

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, April 2, 2020.

The following actions were made during the meeting:

Commissioner Mansell moved to cancel the Planning and Zoning meeting on April 16.

Commissioner Logan seconded the motion.

The motion passed unanimously 4-0; with Commissioner Swenson, Commissioner Mansell, Commissioner Logan and Commissioner Brown all in favor.

Planning Commission Vice Chair Karina Brown called the Thursday, April 2, 2020 Planning Commission meeting to order at 6:30p.m. Those in attendance included Commissioner Bret Swenson via teleconference, Commissioner Garrett Mansell, Commissioner Matt Logan and Commissioner Karina Brown. Commissioner Tyler O Bray was not present. Mr. Stephen Nelson, Nibley City Planner, was also present.

Approval of 3-19-2020 meeting minutes and the evening's agenda

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

General consent was given for the evening's agenda.

Workshop: Accessory Dwelling Units

Mr. Nelson continued the discussion from last meeting regarding accessory building sizes. He shared a table from the Accessory Building Code on sizes and type in reference to the size lot. He also showed illustrations to give a visualization of what that would look like on different size lots.

Mr. Nelson made some proposed changes to the code which included a CAP on detached Accessory Dwelling Units (ADUs) at 2,000 sq. ft. and no lots smaller than 12,000 sq. ft.

Mr. Nelson discussed other ideas which included ADUs in commercial areas, no short-term rentals as recommended by the cities modern housing plan and ADUs shall not be allowed within flood plains.

Stephen explained that The City Council reviewed The Planning Commission's recommendation to allow ADUs as part of the Neighborhood Commercial Zone. They directed staff to bring it back to The Planning Commission to incorporate in the ADU code.

The Planning Commission discussed short-term rentals in Residential and Neighborhood Commercial zone. Commissioner Mansell was okay with short-term rentals if it's only in the Commercial Zone.

Commissioner Logan disagreed with having short-term rentals anywhere in the city and thought it would be easier to eliminate it all together.

Commissioner Mansell and Commissioner Brown liked how it was explained in Providence City's code. Commissioner Brown agreed with not allowing short-term ADUs in Residential Zones but was undecided in Commercial Zones.

The Planning Commission discussed sizes and height of ADUs. Commissioner Logan thought 1000 sq. ft. was good and 1200 sq. ft. was generous. His reason was to eliminate the potential of pseudo flag lots. Commissioner Mansell was okay with capping at 1500sq. ft. Mr. Nelson confirmed that the code proposal is based on the living area within the ADU. Commissioner Swenson wanted to CAP it at 1200 sq. ft. regardless of zone.

Mr. Nelson recommended that ADUs should not be allowed within a floodplain. The Planning Commission gave general consent.

Commissioner Mansell brought up the discussion regarding Use of ADUs. He agreed with allowing 1200 sq. ft.

Commissioner Swenson asked if a principal residence would be allowed to have an additional ADU if they already had one. Mr. Nelson confirmed that the current code specified only one ADU and it was to his knowledge that it was already in the proposed code. He confirmed that he would double check to make sure. There was general consent that only one ADU should be allowed.

The Planning Commission discussed the current Parking Ordinance and the proposed code. Commissioner Swenson thought there should be a minimum of two off-street parking spots. Commissioner Mansell agreed. Mr. Nelson discussed the steps in the application process. Commissioner Logan agreed with two spaces.

The Planning Commission discussed landlords and business licenses which could potentially include a good landlord program allowing for a discount if completed.

Mr. Nelson suggested changing the current proposal in the Commercial Ordinance from 1500 sq. ft. to 1200 sq. ft.

Commissioner Brown questioned exceptions within the parking ordinance. Mr. Nelson confirmed that the standards within the ordinance needed to be very clear.

Mr. Nelson made the discussed changes to the proposed ordinance and recommended including a height restriction. Commissioner Swenson proposed that the living space be capped at 1200 sq. ft. and allow for one or two stories if the ADU is not taller than the existing residence. There was general consent.

