

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, August 20, 2020.

The following actions were made during the meeting:

Commissioner Logan moved to recommend approval for annexation with a commercial zoning designation of Parcel ID 03-014-0025 (Applicant: Malouf) located North of 3200 S, West of 1600 W and East of the Hyrum Slough. Commissioner Brown seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Brown, Commissioner Swenson and Commissioner Logan all in favor.

Commissioner Brown moved to make a motion to recommend approval of Ordinance 20-16: An Ordinance Update to Nibley City Code 19.32 amending Residential Planned Unit Developments (R-PUD) requirements. Commissioner Swenson seconded the motion.

Commissioner Logan moved to amend the motion with the added condition to revoke the remaining approved overlay zones except for the town center. Commissioner Swenson seconded the motion. The amendment failed 2-2; with Commissioner Logan and Commissioner Swenson in favor and Commissioner Brown and Commissioner Obray dissented.

Commissioner Swenson moved to amend the motion with the condition to rescind the ordinance if City Council did not approve the update before the moratorium was lifted. Logan seconded the motion. The amendment passed unanimously 4-0; with Commissioner Logan, Commissioner Swenson, Commissioner Brown and Commissioner Obray all in favor.

The amended motion passed 3-1; with Commissioner Swenson, Commissioner Brown and Commissioner Obray in favor and Commissioner Logan dissented.

Planning Commission Chair Tyler Obray called the Thursday, August 20, 2020 Planning Commission meeting to order at 6:30 p.m. Those in attendance included Commissioner Tyler Obray, Commissioner Karina Brown, Commissioner Bret Swenson and Commissioner Matt Logan. Commissioner Garrett Mansell was absent. Mr. Levi Roberts, Nibley City Planner, was also present. Jamie Ann Gonzales, Office Specialist was present to record the minutes.

Approval of 8-6-2020 meeting minutes and the evening's agenda

Commissioner Logan moved to recommend approval of 8-6-2020 meeting minutes and the evening's agenda. Commissioner Swenson seconded the motion. The motion passed

unanimously 4-0; with Commissioner Obray, Commissioner Brown, Commissioner Swenson and Commissioner Logan all in favor.

Discussion and Consideration of a recommendation on a proposed zoning and annexation of approximately 25.86 acres located North of 3200 S, West of 1600 W, and East of the Hyrum Slough; Parcel ID 03-014-0025. (Applicant: Malouf)

Mr. Roberts reviewed his *Zoning & Annexation of Parcel 03-014-0025* visual presentation (a printed version of this presentation and property map is included in the printed meeting minutes). He stated that City Council will hold a public hearing.

Commissioner Logan moved to recommend approval for annexation with a commercial zoning designation of Parcel ID 03-014-0025 (Applicant: Malouf) located North of 3200 S, West of 1600 W and East of the Hyrum Slough. Commissioner Brown seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Brown, Commissioner Swenson and Commissioner Logan all in favor.

A Public Hearing to receive comment on Ordinance 20-16: An Ordinance Update to Nibley City Code 19.32 amending Residential Planned Unit Developments (R-PUD) requirements

Commissioner Obray opened the public hearing at 6:37p.m.

Public Comment was submitted by Kent Smith at 2316 S 1200 W via email.

Commissioner Obray closed the public hearing at 6:37p.m.

Discussion and Consideration to recommend approval of Ordinance 20-16: An Ordinance Update to Nibley City Code 19.32 amending Residential Planned Unit Developments (R-PUD) requirements

Mr. Roberts reviewed his *R-PUD Ordinance* visual presentation (a printed version of this presentation is included in the printed meeting minutes). He discussed the purpose of the proposed changes and gave a summary. Commissioner Obray reminded Commissioner Logan about the discussion to add a 20-acre minimum development size for R-PUDs and they discussed. Mr. Roberts added that alternative amenities in support of the City's park & recreation goals can be substituted for open space amenity requirements but must be comparable in price and value. Commissioner Obray questioned the delineation between town center and R-PUD. Mr. Roberts clarified that there was a section for town center within the R-PUD ordinance. He said that the main difference was that the town center allowed condominiums. Commissioner Brown wanted clarification that the town center was the only place where condominiums were allowed. Commissioner Logan thought Mr. Smith made a good point in his email regarding a buffer between the new single-family homes and the townhomes. The Planning Commission discussed. Commissioner Swenson also commented that Mr. Smith alluded to his concern regarding the separation distance between ADUs (Accessory

Dwelling Units). The Commission discussed their concerns regarding detached ADUs. Commissioner Swenson stated that for the record "it was not unanimous to keep the minimum development size at 20 acres in his opinion, and not be 40". Commissioner Obray also wanted the Council to know that if it was less than 40 acres, the open space should stay fixed at 35% without counting any of the right of ways. Commissioner Logan added that he did not want it at all and would rather kill the ordinance but if that was not possible, he liked the new parameters that were set better.

Commissioner Brown moved to make a motion to recommend approval of Ordinance 20-16: An Ordinance Update to Nibley City Code 19.32 amending Residential Planned Unit Developments (R-PUD) requirements. Commissioner Swenson seconded the motion.

Commissioner Swenson questioned the concern of staff and the risk, if the Commission did not recommend rescinding the ordinance before the update was adopted and an application was submitted. Mr. Roberts did not know how much of a risk it was but advised the Commission that they could recommend rescinding, if the Council did not pass the ordinance before the moratorium was lifted. The Planning Commission discussed. Commissioner Obray proposed the question of how to improve upon the ordinance, with the thought in mind, that City Council was not in favor of rescinding. The Commission discussed recommended amendments to the motion.

Commissioner Logan moved to amend the motion with the added condition to revoke the remaining approved overlay zones except for the town center.

Commissioner Logan felt that the citizens of Nibley were specific about not wanting townhomes and it was the Commission's job to plan, but also listen as best as they can.

Commissioner Swenson seconded the amendment to the motion. The amendment failed 2-2; with Commissioner Logan and Commissioner Swenson in favor and Commissioner Brown and Commissioner Obray dissented.

Commissioner Swenson moved to amend the motion with the condition to rescind the ordinance if City Council did not approve the update to the R-PUD ordinance before the moratorium was lifted. Logan seconded the motion. The amendment passed unanimously 4-0; with Commissioner Logan, Commissioner Swenson, Commissioner Brown and Commissioner Obray all in favor.

The amended motion passed 3-1; with Commissioner Swenson, Commissioner Brown and Commissioner Obray in favor and Commissioner Logan dissented.

Staff Report and Action Items

Mr. Roberts reported on the following:

- Ridgeline Park already applied for Phase 1 final plat and just applied for phases 2 & 3 as well
- Nibley Meadows was approved by City Council
- No update on Firefly Estates
- City Council passed the Open Space Subdivision changes
- City Council going back and forth on the ADU
- *Standard* submitted their addition plans

Commissioner Brown was concerned with investors buying lots of townhomes and would like a landlord registration. Commissioner Obray reminded the Commission about the landlord discussion and revisiting it if there was an increase in complaints from renters.

Action items were as follows:

- Monitor neighborhood complaints for the next 60-90 days to see what percentage owner vs. tenant was occupied
- Have the Recreation Director, Chad bring ideas for development of more mature, adolescent parks and open space to the 9-17-20 meeting with the Parks Committee
- Landscape ordinance for new developments

Commissioner Obray adjourned the meeting at 7:30p.m.

Attest: _____
Office Specialist