



Nibley City
Planning Commission Meeting
Thursday, May 4, 2023
Nibley City Hall
455 W. 3200 S.
Nibley, UT

6:30 p.m. Call to Order and Roll Call
 Approval of Agenda
 Approval of Minutes

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may participate in the meeting either in person or via the Zoom meeting link provided at www.nibleycity.com.

1. **Public Hearing:** Rezone Parcel 03-026-0014 & 03-026-0016, located at approximately 35 West 3200 South from R-2 (Residential) to C (Commercial)(Applicant: Quinn Johnson)
2. **Discussion and Consideration:** Rezone Parcel 03-026-0014 & 03-026-0016, located at approximately 35 West 3200 South from R-2 (Residential) to C (Commercial)(Applicant: Quinn Johnson)
3. **Workshop:** Land Use Chart Review
4. Staff Report and Action Items

*Planning Commission agenda items may be tabled or continued if 1) Additional information is needed in order to take action on the item, OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.** The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.



**Nibley City Planning
Commission
Agenda Item Report
May 4, 2023**

**Agenda Item #1 & #2: Johnson Rezone: Residential
(R-2) to Commercial(C)**

Description

Public Hearing: Ordinance 23-20: Rezone Parcel 03-026-0014 & 03-026-0016, located at approximately 35 West 3200 South from R-2 (Residential) to C (Commercial) (Applicant: Shane Johnson)

Discussion and Consideration: Ordinance 23-20: Rezone Parcel 03-026-0014 & 03-026-0016, located at approximately 35 West 3200 South from R-2 (Residential) to C (Commercial) (Applicant: Shane Johnson)

Department

City Planning

Action Type

Legislative

Recommendation

Recommend approval of Ordinance 22-13: Ordinance 22-13: Rezone a portion of Parcel 03-026-0014 and 03-026-0006, located at 35 West 3200 South from R-2 (Residential) to C (Commercial) with the following condition:

- This Rezone does not take effect until parcels 03-026-0014 and 03-026-0016 are combined.

Reviewed By

City Planner, City Manager

Background

Shane Johnson, owner of parcel 03-026-0014 & parcel 03-026-0016, located at 35 W 3200 S, has submitted a rezone application for the entire 7.3 acres property. The current zoning on the property is residential (R-2). On July 14, 2022, the Nibley City Council approved Ordinance 22-13: Rezone a portion of Parcel 03-026-0014 and 03-026-0006, located at 35 West 3200 South from R-2 (Residential) to C (Commercial). The Rezone was approved with the condition “that the zoning for parcel 03-026-0014 will revert back to R-2 zoning if it is not subdivided and assigned a separate tax ID # prior to March 1, 2023. Although the applicant split the parcel by recording a property description of the 1 acre portion, he did not complete the required subdivision process. NCC 21.02.020 provides:

No person shall subdivide any tract or parcel of land located wholly or in part in the City, except in compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the Planning Commission, nor offer for recording in the office of the county recorder any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title.

Rather than completing the required subdivision process, the applicant has proposed to rezone the entire 7.3 acre area of the previously identified 03-026-0014 parcel to Commercial.

The applicant would like to rezone the property to allow for the operation of a landscape products sales business. The use is not permitted in the R-2 zone in which the property is located, so a rezone is necessary to operate the business. ‘Construction Sales and Service’ is listed as a conditional use in the commercial zone. The property owner has obtained a conditional use permit to operate the business, but it was also contingent upon the subdivision.

The applicant has justified this rezone stating that it is in support of the general plan, specifically the objective to “promote small scale neighborhood retail development along Hwy 165 & at appropriate locations throughout the city in order to better meet residents’ needs.” They have also justified the benefit of “providing citizens of Nibley and surrounding communities access to products to manicure and beautify properties.”

Site Context

The site currently sits vacant and is immediately east of the recently constructed Dominion Energy regulator station and west of Ginny’s Pit Stop Soda Shop and a UDOT stormwater basin, which the City maintains. It is approximately 200 feet from the corner of Hwy 165 and 3200

South. There are a few lower density single family residences in the vicinity with Little Wonders Daycare across the street on 3200 South.

