



21 East 100 North
Nephi, UT 84648
(435)623-0822

Nephi City Planning Commission Meeting Minutes December 10, 2025

Attendance:

Staff: Seth Atkinson, City Administrator; Shauna Talbot, City Planner; Alexandria Painter, scribe.

Commissioners: Chairman Cory Thomson, Commissioners: Heather Robertson, Fran Petersen, Jim Nelson.

City Council Representative: Shari Cowan

Excused: Commissioner Meadow Perides.

Scribe: Alexandria Painter

Public: Donald W. Ball, Jakoby Kelley, Izzy Fleenor, Jeremy Garlick, Malynn Garlick, Bard Mace, Mathis Sperry, Jill Mace, Larry Mace, Tony Kelley, Cassie Kelley, Richard White, Brayden White, Christian Sanders, Alexis Messersmith.

1. Welcome to the Planning Commission Meeting - Introduction of Commissioners

- a. **Prayer:** Seth Atkinson, City Administrator
- b. **Pledge:** Chairman Cory Thomson
- c. **Time:** 7:00 p.m.

2. Public Hearing - Accept public comment on a request for an impact home occupation permit from Alexis Messersmith, DBA *Rockin' A Nails* to operate a business for nail technician services at her parent's home located at 562 N 600 E.

a. Staff Presentation

Mrs. Shauna Talbot presented to the commission that it is an impact home occupation request, there will be an additional car but one client at a time will come and they have parking that is available. The homeowner has given permission for the use. Staff recommend that this home occupation be approved.

b. Public Hearing

TIME: 7:01 p.m.

No comment was given by the public.

CLOSED TIME: 7:03 p.m.

c. Commission Discussion

No comment was given by the commission.

d. Motion

- a. Motion:** Commissioner Fran Petersen motioned to approve the occupation request.
- b. Second:** Commissioner Heather Robertson seconded the motion.
- c. Outcome:** Unanimously Passed
- d. Time:** 7:04 p.m.

3. Public Hearing - Accept public comment on a zone change request for property located at approximately 155 W 200 N, parcel number: XA00-0394-122 from the CC (Central Commercial) zone to the CU2 (Combined Use 2) zone. The parcel contains approximately .34 acres and is currently owned by Kristine White, represented by Richard White.

a. Staff Presentation

Mrs. Shauna Talbot presented that Mr. Richard White has come to the planning department about the empty lot located located at 155 West 200 North, between the trailer court, a four-plex and single-family homes. This area is uniquely zoned; it is shown as Central Commercial zone on the current city zoning map. The current zoning currently allows for a six-story business, which is uniquely zoned for the city. At the request of the owners and represented by Mr. Richard White, they have requested that a rezone be done.

The staff is recommending that it be downzoned, and that it fit the area that it currently is in. Central Commercial doesn't allow for housing currently; and at the request of the owner, they would like to possibly build a duplex on the lot. One of the reason the staff is recommending the rezone is that the lot is too small with a small frontage and is located in an area that is not appropriate for a Central Commercial zone.

Mrs. Shauna Talbot covered the CU-2 and what their uses are. The CU-2 will allow for many things, but there are criteria that must be met. Businesses would be limited because of the parking, building height is limited to three (3) stories, as opposed to what is currently allowed of six (6) stories. Mr. Seth Atkinson also brought forward to the commission that this area needs rezoning, due to local issues and current use.

b. Public Hearing

TIME: 7:04 p.m.

Mr. Donald Ball asked how long the trailer court had been there? Mrs. Cassie Kelley stated she played in that area and it was at least 50 years. Mrs. Jill Mace stated that it was a KOA area before that.

Mrs. Jill Mace, 141 west 200 north this area was a KOA when they built there home in 1978. When that was sold none of the neighbors were notified it would be a permanent trailer park after the KOA sold out. It has been trash since, and then a few single families purchased land and built homes. How long do they have to be there to be grandfathered in? One of the concerns is that they have had to bring in load and load of dirt to bring it up to street level, this property will

have to do the same or it will go into the neighbor to the west. Mrs. Shauna Talbot there is a city ordinance that it has to be built up to the crown of the road.

