
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday April 25, 2024**

The following actions were made during the meeting:

Commissioner Kenczka made a motion to approve the Concept Plan for Nibley Coach Retirement Community, an Assisted Living Center Development at approximately 2800 S 800 W with the recommended conditions of staff. Commissioner Brown seconded the motion.

Voting on the motion to approve the Concept Plan for Nibley Coach Retirement Community was as follows:

**Commissioner Schenk voted in favor.
Commissioner Swenson voted in favor.
Commissioner Brown voted in favor.
Commissioner Obray voted in favor.
Commissioner Kenczka voted in favor.**

The motion passed unanimously, 5-0.

Commissioner Swenson made a motion to approve the Concept Plan for Nibley Marketplace, A Commercial Development at approximately 1501 W 2600 S with the recommended findings and conditions of staff. Commissioner Kenczka seconded the motion.

Voting on the motion to approve the Concept Plan for Nibley Marketplace was as follows:

**Commissioner Schenk voted in favor.
Commissioner Swenson voted in favor.
Commissioner Brown voted in favor.
Commissioner Obray abstained from voting.
Commissioner Kenczka voted in favor.**

The motion passed 4-1.

Call to Order – Roll Call – Approval of Agenda – Approval of Minutes

Commission Chair Clair Schenk called the meeting to order at 6:35 p.m.

Present: Commission Chair Clair Schenk, Commission Vice-President Bret Swenson, Commissioner Karina Brown, Commissioner Tyler Obray (via Zoom), Commissioner Nick Kenczka, Commission-Alternate Troy Ribao

Absent:

Staff Present: City Planner Levi Roberts, City Engineer Tom Dickinson, Assistant Recorder Taelor Killpack

Guests Present: Applicant Ryan Reeves, Applicant Bill Gaskill (via Zoom)

There was general consent for the evening's agenda.

There was general consent for the March 21, 2024 meeting minutes.

1. Discussion and Consideration: Concept Plan for Nibley Coach Retirement Community, an Assisted Living Center Development at approximately 2800 S 800 W (Applicant: Ryan Reeves)

Mr. Roberts utilized an electronic presentation entitled *Nibley Coach Retirement Community Concept Plan* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- Background
- Concept Plan
- Staff Evaluation
- Staff Recommendation
- Recommended Conditions
- Recommended Findings

Commissioner Brown transitioned from Zoom to being physically present at the meeting at 6:39 p.m.

Commissioner Kenczka arrived at the meeting at 6:40 p.m.

Commissioner Schenk observed that the building will be going over the top of the canal and asked if the canal would be re-routed. Mr. Dickinson verified that it would be re-routed, and that the canal companies have been notified and will give letters of approval for the final design.

Commissioner Kenczka asked if this would include approval for fencing across easements if needed. Mr. Dickinson responded that the Nibley Blacksmith Fork Irrigation Company has adopted standards that allow fences, and these have been shared with College Ward Irrigation. Mr. Roberts added that the canal will not be going through private backyards so it shouldn't be an issue either way.

Action: Approve the Concept Plan for Nibley Coach Retirement Community, an Assisted Living Center Development at approximately 2800 S 800 W with the recommended conditions of staff.

Motion: Commissioner Kenczka

Second: Commissioner Brown
Vote: Unanimous; 5-0

Commissioner Schenk voted in favor.
Commissioner Swenson voted in favor.
Commissioner Brown voted in favor.
Commissioner Obray voted in favor.
Commissioner Kenczka voted in favor.
The motion passed unanimously, 5-0.

2. Discussion and Consideration: Concept Plan for Nibley Marketplace, A Commercial Development at approximately 1501 W 2600 S (Applicant: Bill Gaskill)

Mr. Roberts utilized an electronic presentation entitled *Nibley Marketplace Concept Plan* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- Background
- Map
- Staff Evaluation

Mr. Dickinson added that Heritage Dr to 2600 S road conforms with the Transportation Masterplan and that the speed limit will be lower in the proposed roadway.

- Staff Recommendation
- Recommended Conditions
- Recommended Findings

Commissioner Ribao asked if someone developing on the opposite side of Heritage Drive would need to be in line with the intersection that meets Nibley Park Avenue. Mr. Dickinson replied that Nibley City Code provides entitlement for the first developer to determine the road location which the next developer would have to connect to.

