
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday July 21, 2022**

Call to Order – Roll Call – Approval of Agenda – Approval of Minutes

Meeting called to order at 6:32 p.m.

Present: Commission Chair Bret Swenson, Commissioner Garrett Mansell, Commissioner Karina Brown, and Alternate Commissioner Erin Mann
Commissioner Matt Logan arrived at 6:47 p.m.

Absent: Commission Vice Chair Tyler Obray
Commissioner Garrett Mansell left at 7:57 p.m.

Staff Present: City Planner Levi Roberts and Assistant Recorder Jamie Ann Gonzales

Guests Present:

Applicants: Randy Taylor
Al Bingham

There was general consent for the evening's agenda.

There was general consent for July 7, 2022, meeting minutes.

Discussion and Consideration: Conditional Use Permit for Young Truck and Trailer Center, LLC at 2900 S Hwy 89/91

Mr. Roberts utilized an electronic presentation entitled *Young Truck & Trailer Center CUP* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background, Map, Photos, and Staff Recommendation*. In response to Commissioner Brown's question, Mr. Taylor stated that *Young Truck and Trailer Center, LLC* acquired *Poulsen Trailer Sales* and there would be no change in the business. He informed the Commission that the Poulsen family stayed aboard, and operation would continue.

Action: Approval of Conditional Use Permit for Young Truck and Trailer Center, LLC at 2900 S Hwy 89/91 with staff recommendation

Motion: Commissioner Mansell
Second: Commissioner Brown
Vote: Unanimous

Workshop: Amendments to 19.12.040 Mixed Residential Zone R-M, including its application to areas near 2600 S 1200 W

Mr. Roberts utilized an electronic presentation entitled *R-M Zone near 2600 S 1200 W* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background, Concept Plan, R-M Zone Regulations,*

Commissioner Logan arrived at 6:47 p.m.

Mr. Roberts continued with *R-M Zone Regulations, Density & Space Regulations, Open Space & Amenities, Architectural Design Standards, Site Design Standards, and Use Regulations.*

Commissioner Mansell reported on the sub-committee meeting he attended along with Mayor Larry Jacobsen, Councilmember Kay Sweeten, Councilmember Nathan Laursen, and Commission Vice Chair Tyler Obray. He brought up concerns regarding open space, and commercial use requirements. Mr. Roberts informed the Commission that in general, other than the forty-acre minimum, the concept plan would meet the ordinance standards. He said that most of them were the same as the RPUD (Residential Planned Unit Development) ordinance and the ones that were not were more lenient. He described all the areas that counted towards the thirty-five percent open space requirement.

Commissioner Mansell questioned the townhome access and rear-loaded garages. Mr. Roberts clarified that the design was modified to allow for primary access from a public lane. He commented that there were some private lanes, but a trail was provided to access the front door. He said the garages could either be rear-loaded or front-loaded on a public street. He did not think the code needed a lot of changes to fit the applicant's proposal. He questioned whether the code was appropriate for the site and location and that was the purpose of the workshop.

Mr. Roberts also mentioned that the site could be three or four different zones and did not have to be one zone. He added that there would be commercial uses on the west side. In response to Commissioner Swenson's question, he confirmed that the residential piece of the property was eighteen acres.

Commissioner Swenson recalled that the ordinance was constructed for the *Campbell* property under duress by the city, and only for control of that property. He questioned why the city would choose to move it somewhere else, when it was a "bitter pill to swallow" in the first place. Commissioner Logan followed up by asking why the city would choose to do it on purpose and was not convinced that it was a good idea. Commissioner Brown thought it was a great idea and a good location off the highway. She reiterated the need for more housing and liked the idea of mixed residential that would allow for a mix of people and demographics. She

also liked the idea of the added commercial zone. She pointed out the Kem C. Gardner Policy Institute report that stated most of the growth to 2060 in Cache County was from natural increase due to kids and grandkids and not from Californian's moving in.

Commissioner Logan suggested writing a new ordinance tailored to the city's wants and not one written under duress. Mr. Roberts confirmed that while it was written under duress, it incorporated primarily the same standards already in place and "why reinvent the wheel". He pointed out the lack of code options for higher density residential and asked for direction from the Commission.

The applicant responded to Commissioner Mann's question regarding the open space dedication. Commissioner Mann gave feedback on the park space idea, the commercial zoning, acreage sizes, and public engagement. Mr. Roberts thought there should be some community outreach. Commissioner Brown was concerned that the neighboring property owners might have an input, but they did not own the land. She thought the landowner should have the freedom to develop within reason.