Mrs. Jill Mace it is not wide enough to do a two home dwelling, and how are they going to do the parking? They have to have 30' front and back or side to side. They won't be able to park.

Richard White, he thought code was 8' on both sides.?

Mrs. Jill Mace wondered how they proposed how they were going to do the two-home dwelling? How would they be facing? You need to be honest in how you are going to be doing this housing.

Mr. Christian Sanders, he lives across the street and to the west. There is a concern from the neighbors and Kelley's of the CU-1, there are already single-family homes. Allowing the CU-2 doesn't make sense because it doesn't fit the area. It is an improvement, our concern is that a business could still come in and build a storage unit. The neighbors would like it zoned R-1. The lot next door is zoned R-1. It doesn't make sense.

Chairman Cory Thomson went over what the owner wants, and what the planning commission can do legally. The property owner has requested that it be changed to a CU-2, and the commission's hands are tied to that. According to the code they can build whatever they want as long as it fits the zoning requirements.

Commissioner Fran Peterson if the property owners came in and requested a R-1 zone we could do that, but they haven't. We can say "We think this would be better for your" but that would be their choice. The commission can only say yea, or nay.

_____ this is the entire neighborhood and what do you want to see happen? Would we rather see a small business there, or potentially three stories looking into your backyard. There isn't parking for a six story, it won't happen with the space that is there.

Mr. Larry Mace, I would personally like to see residential continue in there. He covered the residential building, and why people like to build in the old neighborhoods because they are quieter. For 35 years, the neighborhood has taken care of that lot. The residents got notice on Monday, and now the hearing is on Wednesday and as a result some of the neighborhood isn't here. Without knowing what will go there, it's not a good deal.

Chairman Cory Thomson asked Mrs. Shauna Talbot to pull up the CC, CU-1 and the uses. Mrs. Shauna Talbot pulled up the descriptions and covered their uses.

Christian Sanders, asked about the master plan for zoning. He was wondering about future revisions and what happens to properties when they do not agree to the zoning that is occurring.

Commissioner Fran Peterson said it shows that the neighborhood is invested, and the commission knows how they all feel about a rezoning of the neighborhood. This will be what can happen if we do not rezone.

Mrs. Shauna Talbot pulled up the document for CC Zoning. Commissioner Fran Petersen asked that this is what it is currently zoned at? Mrs. Shauna Talbot stated that yes it is the area. Currently this area can entertain: Advertising, Antique Store, Bakery, Book Store, Bar, Catering, Counseling Center, Craft Store, Daycare, Drycleaning; Apartments if it is vertically staked and a business below. This is the most intensive Commercial Zoning.

Mr. Barton Mace asked about the parking is still the issue. There isn't enough parking there. Mrs. Shauna Talbot responded that it would be dependent on the business. This lot is about the same size as the new Dominos in Nephi.

Mr. Barton Mace asked about changing the zoning, what does that do to the property values? And will they take a hit tonight if you change it? Mrs. Shauna Talbot responded that the highest and best use and will guide property values. Staff believe that CU-2 is a better fit, and it encourages residential is what the city would like to see there.

Larry Mace we are just talking about that lot only. Mrs. Shauna Talbot responded that it was correct.

Christian Sanders asked if the Mace's wanted it to be zoned R-1? What would that look like from the planning commission standpoint if you have conflicting zoning areas right next to each other. Mrs. Shauna Talbot stated that the city tries not to spot zone.

Chairman Cory Thomson asked about the CC zone and the setbacks? Commissioner Fran Peterson stated that commercial actually has smaller setbacks. Mrs. Shauna Talbot stated that it is 10 feet on the side, 20 feet if you are on a corner lot, and the building potentially be on the very property depending on the average setbacks of other buildings on the street. Rear yard setback is 26 feet. On CU-2 the setbacks for multifamily, side yard 10 feet, and would be 30 feet. Commercial is similar.

Mr. Richard White asked Mrs. Shauna Talbot to look at the map, and see when the the west property got zoned to R1-8. The owner built a home, and it was Kelly the builder changed it. Mrs. Shauna Talbot responded that it would require going back into the vault for research. Mr. Seth Atkinson stated that it hasn't changed in at least a decade.

Mr. Richard White stated that he doesn't want to destroy the neighborhood, but it was purchased for investment and to build something useful. Mr. Barton Mace stated when he bought the lot he knew what it was, and it was against the wishes of the neighborhood. Mrs. Shauna Talbot stated that everyone had the opportunity to purchase the lot.

Mr. Barton Mace stated to the commission that it seems the city is really selling this to the neighborhood. Mrs. Shauna Talbot stated that a request has been made, and the city is just following the law.

Commissioner Heather Robertson stated that if the duplex is built that is two more families to love, and Mr. Christian Sanders asked but what kind of neighbors though?

Mr. Larry Mace would like to know what is going to be built there, that is like putting the horse before the cart. What are they planning on building? Chairman Cory Thomson stated that a business could be built there now.

Mr. Christian Sanders stated that it is what it is, the owners would like to see a petition that the decision be denied. Mrs. Shauna Talbot stated it can be rezoned if they choose to do so, and they are the governing body that can take the concerns. I feel the Central is not the right fit in this area, and because there is only one application from one property owner that is all the commission can look at.

Barton Mace stated that they would like to know and why they aren't showing plans for this site, will it face north and south? Or East and West? That makes a big difference. Mrs. Shauna Talbot responded that this is not the phase in which this is presented and considered.

Mr. Christian Sanders find it completely as a strange when the city concept was done and this area wasn't pinpointed for change. Chairman Thomson responded in that wasn't a redo.

Mrs. Jill Mace is it already has all the zoning going on in this area, can't you say on this strip that it is a single dwelling area? Mrs. Shauna Talbot stated that yes the city does have the right to rezone to an R1-8 single-family zone, but the application made was to request for the CU2 zone, so that is what is being considered. Mrs. Mace asked how that can be done for the recommendation?

Mrs. Shauna Talbot we have an application in front of us for the property in question, you have the right to request that. We are trying to find a happy medium and don't take rights from somebody.

Mr. Donald Ball stated that the public has the right to come before the city council, and directed the neighbors to do that. Mrs. Shauna Talbot stated that you can reach out to the city council and they are great people.

Mr. Barton Mace, with the notices they came out on Monday, but the meeting planned is Wednesday. For something like this they should be able to raise concerns and is ridiculous. Mrs. Shauna Talbot noted it.

Mrs. Shauna Talbot received a letter from Staphanie Black, she lives across the street. The letter was read to the commission stating her concerns.

Mrs. Cassie Kelly, my son is the one that is building across the street. When the dirt was dug from that house, the person that owned that property was in South Carolina. It was bought as an investment, if tonight that being changed to a lower zoning that is what we would rather be done—rather than keep it straight commercial.

Commissioner Fran Petersen stated it spoke a lot to the fact that the neighborhood coming and voicing concern. We have heard your concerns. We know you will get a lot of people coming in for investment properties. People have a right to use their property however they see fit if it follows the zoning laws.

Mrs. Shauna Talbot stated that there is a great need for apartments, as much as we don't love having multi-family in the community. There are families that live here that aren't affordable. It is not out of character with your block. With the CU-2, we are hoping that it will get another property to think about a different format than it is right now.

Commissioner Heather Robertson, duplex renters it would be working professionals because it takes working professionals to rent.

Mrs. Shauna Talbot I couldn't afford to buy my house again, due to the market. Younger kids are looking for a safe place to rent. Zoning is for a place for everything and everything in their place. I would like to see your entire block more residential. But if they want to do a small business, that allows them. People can't afford to build a brick-and-mortar store, but it allows them to have a small business. This is a unique zone, where they are close to the arterial. Maybe it is not this lot, but the entire block.

Mr. Barton Mace, asked when it comes to planning residential is there an area for multi-family? Mrs. Shauna Talbot responded there are several areas where we allow that, R-3 zones are most intensive right now. CU-2, R2-8, there are a lot of zones that allow for multi-family. The state is ready to preempt us, if they don't start allowing multi-family housing, they will force it. We are trying to find appropriate places, and zone accordingly to comply.

