

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, December 5, 2019.

The following actions were made during the meeting:

Commissioner Swenson moved to recommend approval of Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West. Commissioner Obray seconded the motion. The motion failed 2-3; with Commissioner Swenson and Commissioner Obray in favor. Commissioner Mansell, Commissioner Albrect, and Commissioner Logan were opposed.

Commissioner Albrect moved to revisit the previous motion to recommend approval of the Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West *and made a substitute motion* to continue discussion and consideration of the Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West. Commissioner Obray seconded the motion. The motion passed unanimously 5-0; with Commissioner Albrect, Commissioner Obray, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Commissioner Logan moved to continue discussion and consideration of a recommendation on a Preliminary Plat Subdivision Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West. Commissioner Albrect seconded the motion. The motion passed unanimously 5-0; with Commissioner Logan, Commissioner Albrect, Commissioner Swenson, Commissioner Mansell, and Commissioner Obray all in favor.

Planning and Zoning Commission Chair Garrett Mansell called the Thursday, December 5, 2019 Planning and Zoning Commission meeting to order at 6:00 p.m. Those in attendance included Commissioner Garrett Mansell, Commissioner Bret Swenson, Commissioner Carol Albrect, and Commissioner Matt Logan. Mr. Stephen Nelson, Nibley City Planner, was also present.

Approval of 11-21-19 meeting minutes and the evening's agenda
General consent was given for the evening's agenda.

General consent was given for the previous meeting's minutes.

A Public Hearing to receive comment on a Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West

Mr. Nelson introduced this item. He said this was Nibley City's first ever R-PUD application and described what an R-PUD was based off of Nibley City code 19.32.010.

Commissioner Obray arrived at 6:05 p.m.

Mr. Nelson asked the Planning Commission to think if this was a good location for and R-PUD and did the application meet the R-PUD application and zoning requirement. Mr. Nelson showed the location of the proposed R-PUD and discussed the current zoning directly around the property. Mr. Nelson also showed land uses surrounding the proposed R-PUD. Mr. Nelson showed Nibley City's transportation master plan and said the proposed property was impacted by the layout of the Transportation Master plan and would be a major transportation corridor for the City. Nibley City would most like need to fund part of the development of the 1200 West right-of-way but this type of development gave the developer increased density and more obligation to build out the full right-of-way. Mr. Nelson discussed canals that ran through the property and said the applicants had met with the canal company and discussed the abandonment of a canal on the south end of the property. The City had used this canal for stormwater and was looking into options for the canal. Mr. Nelson presented the stormwater pond listed on the proposed plat. Mr. Nelson reviewed how the applicant had met or exceeded R-PUD code requirements for single-family homes and open space requirements and that all single-family home lot sizes were above the minimum requirement.

Mr. Nelson said he hadn't had a chance to review the developer's architectural standards. The developer's maintenance plan was that all open space would be owned and maintained by an HOA who would manage those facilities.

Mr. Nelson said the plat was missing a legal description. Mr. Nelson said staff was concerned with proposed phasing. He said phases 2 and 3 would need to provide a secondary access in order to meet fire code; once there were over 30 lots there needed to be two accesses into the subdivision. Mr. Nelson described alternate options for phasing to meet this criterion. Mr. Nelson said there were no setback lines on the plat, however setback were listed in the details on the side of the plat. Mr. Nelson said he hadn't had a chance to review parking but said the developer had been well over parking with their previous plat and staff would need to review the developer's maintenance plan in more detail.

Commissioner Albrect asked how 12th and 10th west came together. She asked if they slid together. Mr. Nelson pulled up Nibley City's Transportation Master plan and described the way 10th and 12th west connected and potential traffic patterns.

Commissioner Mansell gave direction to the public present and opened the public hearing at 6:37 p.m.

