CITY OF LOGAN
ORDINANCE NO. 02-32

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 and the following property is hereby zoned from Single Family
Residential (SFR) to SFR-Planned Unit Development (SFR-PD) as follows:

Tax ID No. 05-046-0019

Also identified as “Spring Street Subdivision Rezone,” 6.2 ac. at approx. 375 West to 350
West, 1000 North to 900 North Streets.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS 19th
DAY OF June , 2002.

AYES: Borg, Pyle, Kerr, S. Thompson

NAYS: Note

ABSENT: Allied

ATTEST: Lois Price, City Recorder

KAREN S. BORG, Chairman

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for
approval or disapproval on the 19th day of June , 2002.

KAREN S. BORG, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby Approved this day of

June, 2002.

DOUGLAS E. THOMPSON, Mayor
MEMORANDUM TO THE MUNICIPAL COUNCIL

DATE: May 9, 2002
FROM: John Weber, Planner II
SUBJECT: Spring Street Project, Request for re-zone

SUMMARY...
Project Name: Spring Street Project
Owner: Gary Niederhauser
Proponent: Craig Champlin
Project Address: Approximately 375 West to 350 West, 1000 North to 900 North Street
Request: Zoning amendment for a 5.97 acre parcel from Single Family Residential to Single Family Residential-Planned Development
Current Zoning: Single Family Residential
Proposed Zoning: Single Family Residential-Planned Development
Staff Recommendation: Approve

PROJECT
The proponent is proposing this project to allow the property to be subdivided into 31 lots to allow single family residential development. The proponent is requesting the rezone to SFR-Planned Development to allow for:

1. Lot sizes that vary from standard for the Single Family Residential Zone;
2. Private roads (350 West Street, 375 West Street, and the portion of 900 South street on their property) that vary from Public Works standards;
3. Three open space areas; and
4. Individual lots that allow for relief from standard setbacks in the SFR zone.

The Land Development Code’s Planned Development standards allow a project to alter certain Land Development Code requirements, as long as the Planning Commission finds that the overall project is a quality one and density limitations are not exceeded.

The Planning Commission reviewed and approved the Subdivision and Design Review Permit for this project at its April 25, 2002 public meeting.
The Planning Commission moved to approve a recommendation for a Zone Change to the Municipal Council on April 25, 2002. (Passed: 5,0)

ATTACHMENTS
Please find the following attached:

1. Staff Report to the Planning Commission, April 11, 2002;
2. Memo to the Planning Commission regarding the project, April 24, 2002;
3. Minutes of the April 11 and April 25 Planning Commission meetings;
REPORT SUMMARY...

Project Name: Spring Street Project
Proponent: Craig Champlin
Owner: Gary Niederhauser
Project Address: Approximately 375 West to 350 West, 1000 North to 900 North Street
Request: A Subdivision and Rezone to “PD” for property located from approximately 375 West to 350 West, 1000 North to 900 North Street
Current Zoning: SFR (Single Family Residential)
Type of Action: Legislative (rezone) and quasi-judicial (subdivision)
Staff Recommendation: Conditionally Approve

PROJECT

The proponent is requesting approval for a Planned Development on approximately 6.02 acres south of 1000 North Street and west of 300 West Street. The proposed project includes 33 individual residential lots and four open space areas, and requires approval by the Planning Commission and the Municipal Council. The property is currently undeveloped.

Land use adjoining the subject property

North: SFR and MFM: Single family homes and apartments
East: SFR and MFM: Single family homes and CAPSA
West: SFR: Cache Valley Christian Center
South: SFR: Single family homes

Curb, gutter, sidewalk, and street trees are not present along this portion of 1000 North Street.

Subdivision

The proposed subdivision would include 33 residential lots that range in size from 5095 square feet to 6105 square feet and four areas of open space. The four areas of open space are identified as: Tract A, about 19,847 square feet on the southwest portion of the property; Tract B, about 3077 square feet (mislabeled on the proposed site plan as “15,846 square feet”) on the south part of the property; Tract C, about 5,314 square feet bordering the CAPSA site; and an unlabeled parcel bordering 1000 North Street that is about 3012 square feet. The internal roadways are proposed to be 24 feet wide and will be private, not public, streets.
The minimum lot size in the SFR zone is 6000 square feet for a residence, although the Planned Development regulations allow smaller lot sizes as part of a Planned Development as long as base density is not exceeded.

**Rezone to SFR-PD (Single Family Residential-Planned Development)**

The proponent is requesting a rezone of this property from Single Family Residential (SFR) to SFR-Planned Development (PD). The rezone is part of the required approvals for a Planned Development project. As stated in the Land Development Code, “...[t]he purpose of a planned development is to encourage a project that is designed and intended to be a quality development with a comprehensive theme and character.” [Land Development Code §17.28.020(D)]. In this case, the proponent's project is intended to be a retirement home project, with single family homes on 33 residential lots sized from 5,095 to 6,105 square feet. Additionally, the Land Development Code states that a planned development “is not intended to bypass the subdivision process...the Planning Commission shall not approve planned developments that are created for purposes of bypassing the subdivision process if it finds that the project does not comply with the provisions of” the Land Development Code or the General Plan [Land Development Code §17.28.020(D)]. The Land Development Code does not allow Planned Development projects to exceed maximum density requirements of the base zone [Land Development Code §17.28.020(A)].

The proponent has developed at least three similar projects in Logan as well as similar projects in Smithfield. These projects have been marketed toward retirees and have had conditions of ownership specifying age to ensure the development has a specific theme and character. Additionally, the size of this property (6.02 acres gross land area, or about 5.1 acres if the street area is removed from the gross land area) and the Land Development Code density limitations (maximum of 7 units per acre) would allow potentially more units than proposed. This project does not exceed the density requirements for the SFR zone, containing approximately 5.5 units per acre of gross land area (about 6.5 units per acre with street area removed).

**Design Review permit required**

For a planned development, the Land Development Code requires a design review permit in addition to the review of the proposed subdivision. A Planned Development is reviewed to determine if the project is in accordance with the Logan Design Review Guidelines for standards regarding open space, pedestrian access, building placement, and the other policies of the Guidelines. As part of this review, the Land Development Code allows the Planning Commission to modify standard setbacks and other site layout issues in reviewing a Planned Development, as long as the result is a quality development. Proposed changes to setback requirements are in part dictated by the overall layout of the site.

Standard setbacks for structures in the SFR zone are 25 feet in the front, 8 feet on the side (except on a corner lot, where the side facing the street has a 20 foot setback), and 10 feet in the rear. The proponent is proposing changes to these setbacks, including a typical front setback from the curb line of 20 feet and a six-foot side setback (the rear setback remains 10 feet). On corner lots, the proponent is requesting a front setback of 20 feet, a side setback of six feet, and a side setback facing the street of 15 feet. These requested setbacks are in part due to the type of development the proponent is proposing, with its smaller lot sizes and smaller lawns.
These proposed setbacks are based also on the overall site layout the proponent has submitted which includes a four-foot sidewalk along the west edge of 350 West Street, the east edge of 375 West Street, and the south edge of 900 North Street. As shown, these sidewalks provide pedestrian connections to the open space areas and extend to the surrounding neighborhoods, resulting in a network of pedestrian access and open space for residents.

On a public street, sidewalks and park strips are generally required on both sides of the street. However, due to the nature of this development, the narrow streets, and the fact that these streets are not public thoroughfares, automobile traffic will likely be relatively low (mainly residents and visitors). Therefore, staff feels that residents can access a sidewalk across the street in a safe manner, and the sidewalk on one side of each street is an adequate compromise. The sidewalk is an important element to achieve the Design Review Guideline goal of providing “convenient pedestrian access...among properties to achieve a sense of an integrated neighborhood...” (Design Review Guidelines, page 36).

The proposed subdivision plan does not include a park strip or street trees between the sidewalk and the street. Staff is strongly concerned that the lack of a park strip and street trees, combined with the 27-foot wide concrete pads proposed in front of the garage, would result in a neighborhood that would appear barren and not pedestrian friendly. Staff does not feel that this result meets the Land Development Code requirement that a Planned Development provide “recreation areas, usable and passive open space, landscaping, and vegetation in conformance with the General Plan and [the Land Development Code].” [Land Development Code §17.28.060(G)]. Staff recommends that the subdivision plan be revised to include a six-foot park strip between sidewalks and the street. Staff also recommends that the park strip include street trees in the park strip on thirty-foot centers, and that trees be planted in the front lawns on 30-foot centers of homes that do not have sidewalk frontage.

Staff has discussed these proposed changes to the subdivision plan with the project proponent, who has concerns with adding the park strip and would prefer to not put in the sidewalk at all. The proponent’s concern is that the addition of the park strip and sidewalk would shorten the length of the lots and not allow sufficient yard space.

Staff is aware that adding the park strip may require the reconfiguration either of individual lots (altering lot depths and/or widths) or the entire subdivision plan. Staff believes that this reconfiguration can occur without the loss of any lots or a reduction of yard sizes. Staff feels strongly that the park strip and sidewalk would add greatly to this project, and they are not improvements that can be eliminated from a Planned Development or subdivision.

