
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday January 05, 2023**

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

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

Present: Commissioner Garrett Mansell, Commissioner Matt Logan and
Commissioner Karina Brown

Absent: Commission Chair Bret Swenson and Commission Vice Chair Tyler Obray

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

Guests Present: Mayor Larry Jacobsen

Applicants: Patrick Banning via Zoom

Action: Nominate Commissioner Mansell as the evening’s Chair

Motion: Commissioner Logan

Second: Commissioner Brown

Vote: Unanimous; 2-0

There was general consent for the evening’s agenda.

There was general consent for December 15, 2022, meeting minutes.

Discussion and Consideration: Conditional Use Permit for Cache Valley Sports Center to operate an indoor batting cage facility for baseball and softball at 2280 Heritage Drive (Applicant: Patrick Banning)

Mr. Roberts utilized an electronic presentation entitled *Cache Valley Sports Center CUP* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- **Background**
- **Parking Location**
- **Signage**
- **Applicable Standards & Potential Impacts**
- **Staff Recommendation**

Approval of the Conditional Use Permit for Cache Valley Sports Center to operate an

indoor batting cage facility for baseball and softball at 2280 Heritage Drive with the following conditions:

1. Must be inspected by County Fire Marshall certifying compliance with the fire code.
2. A building inspection must be conducted to ensure the building meets intended use and occupancy for the building.
3. Any building addition or substantial modifications to the site will require a site plan review in accordance with NCC 19.15.050

Commissioner Logan asked if the parking stalls were marked. The applicant replied that they were all repainted yellow. Mr. Roberts added that the building inspection would require adequate ADA (Americans with Disabilities Act) parking. Mr. Banning stated that there were four (4) of those spaces.

Commissioner Brown asked the applicant when he hoped to open. He said as soon as possible as there was a lot of interest being at the south end of the valley.

Mr. Banning asked about the building inspection as it was already done for *Pet Wants*. Mr. Roberts informed him that it was an inspection to ensure that it met the intended use. He said the city would order it and send him the invoice. He replied that pending approval, the building inspector would follow up with him.

Commissioner Mansell noticed that *Moose Manor Holdings* was the property owner and asked if the applicant had a written agreement to lease the space. Mr. Banning responded that he was the owner of *Pet Wants* and leased the entire building.

Action: Approval of Conditional Use Permit for Cache Valley Sports Center to operate an indoor batting cage facility for baseball and softball at 2280 Heritage Drive (Applicant: Patrick Banning) with staff recommendation

Motion: Commissioner Brown

Second: Commissioner Logan

Vote: Unanimous; 3-0

Discussion and Consideration: Ordinance 22-19: Transfer of Development Rights (TDR) Ordinance and zoning several parcels as a TDR Sending Overlay Zone or a TDR Receiving Overlay Zone

Mr. Roberts utilized an electronic presentation to give an update (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

Commissioner Mansell requested to see the updated map that removed areas outside of Nibley Annexation Area (a printed copy of the map is included in the printed, record copy of the meeting minutes). He asked the mayor for an update from the discussion with Hyrum.

Mayor Jacobsen reported on the following:

- Municipal Boundary Agreement

- Sending area on the map
- Highway 101
- Highway 165 and 89/91 connection
- Appreciation to Hyrum

Mr. Roberts went on to describe the updated map. He informed the Commission that staff recommendation had not changed. Staff recommendation was to recommend approval of Ordinance 22-19: Transfer of Development Rights (TDR) Ordinance and zoning several parcels as a TDR Sending Overlay Zone or a TDR Receiving Overlay Zone.

Commissioner Mansell felt that they spent a lot of time on the ordinance and wanted input from Commissioner Swenson and Commissioner Obray before sending to City Council. Commissioner Logan agreed. Mr. Roberts asked for input from the Commission on any concerns or issues that could be worked on before the next City Council meeting. Commissioner Mansell said he did not see anything new and felt like they did their “due diligence”.

Mr. Roberts discussed other cities in Utah that had a TDR ordinance in response to Commissioner Brown. He reported that it was not allowed in Utah until 1998.

Commissioner Brown asked Mr. Roberts to share a good message for concerned citizens. He responded that for property owners, it was an overlay zone that was completely voluntary and did not take away any of their property rights. He also said to keep in mind that properties get sold but the city’s ordinances did not change when property ownership changed. He said that even if there was no interest now, it could add value to their property if they sold it. He expressed that with expected growth, the goal was to preserve some of the open spaces that the city valued while directing the growth to areas that could support the infrastructure.

Commissioner Logan stated that he has not liked the TDR from the beginning and did not see the point with all the other ordinances in place. He thought it was a waste of time.

Commissioner Mansell expressed that there had been so much discussion on TDR, he felt like he was becoming an expert. He thought that with the goals, and tools provided for people, they were getting close to something that would be valuable to those who chose to use it. He reiterated that it was voluntary. He wanted to continue the discussion to get the other Commissioner’s input.

Action: Continue Discussion and Consideration for Ordinance 22-19: Transfer of Development Rights (TDR) Ordinance and zoning several parcels as a TDR Sending Overlay Zone or a TDR Receiving Overlay Zone

Motion: Commissioner Logan

Second: Commissioner Brown

Vote: Unanimous; 3-0

Staff Report and Action Items

Mr. Roberts reported on the following:

- Agenda item removed regarding the rescinded application from Jim Johnson to remove Meadowview Lane from the Transportation Master Plan
- Elkhorn Mobile Home Park
 - Subcommittee

- Maintenance Agreement
- Canal
- Tenant Agreement
- Setbacks
- Road Width

Mayor Jacobsen interjected with worry about process and discussion about details that would be on a future agenda. He felt that the appropriate time for discussion was after it was properly noticed on the agenda so the public could view it.

- Nibley Meadows
- Councilmember Erin Mann
- Appointment of Planning Commissioners on January 26th
- Annual goals

Commissioner Mansell adjourned the meeting at 7:13 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder