

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, May 16, 2019.

The following actions were made during the meeting:

Commissioner Swenson moved to approve re-issuing the application for a conditional use permit for a proposed storage facility, Guard Strong Storage Units, located at 3100 South 700 West; applicant, Jake Thompson, with the conditions the following conditions:

- 1. Operation Hours from 7:00 a.m. – 10:00 p.m.**
- 2. Water is upgraded to meet Nibley City and Fire Code Standards**
- 3. That 700 West and geotechnical report meets Nibley City standards**
- 4. Stormwater facilities meet Nibley City Standards.**

Commissioner Obray seconded the motion. The motion passed unanimously 3-0; with Commissioner Swenson, Commissioner Obray, and Commissioner Mansell all in favor.

Commissioner Obray moved to approve the Riggs Minor Subdivision and Development Agreement, which includes postponement of sidewalk, curb, and swales, located at 890 West 3200 South; applicant John Riggs. Commissioner Swenson seconded the motion. The motion passed 3-0; with Commissioner Obray, Commissioner Swenson, and Commissioner Mansell all in favor.

Commissioner Swenson moved to recommend annexation of Firefly Park, Nibley City Annexation, Parcel 03-008-0004 including recommendation of zoning of Park/School. Commissioner Obray seconded the motion. The motion passed unanimously 3-0; with Commissioner Swenson, Commissioner Obray, and Commissioner Mansell all in favor.

Commissioner Obray moved to recommend approval of a proposed ordinance to change the maximum height of a building in the industrial zone. Commissioner Swenson seconded the motion. The motion passed unanimously 3-0; with Commissioner Obray, Commissioner Swenson, and Commissioner Mansell all in favor.

Planning and Zoning Commission Chair Garrett Mansell called the Thursday, May 16, 2019 Planning and Zoning Commission meeting to order at 6:35 p.m. Those in attendance included Commissioner Garrett Mansell, Commissioner Bret Swenson, and Commissioner Tyler Obray. Mr. Stephen Nelson, Nibley City Planner, was also present.

Approval of 5-2-19 meeting minutes and the evening's agenda

Commissioner Mansell noted that item one had been removed from the agenda and items 6 & 7 would be moved up before item 2.

Commissioner Swenson moved to accept the evening's agenda with Commissioner Mansell's suggested changes. Commissioner Obray seconded the motion. The motion

passed unanimously 3-0; with Commissioner Swenson, Commissioner Obray, and Commissioner Mansell all in favor.

~~Discussion and Consideration of a combined fence permit appeal from Petersen's (1405 W 3310 S) and Clarks (1425 W 3310 S)~~

Discussion and consideration of a re-issuing application for a conditional use permit for a proposed storage facility, Guard Strong Storage Units, located at 3100 South 700 West (Applicant Jake Thompson)

The applicant, Rod Thompson was present at the meeting.

Mr. Nelson reported on this application. He summarized the history of the application and reported that the applicant had removed 150 units and added more covered parking. Mr. Nelson said the units would be lesser impact that was originally approved.

Mr. Nelson said the Planning Commission should consider that the storage facility's operation hours be 7:00 a.m. to 10:00 p.m.; that the water upgrade meet Nibley City and fire code standards; and that storm water facilities meeting Nibley City standards. Mr. Nelson said the City Engineer had reviewed Mr. Thompson stormwater facilities and found they complied with code. The only thing that remained in limbo was the water line. The current water line on 700 West would not meet fire code for a facility of this type and the applicant had agreed to upgrade the water line; they would add a second line and connect the two lines at the end. Mr. Nelson said city staff and the City Engineer would prefer the applicant only install one water line and not have stagnant water in one line and remove the old water line. Mr. Nelson explained that the City Engineer and Public Works Director said that single lines that weren't used frequently tended to get stagnant. Commissioner Obray clarified that the proposal was that the applicant tear up the road (700 West) and connect eight homes onto a new water line? Mr. Nelson recommended the condition that the water line is put in to adhere to fire code and Nibley City standards. Mr. Nelson summarized the proposed buffering along the storage units and the residential areas. Mr. Nelson said staff's recommendation was that the conditional use permit get approved with the condition mentioned.

