

Description	Review Town Center Proposed Park Area
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Recommendation to the City Council
Findings	Listed at the end of the report
Recommendation	Provide feedback and make a recommendation
Reviewed By	City Planner, City Engineer, Public Works Director, Recreation Director, City Manager, City Council and Mayor

Background

Visionary Homes is proposing to build a 670 unit Residential Planned Unit Development (R-PUD), see Nibley City Code (NCC)19.32, on 95 acres East of Nibley City Hall, North of 3200 S and West of Highway 165. As part of this project, the developer has offered to build a 20-acre park as part of their development and dedicate it to Nibley City. The proposal is for the developer to build the park and adjacent infrastructure, in exchange for not charging impact fees on the development. This plan was presented to the City Council on November 14, 2019, and the Council was generally in favor of the proposal, though has not approved it at this time. The Council is seeking a recommendation from the Park's Recreation Advisory Committee about this plan. This report will provide some more details on Nibley's R-PUD Code, Impact Fees, Nibley City Town Center and the proposed park.

An R-PUD Subdivision

The first important thing to understand is what an R-PUD is in NCC. Nibley City adopted the R-PUD code on May 23, 2019. This code allows for a greater variety of housing, and higher density is in a few key areas of town. The R-PUD is designed for developments of around 20 acres or greater. An R-PUD must provide a variety of housing, meaning a minimum of 20% of single-family homes, and then allows for Townhomes and patio homes. In the Town Center area, it allows for up to 40% of the units to be condominium but still has the 20% single-family home requirement. The density is capped off at 12 units every net developable acre (simply put, net developable acres are acres left after road dedications). Each R-PUD is required to dedicate open and park space. For R-PUDs that have single-family homes, a minimum of 20% net developable acres must be for parks and open space, for mix housing development, 35%. Then, depending on number of units, a certain amount of amenities must be installed. For example, units with less than 100 units need to install a 1.5-acre park with a single playground. For units with 401-500

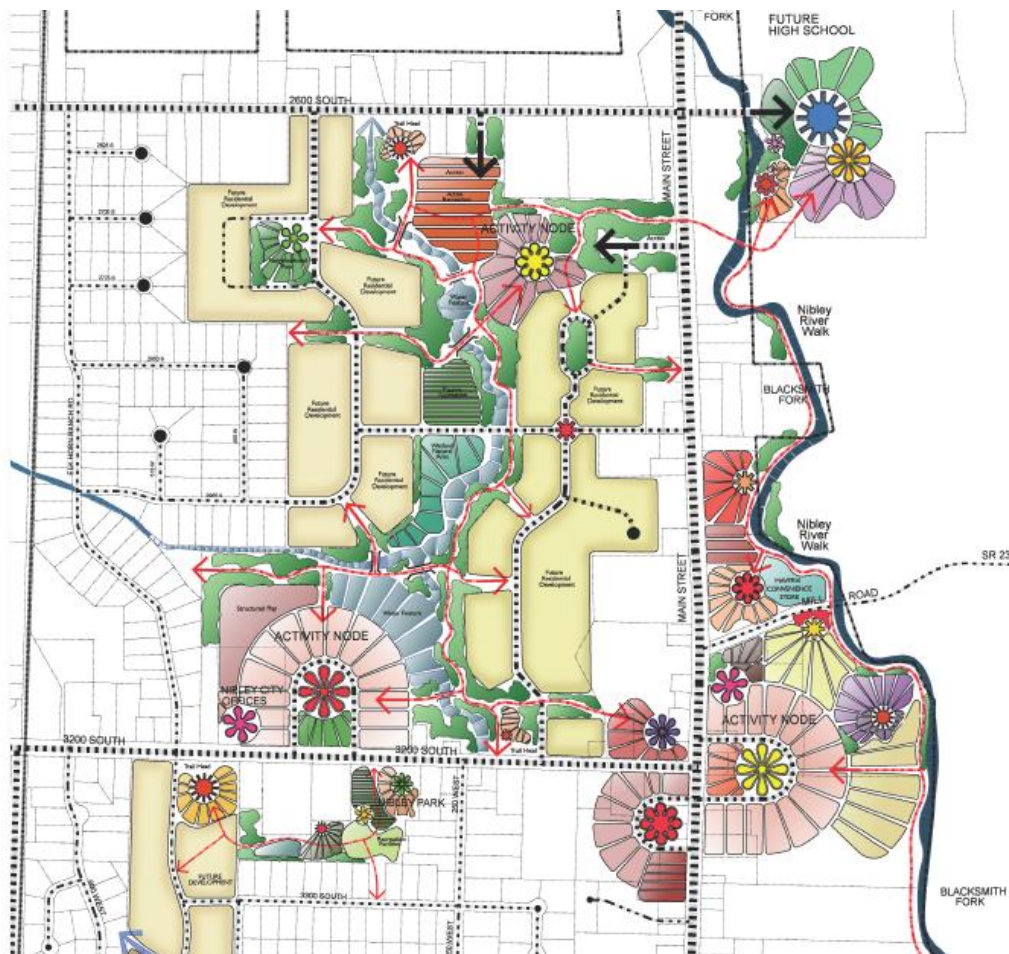
units, a developer must install 7.5 acres of parks, two pavilions, two swing sets, three playgrounds, two sports courts/fields, and then two of either a clubhouse, pool, or splash pads.

