City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday September 19, 2024

The following actions were made during the meeting:

Commissioner Kenczka made a motion to approve the zone designation for Parcels 03-007-0013, 03-007-0009, and 03-007-0022, located at 2230, 2240 and 2250 S Hwy 89/91, to Residential (R-2) and a portion of Parcel 03-007-0027, located at 1275 W 2350 S, to Park/School (P/S) in conjunction with a Logan City- Nibley City Boundary Adjustment. Commissioner Obray seconded the motion.

Voting on the motion to approve the zone designations 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 Kenczka made a motion to approve a Conditional Use Permit for 31 single-family homes in the Nibley Coach Subdivision, located at approximately 2800 S 800 W with the conditions identified via staff:

1. **Each housing unit is required to comply with NCC 19.24.160(B) Parking Requirements.**
2. **Any installed outdoor lighting shall be compliant with Nibley City Outdoor Lighting Standards found in 19.24.240.**
3. **The developer is required to comply with the conditions imposed at the time of Preliminary Plat approval.**

Commissioner Brown seconded the motion.

Voting on the motion to approve the Conditional Use Permit was as follows:

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

The motion passed, 4-1.

Commissioner Kenczka made a motion to approve the Conditional use Permit for STEPR, a Corporate Office, located at Heritage Dr Suite B. Commissioner Swenson seconded the motion.

Voting on the motion to approve the Conditional Use Permit 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.

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

Commission Chair Clair Schenk called the meeting to order at 6:31 p.m.

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

Absent:

Staff Present: City Planner Levi Roberts, City Engineer Tom Dickinson

Guests Present:

There was general consent for the evening's agenda.

There was general consent for the August 29, 2024 meeting minutes.

1. **Public Hearing: Zone designation for Parcels 03-007-0013, 03-007-0009, and 03-007-0022, located at 2230, 2240 and 2250 S Hwy 89/91, to Residential (R-2) and a portion of Parcel 03-007-0027, located at 1275 W 2350 S, to Park/School (P/S) in conjunction with a Logan City- Nibley City Boundary Adjustment**

Mr. Roberts utilized an electronic presentation entitled *Zone Designation for Logan-Nibley Boundary Adjustment Area* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- Background
- Parcel Maps
- Staff Recommendation

Commissioner Schenk opened the public hearing at 6:40 p.m. Seeing no public comment, he closed the public hearing at 6:40 p.m.

2. **Discussion and Consideration: Zone designation for Parcels 03-007-0013, 03-007-0009, and 03-007-0022, located at 2230, 2240 and 2250 S Hwy 89/91, to Residential (R-2) and a portion of Parcel 03-007-0027, located at 1275 W 2350 S, to Park/School (P/S) in conjunction with a Logan City- Nibley City Boundary Adjustment**

Commissioner Ribao commented that one of the proposed parcels is smaller than an R-2 designation And asked if this could pose future issues if they chose to rebuild. Mr. Roberts replied that the lots will be classified as non-conforming, but the city does not have any provisions outside of regular building and setback standards.

Commissioner Schenk asked if the residential lots are on septic tanks and their own water systems, and if they had been notified by the city. Mr. Roberts replied that the property owners did receive advanced notification about the proposed annexation and zone designation, and he spoke with one of the property owners. The properties are on septic tanks.
Mr. Dickinson added that most city ordinances require a connection to a sewer if it's within 300 ft of the property, but he wished to speak with the city attorney about how an existing non-conforming property would fit into the ordinance. After the annexation, the property owners will start paying Nibley property taxes and base rates so they will likely want to connect to the sewer line.
Mr. Roberts recalled speaking with the owners that they did not need to connect, but they would need to pay the base rate on their utilities.

Action: Approve the Zone designation for Parcels 03-007-0013, 03-007-0009, and 03-007-0022, located at 2230, 2240 and 2250 S Hwy 89/91, to Residential (R-2) and a portion of Parcel 03-007-0027, located at 1275 W 2350 S, to Park/School (P/S) in conjunction with a Logan City- Nibley City Boundary Adjustment.
Motion: Commissioner Kenczka
Second: Commissioner Obray
Vote: 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.