Ms. Alexis Messersmith, as an outside looking in, I don't see why a duplex would be a big deal. I can't live in Nephi because it is too expensive, to me a duplex seems like a pretty good idea. There is worse out there.

Mrs. Jill Mace stated that the neighborhood has dealt with enough, the trailer park they have upgraded from trash to barely livable, and now there is the four-plex. How many other things should this neighborhood take?

Chairman Cory Thomson stated that this isn't a building permit stage, and they are asking for a rezone. The only thing that the Planning Commission can do is recommend a change to the city council.

Commissioner Fran Petersen asked the newest home builder if they asked for permission from the neighborhood to build what they did? The commission has laws that are set, and property owners have rights to make decisions for themselves. Right now the zone that property is now, is the rights that they have. We don't get public opinion and if the build within the rules we don't have a say. The only thing we have been asked is to rezone, the only thing currently they can build is a business with apartments on top.

Chairman Cory Thomson stated that the city council has the final say. If it passes then it must go to the city council.

Commissioner Fran Petersen stated that they are not required to show at this phase. Mr. Barton Mace stated that it isn't a big deal to ask that they turn it a certain direction. Mrs. Shauna Talbot stated that cities are prohibited from design standards for a city when it comes to single family and two-family dwellings.

Mr. Barton Mace asked how HOA's can do that and this commission can't? Mrs. Shauna Talbot stated that the state has prohibited design standards, but HOA's you are opting into and they are a different governing body and under different laws.

Mr. Tony Kelly lives around the corner, the lesser of two evils is that this be changed to the proposed zoning. If we change and agree to it and puts a duplex. He can put that on and build it 100' long and meet the standards. Rather than a hotel, or a business the neighborhood doesn't want.

Christian I would agree with the Kellys.

Mr. Barton Mace asked about how many units they could put more on it. Mrs. Shauna Talbot stated that because of the property acreage it is two.

Chairman Cory Thomson called for any additional comment, and none was made.

CLOSED TIME: 8:18 p.m.

c. Commission Discussion

Commissioner Heather Robertson asked why it was zoned that way originally? Mrs. Shauna Talbot said that research was done, but conjecture is that it was to assist regrowth in that area. Mr. Seth Atkinson also agreed and added that while the staff suspects, if that was done for that reason it didn't work. It is an oddity for the area, and spot zoning isn't always recommended which is why the city would like to expand the use in the area. However, this parcel is the only one under question tonight.

Chairman Cory Thomson asked about the zoning map and had question about the specific area. Mrs. Shauna Talbot responded and gave description for what is currently in the area.

Commissioner Heather Robertson asked if it was the entire area being done tonight. Mr. Seth Atkinson responded that it was only the parcel that has been mentioned.

Commissioner Heather Robertson stated that the commissioners have denied spot zoning before, so she wasn't sure what to think about this incidence. Mrs. Shauna Talbot stated that it is similar to what was done in the past with Joe Humphries' property. We are reluctant to rezone anyone's property without a request, but there is a want to commercial pod there.

Commissioner Heather Robertson stated it felt that it was already discussed and planned for, and there was the conversation about candy striping. Mrs. Shauna Talbot stated that was correct and that the commission has the option of denying the rezone tonight. However, he can build a building with residences on top and a business on bottom tonight.

Commissioner Fran stated that they can build on the front of the property line. Mrs. Shauna Talbot state that it is correct and they would have zero setbacks right now with the current zoning.

Chairman stated that he is concerned about the notification system, and due to that he would like to see this item continued to another commission meeting because of it. Commissioner Heather Robertson stated that the neighbors opinions will not be different is the feeling we are getting.

Commissioner Fran Peterson started that she doesn't get her mail everyday, so that doesn't feel like enough time. Mrs. Shauna Talbot stated that there has been a note of the issue, and it has been discussed before this.

Commissioner Fran Peterson stated that it is weird for three zoning areas, but without the request of others in place, it doesn't seem right.

Commissioner Heather Robertson said this is not a governing body but a recommending one, and it would be to pass it on and she was willing to do that. Mrs. Shauna Talbot stated that if the commission wanted to table it, the city could consider rezoning it to the CU-2

Commissioner Fran Petersen if that is your consideration, why would you put them in a zone that none of them are happy with. Commissioner Heather Robertson stated that the residents would prefer the R-1A. Mrs. Shauna Talbot stated the concern with that is that some of the physical uses do not match that.