Mr. Thomson questioned reconnecting everyone on the water line; there was a six inch line for the existing homeowners and they planned to install an additional six inch line. Commissioner Obray suggested that every time they cut up the streets there would be major potholes, leaks, and cracks, just to provide water to a single apartment. He wanted to see a study to show if a six inch water line was sufficient to provide water to six homes and the storage facility. He suggested a second option; they run the eight-inch line like proposed and when they got to the property line to T-off from that and flow back to the six homes and cap the northern end. Commissioner Obray said he felt a six-inch line was sufficient to service the six homes and an apartment for fire suppression. Mr. Nelson said he could have the engineer run a water model. Commissioner Swenson

felt the condition met what Commissioner Obray was trying to do and they should let the professionals and city staff decide the best option.

Commissioner Swenson moved to approve re-issuing the application for a conditional use permit for a proposed storage facility, Guard Strong Storage Units, located at 3100 South 700 West; applicant, Jake Thompson, with the conditions the following conditions:

1. Operation Hours from 7:00 a.m. – 10:00 p.m.
2. Water is upgraded to meet Nibley City and Fire Code Standards
3. That 700 West and geotechnical report meets Nibley City standards
4. Stormwater facilities meet Nibley City Standards.

Seeing no second, Commissioner Mansell ruled the motion dead.

Commissioner Obray moved to approve the applicant with an either or on upgrading to Nibley City standard. That if there was sufficient water flow for fire suppression then they allow the existing 6-inch and upgrade to an 8-inch line in if there wasn't enough flow for fire standards.

Commissioner Swenson said he didn't see the point of doing this and felt it opened a can of worms. This motion died due to lack of second.

Mr. Thompson said they would do whatever the City decided they wanted. He felt what Commissioner Obray was saying made sense but they would do whatever it took to make it work. Mr. Nelson read the water line standards according to code. Commissioner Obray asked Mr. Thompson if he'd like to proceed or wait a couple weeks to see if the engineering worked out. Mr. Thompson said he would like to proceed forward. He didn't want the water line to hold their project up. Mr. Thompson said they would prefer to install an additional six-inch line.

Commissioner Swenson moved to approve re-issuing the application for a conditional use permit for a proposed storage facility, Guard Strong Storage Units, located at 3100 South 700 West; applicant, Jake Thompson, with the conditions the following conditions:

5. Operation Hours from 7:00 a.m. – 10:00 p.m.
6. Water is upgraded to meet Nibley City and Fire Code Standards
7. That 700 West and geotechnical report meets Nibley City standards
8. Stormwater facilities meet Nibley City Standards.

Commissioner Obray seconded the motion. The motion passed unanimously 3-0; with Commissioner Swenson, Commissioner Obray, and Commissioner Mansell all in favor.

Discussion and consideration of Riggs Minor Subdivision and Development Agreement located at 890 West 3200 South (Applicant John Riggs)

Mr. John Riggs was present at the meeting.

Mr. Nelson showed the plat drawings and Cache County GIS data for the proposed Riggs Minor subdivision. Mr. Nelson reviewed how the subdivision met with the conditions as stated within Nibley City Code in order to qualify for a Minor Subdivision.

Mr. Nelson felt the plat met Nibley City Minor subdivision code and should be approved as a Minor subdivision.

Mr. Nelson said part of the subdivision requirement was a development agreement. Mr. Nelson said because there was no current impact created, staff recommended Mr. Riggs wasn't required to install the normally required curb, sidewalk, and gutter. The development agreement being proposed read:

"1. The Developer agrees that no home(s) shall be built on the remainder parcel until the parcel is properly subdivided according to Nibley City Code 21, including gaining proper approval from Nibley City, installing or providing proper bonding for the installation of improvements of required City infrastructure, including sidewalk, curb and gutter in front of lot 1 and 2, and turning over the required water shares or rights to Nibley City.

a. Agriculture buildings may be constructed on the remainder parcel with City approval of location of the building to ensure building will not interfere with the future construction and dedication of 1000 West."

Mr. Nelson said staff's recommendation was the approval of the Minor subdivision as well as the accompanying development agreement.

Mr. Riggs wanted assurances that he wouldn't have to install sidewalk, curb, and gutter on his parcel if he were to make improvements to his lot such as putting a shop on his lot. Mr. Nelson said if improvements were done to lots 1 or 2, like a shop or garage, there wouldn't have to be sidewalk and gutter improvements; those improvements would only have to happen when agricultural remainder parcel were subdivided or developed. Mr. Nelson and Mr. Riggs debated who the developer would be that would have to put the sidewalks in front of lots 1 and 2. Mr. Pete Riggs discussed the agricultural remainder parcel and said half of the parcel was his and the other half was John's. Mr. P. Riggs said he was selling his half of the remainder parcel and it would be developed; it was under contract. Mr. P. Riggs talked about the history of the development of 3200 South and why sidewalks weren't installed in front of the homes at that time. Mr. Riggs felt the requirement to put in sidewalk was a back-door deal; the money to install it with the development of 3200 South, had gone somewhere. It shouldn't be the Riggs family's responsibility to put the sidewalk in. The Riggs brothers and Mr. Nelson discussed Nibley City sidewalk standards and the placement of a sidewalk. Mr. Nelson stated that the sidewalk would be placed within the 99' right-of-way; the curb, gutter, and sidewalk would still be in the 99' right-of-way. Mr. Riggs said the City was still on the hook to pay to have the sidewalk put in because they had chose to not put the sidewalk in previously. They had gotten the money through federal grants

to put the sidewalk in then. Commissioner Obray disagreed and said the Riggs had chosen to not have the sidewalk put in and got the economic benefit of having a road developed all along the entire stretch of their property.

Commissioner Obray asked if there was any precedent of paying for sidewalk along an undeveloped subdivision. Mr. P. Riggs agreed that they should put the sidewalk along the undeveloped parcel but argued the point of installing sidewalk in front of the developed property. Commissioner Obray felt the Riggs brothers had two options: if they wanted to develop the piece, they needed to put in the sidewalk, if they didn't want to put the sidewalk in then they don't develop the remainder piece and there was no need for a minor subdivision. Mr. J. Riggs and Commissioner Obray discussed the cost of putting in a sidewalk. Commissioner Swenson thought they could require the sidewalk be put in while they were subdividing now or they could attach the sidewalk to the remainder parcel; the city was doing Mr. J. Riggs a favor by requiring when the remainder parcel was developed.

The Planning Commission, Mr. Nelson and the Riggs brothers discussed and clarified the current proposed division and development of the Riggs brother's remainder parcel.

Commissioner Obray moved to approve the Riggs Minor Subdivision and Development Agreement, which includes postponement of sidewalk, curb, and swales, located at 890 West 3200 South; applicant John Riggs.

The Planning Commission, Mr. Nelson and the Riggs Brothers continued to discuss the future intent of the remainder parcel. Commissioner Swenson gave Mr. J. Riggs the option of continuing the item to the next meeting. Mr. J. Riggs indicated that he'd like to move forward.

Commissioner Swenson seconded the motion. The motion passed 3-0; with Commissioner Obray, Commissioner Swenson, and Commissioner Mansell all in favor.

Commissioner Mansell called for a five-minute recess at 7:53 p.m. The meeting resumed at 7:57 p.m.

A public hearing to receive comment on the proposed zoning and annexation of Firefly Park Nibley City Annexation, Parcel 03-008-0004

Commissioner Mansell gave direction to the public present and opened the public hearing at 7:58 p.m.

Seeing no comments, Commissioner Mansell closed the public hearing at 7:58 p.m.

Discussion and consideration of a recommendation of the proposed zoning and annexation of Firefly Park Nibley City Annexation, Parcel 03-008-0004

Mr. Nelson reported that Firefly Park, as was currently developed, was not in Nibley City. Mr. Nelson displayed and summarized the steps included in the annexation process. He said the City was currently on step 5: Planning Commission Recommends Zoning. Mr. Nelson displayed the plat that showed the annexation area. Mr. Nelson said the Planning Commission should consider the following:

1. The area is within the boundaries of an approved expansion area map (i.e. the Annexation Declaration Boundary as shown on the Future Land Use Map).
2. Consistency with the general plan and the overall character of Nibley City;
3. The need for municipal services in developed and undeveloped unincorporated areas:
 - a. Plans for extension/expansion of municipal services;
 - b. Plans to finance extension/expansion of municipal services.
4. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.
5. The interests of all affected entities

Mr. Nelson said the Planning Commission also needed to recommend the zoning for the parcel. He said the zoning for a park was not established in Nibley City code but Nibley's City's zoning map was considered part of Nibley City code and did include Park/Schools zoning.

Commissioner Swenson moved to recommend annexation of Firefly Park, Nibley City Annexation, Parcel 03-008-0004 including recommendation of zoning of Park/School. Commissioner Obray seconded the motion. The motion passed unanimously 3-0; with Commissioner Swenson, Commissioner Obray, and Commissioner Mansell all in favor.