3. **Discussion and Consideration: Conditional Use Permit for 31 single-family homes in the Nibley Coach Subdivision, located at approximately 2800 S 800 W (Applicant: Ryan Reeves)**

Mr. Roberts utilized an electronic presentation entitled *Nibley Coach: Single-family homes CUP* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- Background
- Preliminary Plat
- Potential Impacts
- Staff Recommendation
    - Conditions
    - Findings

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Commissioner Swenson asked about use of the word “recommends” in relation to the light installation requirement. Mr. Roberts clarified that it is redundant- it was listed for a reminder that they must be compliant with city codes, and the city recommended it as a condition for approval.

Commissioner Ribao referenced the traffic concerns previously expressed by residents in the area, and asked if there has been discussion between the applicant and the city regarding traffic-calming measures that would meet city standards but also ease the citizens’ concerns.
Mr. Dickinson replied that there is an area of the road which is 22’ rather than 29’ of asphalt, which will narrow the road and widen the park strip. These measures have proven to calm traffic.
Commissioner Schenk requested clarification on the location of the park strip to which Mr. Dickinson replied that it will be around 2900 S, coming off of 800 W.

Commissioner Ribao asked if city code would allow the implementation of a choker of 12’ which would create a one-way, causing vehicles to slow down and take turns passing through. Mr. Dickinson replied that city code only requires traffic-calming measures at an intersection onto an arterial road, thus he doesn’t believe this could be mandated unless it was codified.
Commissioner Swenson asked if it could be allowed, if not mandated. Mr. Dickinson responded that the idea could be entertained, although not likely at 12’. A 20’ choker that reduced the area to 2 travels could be achievable.
Commissioner Kenczka pointed out that the road contains two curves that should act as sufficient traffic-control measures. Commissioner Ribao agreed, but voiced concern about where the driveways meet the road and then the concern for children near the road. He wished there was an option that would create greater visibility.
Mr. Roberts mentioned that the city is working through the active transportation plan now, and one recommendation is a city sidewalk on the street which can help with pedestrian traffic.

Commissioner Schenk explained he is not in favor of the road because it wasn’t on the master plan. He asked if the trail on the masterplan would wrap around with the road or end at the road. Mr. Dickinson replied that the trail does continue but meets up into a sidewalk by the cul-de-sac.

Commissioner Schenk asked if the city owns the property connecting the subdivision and the cul-de-sac where the road would be built, and if it is wide enough. Mr. Dickinson confirmed that the road was recorded years ago, but it does not meet current city standards. Mr. Roberts added that it is 50’ wide, as wide as the rest of the right-of-way.

Commissioner Schenk discussed that the citizens’ concerns are regarding dust, rodents, and pests during the construction process. Mr. Dickinson explained that there will be water trucks on the project and a stormwater pollution prevention plan will be required through the city.

Commissioner Schenk reiterated that his greatest concern is safety. While he is not in favor of the sidewalk, he understanded the need for it safety-wise.

Action: Approve a Conditional Use Permit for 31 single-family homes in the Nibley Coach Subdivision, located at approximately 2800 S 800 W with the conditions identified via staff:

4. Each housing unit is required to comply with NCC 19.24.160(B) Parking Requirements.
5. Any installed outdoor lighting shall be compliant with Nibley City Outdoor Lighting Standards found in 19.24.240.
6. The developer is required to comply with the conditions imposed at the time of Preliminary Plat approval.

Motion: Commissioner Kenczka
Second: Commissioner Brown
Vote: 4-1

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

The motion passed, 4-1.

4. **Discussion and Consideration: Conditional Use Permit for STEPR, a Corporate Office, located at Heritage Dr Suite B (Applicant: Nicholas Goodman)**

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

His presentation included:

- Background
- Potential Impacts
- Staff Recommendation
    - Findings

Commissioner Schenk asked if the business is an online-order for medical equipment. Nicholas Good, chief operating officer, replied that the small office would be used by an individual staff member, and the building would not function as a full warehouse.

