
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday February 06, 2025**

The following actions were made during the meeting:

**Commissioner Kenczka made a motion to amend the agenda by striking items 2 and 4.
Commissioner Ribao seconded the motion.**

Voting on the motion to amend the agenda was as follows:

Commissioner Kenczka voted in favor.

Commissioner Schenk voted in favor.

Commissioner Swenson voted in favor.

Commissioner Brown voted in favor.

Commissioner Ribao voted in favor.

The motion passed unanimously, 5-0.

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

Commissioner Kenczka called the meeting to order at 6:32 p.m.

Present: Commission Chair Nick Kenczka, Commission Vice-Chair Clair Schenk,
Commissioner Bret Swenson, Commissioner Tyler O Bray (arrived at
6:53 p.m.) Commissioner Karina Brown, Commissioner Troy Ribao

Absent:

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

Guests Present: Mayor Larry Jacobsen

Commissioner Kenczka made a motion to amend the agenda by striking item 2- "Discussion and Consideration: Recommendation for Ordinance 25-07: Amending 19.12.040 Mixed Residential Zone R-M, adding a 5.2 acre portion of Parcel 03-227-0002 & 03-227-0001, located at 1425 W 2600 S to the R-M application map"- and item 4- "Discussion and Consideration: Recommendation for Ordinance 25-08: Rezone a 5.2 acre portion of Parcel 03-227-0002 & 03-227-0001, located at 1425 W 2600 S, from Commercial (C) to Mixed Residential (R-M)- due to "specific aspects of these items that are yet to be resolved between city council and city staff, that fall out of purview of the planning commission".

47
48 **Action: Amend the agenda by striking items 2 and 4.**

49 **Motion: Commissioner Kenczka**

50 **Second: Commissioner Ribao**

51 Commissioner Kenczka explained that new information has come to light between the proponent,
52 city staff, and city council and needs to be handled at that level first before coming to the
53 commission.

54 **Vote: 5-0**

55 **Commissioner Kenczka voted in favor.**

56 **Commissioner Schenk voted in favor.**

57 **Commissioner Swenson voted in favor.**

58 **Commissioner Brown voted in favor.**

59 **Commissioner Ribao voted in favor.**

60 **The motion passed unanimously, 5-0.**

61
62 There was general consent for the evening's amended agenda.

63 There was general consent for January 16, 2025, meeting minutes.

64
65 **1. Public Hearing: Ordinance 25-07: Amending 19.12.040 Mixed Residential Zone R-M,**
66 **adding a 5.2 acre portion of Parcel 03-227-0002 & 03-227-0001, located at 1425 W 2600 S**
67 **to the R-M application map**

68 Mr. Roberts utilized an electronic presentation entitled *1425 W 2600 S- R-M Application Map &*
69 *Rezone* (a printed copy of the presentation is included in the printed, record copy of the meeting
70 minutes).

71
72 His presentation included:

- 73 • Background
- 74 • Applicant Statement
- 75 • General Plan Guidance
- 76 • Staff Analysis
- 77 • Staff Recommendation
- 78 • Findings

79
80 Commissioner Kenczka opened the public hearing at 6:47 p.m.

81
82 **Al Bingham**

83 Mr. Bingham explained that the commercial property was proposed a year ago, and that the
84 agreement has since expired. He added that the applicant intent is true and accurate.

85
86 **Dirk Howard- 2490 S 1350 W**

87 Mr. Howard stated that they are having unclear levels of vehicle impact by other R-M areas and
88 wanted this area to stay zoned as commercial/light industrial.

89
90 **Jason Crook**

Mr. Crook expressed concern about the canal flooding between the fence line and residents' homes, and questioned how the development of the property would affect this. Commissioner Kenczka stated that Mr. Crook could discuss that with the applicant after the meeting.

Commissioner Kenczka closed the public hearing at 6:50 p.m.

