

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Wednesday, June 22, 2016.

The following actions were made during the meeting:

Commissioner Green motioned to approve the conditional use permit and business license for Stepping Stones Preschool located at 752 Clear Creek Rd.; applicant, Jennifer Weeks. Commissioner Albrect seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Albrect, and Commissioner Swenson all in favor.

Commissioner Green motioned to recommend the preliminary plat of Summerfield Place, a 29-lot subdivision located at approximately 2700 South 1000 West to City Council; and encourage the City Council to allowed the developer acquire an approximately 24,000 square feet piece of property on the south-west corner from Nibley City. Commissioner Albrect seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Albrect, and Commissioner Swenson all in favor.

Planning and Zoning Commission Co-Chair Brett Swenson called the Wednesday, June 22, 2016 Planning and Zoning Commission meeting to order at 5:32. Those in attendance included Commissioner Bret Swenson, Commissioner Carol Albrect, and Commissioner Bill Green. Ms. Shari Phippen, Nibley City Planner, was also present.

Approval of 6-8-16 meeting minutes and the evening's agenda

General consent was given for the evening's agenda.

General consent was given for the previous meeting's minutes.

Conditional Use Permit/ Business License

Stepping Stones Preschool—discussion and consideration of a conditional use permit and business license for a home occupation (preschool) located at 752 Clear Creek Rd. (Applicant: Jennifer Weeks)

The applicant was not present at the meeting.

Ms. Phippen showed the Planning and Zoning Commission the applicant's residence on Google Maps.

Ms. Phippen said that the applicant had indicated that she would like to have 10 children in each class. However, Ms. Phippen said she had talked to the applicant and had let her know that she wasn't allowed to have more than 8 kids in each class per Nibley City ordinance. Ms. Phippen said the applicant had agreed to keep the number of students to eight (8). Ms. Phippen said the applicant's class schedule would be two days a week from 9:30 a.m. to 11:30 a.m.

Ms. Phippen said the applicant's yard wasn't currently fenced but this was not required by Nibley City ordinance. Ms. Phippen said this application met the requirements for a home occupation because the applicant would have no outside employees. Ms. Phippen said the applicant had also stated that she wanted to have a sign. The applicant was permitted by ordinance to have a nameplate sign that was attached to the home. Ms. Phippen said she Phippen said the business met the requirements to be classified and approved as a home occupation and she had no suggested conditions.

Commissioner Albrect discussed requiring a fenced yard and shared her history with a number of children of this age.

Commissioner Green made a motion to approve the conditional use permit and business license for Stepping Stones Preschool located at 752 Clear Creek Rd.; applicant, Jennifer Weeks. Commissioner Albrect seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Albrect, and Commissioner Swenson all in favor.

Preliminary Plat

Discussion and consideration of a preliminary plat for Summerfield Place, a 29-lot subdivision located at approximately 2700 South 1000 West (Applicant: Kelly Loosle)

The developer, Kelly Loosle and project engineer, Steve Earl were present at the meeting.

Ms. Phippen said this plat had been resubmitted with a pedestrian right-of-way connecting to 10 West. Ms. Phippen said the property was zoned R-2A. Ms. Phippen reviewed the requirements of a subdivision in an R-2A zone. Ms. Phippen said all lots met the requirements of a subdivision in the R-2A zone. Ms. Phippen described the phasing of the subdivision. Ms. Phippen discussed the engineering standards for the length of a cul-de-sac and said the development came in under the engineering standards. Ms. Phippen said the Sunrise Meadows detention ponds would handle the subdivision's storm water. Ms. Phippen said the plat had the required pedestrian right-of-way as was discussed. Ms. Phippen said in order for the developer to retain the required minimum lot size and retain the same amount of lots as was proposed, he was proposing purchasing 24,000 square foot piece of land from the city. The square footage of the pedestrian right-of-way was just under 5,000 sq. ft so there was no loss of open space to the city. Ms. Phippen said she had talked to Nibley City staff and they supported this action and recommended the City Council support this action as well. Ms. Phippen said the plat met all the necessary conditions to be recommended to the City Council. She said she recommended the subdivision be connected to 1100 West as an added bonus to the city but said it wasn't required by ordinance.

Commissioner Swenson asked who was required to maintain the pedestrian right-of-way. Ms. Phippen said this would be dedicated to Nibley City and Nibley City was required to maintain it.