Action: Approve the Conditional use Permit for STEPR, a Corporate Office, located at Heritage Dr Suite B.
Motion: Commissioner Kenczka
Second: Commissioner Swenson
Vote: 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.

5. **Workshop: Parking Requirements**

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

His presentation included:

- Background

Commissioner Obray asked for clarification on change number 3: "Only require the provision of parking with new construction." Mr. Roberts explained that the city would only look at parking requirements when the development comes forward, not with a change of use or a different business. At that point, the business owner would have to decide if there was enough parking.
Commissioner Obray asked what the parking agreement with the original developer would be based on. Mr. Roberts explained that it would be based upon the initial use. Commissioner Obray countered that there is rarely an initial use in the development period. Mr. Roberts argued that they typically do, and Mr. Dickinson explained that larger developments typically build shell buildings prior to knowing what business will be inhabiting the buildings. He continued that enough data exists that the parking needs could be estimated based on development size and type.

- Parking Requirements Chart

Mr. Roberts explained that there currently are additional parking requirements within R-M and R-PUD zones as well as short term rentals, but staff recommended consolidating those into the one parking chapter for consistency.

- Alternative Parking Plan

Commissioner Obray discussed the importance of off-street parking, and asked if the required 2 spaces per residential dwelling was separate from a carport or garage. Mr. Roberts explained that current code does not count the garage, but the suggested changes would allow the 2 spaces to be within a garage or carport. Commissioner Obray voiced opposition to this change, as it would create on street parking concerns.
Commissioner Obray recommended that the ADU parking requirement be 2 spaces or 1 space if it's only 1-bedroom, thus matching the requirements for apartments. Mr. Roberts replied that if it is an attached secondary dwelling, the state code specifies only 1 parking space can be required by the city. If the ADU was detached, more parking spaces could be required but he wanted to maintain consistency with regulations for attached and detached.
Commissioner Kenczka agreed that avoiding on-street parking is crucial.
Commissioner Swenson voiced favor of requiring 2 parking spaces for an unattached ADU, regardless of the number of rooms, which Commissioner Obray and Commissioner Schenk agreed with.

Commissioner Kenczka asked if these changes are intended to modernize Nibley city standards to neighboring communities. Mr. Roberts responded that it is a step in the right direction for modernization and that the numbers are based on modern data. He admitted that there are other ways to address parking requirements, such as some cities that have left off-street parking decisions to the developers. Nibley's goals are to meet the projected parking needs of the future,

not stifle economic development, and leave room for developers to work with the city on other parking ideas.

Commissioner Obray recommended preserving the requirement for 2 car spots in addition to a garage or carport for residential welling units. He added that Nibley is a rural area that may fall outside of the study's data, and that snow removal concerns should not be forgotten.
Commissioner Ribao countered that there are heavy-snowpack cities that have gotten rid of parking requirements and that Nibley code does prohibit on-street parking during the winter months.
Commissioner Obray argued that this would create more work for city staff and that due to setback requirements most properties already have the additional 2 parking spaces whether or not it is required by the city. Commissioner Ribao challenged that city staff already are dealing with on-street parking enforcement, this would not be a new issue. Mr. Roberts commented that the only place the 2 parking spaces wouldn't already exist would be a house with a 1-car garage and a skinny driveway- thus they would meet a 2-car parking requirement.

Commissioner Obray re-iterated his opinion of maintaining a 2-car parking outside of the garage or carport requirement, that detached ADUs have a 2-car parking spot requirement, and that attached ADUs maintain the state-mandated 1-car parking spot.

Commissioner Obray did not want to include required bicycle parking in the proposed changes and stated that business owners will make bicycle parking as it is needed. Mr. Roberts discussed that the same argument could be made for cars. Commissioner Obray countered that on the commercial front the car parking needs will be met by the developer, but requirements are needed on the residential front.