Mr. Nelson reminded the Planning Commission that they were divided in previous discussion of allowing ADUs in the front of the existing residence. Commissioner Logan was opposed to ADUs in the front. Commissioner Mansell thought they should limit ADUs to the rear. Mr. Nelson showed an example of a parcel image on Hollow Road where a resident requested to build a detached ADU. He used this example as a reason why in it might make sense in a few cases, but in most cases, would not be a good idea. He also suggested to make sure the ordinance was very clear on the setback requirements if they wanted to allow an ADU in the front.

The Planning Commission discussed flag lots. Mr. Nelson showed an example of a lot that was recently approved. Commissioner Brown asked if a 2-acre lot could be a flag lot divided to make a .25 acre. Mr. Nelson stated that the flag lot would have to comply with the underlying zoning.

Commissioner Swenson asked if The Planning Commission would allow ADUs on the side. After discussion, there was general consent.

Mr. Nelson asked if The Planning Commission would be ok with allowing an ADU on the side to have an accessory building setback of 3 feet off the side property line. There was general consent. Mr. Nelson did not express any concerns.

Commissioner Swenson expressed concern for neighbors and thought it made sense for the ADU to have the same setback as the primary residence of 10 feet from the side. The Planning Commission discussed setback requirements. There was general consent that setbacks should be the same everywhere.

Mr. Nelson stated there was ambiguity regarding short term rentals that were currently considered conditional use within the code. He stated that he copied the language and guidelines for ADU Use within Commercial, Neighborhood Commercial and Industrial Zones that were recommended to City Council.

The Planning Commission discussed commercial buildings within Neighborhood Commercial Zones. Commissioner Swenson questioned the approval of 3 stories. The Planning Commission discussed the size of an ADU within the Commercial Zone. Commissioner Mansell thought ADUs should be proportional and should not exceed the size of the commercial building. Mr. Nelson suggested not allowing ADUs to exceed the footprint of the commercial building. Commissioner Logan agreed. Commissioner Swenson questioned the limits to size and amount. Commissioner Mansell wanted to limit the amount to two ADUs. The Planning Commission discussed the number and height of ADUs allowed on a commercial property. Commissioner Swenson proposed allowing no more than two stories. Commissioner Mansell was ok with also allowing ADUs behind the commercial building. Commissioner Swenson thought the resident should be able to choose. Commissioner Logan preferred the ADU be on top. The current proposed code gives the choice for either on the rear or on the second story or above. Commissioner Mansell thought the whole point would be to distinguish the look of the ADU.

Mr. Nelson explained next steps to move forward with the ADU code.

Commissioner Brown requested a short recess at 7:37pm.

Meeting resumed at 7:45pm.

Workshop: Residential Planned Unit Development Code Update

Mr. Nelson announced that City Council passed the moratorium for the R-PUD. The city is not allowed to accept any new R-PUD applications for the next six months. The two current applications for Nibley Meadows and Ridgeline Park are standing under the old ordinance. The Council could potentially deny the current applicants to redo the code because it is a legislative and rezone issue. The Council has not approved or denied them at this time. With the moratorium, it gives the City 6 months to redo the code.

Mr. Nelson discussed the mix of housing and open space. He presented the updated proposed definitions within R-PUD code. He presented the tables for percentage of Single-Family and Town Center, Townhome, and Open Space Mix and Density. Commissioner Mansell thought that having more Open Space was not a fair trade off for 80/20. He felt 60/40 was a fair mix. He didn't like the idea of 80 period. Commissioner Brown liked the idea of 60/40. Commissioner Logan wanted to get rid of 80/20 and 70/30. Commissioner Mansell wanted commercial to be part of the mix. There was general consent to get rid of 80/20.

Mr. Nelson presented the chart for Single-Family Lot Size. Commissioner Mansell liked the minimum of .25 acres. Commissioner Swenson agreed that the current code wasn't working. He felt 60/40 may be where we want to be and to get some opinions from major developers. Mr. Nelson recommended plugging in the details to look at it in more detail and get opinions of property owners and engineer for a variety of feedback.

