CITY OF LOGAN
ORDINANCE NO. 00-65

AN ORDINANCE AMENDING THE ZONING MAP OF LOGAN CITY, UTAH

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN,
STATE OF UTAH AS FOLLOWS:

SECTION 1: That certain map or maps entitled "Zoning Map of Logan City, Utah" is hereby amended as shown on the map or maps entitled "Amendment #230 to the Zoning Map of Logan City, Utah," and the following property is hereby zoned from an Industrial (IND) zone to a Multi-Family Medium (MFM) zone, as follows:

Tax ID No. 02-036-0009, 0012.

Also identified as Cottonwood Place Subdivision, 2.63 acres at 400-600 West 300 South, owned by Lee and Steve Karen.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS 26th DAY OF

AYES: 

NAYS: 

ABSENT: 

Janice Pearce, Chairman

Lois Price, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 26th day of

Janice Pearce, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby APPROVED this 27th day of

Douglas E. Thompson, Mayor
Memorandum for the Municipal Council workshop of September 6, 2000

PC DOCKET #00-057 A ZONING AMENDMENT FOR COTTONWOOD PLACE SUBDIVISION LOCATED BETWEEN 500 WEST & 600 WEST AND NORTH OF 300 SOUTH; TID# 02-036-0009 AND 0012

REPORT SUMMARY...

Project Name: Cottonwood Place Subdivision
Owner/Proponent: Lee Karren and Steve Karren
Project Address: Situated between 500 West & 600 West and north of 300 South.
Request: Zoning amendment from (MFM) Multi-Family Medium Residential and (IND) Industrial, to (MFM) Multi-Family Medium.
Current Zoning: (MFM) Multi-Family Medium and (IND) Industrial
Proposed Zoning: (MFM) Multi-Family Medium
Staff Recommendation: Approve

PROJECT

Mr. Lee Karren is requesting a zoning amendment of two properties from a “mix” of (MFM) Multi-Family Medium Residential and (IND) Industrial to (MFM) Multi-Family Medium Residential. On August 24, 2000, the Planning Commission conditionally approved an 11 lot subdivision permit for the two properties.

As previously mentioned the two properties (proposed for subdivision) are each a “mix” of two zoning districts. The boundary lines of each property runs west to east (between 600 West and 500 West) and the zoning district boundaries were applied north to south - across the properties' boundaries. The proposed amendment would zone both properties as entirely (MFM) Multi-Family Medium residential.

The Planning Commission moved to approve a recommendation for a zoning amendment to the Municipal Council. (Passed: 5, 0)

ATTACHMENTS

Please find the following attached documents:
1. Staff Report to the Planning Commission;
2. Minutes of the August 24, 2000 Planning Commission meeting; and
3. Preliminary plat for the Cottonwood Place Subdivision.
PC DOCKET #00-057 A SUBDIVISION FOR COTTONWOOD PLACE LOCATED BETWEEN 500 WEST & 600 WEST AND NORTH OF 300 SOUTH; TID# 02-036-0009 AND 0012

REPORT SUMMARY...

**Project Name:** Cottonwood Place Subdivision  
**Owner/Proponent:** Lee Karren and Steve Karren  
**Project Address:** Situated between 500 West & 600 West and north of 300 South.  
**Request:** Subdivision of two properties (total area 2.63 acres or 114,562 ft²) into 11 residential building lots.  
**Current Zoning:** MFM - Multi-Family Medium and IND - Industrial  
**Proposed Zoning:** MFM - Multi-Family Medium  
**Staff Recommendation:** Conditionally Approve

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**PROJECT**

**Subdivision**

The proposal would subdivide a 1.9 acre and 0.72 acre parcels (totaling 2.63 acres or 114,562 ft²) into 11 residential dwelling lots. The proposed lot sizes would permit the construction (depending on the lot) of either a single or duplex residential dwelling unit.

**Setbacks**

In the MFM zoning district the front yard setback is 25 feet, the side yard setback 8 feet (side yard setback for a corner lot is 20 feet), and the rear yard setback 10 feet.

**SITE DESCRIPTION**

**Land use adjoining the subject property**

- **North:** MFM: Single-Family Residential development  
- **East:** MFM: Single-Family Residential development  
- **West:** IND: Industrial development  
- **South:** MFM: Single-Family Residential development

The properties were utilized for 73 years as a petroleum fueling facility. This industrial use was discontinued in 2000 at which time the proponent sought an environmental quality assessment from the State of Utah (please see attached correspondence from Department of Environmental Quality). Regarding the possibility of any site contamination associated with the possible redevelopment of the properties the State of Utah has determined that, "...any detectable petroleum contamination on the site is not a threat to human health or the environment as characterized using State Underground Storage Tank Rules."

**AGENCY AND CITY DEPARTMENT COMMENTS**

Comments were received from the following departments or agencies with recommendations for project conditions:

- Engineering Department
PUBLIC COMMENTS

Notices were mailed to 37 property owners located within three hundred feet of the subject property. No comments were received as of the date the staff report was published.

DEPARTMENT OF COMMUNITY DEVELOPMENT COMMENTS

Subdivision
In the Multi-Family Medium (MFM) residential zoning district a minimum lot size (for single family development) of 6,000 ft² is required, and a minimum additional 2,000 ft² for the second dwelling unit (after the first dwelling unit). The average lot size for the 11 proposed lots is approximately 9,169 ft². Five of the proposed lots are less than 8,000 ft² in area and would permit the construction of only a single-family residential dwelling unit. Six of the proposed lots are greater than 8,000 ft² and would possibly permit the construction of either single-family or duplex (through the approval of a Design Review permit) residential dwelling unit. The minimum width of residential lots within the MFM Land Use District is 60 feet. Lot widths in the proposed subdivision range from 65 feet to 152.9 feet (lot 11) and fulfill the applicable ordinance requirements.

Logan City Light & Power has indicated that the preliminary plat did not indicate the required public utility line easement (for the overhead power lines on lots 10 and 11). Due to this oversight LLC&P has indicated that the development may not permit on lots 10 & 11 due to inadequate easement and setback requirements. Staff has reviewed the site, and preliminary plat, and determined that the maximum building footprint should be adequate for both properties (yet permitting the necessary easement required for the overhead power lines). The applicant shall be required to indicate the minimum utility easement for the overhead power lines (30 feet) on the final plat, and that satisfactory footprint area is maintained for these lots.

Typically, deed covenants, conditions, or restrictions may be imposed upon the subdivision (registered on title) to ensure the addressing of design, maintenance and responsibility issues. Prior to the sale of any subdivided lots an agreement must be signed by homeowners, specifying their responsibility for the maintenance and upkeep of the subdivision’s common areas (530 West and 560 West streets).

Landscaping
Landscaping standards are applied to all projects to ensure quality development in the City. The City considers two types of landscape plans: 1) performance landscaping, or 2) prescriptive landscaping. If a property owner wishes to create a landscaping plan that will meet the needs of their individual project, the plan is classified as a ‘performance’ landscaping plan. If they wish to have the standards specified and identified in order to prepare a plan to City specifications, the City’s ‘prescribed’ landscaping standards may be used. It is important to note that the plant unit requirements are a minimum to meet the objectives of the Landscaping Ordinance. At its discretion the Planning Commission may require more than the minimum required plant units.

The site plan does indicate any landscaping for the subdivision. The Code states that the proponent must plant street trees (on at least 30 foot centers) in the public right-of-way, to be approved by the City Forester. This project will require the planting of street trees along 500 West, and 300 South Streets.
Drainage
Drainage and storm water management is an important issue with any subdivision development. The Uniform Building Code requires that runoff be retained or be deposited into the municipal storm water system, and not affect neighboring properties. A drainage plan must be submitted to the City Engineer for review and approval.

Access
Lots 4 – 11 will be provided access off 300 South street through the construction of two private roads (530 West and 560 West). Both roads provide adequate resident and emergency access/egress to these lots.

As private roads the CC&R's for the subdivision must reflect that the homeowners of these lots are financially responsible for their maintenance (i.e. snow clearing) and upkeep (i.e. repairs) of both roads.