2. Public Hearing: Ordinance 25-08: Rezone a 5.2 acre portion of Parcel 03-227-0002 & 03-227-0001, located at 1425 W 2600 S, from Commercial (C) to Mixed Residential (R-M)

Commissioner Kenczka opened the public hearing at 6:51 p.m.

Dirk Howard- 2490 S 1350 W

Mr. Howard reiterated that keeping the zone commercial makes the most sense for those already there and for future city development.

Commissioner Kenczka closed the public hearing at 6:51 p.m.

Mayor Jacobsen left the meeting around 7:00 p.m.

3. Workshop: Mixed Residential (R-M) Zone

Commissioner Obray arrived to the meeting at 6:53 p.m.

Mr. Roberts utilized an electronic presentation entitled *R-M Zone* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- Planning Commission feedback on R-M zone standards
- Staff Considerations
- Other Considerations

Commissioner Ribao recommended keeping the R-M zone but removing the application map (see Nibley city code 19.12.040 (F)).

He also recommended that driveway widths in alleyways should be limited (section I) but he left it up to staff for the exact width. He was not in favor of forcing alleyways and recommended limiting the minimum distance between driveways and having a shared driveway or alleyway if less than that minimum distance. He suggested that section 7(I) expand from applying only to multi-family housing to now applying to all housing types.

Commissioner Ribao recommended that additional definitions be provided in Section B (such as stacked triplexes, stacked fourplexes, etc.) to be more inclusive for different housing types so that developers do not feel limited to only the housing definitions listed. He referenced section D and recommended that setbacks be lowered to encourage rear-loaded parking. He stated that section G regarding the buffer housing had a negative connotation for multi-family housing, and recommended wording: "multi-family buildings that are near single-family homes need to be

required to have the same kind of... architectural elements to make it look like part of the existing neighborhood” (see P&Z02-06-2025 #1 28:33-28:52).

He recommended that section H includes all housing types rather than solely multi-family. In addition, he wanted to remove the clubhouse, splashpad, and pool requirement in section H(2).

Commissioner Brown referenced section G-3 and asked if a four-plex be allowed in the R-M zone. Mr. Roberts stated that it could be built in the R-M or through the R-PUD overlay zone. Commissioner Ribao later explained that the acreage for the four-plex would have to be enough to include a 1 ½ acre park in addition to the building.

Commissioner Schenk explained the setbacks for the different housing types in different zones would have to be considered with Commissioner Ribao’s suggestion for having the buildings blend into the surrounding area. Commissioner Ribao asked if there was a note in the commercial code that for residential you would resort to the more restrictive number between the two. Mr. Roberts did not recall this requirement, but stated there was a requirement for increased setbacks in the commercial code. He added that part of the R-M code could be changed to state that if a building is against a residential zone, then it would increase the setbacks.

Commissioner Schenk asked for state code regarding alleyways for different types of buildings. Mr. Roberts replied that the building and state code provide different designs for different housing, i.e. townhomes must have both the front and the back open. There are provisions in city code about how to orient the entrance.

Commissioner Schenk voiced favor of minimizing the number of driveways as much as possible. Mr. Dickinson discussed that city code had clear standards that restricts the driveway width to 24’, but there are concerns with enforcement of this. Mr. Roberts added if the city is pushing for rear-loaded driveways, then the setbacks may be too high.

Commissioner Kenczka was in favor of a medium-density between an R-2A and an R-PUD density. Commissioner Ribao stated that he wanted the R-M zone to stay, even if it was unchanged in code but allowed for other areas to be R-M.

Commissioner Obray recommended breaking the requirements down and addressing site size first.

Mr. Roberts explained that it was discussed by personnel previously that a larger development should be incentivized, but a smaller development shouldn’t be prohibited.

Commissioner Kenczka recommended a tiered approach where crossing thresholds creates more opportunities, but he was unsure of how that would look yet. Mr. Dickinson added that for open space requirements, distance to arterial roads or other aspects could be considered.

Commissioner Kenczka asked if it would be worth creating a committee of members from the planning commission, city council, staff, and the community to discuss the viability and demand for something like that.