Any changes to the proposed subdivision, in terms of lot sizes or the configuration of the roads, would have to be approved by the Planning Commission. Any such reconfiguration could also affect the setbacks for individual lots. Consequently, staff believes that the issues regarding the sidewalk and park strip should be resolved before typical, individual lot layouts and any issues with setbacks are discussed.
Landscaping would also be reviewed as part of the Design Review process. Staff recommends that the open space areas be provided with quality landscaping for the residents, and that street trees be provided along the interior streets. Street trees would also be required along the portion of the property that abuts 1000 North Street.

Finally, staff recommends that the site plan for the entire property be revised and submitted as part of the design review process. The revised site plan shall include the park strip, sidewalk, and street trees and other landscaping, and shall indicate typical house layouts on individual lots and requested setbacks.

Access
Access to the subdivision is proposed to be from 1000 North Street and 900 North Street. Staff does not have any issues with the proposed accesses onto 1000 North Street. However, staff is concerned with the proposed access from 900 North Street and the connection of the private and public portions of 900 North Street. Staff recommends that the proponent work with the Public Works Department to ensure that the private and public streets have a safe interface.

AGENCY AND CITY DEPARTMENT COMMENTS
Comments were received from the following departments or agencies with specific recommendations for project conditions:

- Environmental Division
- Light and Power Department
- Public Works Department

PUBLIC COMMENTS
Notices were mailed to 100 property owners located within three hundred feet of the subject property. At the time the staff report was prepared, no written comments had been received by the Department of Community Development. A number of phone calls had been received by the Department of Community Development, inquiring about the project.

RECOMMENDATION
1. Staff recommends that the Planning Commission approve a motion to Conditionally Approve PC Docket #02-028 for the Spring Street Project, a Subdivision for property located from approximately 375 West to 350 West, 1000 North to 900 North; TID #05-046-0019.

2. Staff recommends that the Planning Commission approve a motion to recommend to the Municipal Council approval of a Rezone of property located from approximately 375 West to 350 West, 1000 North to 900 North from Single Family Residential (SFR) to Single Family Residential-Planned Development (SFR-PD).

Staff also notes that the project could be continued, if the Planning Commission wanted to review a revised plat map if new lot or layout configurations were required.
RECOMMENDED STANDARD CONDITIONS OF APPROVAL
This project is subject to the proponent or property owner agreeing to comply with the following standard conditions as written, or as may be amended by the Planning Commission.

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. 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.

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

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

5. The proponent is responsible to ensure that any construction is appropriately inspected by the Building Inspection Division 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.

6. The proponent shall ensure that the contractor has current copies of the approved plans and amendments to plans onsite at all times during construction.

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

8. The project shall not be used or occupied by customer traffic until a Certificate of Occupancy has been issued by the City.

9. 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.

10. 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.
11. The subject property shall not be subdivided for purposes of sale, ground lease, or finance, without obtaining approval from the City through an appropriate application process. If a subdivision occurs without City approval, a building permit will not be issued for this property until the situation is resolved. If the subdivision without City approval occurs after the permit has been issued the permit will be revoked.

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. 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.

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

15. 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.

16. Prior to the submittal of the plat map, the Director of Community Development shall receive a copy of the 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.

17. 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 #02-028 was heard before the Commission in a public hearing on the 11th day of April, 2002, and was approved in substantial conformance with the requirements and design show upon this plat map. Signed, Jay L. Nielson AICP, Director of Community Development.” The proponent shall ensure that all information is inscribed on the final map with the exception of the actual signature.

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

**RECOMMENDED ‘SITE SPECIFIC’ 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. The proponent shall submit a revised site plan indicating landscaping and a four-foot park strip located between the sidewalk along 900 South Street and 375 West Street and the street. Sidewalks shall be located on the interior streets of the property as shown on the revised site plan.
plan along the west side of 350 West Street, the east side of 375 West Street, and the south side of 900 North Street.

2. Landscaping shall include quality landscaping for the open space areas and two street trees per lot. Street trees shall be located in the park strip where present and in the first eight feet of properties lacking a park strip.

3. The proponent shall work with the Public Works Department to ensure that the private portion of 900 North Street connects to the public section of 900 North Street in an appropriate manner.

4. The proponent shall obtain re-zone approval from the Municipal Council before the final plat is recorded with the County.

5. The proponent shall work with the Public Works Department to develop a stormwater management plan.

6. Existing water rights shall be protected and irrigation flow ensured.

7. Prior to the issuance of a building permit and/or business license, 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. Environmental Division—contact Steve Larson 716-9760
      1. Homes shall use individual automated refuse containers.

   b. Light and Power Department—contact Garth Turley, 716-9741
      1. Possible conflicts may exist with installed electrical system. Any relocation costs shall be paid for by the developer.
      2. The developer shall be responsible for both primary and secondary conduit installation, installed and inspected according to the LCL&P specifications.
      3. The developer shall be responsible for all secondary connections (including lugs) in transformer.
      4. Prior to a Building Permit, a digital copy of the site plan and electrical plan, in AutoCad or DXF format, shall be submitted to LCL&P. Refer to the attached sheet for site plan and electrical plan requirements.

   c. Public Works Department—contact Mike Mecham 716-9160
      1. A one-foot no access strip shall be placed on the plat at the northern terminus of West Haven Street.
      2. All streets shall have sidewalks on at least one side.