A public hearing to receive comment on a proposed ordinance to change the maximum height of a building in the industrial zone

Mr. Nelson said Nibley City was considering increasing the building height in an industrial zone to 70 feet for any parcel that is a minimum of 300' from a residential zone, and building height would remain at 50' for any other build lot in an industrial zone located within 300' of a residential zone. The reason for the setback was to mitigate the negative impact that a height change could bring to surrounding neighborhoods, since most of Nibley's industrial zones were adjacent to residential communities. Mr. Nelson read the current height recommendation:

"NCC 19.04.010

BUILDING, HEIGHT OF: The vertical distance from the grade elevation measured from center of street line running in front of the building or structure to the highest point of the roof."

Mr. Nelson showed where the proposed change was placed in the Nibley City 19.22.010 Space Requirements Chart. Mr. Nelson described Nibley City's industrial areas where

building would allowed to be 70 ft. tall. Mr. Nelson described that the Hyrum Fire department didn't have a lift truck that would service a 70-foot building. However, Hyrum Chief Maughan and Fire Marshall Wynn had indicated that as long as the building had a sprinkling system in place he didn't see a problem.

Commissioner Mansell gave direction the public and opened the public hearing at 8:10 p.m.

Seeing no public comment, Commissioner Mansell closed the public hearing at 8:10 p.m.

Discussion and consideration of a recommendation of a proposed ordinance to change the maximum height of a building in the industrial zone

Brian Child was present at the meeting representing Malouf. Mr. Child said they were proposing an office building. The main portion that would be above the 50-feet was a skylight/atrium area that would be above the main entry that popped up. The actual portion, where people would be, would be closer to the 50-55-feet requirement.

Commissioner Obray moved to recommend approval of a proposed ordinance to change the maximum height of a building in the industrial zone. Commissioner Swenson seconded the motion. The motion passed unanimously 3-0; with Commissioner Obray, Commissioner Swenson, and Commissioner Mansell all in favor.

Workshop: Discussion about Open Space Requirements in Subdivisions

Commissioner Mansell wondered if the city could make a change to subdivision ordinance. The only open space they were currently getting were in the conservation subdivision and he was concerned about the creation of little HOAs. He wondered if there was a way to incorporate open space in the general subdivision ordinances by reduce the minimum lots sizes in R-2 and R-2A zones. Commissioner Mansell said most of these areas were serviced by culinary water and didn't feel servicing half-acre lots was the best use of water as a resource. Commissioner Mansell also wanted to have discussion of incorporating and preserving open space in the standard subdivision ordinance and shrinking lot sizes down.

Commissioner Swenson felt they should have the developer decide how they wanted to develop based on the Nibley City code and zoning that was provided. Mr. Nelson discussed Nibley's park impact fees. Commissioner Mansell said he'd seen where Nibley's proposed parks were and liked them. He wondered if there was a way to require developers to dedicate or improve areas where Nibley had planned future parks. He wanted to incentivize them to put parks in. Commissioner Mansell said Herriman City's planned unit development ordinance required 30% of the total development as dedicated space in order to get a bonus density and in areas where there is slope or areas that couldn't work as a park, the developer was required to give the city like-kind value for that space. Commissioner Swenson thought the open space could be handled

by the rural preservation subdivision and the planned unit development ordinance. Or, the City should buy the park properties they wanted outright with park impact fees.

The Planning Commission and Mr. Nelson discussed homeowner's associations and their perceived functions

Commissioner Obray said he would like to increase the park impact fee in advance of changing ordinances so that there would be a beautiful park system; the city would have money available when land it came up for sale. Mr. Nelson said the current impact fee was \$4,700 per resident, which was the top that the last impact fee study would allow them to charge back about five years ago. Commissioner Obray said Nibley City needed to create a mechanism to maximize the beneficial impact of higher density to create more open space; the space they were requiring now was beneficial to the higher density residents.

Commissioner Swenson moved to continue the remaining items on the current Planning Commission agenda to the next Planning Commission meeting. Commissioner Obray seconded the motion. The motion passed unanimously 3-0; with Commissioner Swenson, Commissioner Obray, and Commissioner Mansell all in favor.

Commission and Staff Report and Action Items

There was general consent to adjourn at 9:48 p.m.

Attest: _____
Deputy City Recorder