Sherwood Hirschi from 1013 West 2400 South said he was the developer of Nibley Sunrise Meadow and described other developments he been involved in. Mr. Hirschi discussed the use of public facilities by both Nibley and Logan and said 463 units being stuffed in the area was quite a bit of density. He said you shouldn't stuff all density in one area; it should be spread out so not one area took all the burden of density. He said proposals like this usually came in proposing high density because the developer had paid too much money for the ground and they needed to save their butts and residents shouldn't be punished for this and the City shouldn't feel coerced. Mr. Hirschi said Troy's units would be well-managed. He discussed first-time home buyers and said most people didn't have the skills to manage apartments and would take anyone that came and it would only take a few of those to degrade the whole area and turn things into a ghetto. Mr. Hirschi didn't think 10th west was a good plan because people would use it to get to Ridgeline high school. Mr. Hirschi discussed that Nibley City had been protective of Firefly Park Street so lighting in phases 7 and 8 hadn't been place in Sunrise Meadow because of concerns that would happen in Firefly Park. If they put in 10th west it would beat Firefly Park up. He agreed that they needed to have an increase in smaller lots but the proposal was over the edge. He suggested single-family 8,000 sq. ft. lots.

Kent Smith of 2319 South 1200 West said the developer had been very open with listening the citizens concerns and had tried to address them. The developer said development of Meadow Lane would be a big burden so he'd looked into transportation grants and forwarded them to the developer. Mr. Smith thought a senior community with pickle ball courts, as an amenity was a better use for the development. Mr. Smith said the developers had listen to public about placement of stormwater pond by placing them in the lowest corner of the property but they were still not ideal. Mr. Smith said amenities hadn't been listed on the plat map and the developers were meeting the bare minimum for amenities. Mr. Smith discussed the canal on the property that went westward along the southern border. He said the canal should be piped and should be documented on the plat. Mr. Smith said a personal preference was that townhomes were not conducive to tenure. He said the only other townhomes in Nibley were only two blocks away so there was an additional burden of townhomes in this area of Nibley. Mr. Smith observed that there needed to be assurances that open space and amenities were provided in phase 4.

Camille Hurst 2572 South and 1000 West was concerned with having the road by Firefly Park connect through. She discussed the pedestrian traffic along Firefly Park and connecting to Heritage Park. She also didn't think it was a good idea to connect 10th to 12th and she also commented on the placement of stop signs on 10th west and asked the Planning Commission to consider changing the stop signs to slow traffic.

Brian Mung of 2512 South and 1000 West said he had some of the same concerns with 10th west. If they moved forward they needed to have a fence or barricade to protect Firefly Park; he recommended the road dead end at Firefly Park. Mr. Mung was also

concerned about stop signs on 10th west. Mr. Mung questioned who would maintain the corner park in phase 7. He also felt the entire property should be smaller lot sizes and shouldn't have the additional townhomes.

Ethan Poppleton, representing the developer, thanked Mr. Smith for his participation in the process. He said they'd done their best to consider the implications of the property and had done a good job of considering due diligence. He felt they'd come to a place where the development would compliment the city in helping it afford roadways and provided open space. They'd tried to make this a win-win as landowners, with the property rights to develop the land. He said they'd done their best to accommodate all opinions and perspectives.

McCade Ashliman of 2558 South 1000 West said he loved the small-town community feeling of Nibley. He said connecting 10th West to 12th and the density was concerning. He said the existing townhomes were just a block away and had been poorly planned with parking. Mr. Ashliman had 4 small children and there was a lack of stop signs on 10th west so he considered it a through street. He asked the City to consider the stop sign placement if 10th was connecting to 12th. He proposed a stop sign on 2600 South as well as 2980 South to improve safety for children and foot traffic.

Seeing no further public comments, Commissioner Mansell closed the public hearing at 7:02 p.m.

A Public Hearing to receive comment on Preliminary Plat Subdivision Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West

Commissioner Mansell gave direction to the public present and 7:03 p.m.

Christopher Huff, representing the developer said they grateful hearing the concerns about connecting 10th to 12th West. Mr. Huff said they were waiting for direction from City staff and citizens for what kind of amenities they'd like to see in the open space. The general consensus was something that the City could use and ultimately something that people can be happy about which was why the majority of the open space had been clumped in the middle of the development.