RECOMMENDED FINDINGS FOR APPROVAL
The Planning Commission bases its decisions on the following findings supported in the administrative record for this project:
1. The Spring Street 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 maximum density established in the SFR zone has not been exceeded.

3. The Spring Street 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.

4. The Spring Street project is consistent with the goals and policies of the Logan General Plan.

5. The Spring Street project is compatible with existing land uses and zoning.

6. The Spring Street project provides recreation areas, usable and passive open space, landscaping, and vegetation in conformance with the General Plan and the Land Development Code.

7. The Spring Street project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

8. Access to 1000 North and 900 North North Streets is designed to be constructed in conformance with City Standards and Specifications.

9. 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.

10. 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.

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

12. The Spring Street Project will result in the development of a project that will enhance or maintain the neighborhood.

13. 1000 North and 300 West Streets, the streets providing access to the proposed project, have adequate capacities for the project.

14. The proposed project results in adequate off-street parking in conformance with the Land Development Code.

15. The design of the project and its site layout conform to the Design Review Guidelines.

Respectfully submitted,
This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.
At the April 11, 2002, Planning Commission hearing for this project, the Planning Commission continued this project until April 25 to allow staff and the proponent time to further discuss this project. Staff feels that meetings with the proponent have resulted in a compromise. The purpose of this memo is to summarize the issues that were discussed and to suggest additional conditions and findings that the Planning Commission could adopt in approving this project.

The proponent has submitted a revised site plan that contains some of the changes that are discussed below. However, the revised site plan does not contain all of the agreed-upon changes.

Staff thanks the proponent for working to achieve this compromise.

**Issue #1: Density**
At the April 11 hearing, there was a question regarding the size of the property under consideration, and consequent concern about the project’s density. Originally, the site plan included 33 lots on 6.02 acres. The proponent recalculated the area of the property to be 259,969 square feet, about 5.97 acres, and has reduced the number of proposed lots to 31, as shown on the revised site plan. Based on gross land area, the density is about 5.2 units per acre. Staff does not have any issues regarding density for this project.

**Issue #2: Sidewalks**
In the revised site plan, four-foot sidewalks are included on the east side of 375 West Street, the west side of 350 West Street, and the south side of 900 North Street. Staff feels that these sidewalks provide sufficient, quality pedestrian access in accordance with the Logan Design Review Guidelines, and has no further issues with sidewalks for this project.
Issue #3: Park Strips
The proponent has agreed to provide a four-foot park strip between the sidewalk and the street on the eastern side of 375 West Street and the south side of 900 North Street. No park strip is proposed for the western side of 350 West Street. Staff and the proponent agreed on the location of the park strip along 375 West Street, but not 350 West, since there are twice as many homes along 375 West Street. A four-foot park strip provides sufficient width for street trees that have deep root structures, and provides for a green strip to act as a buffer between the sidewalk and the street. Staff feels that providing the park strip in this manner is a fair compromise.

Issue #4: Street trees
The proponent has agreed to provide two street trees for each lot. On lots that front a sidewalk and a park strip, the street trees shall be located in the park strip. On lots that do not front a sidewalk, the street trees shall be located within the first eight feet of the property as measured from the front property line. Up to three species of trees shall be used for these street trees, as approved by the Department.

Issue #5: Lot dimensions and setbacks
The revised site plan includes lot dimensions that reflect the corrected dimensions of the entire property and a revised house layout for certain lots, in particular the lots on the west side of 350 West Street. As shown on the revised site plan, these lots are approximately 77 feet deep, but will be reduced by four feet to make room for the proposed four-foot park strip along the east side of 375 West Street. Similarly, the lots along the south side of 900 North Street, shown on the revised site plan to be approximately 99 feet in depth, will be reduced by four feet to allow the proposed park strip along the south side of 900 North Street. Staff does not have any issues with the lot dimensions as modified.

The proponent is proposing minimum setbacks as illustrated on the revised site plan: a 20 foot front setback, a minimum 6-foot side setback (15 feet on lots on a corner) and a minimum 10-foot rear setback. House setbacks may be greater than these minimums, but shall not be any less, depending on the exact footprint of houses built on individual lots. The revised site plan includes approximate footprints of houses as envisioned by the proponent. Staff does not have any issues with these proposed minimum setbacks.