Commissioner Schenk asked if there is a machine shop to the East of the road, which Mr. Dickinson affirmed and continued that there is an addition to the North. There will be a 99-foot right-of-way through Heritage Drive with bicycle lanes.

Commissioner Kenczka asked whether the idea of an angled parking lot design has been considered. Mr. Roberts believed that Nibley doesn't have any standards regarding this. Applicant Bill Gaskill replied that the parking is set by the preference of the anchor, and grocery stores tend to prefer parking as easy and accessible as possible and sway towards the straight stalls. He will speak with his engineers and the grocer further on this.

Commissioner Ribao asked if the plan for each building is set or will be determined once a tenant moves in. Mr. Gaskill replied that the design of the buildings is up in the air; each pad is an estimate of what the building could look like, but the final site plan would be up to the tenant. Commissioner Ribao followed up by asking if most of the buildings have drive-throughs and Mr. Gaskill responded that the intent is not to have a drive-through on each pad but is shown on the concept plan as

possibilities. They will do whatever the tenants wish to do. Food and convenience-based retail is where the focus is currently at.

Commissioner Brown asked when it will be known which grocery store will be going in and Mr. Gaskill replied that hopefully within the next month. Commissioner Brown asked about the staff recommendation for amenities such as pickleball courts and Mr. Roberts clarified that this was a typo that was intended for a different concept plan.

Commissioner Swenson asked if the intersection between Nibley Park Avenue and Heritage Drive currently exists and if there is physically enough room for a round-about. Mr. Roberts affirmed the intersection and discussed that they had not considered a round-about previously. Commissioner Kenczka asked if this is something that could be realized in a traffic study. Commissioner Swenson asked if the city received a grant for the previous round-about, to which Mr. Roberts replied that it was granted through the Council of Governments. Commissioner Swenson suggested a round-about be considered, and Commissioner Schenk refuted that this would encroach on the parking for Heritage Animal Hospital and Stander.

Commissioner Swenson also asked what the setbacks are for Highway 89 and Mr. Roberts replied that 35 ft is required from any arterial roads. The city did sign a corridor agreement that had Highway setback standards but did not codify those standards in the zoning code. Commissioner Swenson questioned why they were not codified, and Mr. Roberts responded that he wasn't around when this happened, so he is not sure.

Commissioner Schenk asked if there will be a wall or fence between the properties and the highway, and if there will be access to the highway. Mr. Dickinson responded that no connection to highway 89 is currently shown. Commissioner Swenson asked what the distance is between Pad B and the highway. Mr. Roberts stated that the setbacks are not actually shown in the concept plan but will be ensured to meet city standards and setbacks in the final concept plan. He admitted that the city needs to adopt codes regarding setbacks from the highway.

Commissioner Obray voiced no issues with the current concept plan and noted that he will abstain from voting.

Commissioner Schenk asked if the developer owns the property behind the grocery store going North and if there are plans for developing it and Mr. Gaskill replied that land is still held by the landowners. There are plans to request access to the highway through this land from UDOT, and to develop the land as retail facing the highway or flex industrial soon.

Action: Approve the Concept Plan for Nibley Marketplace, A Commercial Development at approximately 1501 W 2600 S with the recommended findings and conditions of staff.

Motion: Commissioner Swenson

Second: Commissioner Kenczka

Vote: 4-1

Commissioner Schenk voted in favor.

Commissioner Swenson voted in favor.

Commission Brown voted in favor.

Commissioner Obray abstained from voting.

Commissioner Kenczka voted in favor.

3. Workshop: Open Space Subdivision Standards

Mr. Roberts utilized an electronic presentation entitled *Open Space Subdivisions* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- Background
- Potential amendments for consideration
- Draft Changes

Mr. Roberts discussed the current proposed draft changes. He pointed out that within the R-2 zone there is less of a bonus density than in an R-1 or R-1a zone. Commissioner Schenk asked what the incentive is for an R-1 zone and Mr. Roberts replied it is the same as what is being proposed for the R-2A (1.25).

Commissioner Obray asked the commission if it would be beneficial to hold more meetings to learn more about the subdivision requirements and open-space subdivisions which the commissioners voiced being in favor of.