The Planning Commission discussed townhome prices in other cities.

Commissioner Logan questioned Commissioner Swenson on how he thought 60/40 or 70/30 would affect developers. Commissioner Swenson thought an ordinance should be practical and suggested getting opinions from developers not looking to develop in Nibley. "It needs to be a win-win, or it won't work." Commissioner Logan wanted to go with 60/40 and see what the developers would have to say.

Mr. Nelson asked if The Planning Commission wanted any other options in the Town Center. Commissioner Brown asked if The Planning Commission would be open to apartments in the Town Center. Mr. Nelson explained the thought process behind doing condominiums vs. apartments.

Commissioner Mansell thought commercial needed to be a part of the mixed use. Mr. Nelson's biggest concern with that requirement was potentially requiring commercial where it may not be feasible. Mr. Nelson presented the results of a resident survey regarding the Town Center.

It also included a sticker chart for the type of housing desirable in Nibley. It showed according to residents what Nibley City should prioritize in future Planning and Zoning.

Commissioner Brown acknowledged that the citizens and commission weren't in favor of apartments, but felt it was her opinion to have at least one apartment complex in Nibley. Commissioner Logan acknowledged that the citizens don't like density.

Commissioner Brown brought up taxes going to Logan because of the zip code.

Mr. Nelson will move forward and create a spreadsheet and incorporate language in the code to reflect the chart.

Commissioner Mansell wanted some feedback and some percentages of Mixed Use for Single Family.

Commissioner Brown thought it would be interesting to get resident feedback on future planning. Mr. Nelson said he would reach out to the new City Planner.

Mr. Nelson addressed Commissioner Brown's request to get input from the Parks and Recreation Department about planning the parks.

Commissioner Brown questioned the impact of the Firefly Estates Referendum on the R-PUD. Mr. Nelson didn't think it would cause an impact unless they were able to get 1100 signatures. He thought that even with the signatures, the applicant could potentially reapply under the new ordinance to try to get re-approved even with the referendum in place if the new code would allow.

Commissioner Brown thought more residents might participate in the survey if it was in the newsletter and they could click on a link.

Workshop: Rural Preservation Subdivision

Mr. Nelson discussed the changes for open space requirements and lot sizes within the ordinance.

Mr. Nelson brought up the discussion of open space criteria. Commissioner Mansell wanted no more islands and a greater variation of lot sizes.

Mr. Nelson stated that if The Commission was ok with the changes, they could move forward with a public hearing and discussions and considerations.

Mr. Nelson addressed Commissioner Swenson's question regarding water basins within the code.

Mr. Nelson asked The Planning Commission to go through the code and make any changes before making a recommendation to City Council.

Mr. Nelson discussed ways with The Planning Commission to have public hearings during COVID-19. Commissioner Swenson didn't see a rush and felt it should wait until there could be in person public attendance. There was general consent.

Staff Report and Action Items

Mr. Nelson announced that he would be on call with the city for the next couple of months. Mr. Nelson stated that the new City Planner, Levi would be starting April 27.

Commissioner Brown thanked Stephen for all his work.

Mr. Nelson stated that the City Manager recommended that The Planning Commission cancel the next meeting on April 16. Mr. Nelson expressed his approval to postpone next meeting.

Commissioner Mansell moved to cancel the Planning and Zoning meeting on April 16. Commissioner Logan seconded the motion. The motion passed unanimously 4-0; with Commissioner Swenson, Commissioner Mansell, Commissioner Logan and Commissioner Brown all in favor.

Mr. Nelson addressed the Resolution regarding Accessory Buildings.

Mr. Nelson thanked The Planning Commission. Commissioner Swenson stated that Hurricane would be lucky to have him.

Commissioner Brown adjourned the meeting at 8:37pm.

Attest: _____
Office Specialist