DESIGN REVIEW

The proponent has indicated that their intent is to develop a single-family residential subdivision. However, and as discussed earlier, six of the proposed lots offer the potential for duplex residential development. Staff believes that any potential problems associated with the possibility of future duplex development on these lots can be successfully mitigated through the Design Review process.

The proponent has indicated a willingness to develop conditions in the CC&R's governing building design, placement and type to ensure the quality and type of development within the subdivision. Staff believes that this would be beneficial, given the unique development opportunities/issues associated with the properties. However, it should be noted that the City can not get involved in the enforcement of any CC&R's for the development.

REZONING

Staff recommends that the 11 newly subdivided properties be rezoned to MFM. This zoning amendment would rectify previous zoning amendments that saw each of these properties zoned – both MFM and IND. The amendment would rezone both properties to MFM (Multi-Family Medium).

On review, of the subdivision application, staff has substantiated the following findings (per Title 17.28 of the Logan Development Code):
A. Density in the subdivisions does not exceed the maximum established in the Code;
B. The residential uses in this subdivision are identified as permitted or conditional uses;
C. The uses are compatible with adjacent uses (and/or future uses);
D. Adequate off-site parking, in conformance with the Title, is proposed; and
E. The subdivision conforms to perimeter setback, yard and area requirements.

RECOMMENDATION

1. Staff recommends that the Planning Commission approve a motion to Conditionally Approve PC Docket #00-057 for Cottonwood Place Subdivision, a Subdivision Permit for the property between 500 West and 600 West and north of 300 South (TID # 02-036-0009 and 0012).

2. Staff recommends that the Planning Commission forward a recommendation to the Municipal Council to rezone both properties (TID # 02-036-0009 and 02-036-0012) from “MFM” (Multi-Family Medium) and “IND” (Industrial) to “MFM” (Multi-Family Medium).
STANDARD CONDITIONS OF APPROVAL
This project is subject to the proponent or property owner agreeing to comply with the following standard conditions as written.

1. Any representations by the proponent or agent at the Planning Commission hearing shall be incorporated into the final action as conditions of approval and shall be binding upon the proponent as modifications to the approved project.

2. The proposed project shall be developed in conformance with the revisions imposed by the conditions of the project approval.

3. No site development activities, including grading, clearing, or vegetation removal shall commence until an executed copy of the Record of Decision signed by the property owner has been filed with the City.

4. Failure to comply with any conditions of approval shall void the permit and require a new Planning Commission hearing.

5. All improvements shall be constructed in substantial conformance with the approved site plan.

6. The proponent shall ensure that the Building Inspection Division inspects any construction through timely scheduled inspections. Failure to obtain an inspection or to continue construction beyond points of inspection may result in an enforcement action by the Chief Building Official. Such action may include and is not limited to:
   a. Issuance of a stop work order;
   b. Filing of a complaint with the State Department of Commerce against the contractor licenses; and/or
   c. Requirements for inspection by x-ray or by removing any covering or demolition of construction occurring beyond the point of inspection.

7. All physical construction shall conform to the approved building plans.

8. Improvements shall meet the City of Logan requirements for quality, performance, or other requirements as established in the City of Logan "Public Works Standards and Specifications" as approved by the Director of Public Works.

9. No work shall be undertaken within the public right-of-way without a permit issued by the City of Logan for City right-of-way or Utah Department of Transportation for work within the State right-of-way.

10. Prior to the submittal of the plat map, the City Engineer shall review and approve all engineering construction drawings for infrastructure improvements.

11. The final plat map(s) shall be submitted with all owner, lien-holder, beneficiaries of easements, and public utility signatures appropriately notarized (where required) and affixed to the vellum or mylar. The City Engineer, upon approval of the final plat map, shall obtain necessary City signatures and shall cause the plat map to be recorded with the Cache County Recorder.

12. All utilities shall be constructed and installed with the requirements of the City of Logan, or the public utility provided in effect at the time of construction, or as specified in the Development Agreement.
13. Prior to the submittal of the plat map, the Director of Community Development shall receive a signed and notarized copy of any deed covenants, conditions, or restrictions to be imposed upon the subdivision. Following approval of the covenants, conditions, and restrictions, the Director of Community Development shall forward the original copy to the City engineer for recordation with the plat map.