Commissioner Mansell read email comments that had been submitted by Tim Syndergaard:

"Unfortunately I am out of town for today's City Hall discussion about the firefly subdivision. Hence I am writing this email in order to voice my concerns.

I have been in the neighborhood for over 10 years. I have watched Nibley city not pay attention to the citizens concerns when we have voiced the growth and

development of the area. I think the leaders of our community have lost touch with the desires and wishes of its citizens. I would hope that would change.

I am not opposed to development. However I think it should be done in a way that maintains the quaintness and beauty that has been the reason for many desiring to live here.

First concern I have about the development of this neighborhood is the size of the road that the developers were told they had to put in. A 99 foot road with islands is ridiculous. The islands create a hazard to drivers and pedestrians alike. please do not put in any more islands in the middle of any road.

I think having 127 units in this area is not appropriate. Logan city is already putting in 300+ units across 2200 S. Nibley is going to shoulder most of the impact on resources. We already are way too congested on roads in this area. Much of that has to do with the poor planning of the charter school. Much of that traffic comes not from our citizens but neighboring cities. This is only going to add to the congestion. The design and infrastructure will not handle the amount of traffic both developments mentioned will bring to our community.

I would rather see smaller lots (i.e. 0.18 acre lots) than more twin homes or especially apartment complexes. Even then, I'm still not happy. I moved into an area that I had hoped would increase in value. By bringing in smaller lots for the lower income housing, the value of my home and others around me are going to be negatively impacted. Congested infrastructure alone will do that. No one wants to live in a crowded area. I think there are better places for this kind of development that will not impact value of property or infrastructure.

*Sincerely,
Tim Syndergaard"*

And Duke Edwards:

"My name is Mickey Duke, and I live at 1012 W. 2400 S. in Nibley, immediately across 1000 W. from Firefly Park. I do hold a two year Masters of Urban Planning degree from the University of Oregon, and have worked for the county of San Diego, several Councils of Government, and for Rick Engineering as they were developing the Rancho Bernardo development in southern California. I have a fairly strong understanding of effective city planning. I have a conflicting Church meeting Thursday night, or I would be there in person.

I am opposed to the current proposal to develop Firefly Estates. It is interesting to me that I was not within the City's apparent written "notification area", for this hearing, despite the fact that I live only several hundred (500 or so) feet south of

Firefly Estates. This should not be a “stealth” proposal hearing. You need to give your planning staff the administrative ability to reasonably expand the notification areas as needed.

I have two levels of concern about the proposal: the first involves extending 1000 W. into that proposed subdivision and hooking it into Meadow Lane, in the middle of that development, just a few hundred feet south of 2200 south. Although 1000 W. has been designated by the city as a “Connector” Road, to me that action simply invites “short cutters” streaming past the new Firefly Park. Interestingly, the city hasn’t even installed street lights along 1000 West, beside the park, out of concern for the fireflies. The city will not allow dogs in that park. Yet, they are willing to dramatically increase the traffic flow immediately beside the park, including bright night headlights streaming directly into Firefly Park?

My second concern has to do with the density that is being proposed. Although it is outside of Nibley City’s direct control, the city of Logan has allowed construction of a 367 unit apartment complex on the 18.6 acres immediately across the northern boundary of the proposed subdivision, and immediately across the street from the nature park. The current new homes being built on 2350 S. and 2400 S. are priced in the \$375,000 range, and are all on about 1/3 acre lots, or larger. I believe Firefly Estates is currently zoned R-2, minimum 1 acre lots, but there’s the PUD-R option available. It seems reasonable to create a smaller lot-sized single-family housing transition area on the Firefly Estate property, but not add townhomes into the mix. I realize that the developers overpaid for that land, and they see no way to make money except to do exactly what they are proposing by including townhomes. However, that area could be readily developed exclusively for single-family use, with lots in the 7 to 8000 square-foot range, and smaller single family homes. “Moderate income” housing need not only involve apartments and townhomes.