Commissioner Green made a motion to recommend the preliminary plat of Summerfield Place, a 29-lot subdivision located at approximately 2700 South 1000 West to City Council; and encourage the City Council to allowed the developer acquire an approximately 24,000 square feet piece of property on the south-west corner from Nibley City. Commissioner Albrect seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Albrect, and Commissioner Swenson all in favor.

Commissioner Albrect said she would like to look at requiring a fence when considering a conditional use permit for a preschool. She said she would like to see that requirement in ordinance.

Workshop

Discussion regarding an update to Nibley City Code 10-18: Conservation Residential Subdivisions

Ms. Phippen said the ordinance was still going in the direction of having the conservation subdivision be optional in some zones and required in some zones. Ms. Phippen described that she felt that for the conservation subdivision to be realistic they needed to have at least 5 acres so the ordinance proposed a minimum project size of 5 acres. Ms. Phippen described why she had taken out the minimum average lot size in the calculations for the development incentive charts. She said they already had the open space and didn't feel that having a minimum lot size was necessary. Ms. Phippen described a few corrections that had been made in ordinance calculations. Ms. Phippen described the density provisions she had included for mixed use developments with attached housing and said she felt this "muddled" the ordinance. She suggested that because it will involve mixing housing types, she would encourage the Commission to adopt a regulation that requires a project involving townhomes to be developed as a planned unit development, which should be a standalone ordinance.

Ms. Phippen read wording she had included in the ordinance

"A. Conservation residential subdivisions in the R-1a, R-2 and R-2a zones in excess of twenty-five (25) acres may develop as a Planned Unit Development and include up to fifty percent (50%) of the property as single-family attached (townhome) housing, subject to the standards outlined in the Nibley City ordinance regulating Planned Unit Developments."

Ms. Phippen said she felt the ordinance was ready for a public hearing and asked the Planning and Zoning Commission for direction.

Commissioner Swenson asked if the city could include how the open space needed to be developed? Ms. Phippen described additional provisions the developer could receive if certain amenities were developed. Ms. Phippen said the developer had to present a maintenance plan as part of the subdivision application. She said there was some flexibility in what could be asked for in the development's open space. Commissioner Swenson was worried that they could get into legal trouble picking and choosing which land the city would take over. Commissioner Albrect asked about doing something about maintaining open spaces so that they didn't become a home for rodents and weeds. Ms. Phippen described that this was why the city required a maintenance plan and described how Nibley City's nuisance ordinance was already in place. She said something active needed to be done in any open space. It could be left an open field. Ms. Phippen explained to Commissioner Green that the calculations under the ordinance only took developable land in to consideration. Ms. Phippen and Commissioner Green debated what should be considered for use as open space. Commissioner Green stated that he was also concerned about traffic and having more cars on the roads. Ms. Phippen said when plans came in to the city, the city engineer looked at the roads and cross-sections to ensure they could handle the traffic capacity. She said Nibley designed roads to handle a lot of cars. Ms. Phippen described the purpose of Nibley's Master Road plan. Commissioner Green described townhomes in Layton and all of the asphalt that surrounds them. Commissioner Swenson asked for direction in finding another ordinance that was similar to Nibley's proposed conservation subdivision ordinance. Ms. Phippen said the ordinance was modeled after Farmington City's ordinance. Commissioner Green asked for clarification on "10-18-16 Ownership of Conservation Lands". He asked if the open space would be restricted from development. He asked if it was set in stone. Ms. Phippen said it was but described how any action could be un-done; perhaps by another City Council. Commissioner Swenson reiterated that Ms. Phippen was planning for a public hearing at the July 13 Planning and Zoning Commission meeting. Commissioner Albrect described how she had come to understand that they couldn't stop development but it was the Planning and Zoning Commission job to protect the public the best way they could. She asked if the City had the control to require a development put open space adjacent to another open space. Ms. Phippen said they could encourage and incentivize it. She read from section 10-18-11 C. Design Standards:

"Conservation Land Coordination. Conservation land shall be coordinated and located so as to maximize the continued use of the space. In order to create larger areas of conservation land and to combine open space from a variety of developments, conservation land shall be coordinated either with existing adjacent conservation land or with planned future conservation land. If no adjacent parcels of land are planned for development, conservation land shall be planned to provide the greatest likelihood of adjoining future developments' conservation land."

She said there was a lot of room to work with the developer. Commissioner Green said he didn't like that the conservation subdivision ordinance was mandatory.

Commissioner Albrect told Commissioner Green that “90% of accidents are human error.”

There was general consent to adjourn the meeting at 7:01 p.m.

Attest: _____
Deputy City Recorder