Commissioner Swenson added that public input was very important when writing a new ordinance. Commissioner Mansell thought twenty units per gross acre was deceptive and should be made clearer. Commissioner Swenson felt like it was a work around the forty-acre RPUD minimum and could pose a problem for future developments that needed special consideration. Commissioner Mansell agreed. He suggested putting a density and acreage minimum and maximum on the R-M zone. The Commission discussed density. Mr. Roberts pointed out that the density in the concept plan was tailored to the RPUD code.

Commissioner Mansell thought most of the Commission liked the concept and location but there just wasn't anything in the code to achieve it and was looking for suggestions. Commissioner Logan stated that he did not like the concept. Commissioner Brown liked it and brought up discussion on the steps in the process. Commissioner Swenson was okay with the concept but thought the density was "crazy". He asked about the density compared to the *Campbell* project. Mr. Roberts replied that it was a lot lower, seven or eight units per gross acre compared to twenty.

It was Commissioner Swenson's opinion to try to "tweak" the ordinance to make sense. Commissioner Logan thought the density was too high and some of the open spaces were "super cheap". Commissioner Mann wanted more contiguous open space. Commissioner Mansell wanted to change the fifty-foot height maximum to forty-feet.

Commissioner Logan brought up discussion regarding the status of the 2600 road. Mr. Bingham explained that the road was put in to facilitate the commercial development and there was a plan to start a grocery store next year. He spoke to the open spaces and said the property was a "little bit challenging" to navigate. He reported that they tried to put more single-family homes, but it created too many problems. He added that they reached out to everyone in the community and received good input. He stated that they were not interested at all in

condominiums or apartments, “it was not going to happen”. He discussed the concept for the triangle areas.

Commissioner Mann brought up swales and the landscaping ordinance. Mr. Roberts confirmed the requirement for street trees, ground cover in the park strips, landscaping in all common areas, and the code design standards.

Commissioner Brown was okay with the fifty-foot height and building up in some areas.

Commissioner Logan wanted to speak with the neighboring property owners himself. He really liked the idea of the commercial in both the triangle areas. He commented on the “useless” areas of open space.

Mr. Roberts wondered about adding more townhomes to get more open space. Commissioner Logan liked the buffer of the single-family homes and Commissioner Mansell envisioned it as a buffer zone. Commissioner Swenson questioned the trails on the Trails Master Plan and modification to go through some of the commercial. Mr. Roberts expressed that he did not really like the Trails Master Plan and thought it needed work.

There was general consent for:

- Changing the fifty-foot height maximum to forty-feet
- More contiguous open space
- Lower density
- Public engagement
- Texting communication

Workshop: Combining lots exemption and Subdivision Plat Amendment approval authority

Mr. Roberts utilized an electronic presentation entitled *Combining Lots exemption* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

Commissioner Mansell left the meeting at 7:57 p.m.

Mr. Roberts discussed the *Caveat* and staff’s recommendation for not vacating easements. Commissioner Logan wanted to hear Commissioner Swenson’s thoughts. Commissioner Swenson responded that he agreed with staff’s recommendation.

There was general consent to move forward with a public hearing to grant the exemption.

Workshop: Subdivision submission requirements amendments

Mr. Roberts utilized an electronic presentation entitled *Subdivision Submission Requirements* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). Mr. Roberts gave *Background*. He referred to #4 DRAFT Subdivision Requirements Amendments 21.06.040 *Submission Of Preliminary Plat (A)(4)* (a printed copy is included in the printed, record copy of the meeting minutes).

Commissioner Swenson said that he trusted staff to put in the code what was needed.

Mr. Roberts also mentioned the addition to *21.06.080 Final Plat Approval(B) (6)* (a printed copy is included in the printed, record copy of the meeting minutes).

He informed the Commission that the version presented was reviewed by the city attorney and was different from the meeting packet version.

There was general consent with the amendments. Mr. Roberts announced that it would probably be brought forward for a public hearing at the August 18th, meeting.

Staff Report and Action Items

Mr. Roberts reported on the following:

- August 4th TDR (Transfer of Development Rights) joint workshop with City Council
 - Commissioner Swenson thought the Mayor should conduct the meeting
- Recommendations as presented by the Planning Commission at the previous meeting were approved by City Council
- Review of RPUD Final Plats

Meeting adjourned at 8:21 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder