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## PLANNING COMMISSION MINUTES

### Meeting of May 12, 2016

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City Hall Council Chambers \* 290 North 100 West Logan, UT 84321 \* [www.loganutah.org](http://www.loganutah.org)

Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, May 12, 2016. Chairman Davis called the meeting to order at 5:30 p.m.

Planning Commissioners Present: David Butterfield, Amanda Davis, Tony Nielson, Sara Sinclair

Planning Commissioners Excused: Dave Newman, Eduardo Ortiz, Russ Price

Staff Present: Mike DeSimone, Amber Reeder, Paul Taylor, Craig Humphreys, Debbie Zilles

Minutes as written and recorded from the April 28, 2016 meeting were reviewed. Commissioner Butterfield moved that the minutes be approved as submitted. Commissioner Nielson seconded the motion. The motion was unanimously approved.

### **PUBLIC HEARING**

**PC 16-020 Bybee Specialty** [Conditional Use Permit] Dana Bybee/Steve Wimmer, authorized agent/owner, request a Conditional Use Permit for online use vehicle sales with limited inventory onsite at 740 North 50 West #2 in the Commercial (COM) zone; TIN 05-048-0022.

**STAFF:** Ms. Reeder reviewed the request for vehicle sales in the Commercial (COM) zone. Vehicle sales are allowed only within the COM and Commercial Service (CS) zoning districts. The applicant believes this property would be ideal for his business operation because it is web-based and does not require a large property or expansive merchandise display. With a smaller inventory geared toward specialty cars and shown by appointment only, the applicant anticipates minimal impacts. All vehicle inventory will be stored inside the warehouse building (5 stalls). Seven customer and employee parking stalls will be designated in the lot south of the building as per the lease agreement.

The warehouse building consists of three units, approximately 1,400 SF, and a parking/loading area to the south with a total of 19 parking places and some perimeter landscaping. A building sign is proposed for the south facade, but the existing lighting, parking lot, landscaping and overall property is planned to remain as is. Because of the internet marketing and appointment only business model, the impacts for this land use will be minimal and similar to that for which the property was developed.

**PROPONENT:** None

**PUBLIC:** None

**COMMISSION:** None

**MOTION:** Commissioner Nielson moved to **conditionally approve** a Conditional Use Permit as outlined in PC 16-020 with the conditions of approval as listed below. Commissioner Sinclair seconded the motion.

## CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. This permit authorizes vehicle sales at this property for five (5) vehicles placed inside the building or in the designated stalls south of the building.
3. As per LDC 17.38.040, a minimum of 4 parking stalls shall be provided on-site for customers (1 stall per every 400 SF of building).
4. Any new exterior lighting shall be concealed source, down-cast and reviewed and approved prior to the issuance of a building permit and shall comply with current LDC regulations.
5. No signs or fences are approved with this permit. All signs and fences shall be approved and permitted by staff in accordance with the Land Development Code.

## FINDINGS FOR APPROVAL

1. As conditioned, with designated display locations, Bybee Specialty is compatible with surrounding land uses and zoning designations and will not interfere with the use and enjoyment of adjoining properties.
2. As conditioned, the street providing access to the subject property has adequate capacity for the proposed use.
3. Other infrastructure to the subject property has adequate capacity, or suitable levels of service, for the proposed use.

Moved: Commissioner Nielson   Seconded: Commissioner Sinclair   **Passed:** 4-0

Yea: D. Butterfield, A. Davis, T. Nielson, S. Sinclair   Nay:   Abstain:

**PC 16-021 LDC Amendment – 17.57.060 LUAB Standards** [Code Amendment] Logan City request to amend the Land Development Code Chapter 17.57.060 to clarify the standard of review for the Land Use Appeal Board.

**STAFF:** Mr. DeSimone explained that the proposed modification to Section 17.57 of the Land Development Code is required in order to clarify the standard of review for the Land Use Appeal Board and eliminate any ambiguity regarding their role in the appeals review process. The proposed amendment to Section 17.57.060 is as follows:

### **§17.57.060 Standard of Review**

- A. The review by the Land Use Appeal Board of the appeal or request shall be limited to the record of the land use application process resulting in the decision made by the Land Use Appeal Board which is the subject of the appeal or request including written communications, the written land use decision and the written appeal or request.
- B. The Land Use Appeal Board may not accept or consider any evidence outside the record of the Land Use Appeal Board unless that evidence was offered to the Land Use Appeal Board and the Board determines that it was improperly excluded. The Appellant has the burden of proving that the Land Use Appeal Board erred. *The Board shall presume that a Land Use Appeal Board decision is valid and the review of factual matters shall not be based on an arbitrary, capricious, or illegal standard. A Land Use Appeal Board decision interpreting or applying a land use ordinance shall be reviewed for correctness.*
- C. For the granting of variances, the Land Use Appeal Board may grant a variance only as allowed under Utah law.

**PUBLIC:** None

**COMMISSION:** Chairman Davis noted that the term “Land Use Appeal Board” be used consistently throughout the section. Mr. DeSimone agreed.

**MOTION:** Commissioner Sinclair moved to **forward a recommendation for approval** to the Municipal Council for an amendment to the Land Development Code Section 17.57.060 as outlined in PC 16-021 based on the findings listed below. Commissioner Butterfield seconded the motion.

FINDINGS FOR APPROVAL

1. Utah state law authorizes local Planning Commissions to recommend ordinance changes to the legislative body (Municipal Council).
2. The amendment is in conformance with the requirements of Logan Municipal Code Title 17.51.
3. The amendment is minor and clarifies the standard of review for the Land Use Appeal Board.
4. The provision of this amendment is consistent with the overall goals and objectives of the Logan General Plan.
5. No public comment has been received regarding the proposed amendment.

Moved: Commissioner Sinclair Seconded: Commissioner Nielson **Passed:** 4-0  
Yea: D. Butterfield, A. Davis, T. Nielson, S. Sinclair Nay: Abstain:

**WORKSHOP ITEMS for May 26, 2016**

- ✓ PC 16-022 Nelson Farms Rezone
- ✓ PC 16-023 RoseHill Rezone
- ✓ PC 16-024 Jones Park Ave. Subdivision
- ✓ PC 16-025 Burton Rezone

Meeting adjourned at 5:43 p.m.

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Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of May 12, 2016.

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Michael A. DeSimone  
Community Development Director

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Amanda Davis  
Planning Commission Chair

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Russ Holley  
Senior Planner

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Amber Reeder  
Planner II

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Debbie Zilles  
Administrative Assistant