General Plan Guidance

The property is located within the ‘Town Center’ area of the Future Land Use Map. Although there is currently no specific zoning designation for the Town Center, the ‘Nibley Town Center Design Study and Guidelines Supplement’ designates the area near 3200 South & Main Street as a ‘Commercial Activity Node’ and “one of the most significant development opportunities in Nibley.” A commercial designation of this property is in support of this Plan. Although the proposed business isn’t necessarily emblematic of the Town Center in regard to promoting walkability and community gathering spaces, it is a necessary use as the City continues to grow with good transportation access. It is likely that other economic development opportunities will be presented in the area as businesses continue to locate to this node of the City. In general, a rezone of commercial in this area would be supportive of the General Plan and the Town Center concept.

Other Considerations

As noted above, the applicant previously received approval to rezone the area in which the business was to operate. While dividing the property into different zones is technically legal and there are several parcels in Nibley City that are divided into different zones, Staff does not recommend this practice. In addition to use regulations, a zoning designation dictates the setback requirements, design standards, and City standards. In many cases, these standards are difficult to enforce and administer if the parcel has more than one zoning designation. Therefore, the rezone was approved conditional upon subdividing this portion of the property, so that it is a separate lot. This was consistent with recent actions the City has taken for other rezone applications that propose to split the zoning on a single parcel.

Since the property was divided without formal City approval for a subdivision in violation of NCC 21.02.020, Staff recommends that the approval of this Rezone be approved conditional upon combining parcel 03-026-0014 and 03-026-0016.



Agenda Item #3: Land Use Chart

Description

Workshop: Land Use Chart Review

Department

City Planning

Action Type

Legislative

Recommendation

Discuss potential amendments to NCC 19.20: Land Use Chart

Reviewed By

City Planner

Background

One of the Planning Commission goals for 2023 is to review and update the land use chart, which designates permitted, conditional and not permitted uses in each Zone. The purpose of this workshop is to review and discuss each use listed in the land use chart (and potentially other non-listed uses) to draft appropriate modifications in support of the purposes of each zone and the General Plan. Individual Planning Commissioners have reviewed the land-use chart and provided input regarding the appropriate designation for each use by zone. Staff will present those uses in which commissioners expressed changes compared to existing designations for the discussion.

Application Review Status

Final-Review

Not Reviewed

04/18/2023

Fees		Payments		
Plan Check	\$500.00	04/18/2023	Online	\$650.00
Public Notice Fee	\$150.00	Total Paid		\$650.00
Subtotal	\$650.00			
Amount Paid	\$650.00			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

First Name

Shane

Last Name

Johnson

Address Street

135 N 200 E

City

Millville

State

Ut

Zip Code

84326

Phone

(435)764-1560

Email

shaner90210@yahoo.com

Is the property owner representative different from the listed property owner

yes

First Name

Quinn

Last Name

Johnson

Address Street

160 N 300 E

City

Millville

State

Ut

Zip Code

84326

Phone

(435)764-2423

Email

quinnjohns@hotmail.com

Request Type:

Rezone

Project Address Street

32 W 3200 S

Tax I.D. Number(s)

03-026-0014 & 03-026-0016

Project Size (Acres)

7

Current Zoning (check all that apply)

R-2- Residential

Proposed Zoning (check all that apply)

C- Commercial

Site Plan and Map (please attach)

 31B25B36-96C7-41BA-BD5E-A7CA2E6592A7.jpeg

What is the need for the proposed zone change?

In order to operate a small business on this property, it must be zoned commercial

What will the public benefit be if the zone change is granted?

The public will have access to quality landscape products close to home

How does the proposal comply with the goals and policies of the Nibley City General Plan?

The Nibley City General Plan indicates a desire for this area of the town to be a multi-use area with commercial and residential areas. This rezone will allow multiple uses of the area

Is there any annexation of property necessary?

No

Please explain how the anticipated use is appropriate for the surrounding area.

This use is appropriate for the surrounding area in that there are other businesses in the area, and it provides a need for local residents

What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

There is a curb cut to allow access from 3200 S

Please attach a statement from the County treasurer showing the current tax status of the property.

 tax notice.png

Signature

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete, and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me concerning this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Nibley may rescind any approval, or take any other legal or appropriate action. I understand that any cost of engineering, legal, fire, or other review incurred by the City shall be my responsibility to pay. I also acknowledge that I have reviewed the applicable sections of the Nibley City Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses.

Posting. Not less than ten (10) days before the public hearing, Applicant is responsible for posting a sign in a prominent place on the property containing, in lettering that may be reasonably read by passersby, the time, date, and location of the public hearing. The posting shall not be required before the application being accepted. However, the City shall require that, not less than ten (10) days before the public hearing, the Applicant provides the City with evidence of compliance with this requirement.