Mr. Roberts explained that the bicycle requirement would be in support of the active transportation master plan, and would further encourage biking. He added that bicycle parking is not expensive.
Commissioner Obray recommended discussing this with applicants as they meet with the city, but not requiring bicycle parking through code.

Mr. Roberts shared examples of when bicycle parking has been needed or issues when it was not there and reiterated that having parking requirements would encourage biking.

Commissioner Obray argued that the city already requires a lot of things and one more shouldn't be added onto the requirements. He said that when a bicycle need exists, people will meet the need.

Commissioner Brown stated her opinion that it would be okay to require bike racks.
Commissioner Obray voiced that the rack itself isn't the problem, it is the parking space that the rack would be in. Mr. Roberts explained that the rack would only need to be within the property, not necessarily in the parking lot which Commissioner Obray stated was not clear in the ordinance and recommended specifying that it could be anywhere on the property.

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Commissioner Kenczka asked if the bicycle parking requirement should be in the building design standards rather than the parking standards. Mr. Roberts replied that it could be in either.
Commissioner Obray recommended that the ordinance be worded so that the bicycle parking does not have to be in the parking lot, only on the lot.
Mr. Roberts discussed that a proposed standard would require the bicycle parking to be within 50' of the entrance, but he recommended making the distance larger.

Commissioner Ribao shared about a Nibley church parking lot that does not have bicycle parking and it led to less people biking to the church.
Commissioner Obray voiced that with the additional clarification on where the bicycle parking can be, he doesn't have issues with the requirement.

Commissioner Kenczka voiced concern about ensuring the developer can achieve what they need to with the parking standards in place. Mr. Roberts replied that the developer could provide a study with data and work with the city on a different parking design than what is required.

Commissioner Schenk asked about where e-bikes would fit into biking requirements. Mr. Roberts replied that an electric bicycle could use bicycle parking, but an electronic motorcycle or similar vehicle would use a regular parking spot. Commissioner Kenczka interjected that this would likely be enforced and decided at the tenant level.

Commissioner Ribao voiced concern with some of the heightened requirements for convenience stores and schools. He recommended looking at the numbers in practicality and reviewing those in the future but cautioned against turning Nibley into a large parking lot.
The commission discussed current parking lots at public schools. Mr. Roberts stated that the city has little jurisdiction over the parking lots in public school properties. He explained that the chart is based on the ITE study, not local data.

Mr. Dickinson replied that he viewed the issue in the context of building and emergency ingresses and egresses, and with that perspective some of the data does seem stringent. Mr. Roberts responded that local data would help the chart to be more accurate, and voiced favor of Commissioner Ribao collecting more data if he wished to do so. Commissioner Obray and Commissioner Schenk agreed that seeing the local data would create more accurate requirements.
Commissioner Kenczka questioned if some of the infrastructure such as transit is at appropriate levels for more restricted parking numbers, and reminded the commission that Nibley still primarily uses cars to get around and parking needs to meet that need. Commissioner Obray added that these standards can be adjusted over time as infrastructure needs change.

Commissioner Schenk voiced favor of having shared parking between businesses.

Mr. Roberts summarized the commission suggestions: keep ADU parking as is, clarify bicycle parking can be provided anywhere on site (with an increased distance from entrance), and

Commissioner Ribao could add recommendations for parking number changes based on local data.

6. **Staff Report and Action Items**

Mr. Roberts reported on the following:

- 2500 S passed first reading at City Council
- APA conference
- ULUI conference
- City Council reviewing final plat for Nibley Coach
    - Site Plan will be approved by the Planning Commission
- Final Plats
- Amendment Development agreement 2900 S
- Wesley Nelson Farms Preliminary Plat
- Ridgeline Commercial Lots

Commissioner Schenk adjourned the meeting at 8:15 p.m.

ATTEST:

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Taelor NaRae Ogden, Assistant Recorder

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