Commissioner Obray explained that the setbacks are based on the original underlying zoning. Mr. Roberts further explained that the different standards can be modified based on the underlying zone (e.g. the R-1 zone is based on the amount of net-developable open space provided in the development). He defined the density bonus as getting “X” percentage more lots than you would have had with the underlying zoning. Developers get more lots than they would have without the open-space subdivision, thus providing the incentive. For this to be feasible, the lot sizes need to be smaller to fit the open-space, underlying lots, and bonus density lots. As there is more open space and higher density, you get smaller lot sizes.

Mr. Roberts continued that for the city to incentivize an open-space subdivision in an R-2A zone, the lots would need to be even smaller than currently listed in the Lot Standards Chart.

Commissioner Schenk clarified that the R-2A doesn’t provide an incentive to the city which Mr. Roberts confirmed because it is treated as an R-2 with higher density and without open space.

Commissioner Kenczka asked if there is a ratio that is ideal for the city for the open-space subdivision and if so, why would the city have issues with smaller and smaller lot sizes. Commissioner Swenson responded that when he was developing an open-space subdivision he had 35% in an R-1 and R-1A. He voiced a concern with determining an average lot size unless there is something written in the code to require larger lot sizes to have creativity and change in the subdivision with varying lot sizes with the open-space subdivisions.

Commissioner Kenczka voiced that anywhere there is a minor arterial road (red roads on the Nibley Street Plan) higher-density areas should be encouraged, and he recommended putting a buffer around that to signal which areas should target higher-density and that local roads can be lower-density. Commissioner Swenson added that his focus is encouraging and requiring open space so the lot sizes shouldn’t matter.

228

229 Mr. Roberts stated that the R-2A could allow for a middle option between what is currently allowed
230 for density and an R-PUD. Some possible options include specifying the density to be allowed only in
231 certain areas or it could be allowed anywhere there is an R-2A zone.

232

233 Commissioner Obray referred to the Mount Vista subdivision as being one of the best uses of the
234 open-space subdivision in Nibley. He referred to the math determining what sized lots will be put in
235 based on open-space allocated, number of lots, and setbacks. While in an open-space subdivision the
236 density doesn't increase much, it does create a profit incentive for the developer which also benefits
237 the city through minimized maintenance costs. Since there are so few developable areas zoned R-2A,
238 there is a very limited section of the land that these standards would apply to.

239

240 Commissioner Ribao discussed that while there may be concerns with the smaller lots, the base zone
241 still exists and that the market will determine what developers will apply for with zoning and
242 subdivisions. He discussed his neighborhood that is zoned R-2A with 1/3 acre lots and that he and his
243 neighbors could build add-ons and an ADU to create higher densities in current neighborhoods. Mr.
244 Roberts replied that there could be either an ADU or a second unit, not both, creating 4 units on 2 lots.
245 Commissioner Obray added that R-PUDs have 40-acre lot minimums, and thus there are not many still
246 going in.

247

248 Commissioner Brown asked for clarification for fourplexes in Nibley and Mr. Roberts replied that they
249 are allowed in R-PUDs on 40-acres. Commissioner Brown asked if this could be changed to allow for
250 infill projects, otherwise it is discriminating against small developers.

251 Commissioner Obray voiced that the projects need to be big enough to have a functioning HOA to
252 maintain the properties.

253 Commissioner Brown argued that if someone owns the fourplex, they would be responsible for the
254 upkeep of it and have insurance on it.

255 Commissioner Obray agreed that a deed restriction could be put in place for a 55+ community but
256 added that he is not in favor of fourplexes due to distant landlords not upkeeping the property.

257

258 Mr. Roberts agreed with Commissioner Brown that those who only have an acre or two are very
259 limited in what they can do in the city.

260

261 Commissioner Brown asked if the city could have design standards before approving projects like the
262 fourplexes, to which Commissioner Obray replied that the city doesn't regulate residential buildings
263 beyond the state code.

264 Mr. Roberts stated there are some architectural design standards for an RPUD, but according to the
265 state the city cannot have these standards for single-family and townhomes. Commissioner Schenk
266 asked if this could be completed through a deed restriction to which Mr. Roberts replied that it cannot
267 ensure high quality and maintenance.