14. Prior to submittal of the final plat, the City Engineer shall receive an executed original copy of the Development Agreement for the subdivision.

15. All streets, roads, and alleys shall be constructed to the standards of the City of Logan in effect at the time of construction, unless otherwise specified in the Development Agreement.

RECOMMENDED CONDITIONS OF APPROVAL

This project is subject to the proponent or property owner agreeing to comply with the following “site-specific” conditions as written, or as may be amended by the Planning Commission.

1. Prior to the issuance of a building permit the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:

   A. Engineering Department — contact Mike Mecham 750-9824
       1. As per Logan Municipal Code, a drainage and detention plan shall be submitted with the site plan including drainage calculations.
       2. Curb and gutter and sidewalk will be required on 500 West Street.
       3. A master water meter is required for lots 4 through 11.
       4. A sewer assessment of $7.50 per foot of frontage is due on 500 West street.
       5. Any piping of the irrigation canal must be coordinated, and approved, by the appropriate canal companies.

   B. Logan City Light and Power — contact Garth Turley 750-9941
       1. Developer is responsible for primary and secondary conduit installation. Installed and inspected according to LCL&P specifications.
       2. Secondary connections (including lugs) in transformer (de-energized equipment only).
       3. An existing overhead transmission line runs through the middle of lots 10 and 11. An easement for this transmission line must be shown on the final plat.
       4. Prior to final approval submit a digital copy (in either an Auto Cad or DXF format) of the Site Plan and Electrical Plan to LCL&P (delivered to 950 W 600 N Attn: Garth Turley or email to gturley@ci.logan.ut.us). Site Plan must indicate the following:
          • Proposed meter and service transformer location in relation to building plan (refer to LCL&P “Electrical Service Requirements” for details);
          • Proposed routing of new electrical service (primary and secondary);
          • Easements for Utilities; and
          • Existing LCL&P electrical facilities overhead and underground (if any).

   C. Fire Department — contact Liz Hunsaker 750-9995
       1. Site plan showing fire hydrants must be submitted.
       2. Additional fire hydrants may be required.

   D. Environmental Health — contact Steve Larsen 750-9895
       1. All interior residential lots shall be required to bring their garbage containers to 300 S for collection.
E. Parks and Recreation - contact Russ Akina 750-9879
1. The triangular piece of the subdivision (detention area shown as part of lots 10 and 11) was originally discussed as a parks/green space dedication to Parks and Recreation.
2. At this time Parks and Recreation cannot accept any dedication at this corner as the resources are not available to develop and maintain it.

2. The final plat map shall include the following information in the "Planning Commission approval" certificate: "This subdivision, entered into City Records as Planning Commission Docket #00-057 was heard before the Commission in a public hearing on the 24th day of August, 2000, and was approved in substantial conformance with the requirements and design show upon this plat map." Signed, Jay Nielson, Director, City of Logan Department of Community Development." The proponent shall ensure that all information is inscribed on the final map with the exception of the actual signature.

RECOMMENDED FINDINGS FOR APPROVAL
The Planning Commission bases its decisions on the following findings supported in the administrative record for this project:

1. The proposed project has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.

2. The proposed project has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Logan Municipal Code, the City of Logan Public Works Standards and Specifications, and the requirements of various departments and agencies.

3. The subdivision is consistent with the goals and policies of the Logan General Plan.

4. Each lot is physically suitable for development, has an adequate building site, and will not require variances due to physical constraints in order to be developed.

5. The subdivision lots maintain or enhance neighborhood character.

6. Each lot has access to a street or easements to provide for connection to sewer service, water service, and other public utilities.

7. The subdivision meets the approval of the City Engineer for technical specifications, standards, and conforms to the conditions imposed on the subdivision by the Commission.

8. Approval of the subdivision conforms to the requirements of Utah law.

9. Approval of the subdivision includes appropriate road rights-of-way, easements, and offers of dedication meeting the needs of the City.