Commissioner Obray mentioned that Salt Lake has higher density allowance around transit hubs, so Nibley needs the infrastructure in place for areas of higher density.

179
180 Commissioner Kenczka asked if there should be a minimum acreage requirement. Commissioner
181 Schenk said that 5 acres would be too congested of a density for an R-M.
182 Mr. Roberts stated that in a previous discussion a maximum site size was discussed, out of
183 concern for a concentrated higher density in one location without a mixture of housing types.
184 Commissioner Obray wanted a minimum size, but not a maximum size requirement for the site-
185 especially if the R-M is opened to all of Nibley. He added that if the emphasis of the community is
186 on transportation and mobility, then that is where the density should be located. Small parcels
187 don't have the scale to efficiently manage the space for an R-M zone.
188
189 Commissioner Obray voiced favor for fourplexes for Senior living being a part of a larger project,
190 but not one isolated by itself. Commissioner Brown asked what small developers with less
191 resources would be able to do. Commissioner Obray replied that smaller-scale developers would
192 have a harder time meeting the residential environment and continuity of Nibley compared to a
193 larger developer. Commissioner Brown retorted that smaller-scale projects require less upfront
194 funding and could be more economically viable and flexible. Mr. Roberts discussed that smaller
195 acreage owners have come asking for higher density on their property and have been unable to
196 due to city code and it being an unviable option. He asked if there should be a zone for these
197 small-acreage owners and developers to have more density.
198 Commissioner Schenk asked if these areas could be subdivided, to which Mr. Roberts replied that
199 R-2A could potentially be subdivided but many of the other zones could not. In response to a
200 question from Commissioner Schenk, Mr. Roberts stated that an owner could apply for a rezone.
201 Commissioner Obray argued that they would have to meet the frontage requirements, which
202 many of these small acres could not meet.
203
204 Commissioner Obray recommended that these smaller areas look at an ADU, and possibly the city
205 should include duplexes or other housing within the ADU code. This would help with having
206 shared driveways as well.
207
208 Commissioner Kenczka asked if the commission was generally in favor of keeping the R-M zone
209 and spot-applying it where it makes sense in the city.
210
211 Commissioner Brown thought that the 1 ½ acres for open space was too much of a requirement.
212 Commissioner Obray voiced favor of a payment-in-lieu in place of open space as an option for
213 developers. He recommended leaving the 1.5 acreage park requirement and allowing the
214 numbers to determine the size and scale of the project.
215
216 Commissioner Kenczka agreed with Commission Ribao about dropping the amenity requirements.
217
218 Commissioner Schenk agreed that there should be a payment-in-lieu option.
219 Commissioner Ribao questioned if there should be a standard where larger acreage would not be
220 eligible for a payment-in-lieu. Mr. Roberts recommended having the payment-in-lieu, with a base
221 open space requirement wherein a payment-in-lieu could minimize the amount required. Mr.
222 Dickinson suggested keeping the proximity to city open space as part of an evaluation process.

Commissioner Obray recommended specifying the distance from a city park in the Masterplan where a developer could do a payment-in-lieu. Mr. Roberts summarized that the idea is still providing open space, but if there is already open space present then the emphasis should be on improving the already present space rather than requiring more. The commission expressed general favor of this.

Commissioner Swenson voiced favor of how the R-M zone is written currently, but not necessarily opening it up to the rest of the city. Mr. Roberts added that the definitions in Nibley's General Plan for each density should be the basis for future zoning decisions.

Commissioner Kenczka recommended leaving the R-M zone as-is, and that the General Plan and public comment can help shape it from there.

Mr. Roberts asked if there was any agreement with Commissioner Ribao's suggestions, and that the R-M and R-PUD can be applied under the same umbrella.

Commissioner Kenczka asked if there was consensus to leave the R-M as it is. Most of the commissioners voiced favor but Commissioner Ribao asked if the driveways should be addressed.