Commissioner Heather Robertson if someone sold the trailer court, it could turn into commercial. Commissioner Fran Petersen stated it makes sense for that area to be a commercial use. Maybe the front half of the block could be that CU zoning and the back half to another zone.

Mr. Richard White adjusting the zoning gives him the right to put a home. Mrs. Shauna Talbot clarified that it gives you more residential options.

Commissioner Jim Nelson is not happy about the notice, no one likes it the way it is. It is zoned to be a downtown area. Mr. Barton Mace responded that there is a concern for multi-housing, it is a concern the multiple housing they have domestic violence, drugs. We don't care for it, and it is high turnover. When sold they get run down, and then there is more crime. No one wants it in their neighborhood.

Chairman Cory Thomson notified the attendees they he lives right next to a trailer park, and he bought there knowing it was there.

Mrs. Jill Mace again went over to the history of the neighborhood. They would like to know the neighbors, have some peace, and would like to see some compassion from the officials.

Chairman Cory Thomson would like to see it continued for another month. Lot of comments were that it is the lesser of two evils. The zone needs adjustment.

Commissioner Fran Peterson doesn't think continuation is a good thing. For or against the commission would still have

Commissioner Heather Robertson would like the city council to make the decision and consider the whole picture and the rezoning issue because it would be spot zoning.

Commissioner Fran Peterseon stated that they could sale, the same opinions will be here. If we deny he can do whatever he wants with what is in line with the zoning.

d. Motion

- a. Motion: Commissioner Fran Peterson motions that it be adjusted to the CU-1**
- b. Second: Chairman Cory Thomson seconds.**
- c. Outcome: Unanimously approved.**
- d. Time: 8:36 p.m.**

4. Discussion of added area for the annexation area map.

a. Staff Presentation

Mr. Seth Atkinson presented to the commission there was an area that was changed. Mr. Atkinson pointed to the area that needs addressing. It did belong to the other parcel but was recorded incorrectly. He continued with showing an additional parcel that is also proposed for changing.

Additional engineering was done on the property, and it was noted from engineers it needs assistance with the flood plain. The staff is making the request that this be added. The second parcel is a new request, the companies that are looking out there have good infrastructure in place but now this needs to be addressed. Staff requests that they be changed to a Level 3.

b. Commission Discussion

Chairman Cory Thomson asked if the flood plain was the main issue for change? Mr. Seth Atkinson stated that it was correct.

Chairman Cory Thomson stated that the creek runs through that piece, and that he sees it is an issue with flooding. Mr. Seth Atkinson stated that yes the creek runs on the far end and engineering stated it would need additional buffer for that area.

Commissioner Heather Robertson stated they wondered you just need approval? Mr. Seth Atkinson stated yes that is correct.

c. Motion

- a. Motion: Commissioner Heather Robertson Motions that the Annexation Map be updated with the changes brought forward from staff.**
- b. Second: Commissioner Jim Nelson seconded the motion.**
- c. Outcome: Unanimously passed.**
- d. TIME: 8:42 p.m.**

5. Approval of Minutes

a. Approval of Minutes dated 10/08/2025

- a. Motion: Commissioner Heather Robertson motions that the minutes are approved.**
- b. Second: Commissioner Fran Petersen seconds the motion.**
- c. Outcome: Unanimously approved.**
- d. Time: 8:43**

b. Approval of Minutes dated 11/12/2025

- a. Motion: Chairman Cory Thomson motions that they be approved with the correction of chairman name, Alternate Jim Nelson is not correct, and mark that Commissioner Fran Petersen was not present.**
- b. Second: Commissioner Jim Nelson with the second.**
- c. Outcome: Unanimously approved.**
- d. Time: 8:44**

6. Adjourn

a. Motion

- a. Motion: Commissioner Heather Robertson motions that the meeting be adjourned.**
- b. Second: Commissioner Fran Petersen seconded the motion.**
- c. Outcome: Unanimously approved.**
- d. Time: 8:44 p.m.**