Issue #6: Design review
A Planned Unit Development approval requires a Design Review permit to ensure the development is a quality one. The proponent has submitted a couple of photographs and house layouts for houses that will be typical for this subdivision. Staff feels that the homes are attractive, fit the desired character of the subdivision, and provide pedestrian interest through details such as porches, gables, and front doors oriented to streets. Staff does not have any issues regarding the design of homes. As described above, staff feels an appropriate compromise has been reached regarding the site design issues.
Three written comments have been received on this project. One comment expressed concern with an irrigation ditch on-site, one comment supported the project, and the third comment expressed concerns with a number of issues: the narrow width of streets and lack of on-street parking, stormwater runoff, and concerns with the grade changes as sidewalks intersect driveways.

If the Planning Commission adopts the changes to the proposed project as expressed on the revised site plan and further conditioned as described in this Memo, staff suggests the following changes to the staff report presented on April 11, 2002:

1. The staff report will be revised to be consistent with this memo regarding the issues discussed above.
2. The staff report “Site-Specific Conditions” will be revised as follows:
   Site-Specific Condition #1 shall be removed.
   Site-Specific Condition #2 shall be revised to read:
   The proponent shall submit a revised site plan that includes landscaping and a four-foot park strip located between the sidewalk along 900 South Street and 375 West Street and the street. Sidewalks shall be located on the interior streets of the property as shown on the revised site plan.
   Site-Specific Condition #3 shall be revised to read:
   Landscaping shall include quality landscaping for the open space areas and two street trees per lot. Street trees shall be located in the park strip where present and in the first eight feet of properties lacking a park strip.
   Site-Specific Conditions 4, 5, and 6 shall remain the same as in the staff report of April 4, 2002
3. As part of the Design Review Permit for this project, the “Findings” portion of the staff report will be amended to add the following necessary findings for a Design Review Permit:
   1. The Spring Street Project will result in the development of a project that will enhance or maintain the neighborhood.
   2. 1000 West and 300 North Streets, the streets providing access to the proposed project, have adequate capacities for the project.
   3. The proposed design results in adequate off-street parking in conformance with the Land Development Code.
   4. The design of the project and its site conform to the Design Review Guidelines.
Mr. Kartchner stated you cannot go measure and take advantage of someone else's 5 feet.

Mr. Housley stated staff is correct in substantiating what is recorded.

Tape 1A
MOTION: Moved to continue this project until a parking study and survey are completed:

[Moved: Ms. Wickwar Seconded: Mr. Hooper Passed: _5_, _0_]
Yea: Larsen, Hooper, Kartchner, Wickwar, Box Nay:

02-028 Continued from the March 28th meeting....SPRING STREET. Subdivision and Rezone. Craig Champlin/Gary Niederhauser, applicant/owner, requests a 33 lot subdivision on an approx. 6.2 acre lot at approx. 370 West 1000 North and a rezone from Single Family Residential (SFR) to SFR-Planned Unit Development (SFR-PD). TIN#05-046-0019.

STAFF: Staff reviewed the report as written. Mr. Weber showed additional slides that explained his proposed sidewalks, park strips and street trees.

Ms. Wickwar asked about moving the sidewalk on 375 West to the other side of the street.

Mr. Weber stated these are only a few examples and there are many other things that can be done.

Ms. Wickwar asked about the size of the private streets.

Mr. Weber stated they would be privately maintained.

Mr. Hooper asked which plan the developer will choose.

Mr. Weber stated the developer could come back to the Planning Commission.

Ms. Wickwar asked about the net and gross land. A discussion took place about a normal size street and this private street. The prior developments are very nice, requiring less maintenance, hence why this is a PD.

Mr. Kartchner stated when CAPSA went through, the PC was concerned about the bottom portion of the L shape and not much could go there. A discussion regarding the size of the lots and street took place.

Mr. Weber stated a fence runs along the South side of the CAPSA project.

Mr. Kartchner stated this is the only way to make this lot work is by having the smaller street.

PROPOONENT: Craig Champlin. He has shown resistance on the trees and sidewalk. He has been doing it for about 12 years. He doesn't want to make those back lots smaller by 10 feet. The road is doubling as a sidewalk and a road. You will rarely see traffic on those streets. He doesn't want to attract a lot of people into the project. Sidewalk and park strip will not add to landscaping. They will leave it up to the homeowners to add landscaping. There was supposed to be 22 feet more than what
he thought before he started the project. He feels his previous projects have been successful. It is costing him more to do this deal in Logan. He would like to leave it to the owners for trees on their lots.

Mr. Kerr asked about the typical lot dimensions.

Mr. Champlin stated he won’t do this project if he gets squeezed down in lot size.

Mr. Kerr stated what he has submitted will work.

Ms. Wickwar stated the density becomes an issue if the lot sizes have changed due to the fact that the land is smaller than he thought. We need to recalculate the acreage.