Respectfully submitted,

Paul N. Hanlan
Planner II
Report Published: August 18, 2000
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**Type of application (Check all that apply):**
- PC: Subdivision
- Conditional Use
- Design Review
- Rezone to PD
- Rezone to X
- Zone/Text Change
- Amendment
- Boundary Line Adjustment

**Project Name:**

COTTONWOOD PLACE SUBDIVISION

**Property Address:**

500 - 600 WEST 300 SOUTH LOGAN

**Country Plat ID Number:** 03-029-0059-0012

**Contact Person:**

LEE KARRON

**Daytime Phone:** 753-9111

**Mailing address, City, State Zip:**

1439 N 1400 E, LOGAN UT 84341

**Alternate Phone/Fax Cell:** 881-1595

**Applicant: (Must be listed)**

LEE KARRON

**Phone Number:** 753-9111

**Mailing address, City, State Zip (if different):**

1542 E 1820 N, LOGAN UT 84341

**Property owner of record (Must be listed):**

LEE KARRON

**Phone Number:** 753-9111

**Mailing address, City, State Zip (if different):**

1592 E 1220 N, LOGAN UT 84341

**Describe the proposed project as it should be presented to the Planning Commission or Board of Adjustment:**

ELEVEN LOT SUBDIVISION

**Lot size in acres or sq. feet:**

VARIOUS LOT SIZES

7,016, 5,080, 7,016, 7,016

**Number of dwelling units / lots:**

1

I certify that the information contained in this application and supporting plans is correct and accurate.

Signature of applicant: [Signature]

I certify that I am the record owner of the subject property and that I consent to the submittal of this application.

Signature of owner (if different): [Signature]

Use additional pages if necessary. You must provide the Commission or Board with enough information to make an informed decision.

The Commission has directed Staff to continue projects if the application is not complete.
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 6th day of September, A.D. 2000, personally appeared before me Jean Willmore, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement:

NOTICE OF PUBLIC HEARING FOR PURPOSES OF REZONING PROPERTY

was published in said newspaper for One (1) issue commencing September 6, 2000 and ending September 6, 2000.

Signed Jean Willmore

Subscribed and sworn to before me, the day and year above written.

Signed Cynthia K. Fulton

Notary Public.


NOTICE OF PUBLIC HEARING FOR PURPOSES OF REZONING PROPERTY

The Logan Municipal council will hold a public hearing to consider the following rezone:

Cottonwood Place Subdivision Rezone. Lee and Steve Karren, applicants, request rezone from Industrial (IND) to Multi-Family Medium (MFM) of 2.63 acres at 400-600 West 300 South. Also identified in Cache County Recorder's Office as TIN #02-036-009, 0012. Public hearing will be held on Wednesday, September 20, 2000, not before 6:15 p.m. in the Municipal Council Chambers at Logan, City Hall, 255 North Main, Logan. Interested citizens are invited to attend. Lois Price Logan City Recorder Publication Date: September 6, 2000.
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 27th day of September, A.D. 2000,

personally appeared before me, Jean Willmore, who being first duly sworn,

deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement


LEGAL NOTICE

a copy of which is hereto attached, was published in said newspaper for One (1) issue commencing September 27, 2000 and ending September 27, 2000.

Signed, Jean Willmore

Subscribed and sworn to before me, the day and year above written.

Signed, CYNTHIA K. FULTON
Notary Public.


SUMMARIES OF AN ORDINANCES passed by the Logan Municipal Council are as follows:

ORD. 00-65. Amendment #230 to the Zoning Map of the City of Logan adopted and approved September 20, 2000 rezoned approx. 2.63 acres at 400-600 West 300 South, identified as Cottonwood Place Subdivision, from Industrial (IND) to Multi-Family Medium (MFM) owned by Lisa and Steve Karren. Also identified by Cache County Tax Identification #02-036-0009, 0012.

ORD. 00-66. An ordinance annexing 8 acres of property, more or less, at approximately 1500 North and 1800 East and identified as the "Deer Pens Annexation," to the municipality of the City of Logan was passed September 20, 2000, after acceptance of the petition of the Division of Wildlife Resources, State of Utah, and notification of public and affected entities and public hearing, as required by law. Full text of the ordinances may be reviewed at the Office of the Logan City Recorder, City Hall, 255 North Main, Lois Price, Recorder Publication Date: September 27, 2000.