In summary, 1000 W should end where it currently does end. The Firefly Estates land should not include the townhomes and should exclusively be smaller lot single family homes. The nature park should not be compromised by traffic and headlights.

*Thank you,
Mickey Duke”*

Seeing no further public comment, Commissioner Mansell closed the public hearing at 7:11 p.m.

Discussion and Consideration of a recommendation on a Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West

Mr. Poppleton clarified the ownership of subdivision amenities and said there had been discussion of whether the open space and amenities would be City owned for managed by an HOA. Mr. Huff said they'd considered lights on Firefly Park and discussed conversations with Mayor Dustin and the City Council about building 10th west.

Mr. Nelson addressed concerns presented about traffic and stop signs by discussing the Nibley City Transportation Master plan. He said Meadow Lane or 12th west was a main roadway out of the City and had been planned to be so for quite some time. He discussed intersections and traffic calming measures on 10th and 12th west.

Commissioner Albrect asked if Mr. Nelson could approach the Church of Jesus Christ of Latter-Day Saints about the assignment of buildings. Mr. Nelson said if the City believed church proximity was traffic concern, they could bring it up with the Stake.

Mr. Nelson addressed amenities. He said they hadn't received a detailed plan of what the playground would look like and despite the developer's willingness to dedicate the open space to the City, the City thought it was best the open space be HOA owned and maintained due to the proximity of other park property in the area and the likelihood that the park would be used by individuals outside of Nibley City. Mr. Nelson said Nibley City code required the amenities were phased as development was phased by means of phasing amenities or providing money in escrow. Mr. Poppleton clarified that the canal along the south border would be piped as part of the development. Mr. Nelson clarified the capacity of the stormwater ponds that were proposed on the property.

Commissioner Albrect said she had the same concerns as Mr. Herschi with all the apartments and townhomes all in the same area. She believed the town houses would become transitional and believed in ghettoization. Commissioner Albrect relayed conversations she'd had with the principal of Thomas Edison Charter School, saying her main concern was the safety of the students. Commissioner Albrect discussed her concerns with putting a road through Firefly Park and said it was illogical to pass a dark sky ordinance and then put a road right next to Firefly Park.

Commissioner Obray asked how the amenities were determined. Mr. Nelson said the developer would have to meet a minimum standard. Commissioner Obray asked if 10th West was a planned collector road before Firefly Park was planned. Mr. Nelson said it was and discussed the idea of a light barrier and steps the City was considering to mitigate light pollution into Firefly Park. Commissioner Obray thought the collector road connecting to 12th west was a great idea and the City should explore options of mitigating light pollution into Firefly Park and keep 10th West. Commissioner Obray discussed that the subdivision would save the City upwards of \$3 million by putting in two major roads.

Commissioner Mansell's biggest concerns were the area because of what was coming across the street in Logan that he anticipated would be over 500-600 units. He was not

convinced the development was in the best place. Commissioner Logan had the same concerns as Commissioner Mansell. He said it worked out great for Logan City but they had beat Nibley City to the punch. Commissioner Mansell said the proposal was a density issue and safety issue on traffic.

Mr. Poppleton said town homes were the most affordable housing that could actually be purchased and Utah had 10,000-40,000 units shy of what was needed for growth so there was a demand for the housing. Mr. Poppleton and Commissioner Obray discussed common ownership restrictions. Mr. Poppleton felt this was hard to control. Commissioner Obray gave Mr. Poppleton a formula to control an investor ownership with HOA covenants that there be no more than 10% common ownership or related arms length ownership, 30-40% rental max and the HOA must keep track of this. Commissioner Obray said he shared the concern of affordable housing ownership, not affordable rental properties. Commissioner Obray asked if Mr. Poppleton was willing to put rental restrictions on his property and was willing to put these into his HOA covenants. Mr. Poppleton said he was willing to put rental restrictions on the property.