Mr. Weber stated it was based on 6.2 acres.

Mr. Champlin stated he would prefer a 90 foot depth on his lots.

Ms. Wickwar asked about the calculations.

Mr. Weber stated he did not recalculate.

Dan Turner. The width got smaller but the depth increased

Ms. Wickwar stated it is likely then, that the acreage stays the same.

Mr. Champlin stated he is just trying to make it fit. He prefers not to have a sidewalk. Nobody has ever complained they didn’t have a sidewalk.

Mr. Kartchner asked about the letter regarding the irrigation ditch. Where does it run?

Mr. Champlin stated it runs on the South border. His intention was to pipe it, he knows he cannot interrupt it. It carries a lot of water and has a lot of shares assigned to it.

Mr. Kerr asked Mr. Housley about the ditch.

Mr. Housley stated reasonable distance on one or both sides is necessary.

Mr. Champlin stated a large pipe would be needed.

Mr. Kerr stated it will be a canal company issue. What if the sidewalk was moved to the street and put the trees in the lawn.

Mr. Champlin stated he prefer Mr. Weber’s way. Curb cuts and dips are not good. They don’t get used.

PUBLIC: Kate Powell. Lives at 1050 N 1063 W. She has always been concerned about sidewalks. She is thrilled about this project. She would like to see staff concede to the owner and developer to see the project come through. She mentions an elementary school and walking school children.
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Tonya Buckley. Her and her neighbors are excited to see this single family development come. There is an elementary school nearby and the sidewalks might be necessary. The school kids need a sidewalk to walk to school. Off the main roads would be nice.

Mr. Wickwar asked if there were any other sidewalks?

Ms. Buckley stated no, not even another road at this point.

Mr. Kerr asked if Ms. Powell knew of any sidewalk plans for the future.

Ms. Powell stated with the elementary school going in, she would hope that one would go in.

Mr. Johnson stated within a year or two there are plans to complete 400 West.

Ms. Powell stated Mr. Champlin might not want school kids walking through his development.

COMMISSION: Ms. Box stated she does not like pedestrians and cars mingling on the street.

Mr. Kartchner asked about the length of the road compared to another project of Mr. Champlin’s.

Mr. Champlin stated he thinks it is identical.

Mr. Kartchner stated he knows the homes Mr. Champlin builds and the others function well without the sidewalks. He is concerned about the density at this point.

Ms. Wickwar stated she wants to see this work. She would consider doubling the landscaping to get rid of the park strip.

Mr. Champlin does not want to provide for the school children. He stated the project will have a 6 foot high fence completely around the project.

Mr. Weber stated the design review guidelines are for people who live there or visit there.

Mr. Kerr stated we cannot answer the questions tonight because we don’t know how much land we have.

Ms. Wickwar is more intent on landscaping instead of sidewalks.

Mr. Champlin stated they can require certain landscaping in their covenants.

Ms. Box stated the sidewalks are necessary.

Mr. Weber stated he calculated 5.9 acres and some change.

Mr. Kerr stated what Mr. Champlin submitted and what he wants are two different things.

Mr. Nielson stated we have attempted to help Craig do another good project. This community decided a long time ago that sidewalks and street trees are important. This is worth working however possible with those two requirements.
Ms. Wickwar stated she agrees and this is pushing it.

Mr. Nielson stated the building footprint drives everything. There are different ways to do it.

Mr. Larsen stated the sidewalks are important to him too.

Tape 1A
MOTION: Moved to continue until the next meeting:

[Moved: Ms. Box  Seconded: Mr. Wickwar  Passed:  4, 0  ]
Yea: Larsen, Hooper, Kartchner, Wickwar, Box  Abstain: Kartchner

The meeting adjourned at 8:30 p.m.

Minutes approved as written and recorded on 2 tapes at PC meeting of April 11, 2002.

Jay Nielson
Director of Community Development

Karl Ward
Chairman

Teri Routledge
Recording Secretary
6. The proponent shall provide for a 10 year one hour storm event on site and no water shall drain onto adjacent properties. The proposed plan has no provision to handle storm drain runoff nor is there any storm water detention provided.

7. The proponent shall remove and replace the driveway approach with a minimum 6 inch thick approach. Also, the portion of sidewalk in the driveway shall be a minimum of 6 inches thick.

e. **Environmental Health Division – contact Steve Larsen 716-9760**

1. The proponent may use existing dumpster.

**RECOMMENDED FINDINGS FOR APPROVAL**

1. The Giles Subdivision 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 Giles Subdivision 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 Giles Subdivision project is compatible with existing land uses and zoning.