Commissioner Obray recommended using the template of the town center overlay to shape the R-M zone, due to mixed housing being created by a developer. He also voiced favor of a legislative vs administrative decision.

Mr. Roberts asked if the tiered approach within the R-PUD should be researched and then get rid of the R-M zone. Commissioner Obray agreed but also reaffirmed that the approval process should be legislative. He added that the TDR overlay would need to be adjusted.

Mr. Roberts stated that staff will make a tangible rough draft to bring to the commission to facilitate the discussion. Commissioner Obray recommended figuring out the minimum size after this discussion.

4. Workshop: Flag Lots

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

His presentation included:

- Reconsider provision that restricts flag lots on arterial streets.
- Setback provisions
- Other provisions?

Mr. Roberts discussed the property next to city hall as having the potential to be a flag lot, although flag lots are not currently allowed on arterial roads. He added that the setback and driveway requirements for flag lots are stringent.

Commissioner Obray asked why the city would be against flag lots on arterial streets. Mr. Roberts replied that he believed it was to limit access to arterial roads.

Commissioner Obray recommended having shared driveways for flag lots on arterial roads and otherwise leave the code as it is currently written. Mr. Dickinson stated that there still should be a buffer from a house to a driveway.

Commissioner Obray asked why a swale would be required for a flag lot. Mr. Dickinson recommended at least a 12' driveway and explained fire code restrictions based on depth of the driveway.

Mr. Dickinson stated that the swale regulation was likely set up to prevent stormwater from draining into neighboring properties.

Mr. Roberts explained that the flag lot code is restrictive and only 1 flag lot has been proposed over the last 5 years, so a less stringent code wouldn't necessarily result in exponentially more flag lots.

Commissioner Swenson asked about multiple non-conforming lots wanting to create a flag lot. Mr. Dickinson recommended a requirement in the draft that doesn't allow creating non-conforming lots or adding to the non-conformity of an existing lot.

In response to a question from Commissioner Obray about non-conforming lots, Commissioner Swenson explained that the concern is having a non-conforming lot next to another non-conforming lot wherein the secondary lot wants to build another structure by creating a flag lot. After further discussion, Mr. Roberts explained that if the lot was non-conforming due to size, a flag lot would not be allowed.

Mr. Roberts discussed that many of these lots are deep but have a small width and frontage, so it is possible but more difficult to create a driveway through it.

Commissioner Ribao discussed that there are more impacts with flag lots than just the added traffic- it does have impact on utilities such as trash pickup.

Commissioner Obray asked how many houses could be allowed in a flag lot. Mr. Roberts responded that 2 are allowed within city code, but a private lane provision would allow 3 houses.

Commissioner Swenson asked how other cities address flag lots. Commissioner Obray stated that Hyde Park allows flag lots on any right-of-way.

Mr. Roberts stated that a 30' width requirement seemed excessive for a single home.

Commissioner Obray recommended that if it is one single-family home then 15' works, but 30' should be required for more than one.

Commissioner Schenk asked what new owners of the 1-acre lots will want to do to the properties. Mr. Roberts stated that he had new owners talk with him about wanting to subdivide their property and sell it to their parents, but they were unable to. They put in an ADU and now it functions similarly to a flag lot.

Commissioner Kenczka recommended that staff study other cities' flag lot regulations and come with recommendations to the commission.

Commissioner Obray asked if the commission was okay with allowing flag lots for the old, large parcels in Nibley. Commissioner Kenczka stated his favor and Commissioner Schenk agreed if it is appropriate and there is adequate access.

Commissioner Obray recommended looking at provisions for circular driveways.

5. Staff Report and Action Items

Mr. Roberts reported on the following:

- 2500 S amendment with deed restriction
- General plan: consultant
- ULCT & APA

Mr. Dickinson reported on the following:

- Developments
- Capital Projects: 1300 W

Commissioner Kenczka adjourned the meeting at 8:11 p.m.

ATTEST:

Taelor NaRae Ogden, Assistant Recorder