Quinn Johnson - 04/18/2023 6:00 pm

Messages

Shane,

Thank-you for submitting this application for a Rezone. This will be considered by the Planning Commission at their next meeting on May 4. Provided a recommendation is made, it will then be considered by Nibley City Council on May 11.

Levi Roberts, Nibley City Planner

Comments:

Shane,

After reviewing the application further with our Staff, we are recommending approval with the condition that the Rezone is contingent upon combining the 2 parcels to restore the the previous boundary. The reason for this is that dividing property in Nibley City without going through the subdivision process in Nibley is illegal. I just wanted to let you know. Thanks,

Levi



03-021-0020
STELLING LAND
HOLDINGS LLC

03-024-0014
SHANE R
JOHNSON

03-024-0002
JOEY PINEDA

03-024-0003
JOSEPH SCOTT
HARRIS

03-024-0011
LIT
CITY

03-024-0007
LANA HAYMON
INC

03-024-0015
BOOMY BLAKE
HARRIS

03-024-0009
LANCE R
JOHNSON

03-024-0004
CARMEN MALDONADO
MARTINEZ

03-024-0005
NICOLE V
YARLEY

03-024-0011
BLANKA V. BOJANOV
JOLIA HVAL

03-024-0016
SHANE R
JOHNSON

03-024-0018
ANYWOOD CYC
LES LLC

03-024-0014
SHANE R
JOHNSON

03-024-0012
SHANE R
JOHNSON

03-024-0006
HU PROPERTIES LLC

NOV
03-024-0001

19.20.010 Classification Of New And Unlisted Uses

For those uses not listed in the following chart as a permitted or conditional use, the applicant shall take such request to the planning commission. The planning commission may determine the appropriate classification if it determines that the new or unlisted use is the same as a use listed under another name in the land use chart. The planning commission shall so document this information and the applicant may proceed under such regulations as are applicable to that use. Should the planning commission determine the use is not considered by the land use chart, the applicant may petition the city council to amend the zoning title to specify and locate an appropriate zone or zones for the new use.

1 Commissioner suggested change

2+ Commissioners suggested change

Other staff suggested change

19.20.020 Land Use Chart

Nibley City Land Use Chart

Key

P:	Permitted Use
NP:	Not Permitted Use
C:	Conditional use
A:	Agriculture Zone
R-E:	Rural Estate Zone
R-1:	Residential Zone R-1
R-1A:	Residential Zone R-1A

R-2:	Residential Zone R-2
R-2A:	Residential Zone R-2A
R-M:	Mixed Residential Zone
P/S:	Park/School
C:	Commercial Zone
C-N:	Neighborhood Commercial Zone
I:	Industrial Zone

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Residential											
Assisted Living Facility / <u>Nursing Home</u>	<u>NP</u>	<u>NP</u>	NP	NP	NP	NP	<u>CP</u>	NP	C	C	NP
Artisan Shop	C	C	C	C	C	C	C	NP	C	C	C
Bed and Breakfast Inn	C	C	C	C	<u>CNP</u>	<u>CNP</u>	<u>CP</u>	NP	C	C	NP
Building moved from another site	€	€	€	€	€	€	€	€	€	€	€

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Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Residential/Commercial Mixed Use ⁶	C	C	C	C	C	C	C	NP	C	C	C
Group Living Facility ¹	C	C	C	C	C	C	C	NP	NPC	NPC	NP
Home Occupation	C	C	C	C	C	C	C	NP	NPC	NPC	NPC
Home Office	P	P	P	P	P	P	P	NP	NP	NP	NP
Housing, Short-Term Rental ⁴	P	P	P	P	P	P	P	NP	P	P	PNP
Housing, Single-Family	P	P	P	P	P	P	P	NP	NPG	NPG	NPG
Housing, Multi-Family	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP
Housing, Two-Family ⁵	P	P	P	P	P	P	P	NP	ENP	ENP	ENP
Nursing Home	E	E	E	E	E	E	E	NP	E	E	NP
Temporary Office/Model Home	PG	PG	PG	PG	PG	PG	PG	NP	C	C	C
Accessory Dwelling Unit ³	P	P	P	P	P	P	P	PNP	P	P	NPP
Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I