4. The design permit is issued in conformance with the requirements of Title 17 of the Logan Municipal Code.

5. 200 West, the street providing access and other infrastructure to the subject property has adequate capacities, or a suitable level of service, for the proposed use.

6. The proposed use provides adequate off-street parking in conformance with Title 17 of the Logan Municipal Code.

7. The Giles Subdivision conforms to the requirements of Title 17 of the Logan Municipal Code in terms of lot size, width, and depth.

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

[Moved: Mr. Kerr. Seconded: Mr. Hooper. Passed: 5, 0.]
Yea: Kerr, Hooper, Kartchner, Wickwar, Box. Nay:

02-028 **Continued from the April 11th meeting...SPRING STREET.** Subdivision, Rezone, Design Review. Craig Champlin/Gary Niederhauser, applicant/owner, requests a 33 lot subdivision on an approx. 6.2 acre lot at approx. 370 West 1000 North and a rezone from Single Family Residential (SFR) to SFR-Planned Development (SFR-PD). TIN#05-046-0019.

STAFF: Staff reviewed the staff memo as written.

Mr. Weber explained in detail the changes in the new revised site plan.

Ms. Wickwar asked about the drainage ditch.
Mr. Weber stated the large open space shows a storm water retention area on the southwest corner.

PROPOSED: Craig Champlin. He did plan to pipe the ditch. Sometimes when you have to maintain a water right, you don’t always have to maintain it in the same way. The drainage is more of a detention pond.

Mr. Ward asked about the curbing.

Mr. Champlin described that it maintains a level sidewalk.

Mr. Kartchner asked if the detention pond could be used for snow removal.

Mr. Champlin stated yes, they can move it to all the common areas.

Ms. Wickwar asked about the adjacent property.

Mr. Champlin stated he plans a 6 foot fence to prevent access.

PUBLIC: Lonny Campbell. He owns property on the West. He has an issue regarding the water table and has standing water. If they build the first phase, will there be drainage significant enough so it doesn’t come up to the buildings? The drainage pond is low enough to see overflowing.

Mr. Ward stated the requirements are to contain the water on the property. Proponent will work with the City engineer to make sure that happens.

Mr. Campbell stated that property is a little higher than his and wants to make sure the run off is contained.

Brad Ellis. 345 W 880 N. His home is South of this project. He is glad the ditch will be piped. Appreciates the whole project. There is a drainage problem on 200 West as you come onto West Haven and goes on to 300 West, East side a ball diamond by the church. After the snow fall, the water will drain off the softball diamond, down the gutter and towards the ditch that will be covered. What are we going to do about finishing up West Haven Drive? There is a gap where this project starts and where the pavement ends. Is it going to be gravel? A turnaround?

The City engineer is looking for a solution so the street does not go to nowhere.

Mr. Kartchner is concerned about the irrigation ditch. Piping is not always the answer. Maybe better to leave it as an open ditch. He discussed several options.

Mr. Champlin stated he knew the water sat in that corner. He can make a provision so the water can run into the ditch. Its used for drainage and irrigation. He explained how the homes would be built and how the water would be allowed to go.

Mr. Ward asked about putting in a condition regarding the water and drainage so that it works for everyone.
COMMISSION: Mr. Kartchner wants to add the standard irrigation condition.

MOTION: Moved to approve the project with the conditions as listed below.

RECOMMENDED STANDARD CONDITIONS OF APPROVAL

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. 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.

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

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

5. The proponent is responsible to ensure that any construction is appropriately inspected by the Building Inspection Division 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.

6. The proponent shall ensure that the contractor has current copies of the approved plans and amendments to plans onsite at all times during construction.

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

8. The project shall not be used or occupied by customer traffic until a Certificate of Occupancy has been issued by the City.

9. 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.

10. 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.

11. The subject property shall not be subdivided for purposes of sale, ground lease, or finance, without obtaining approval from the City through an appropriate application process. If a subdivision occurs without City approval, a building permit will not be issued for this property.
until the situation is resolved. If the subdivision without City approval occurs after the permit has been issued the permit will be revoked.

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. 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.

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

15. 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.

16. Prior to the submittal of the plat map, the Director of Community Development shall receive a copy of the 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.

17. 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 #02-028 was heard before the Commission in a public hearing on the 11th day of April, 2002, and was approved in substantial conformance with the requirements and design show upon this plat map. Signed, Jay L. Nielson AICP, Director of Community Development.” The proponent shall ensure that all information is inscribed on the final map with the exception of the actual signature.

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

RECOMMENDED ‘SITE SPECIFIC’ CONDITIONS OF APPROVAL

1. The proponent shall submit a revised site plan indicating landscaping and a four-foot park strip located between the sidewalk along 900 South Street and 375 West Street and the street. Sidewalks shall be located on the interior streets of the property as shown on the revised site plan along the west side of 350 West Street, the east side of 375 West Street, and the south side of 900 North Street.