268

269 Commissioner Schenk asked if an R-1 zone could be re-zoned to R-2A, and Mr. Roberts replied zone
270 changes are approved in accordance with the future land use map. Lower density is typically R-1 or R-
271 1A and medium-density is R-2 or R-2A. An update to the general plan will happen later in the year, at
272 which point changes to the future land use map can be considered.

Commissioner Schenk voiced not being able to see why R-2A would have an advantage over an R-2 zone and Mr. Roberts replied that it allows for development of more housing.

Commissioner Swenson asked the commission if R-2A is the main zone where there are issues with the open-space subdivisions, which they did agree with. He asked Commissioner Ribao what the R-2A multiplier should be changed to and at what point does it make sense to a developer. Commissioner Ribao responded he isn't sure of the developer numbers, but he wants the numbers to make sense enough that a developer understands the bonus at face value and would choose to go with an open-space subdivision.

Commissioner Obray stated that from a developer's standpoint, it comes down to what you are trying to sell for. He argued that developers will do the math to see where they can fit extra lots. Mr. Roberts stated there have been 5 or 6 open-space subdivisions that have successfully gone through in the last 8 years.

In response to Mr. Roberts' comments, Commissioner Kenczka asked why developers in the past have not considered open space subdivisions. The former responded that recent developers have argued that if they were developer-builder, it would be worth it. If they are just selling the lots, the profit margins aren't worth it while other developers said they don't have enough land to make a difference. Most subdivisions approved in the city recently are either R-PUD or open-space.

Commissioner Kenczka specified that he is thinking long-term for Nibley where low-density could be 0.3 acres in the future.

Commissioner Obray left the meeting at 8:22 p.m.

In response to a question from Commissioner Ribao, Mr. Roberts explained about 80% of the subdivisions have not been standard subdivisions. Commissioner Ribao expounded that this means 80% of the houses built have been dramatically smaller lots than what the zones dictate, which Mr. Roberts confirmed. Commissioner Ribao inquired what the average lot size is in an R-PUD which the latter replied it is 6,000-7,000 square feet on average but can go as small as 4,500.

Commissioner Ribao asked what percentage of Nibley these subdivisions cover, which Mr. Roberts said he is unsure of currently but could be calculated on the GIS. Commissioner Ribao commented that he perception is that Nibley is mostly R-1 or R-2 zones although this may be incorrect and smaller homes are more common. Mr. Roberts agreed that once the subdivisions that have been approved are completed, most units in Nibley will be smaller homes or townhomes. Commissioner Ribao queried if Nibley continues to expand South, do they want to see Nibley as R-PUDs and subdivisions or would it be better to have 1/3 of that be open-space.

Commissioner Brown commented that lifecycle zoning, where housing is created for each step of life, is a good idea. She referred to an article from the Herald Journal that stated Logan, Utah was ranked the 5th-worst small metropolitan area to find a starter home in the country.

Mr. Roberts clarified that while it is important to look long-term, there will have to be smaller steps along the way and the open-space subdivision changes could be one of those steps.