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Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Agricultural/Animal											
Ag Implement Sales and Service	C	NP	NP	NP	NP	NP	NP	NP	C	NP	C
Agricultural Production	P	P	P	P	P	P	P	P	C	C	C
Animal Crematorium	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	C
Arboretum/Nature Center	C	C	C	C	C	C	C	C	C	C	C
Farmers' Market	C	C	C	NP	NP	NP	C	C	C	C	C
Floral Shop	C	C	C	C	NP	NP	P	NP	P	P	P
Garden Center/Nursery	C	C	NP	NP	NP	NP	C	NP	C	P	C
Pet Services	NP	NP	NP	NP	NP	NP	NP	NP	C	C	C
Veterinary Clinic, Large Animal	P	NP	NP	NP	NP	NP	C	NP	C	NP	C
Veterinary Clinic, Small Animal	P	NP	NP	NP	NP	NP	C	NP	C	C	C
Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I

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Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Public, Institutional, and Civic Uses											
Bus/Transit Terminal	NP	NP	NP	NP	NP	NP	R-M	P	C	C	C
Cemetery	C	C	C	C	C	C	C	P	NP	NP	NP
Church/Places of Worship	C	C	C	C	C	C	C	C	C	C	C
Club/Service Organization/Lodge	NP	NP	NP	NP	NP	NP	C	C	C	NP	C
College/University	C	NP	NP	NP	NP	NP	C	P	C	NP	C
Government Services	P	NP	NP	NP	NP	NP	P	P	P	NP	P
Hospital	NP	NP	NP	NP	NP	NP	C	NP	C	NP	C
Public Park	P	P	P	P	P	P	P	P	P	P	P
Private Park	P	P	P	P	P	P	P	P	P	P	P
Utility Substation	C	C	C	C	C	C	C	C	C	C	C
School	C	C	C	C	C	C	C	P	P	C	P

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Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Commercial											
Auditorium	NP	NP	NP	NP	NP	NP	C	P	C	C	C
Bail Bonds/Pawnbroker	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	C
Bakery	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Banks/Financial Institutions	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Beauty Salon/Spa	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Business Equipment Sales and Service	NP	NP	NP	NP	NP	NP	C	NP	C	C	C
Car Wash	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P
Catering/Commercial Kitchen		P	P	P	P	P	P	NP	C	C	C
Check Cashing/Credit Services	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	C
Construction Sales and Service	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	C

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Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Daycare/Preschool, Commercial	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Funeral Home	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Gasoline Service Station	NP	NP	NP	NP	NP	NP	C	NP	P	P	P
Gasoline, Wholesale	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Hotel/Motel	NP	NP	NP	NP	NP	NP	C	NP	C	C	C
Laundry Service	NP	NP	NP	NP	NP	NP	C	NP	C	C	C
Liquor Store	NP	NP	NP	NP	NP	NP	C	NP	C	NP	C
Low Power Radio Service/Cell Tower	NP	NP	NP	NP	NP	NP	C	NP	C	NP	C
Medical/Dental Offices and Clinic	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Medical Sales and Service	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Personal Instruction Services	C	C	C	C	C	C	C	C	C	C	C
Motor Vehicle Sales and Service	NP	NP	NP	NP	NP	NP	NP	NP	C	C	C
Office, Corporate	C	NP	NP	NP	NP	NP	C	NP	C	C	C

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Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Temporary Vendor/Food Trucks	C	NP	NP	NP	NP	NP	P	C	P	P	P
Daily Meal Preparation & Assembly	NP	NP	NP	NP	NP	NP	P	NP	P	P	P
Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Industrial											
Junk/Salvage Yard	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Manufacturing, Heavy	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Manufacturing, Industrial	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Manufacturing, Light	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Mineral Extraction	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Pest Control	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Recycling Collection Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Sign Shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Sports Facilities	NP	NP	NP	NP	NP	NP	C	C	C	NP	C

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Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Storage Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Warehousing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Warehousing, Residential Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Welding/Machine Shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C

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Notes

1. Group living facilities are governed by NCC 19.42
2. Any land use not listed is not permitted
3. Accessory dwelling units are governed by NCC 19.24.250
4. Short-term rental housing is governed by NCC 19.24.260
5. For Two-family housing, one of the units shall be owner-occupied, except for bona fide temporary absences
6. Residential/Commercial Mixed-Use is limited to residential and commercial uses allowed for each zone. Any mix of commercial and residential uses on a single lot shall be located within the same building.