Impact Fees

The Utah Property Rights Ombudsman's website defines an impact fee as follows:

An impact fee is a one-time charge imposed by local governments to mitigate the impact on local infrastructure caused by new development. Growth in the form of new homes and businesses requires expansion or enlargement of public facilities to maintain the same level and quality of public services for all residents of a community. Impact fees help fund expansion of public facilities necessary to accommodate new growth.
(<https://propertyrights.utah.gov/impact-fees/>)

Impact fees are not charged to existing buildings or uses. These fees are only assessed with new development within the City to compensate for the increased impact of the development on City infrastructure.



Nibley City's park impact is \$4,500 for each unit. Nibley City can only use this money for new parks or park infrastructure. This would mean that Visionary's proposed development would bring in \$3,015,000 in Park Impact Fees.

Town Center

Nibley City's 2016 General Plan recommends that the City focus on the area west of Highway 165, South of 2600 S, and North of 3200 S as a Town Center area. The Town Center Area is recommended to provide housing, commercial, and park/open space. In 2016, there was a concept study perform, though never adopted by the City Council as an official plan. The idea

is to focus future development in this key area to create housing and economic opportunities while persevering some of the open space. This image above is Design Concept 3 from that

plan. The R-PUD does not allow higher density in this area compared to other R-PUD areas but does allow for a greater variety of housing types, including condominiums, townhomes, patio homes, and single-family homes.

Visionary's Proposal

The Ropelato's, the family that currently owns the property for the proposed project, has had the property listed for a couple of years now, but recently Visionary Homes has put it under contract. As stated above, Visionary is seeking to have an R-PUD Overlay (new zoning to allow for the R-PUD) development approved by Nibley City. As part of this approval, the City is seeking a partnership to develop a public park and amenities as part of this project. Nibley City and the Developer could enter into an agreement for the said developer to build a City Park; in exchange, the City would not charge an equivalent amount of impact fees. This park would not count toward the developments overall open space or amenities requirements. This park could include the whole three million in impact fees, or something shy of that. The City could also allow the developer to use some of its required amenities in the park so the City could get better facilities.

There are some pros and cons to this deal that the City should consider.

Pros

Cons

The City would get a new park	Lose some control
It most likely would be cheaper for the City. The City would not need to bid out or manage construction. The Developer is more likely to get a better price for installation	Impact fee dollars would all go toward that park, and would not allow the City to be flexible. It could delay other park projects
The City would get the benefits from the impact fees quicker. The development will take 10-15 years to be built but would finish the park before 100% build-out	This park is not in the Parks Master Plan's 2027 list
It would serve a growing area, with just over 100 acres undeveloped nearby.	It would be dependent on the housing market and the success of the development. However, that is true with impacts overall
Could get amenities the City would otherwise not build	

Helps fulfill goals in general plan and provide gathering areas

Add to Nibley City's Trail System

Park Amenities and Features

The City would also need to state what features we would like to see in the park. This park should serve as a gathering area for the City and could have features that are not located anywhere else in the City. The applicant has proposed the following in their first draft:

- Trails
- Two soccer fields
- Two pavilions
- Picnic tables
- Splashpad
- Open lawn space
- Preserved wetlands
- Over a hundred parking stalls

The City Council would like to get recommendations from the PRAC for amenities to be included.