318
319 Commissioner Kenczka asked if a possible graphic of an open-space subdivision with the numbers for
320 open-space and bonus density are listed could be created to make open-spaces look more appealing
321 to developers. Mr. Roberts stated that this doesn't currently exist but could be created. Commissioner
322 Swenson added that if the Open Space Subdivision Calculator that Commissioner Ribao created is
323 accurate, then a developer could compare open space allocated with the bonus density for
324 themselves and he recommended showing it to developers. Mr. Roberts argued that developers also
325 look at the zoning of lots around their property and some have contended that an R-2A would give
326 them the same number of lots without having to give up any open space.
327
328 Commissioner Schenk asked for clarification on the current multiplier, incentive multiplier, and
329 aggressive incentive multiplier in the Open Space Subdivision Calculator and Commissioner Ribao
330 expounded that the current multiplier is what is in the code, while the other two multipliers are what
331 the density bonus incentives could be.
332
333 Commissioner Ribao asked if there is a large price difference between 2,200 vs 9,000 square foot lots.
334 Mr. Dickinson discussed a subdivision pricing \$200,000 at 3/4 acre lots. Commissioner Swenson gave
335 other pricing examples and said there is a difference, but not as much as you may think.
336
337 Mr. Dickinson explained Nibley has grown in a smart way, and that 1/3 acre (3 units per acre) with a
338 30% bonus density would end up being 4 units per acre which is still low-density and maybe this would
339 be the base density for an R-2A.
340
341 Commissioner Schenk asked if smaller lots are easier to sell which Mr. Dickinson replied that small lots
342 constrain the size of home that can be built, leading to more affordable housing. Currently, starting
343 home buyers are moving to Logan because they cannot afford to live in Nibley.
344
345 Commissioner Schenk hypothesized that if someone in the future decides to add-on, would there be a
346 limit based on the size of the lot. Mr. Dickinson replied that this would be constrained by the setbacks.
347
348 Commissioner Kenczka asked if developers have needed the open-space subdivision density bonuses
349 explained to them or if they seemed to understand and be in favor of them. Mr. Dickinson replied that
350 this would be good to discuss with developers.
351
352 Mr. Roberts asked if the amendments need to be tweaked or if there is general support for them.
353 Commissioner Kenczka mentioned he spoke with individual city council members, and they didn't
354 have pushback and that he would like to see physical examples of the density being discussed. Mr.
355 Roberts explained that Ridgeline Park is the scale of the highest density for single-family.
356 Commissioner Kenczka suggested having developments offset of the arterial road for separate trails to
357 parks as an example of open space.
358 Commissioner Brown referred to a study from Vision Utah to increase housing affordability that has
359 good recommendations she can share with the Commission.
360
361 Commissioner Ribao voiced favor of including R-2A in the open-space subdivision and at the higher
362 incentive multipliers allowing multi-family housing as this provides variety. Commissioner Swenson

asked if within the current ordinance there exists a requirement for varying lot sizes and Mr. Roberts replied there is an average they need to meet (smaller lots are counterbalanced with larger lots), which has led to variety in the subdivisions. More language could be added to the code to determine variability.

Commissioner Swenson asked how much support there is to move the incentive multiplier onto R-2. Commissioner Ribao voiced favor of both applying to the R-2A and increasing the multiplier. Commissioner Kenczka added he is in favor of doing what is needed in R-2A to help developers embrace open space. Commissioner Schenk agreed with Commissioner Ribao's suggestion for both. Commissioner Kenczka said he does not see standard subdivisions going through in the future. Mr. Roberts stated the idea of the ordinance is having open-space subdivisions as an option not a requirement.

Commissioner Ribao asked if City Council must approve a rezone and open-space subdivision. Mr. Roberts replied yes for a rezone, but not for approval of an open-space subdivision. This would be administrative, while the preliminary plat would go through the Planning Commission.

Commissioner Schenk referred to the Gibb's property rezone that was recently discussed in a Planning Commission meeting and asked if the code for R-2 and R-2A were changed to what was discussed this evening, would the open space had a greater incentive. Mr. Roberts acknowledged that there could have been more of an incentive for the city to rezone the land if the planning commission and city council felt comfortable with that density level in the area. The developer would have had more lots in the R-2A without giving up open space, so the incentive for R-2 with open space was not present.

Mr. Roberts asked for general sentiments on moving forward with this or needing further discussion. Commissioner Schenk felt that there was general agreement in moving forward but wasn't sure how multi-family and fourplexes would fit in. Mr. Roberts replied that they can move forward with what they have and plan out multi-family further. Mr. Dickinson added that a development agreement could be put in place for those uses.

Commissioner Brown referred to life-stages neighborhoods as being a good idea.

Commissioner Schenk voiced moving forward with the R-2A incentive and raising the incentive multiplier in R-2. Mr. Roberts mentioned this would mean lowering the minimum lot sizes as well to where R-1 or R-1A is.

4. Staff Report and Action Items

Mr. Roberts reported on the following:

- Active Transportation Plan
- Cache Economic Summit
- National Planning Conference

Commissioner Ribao asked if parking minimums could be discussed later in the year if there is time, which the commission discussed.

408 Mrs. Killpack mentioned that she added necessary information to the motion for the pet car wash in
409 the previously approved minutes for March 21, 2024.

410
411 Commissioner Schenk adjourned the meeting at 9:10 p.m.

412
413 **ATTEST:**

414 _____
415 Taelor NaRae Killpack, Assistant Recorder

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