Commissioner Swenson asked about Mr. Nelson's issues with phasing and providing a secondary access. Mr. Nelson said Nibley City code required that one there were 30 or more units, there needed to be a secondary access. Mr. Nelson said the phasing as shown would require the developer address the secondary access. Commissioner Swenson asked when the developer would submit a plan for open space and amenities. Mr. Poppleton said they would be able to provide the plan before the proposal came to the City Council. Commissioner Swenson and Mr. Poppleton discussed the plan for parking on the development. Commissioner Swenson was concerned that the developer was coming in behind the high-density development from Logan. He described the traffic and use of service (parks, schools, churches) that would come in to Nibley. His number one concern was how the proposed development would impact the City combined with the development from Logan. Mr. Poppleton compared the density with the road by the Sports Academy and Walmart in North Logan and said the proposed development would be one-third of that number.

Mr. Nelson listed his concerns with the overlay zone:

1. Development agreement with rental restrictions within the CCNRs
2. More detailed maintenance plan and more detailed amenities
3. Light pollution or fencing and shielding from Firefly Park

Commissioner Obray requested Mr. Nelson get a clearer definition of what a commercial grade playground was. Mr. Nelson shared the current definition from Nibley City code 19.32.50.12.A. Mr. Huff described the developer's plans moving forward. Commissioner Albrect asked the developer to engage in more divergent thinking; instead of convergent.

Commissioner Albrect moved to continue discussion and consideration of the Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West; to be able get more information as land use planners and talk more to the developers to see if they had any other ideas.

Commissioner Mansell said the motion died due to lack of second.

Commissioner Swenson moved to recommend approval of Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West. Commissioner Obray seconded the motion.

Voting on the motion was as followed: Commissioner Swenson was in favor, Commissioner Logan was opposed, Commissioner Albrect was opposed, Commissioner Obray was in favor, and Commissioner Mansell was opposed.

The motion failed 2-3; with Commissioner Swenson and Commissioner Obray in favor. Commissioner Mansell, Commissioner Albrect, and Commissioner Logan were opposed.

Commissioner Albrect moved to revisit the previous motion to recommend approval of the Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West **and made a substitute motion** to continue discussion and consideration of the Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West. Commissioner Obray seconded the motion.

Commissioner Albrect asked to see statistical numbers of the larger Cache Valley of people who were looking to downsize. She wanted to see that the developers were trying to mitigate transitional housing. Commissioner Mansell said he wanted more time to look at the proposal.

Voting on the motion was as followed: Commissioner Swenson was in favor, Commissioner Logan was in favor, Commissioner Albrect was in favor, Commissioner Obray was in favor, and Commissioner Mansell was in favor.

The motion passed unanimously 5-0; with Commissioner Albrect, Commissioner Obray, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Discussion and Consideration of a recommendation on a Preliminary Plat Subdivision Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West

Commissioner Logan moved to continue discussion and consideration of a recommendation on a Preliminary Plat Subdivision Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West. Commissioner Albrect seconded the motion. The motion passed unanimously 5-0; with Commissioner Logan, Commissioner Albrect, Commissioner Swenson, Commissioner Mansell, and Commissioner Obray all in favor.

Workshop: Dark Sky Ordinance

Mr. Nelson reviewed the changes and additions that had been added to the ordinance since the Planning Commission's last discussion.

Commissioner Obray said his concern had been addressed. He wanted his kids to be able to play basketball in the backyard at night.

Councilmember Larsen, Commissioner Obray, and Commissioner Mansell directed Mr. Nelson to move the ordinance forward to a public hearing and discussion and consideration.

Workshop: Neighborhood Commercial Zoning

Mr. Nelson described the changes he'd made to the standards based on the previous Planning Commission discussion:

Commissioner Mansell said the Planning Commission would review the standards before the next Planning Commission meeting in January 2020.

Staff Report and Action Items

a. Canceling Planning Commission Meeting for Dec 19, 2019

General consent was given to cancel the December 19, 2019 Planning Commission meeting.

Mr. Nelson discussed application deadlines and considering a timeframe for the applicant to submit changes. He said he would be bringing some policy for the Planning Commission to consider.

There was general consent to adjourn at 8:49 p.m.

Attest: _____
Deputy City Recorder