation to make sure it made it on the website.

Commissioner Anderson said that this was a big enough item that he would not be opposed to tabling the public hearing the next scheduled meeting so the public had ample notice.

Commissioner Anderson made a motion to table the sign ordinance to the next scheduled Planning & Zoning Commission meeting and hold a public hearing at the next meeting. Commissioner Lawver seconded the motion. The motion passed 4-0; with Commissioner Anderson, Commissioner Lawver, Commissioner Green, and Commissioner Bliesner all in favor.

**Discussion and consideration of amendments to the Nibley City sign ordinance.**

The City Planner noted the proposed ordinance had type in red that was the inclusion of electronic message displays and that the bolded read were the edited changes in dwell times and transition times.

Commissioner Bliesner clarified that the Planning & Zoning Commission felt that the City Planner had sufficiently done her job of noticing but felt there was a link broken in the communication chain.

Commissioner Anderson noted that the next Planning & Zoning Commission meeting was scheduled for September 26th and said he wouldn't be at that meeting. The City Planner and Planning & Zoning Commission discussed if they should reschedule the public hearing.

The City Planner informed the Planning & Zoning Commissioners that the city was switching over to direct deposit and at some point in the next few weeks they would need to bring in a voided check and provide their account information.

The City Planner encouraged the Commissioners to participate in the Scarecrow Festival that was taking place that weekend. She described the festival.

The City Planner notified the Planning & Zoning Commission of her work schedule and days she would be out of the office.

There was general consent to adjourn at 7:29.