

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Monday, November 22, 2010.

The following actions were made during the meeting:

Commissioner Green motioned to approve the change from a patio building to an avenue building on the Spring Creek Crossing Phase 1 plat. Commissioner Bliesner seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Bliesner, and Commissioner Anderson all in favor.

Commissioner Bliesner motioned to recommend approval of the rezone from agriculture to R-2 at approximately 2600 S. 1200 W. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bliesner, Commissioner Bliesner, and Commissioner Anderson all in favor.

Commissioner Bliesner motioned to recommend approval of the preliminary plat of Maple View Subdivision at 2600 S. 1200 W. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bliesner, Commissioner Green, and Commissioner Anderson all in favor.

Acting Chair Commissioner Wayne Anderson called the Monday, November 22, 2010 Nibley City Planning Commission meeting to order at 7:16 p.m. Those in attendance included Commissioner Wayne Anderson, Commissioner Bill Green, and Commissioner Aaron Bliesner. Shari Phippen, the City Planner, was also present. Commissioner Cook and Commissioner Heidt were excused from the meeting.

Approval of 10-27-10 meeting minutes and agenda.

Commissioner Bliesner made a motion to approve the 10-27-10 minutes and the evening's agenda. Commissioner Green seconded the motion. The motion passed unanimously.

7:15—Public Hearing—A public hearing to receive comment on a request for a plat amendment to the Spring Creek Crossing Phase 1 plat.

Ms. Phippen said with a town home plat they put the locations of the buildings on the plat. Buildings 17 and 18 are currently patio building and the proponent wants to change them to avenue buildings. The avenue building is a little bit shorter from front to back; it is just changing the type of building that is recorded on the plat. It is not changing the density or the boundaries of the project. Ms. Phippen said she had no problems with the requested changed. Commissioner Anderson said essentially they were losing 2 ft. in the back and about 10 inches in width.

Jason Christensen, the developer, was present at the meeting.

Commissioner Anderson opened the public hearing at 7:20.

Seeing no comments, Commissioner Anderson closed the public hearing at 7:20.

Discussion and consideration of a plat amendment to the Spring Creek Crossing Phase 1 plat. (Applicant: Jason Christensen/Immaculate Construction).

Commissioner Green made a motion to approve the change from a patio building to an avenue building on the Spring Creek Crossing Phase 1 plat. Commissioner Bliesner seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Bliesner, and Commissioner Anderson all in favor.

Discussion/Workshop

Ms. Phippen said the city Christmas party was December 2nd and reminded the Commissioners to R.S.V.P.

Ms. Phippen noted that if the Commissioners wanted to look at the construction bid documents for the new city hall they were at the city offices. She thought it would be a really nice building.

7:30—Public Hearing—A public hearing to receive comment on a request to rezone 35 acres of property located at 2600 S. 1200 W. in Nibley from Agricultural to Residential R-2.

Kim Katwyler with Neighborhood Non-Profit Housing Corporation and Danny McFarland were present at the meeting.

Ms. Phippen said this was the second attempt at rezoning this property. Originally they attempted to re-zone to R-2A when they were going to do a planned unit development on the property. The proponent then went to City Council and came out with a concept approval for a conservation subdivision based on R-2 zoning. Ms. Phippen said in line with the powers giving to them on the conservation subdivision ordinance, the City Council gave NNHC a waiver on the average lot size, minimum lot size, and frontage requirements. Today the city got the preliminary open space maintenance plan. Ms. Phippen said looking at the amount of open space set aside she recommended they recommend this to City Council as an R-2 zone and recommend the preliminary conservation subdivision plat. The number of lots is consistent with what would be allowed with the percentage of open space and density bonus.

Commissioner Anderson opened the public hearing at 7:33.

Chelsea Tuddenham of 2885 S. 1080 W. asked what the percentage of low income housing in this program was in Nibley and the percentage of low income housing in this program west of Weathersfield. She also wanted to know why there was such a push to have this done before January. Commissioner Bliesner said there was not a push by the city to have this done.

Kim Datwyler said she could not give those types of numbers. Commissioner Bliesner said the likely hood this would be rezoned at R-2 is highly probable in any scenario. That

is completely up to the developer. Commissioner Bliesner said they were not especially data driven in that area; they have a general plan which gives them a framework and tells them what they are allowed to do. They also have zoning guidelines. They can grant this to anybody; this just happens to be a subsidized program. It could just as easily be Senior Living or anything like that.

Tony Tuddenham asked what a conservation subdivision was. Commissioner Bliesner explained the conservation subdivision.