2. Landscaping shall include quality landscaping for the open space areas and two street trees per lot. Street trees shall be located in the park strip where present and in the first eight feet of properties lacking a park strip.

3. The proponent shall work with the Public Works Department to ensure that the private portion of 900 North Street connects to the public section of 900 North Street in an appropriate manner.
4. The proponent shall obtain re-zone approval from the Municipal Council before the final plat is recorded with the County.

5. The proponent shall work with the Public Works Department to develop a stormwater management plan.

6. Existing water rights shall be protected and irrigation flow ensured.

7. Prior to the issuance of a building permit and/or business license, 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. Environmental Division—contact Steve Larson 716-9760
      1. Homes shall use individual automated refuse containers.

   b. Light and Power Department—contact Garth Turley, 716-9741
      1. Possible conflicts may exist with installed electrical system. Any relocation costs shall be paid for by the developer.
      2. The developer shall be responsible for both primary and secondary conduit installation, installed and inspected according to the LCL&P specifications.
      3. The developer shall be responsible for all secondary connections (including lugs) in transformer.
      4. Prior to a Building Permit, a digital copy of the site plan and electrical plan, in AutoCad or DXF format, shall be submitted to LCL&P. Refer to the attached sheet for site plan and electrical plan requirements.

   c. Public Works Department—contact Mike Mecham 716-9160
      1. A one-foot no access strip shall be placed on the plat at the northern terminus of West Haven Street.
      2. All streets shall have sidewalks on at least one side.

RECOMMENDED FINDINGS FOR APPROVAL
1. The Spring Street 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 maximum density established in the SFR zone has not been exceeded.

3. The Spring Street 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.

4. The Spring Street project is consistent with the goals and policies of the Logan General Plan.

5. The Spring Street project is compatible with existing land uses and zoning.
6. The Spring Street project provides recreation areas, usable and passive open space, landscaping, and vegetation in conformance with the General Plan and the Land Development Code.

7. The Spring Street project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

8. Access to 1000 North and 900 North Streets is designed to be constructed in conformance with City Standards and Specifications.

9. 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.

10. 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.

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

12. The Spring Street Project will result in the development of a project that will enhance or maintain the neighborhood.

13. 1000 North and 300 West Streets, the streets providing access to the proposed project, have adequate capacities for the project.

14. The proposed project results in adequate off-street parking in conformance with the Land Development Code.

15. The design of the project and its site layout conform to the Design Review Guidelines.

DESIGN REVIEW
[Moved: Mr. Kartchner Seconded: Mr. Kerr Passed: 5, 0]
Yea: Kerr, Hooper, Kartchner, Wickwar, Box Nay:

SUBDIVISION
[Moved: Mr. Kartchner Seconded: Mr. Kerr Passed: 5, 0]
Yea: Kerr, Hooper, Kartchner, Wickwar, Box Nay:

MOTION: Moved to recommend the project to City Council:

REZONE
[Moved: Mr. Kartchner Seconded: Mr. Kerr Passed: 5, 0]
Yea: Kerr, Hooper, Kartchner, Wickwar, Box Nay:

The meeting adjourned at 8:05 p.m.

Minutes approved as written and recorded on 2 tapes at PC meeting of April 25, 2002.
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE.

On this 27th day of June, A.D. 2002, personally appeared before me Mandie Simpson, 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

#01509793
$ 43.55

a copy of which is hereto attached, was published in said newspaper for ONE (1) issue commencing June 27, 2002 and ending June 27, 2002.

Signed Mandie Simpson

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

Signed Notary Public

My Commission expires 9-7-2003

LEGAL NOTICE

SUMMARIES OF ORDINANCES amending the Logan Municipal Code, 1989, passed by the Logan Municipal Council are as follows:

ORD. 02-32. An ordinance amending the Zoning Map of Logan City, Utah, was passed and approved June 19, 2002 rezoning 6.2 acres at approx. 375 West to 350 West, 1000 North to 900 North Streets from Single Family Residential (SFR) to SFR-Planned Unit Development (SFR-PD) for Tax ID No. 05-046-0019. Also identified as the "Spring Street Subdivision Rezone."

ORD. 02-27. An ordinance amending Section 10-52-210, "Parking Time Limited On Streets," eliminating the paragraph which sets time restrictions on parking on specific downtown streets, and Section 10-52-280, "Public Park Areas," allowing the Chief of Police the authority to place appropriate signs to regulate parking in public parking areas was adopted June 19, 2002. These ordinances are effective immediately upon publication.

Full texts of the ordinance may be reviewed at the Office of the Logan City Recorder, City Hall, 255 North Main, during regular business hours.

Lois Price, Recorder

Publication Date: June 27, 2002