Ms. Phippen said there were approximately 1500 households in Nibley and less than 10% of that was Neighborhood Non-Profit. Mrs. Tuddenham wanted to know the percentage of these houses west of Weathersfield. She was concerned about what these houses would do to that area and to Nibley City. Commissioner Anderson said from his time here that this developer has been the best developer for the city to work with; they have the best looking development when they are done. Mr. Tuddenham said the people coming into these non-profit homes are already on government assistance and then they are given expenses like a lawn mower and a water bill to keep a yard green and a home to heat and some of these people should be in apartments, not houses; they are not homeowner type people. Mrs. Datwyler said these people are not on government assistance.

Mr. Tuddenham asked if they could include any other house plans or floor plans so they did not all look the same. Kim Datwyler said they had two new plans coming in.

Commissioner Bliesner said he did not feel if whether someone was subsidized was relevant to their purpose here; they cannot discriminate based on socioeconomic issue. If their application for whatever they were coming in to build fit in their ordinance then it was illegal to say no. He said he hears what they were saying and he has heard a lot worse. He said Planning & Zoning Commission did not have the GIS data that would give them those percentages. They would have to get the data and do the number crunching themselves. Mrs. Tuddenham also wanted to know the number of building lots that had gone to these homes. Mrs. Tuddenham wanted to know how these homes would stay beautiful. Commissioner Bliesner said that would be up to whatever covenants the developer had drafted and registered with the state to be overseen by a homeowner's association; he was told they don't do that and the city has no jurisdiction in those affairs. Ms. Phippen said before they can get approval they have to address the open space and how they are going to maintain them. Ms. Phippen said the city and the developer have to come up with a mutually acceptable maintenance plan otherwise there will not be approval but that is just for the open space. Mrs. Datwyler had been given letters before about weed problems on those properties. Kim Datwyler said for this subdivision they had come up with a master tree plan and they have come up with a couple of plans that the participants can choose from for their park strips that are water conservative. Mrs. Datwyler said they intended to do strict CCNRs and not a homeowner's association. Commissioner Bliesner said it is good if they are being followed with the honor system but that is often not the case.

Mr. Tuddenham said it seemed all agricultural space was going and it would be nice to see more farm land. He said Nibley is full of great farm land; some of the best in the valley.

Commissioner Anderson closed the public hearing at 7:56.

Discussion and consideration of a request to rezone 35 acres of property located at approximately 2600 S. 1200 W. in Nibley (Applicant: Kim Datwyler/NNHC).

Commissioner Green asked if this fell under R-2 in the master plan. Ms. Phippen said it did.

Commissioner Bliesner made a motion to recommend approval of the rezone from agriculture to R-2 at approximately 2600 S. 1200 W. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bliesner, Commissioner Bliesner, and Commissioner Anderson all in favor.

Preliminary Plat Approval

Maple View Subdivision—request for preliminary plat approval for an 86-lot conservation subdivision located at 2600 S. 1200 W. (Applicant: Kim Datwyler/NNHC)

Ms. Phippen said there were some issues with the storm drain and on the engineers review there was a radius on a road that needed to be wider. Ms. Phippen said with the waivers they were granted by City Council it met what was required for preliminary approval. Commissioner Bliesner questioned a trail access that fed into an existing private property and whether they had a right-of-way. Ms. Phippen and the developers discussed that. Commissioner Anderson said they made the church dedicate their piece for the trail and he remembered the same requirement at Sunset Parks. Ms. Phippen found the final plat for Sunset Parks and noted that on the final plat there is a 20 ft. public trail easement that had been dedicated to Nibley City. Commissioner Bliesner asked if there was a frontage issue with the conservancy lot with the access road; he said the ordinance did not allow that kind of lot; he thought the ordinance was poorly written in that regard. Ms. Phippen said the City Council did waive the frontage requirements.

Addressing Mrs. Datwyler, Commissioner Bliesner asked about lot number 23 and said they have had a number of problems in their subdivisions with fences that had been built incorrectly under their supervision. Mrs. Datwyler said that had been corrected for future building. Commissioner Bliesner said he thought the ordinance was goofy and those fences should be allowed; but having said that they needed to follow the ordinance. Mrs. Datwyler said they could tell the participants that they cannot have the money for their fence unless they come in and get a fence permit from the city. Commissioner Bliesner and Ms. Phippen said they would appreciate their help with that.

Commissioner Bliesner said he liked that the open space was on the public side and he liked that they had allowed some latitude with the fencing. Commissioner Bliesner asked

if they intended to maintain some truck access to the community garden so participants could take out their pumpkins or bring in compost.

Commissioner Bliesner made a motion to recommend approval of the preliminary plat of Maple View Subdivision at 2600 S. 1200 W. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bliesner, Commissioner Green, and Commissioner Anderson all in favor.

There was general consent to adjourn at 8:36 p.m.