CITY OF LOGAN
ORDINANCE NO. 03-26

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 Agriculture (AG) to Commercial Entryway (CE) as follows:

TIN #03-006-0003, 0004, 0005, 0006, 0007, 0013.

Also identified as "S & S Family Fun Center Rezone," 43.62 acres at approx. 1800 South Highway 89/91.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS DAY OF May, 2003.

AYES: Allred, Kerr, S. Thompson, Pyfer

NAYS: None

ABSENT: Borg

ATTEST:

Lois Price, City Recorder

Tami W. Pyfer, Vice 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 May, 2003.

Tami W. Pyfer, Vice Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 19th day of May, 2003.

Douglas E. Thompson, Mayor
DATE: April 10, 2003
FROM: Michelle N. Mechem, Planner II
SUBJECT: S & S Family Fun Center Rezone

Summary of Planning Commission Proceedings

Project Name: S & S Family Fun Center Rezone
Project Address: Approximately 1800 South Highway 89/91
Request: A Rezone to Commercial Entryway.
Current Zoning: AG, Agriculture
Proposed Zoning: CE, Commercial Entryway

The proponent has requested a rezone of parcels 03-006-0006, 0007, and 0013. Staff recommended to the Planning Commission that in addition to the parcels proposed for a rezone by the applicant the remaining parcels that were annexed into the City on March 19, 2003 also be rezoned to Commercial Entryway. If all of the annexed parcels are rezoned to Commercial Entryway from the Agriculture zone a large contiguous section of CE will be created at the southern entrance to Logan City. This zoning district will allow for future development to occur on these properties that enhance the entranceway to Logan City.

Staff has had conversations with some of the affected property owners and has explained to them that if the rezone is approved they will continue to have a right to farm (LDC §17.44.050) and the uses that have been legally established on their property can continue. Therefore staff recommends approval of this rezone.

Attachments:
Planning Commission Minutes from February 27, 2003
Staff Report to the Planning Commission February 27, 2003
Project Name: S & S Family Fun Center Rezone
Owner/Proponent: Stan Cheketts
Project Address: Approximately 1800 South Highway 89/91
Request: A zoning amendment for a 43.62 acre parcel from Agriculture (AG) to Commercial Entryway (CE) as annexation occurs.
Current Zoning: Unincorporated Cache County (AG, Agriculture when annexed)
Proposed Zoning: CE, Commercial Entryway
Staff Recommendation: Recommend Approval to the Municipal Council

Zoning Amendment
The proponent is requesting a zoning amendment to zone this property from Agriculture (AG) to Commercial Entryway (CE) as it is annexed into the city from Cache County.

Land use adjoining the subject property
North: CE: Flying J Convenience Store and Standard Plumbing
East: County: Undeveloped
West: CE/County: Undeveloped and Ramada Express
South: County: Undeveloped

The property is currently undeveloped and is surrounded by undeveloped and commercial properties. Flying J Convenience Store, Standard Plumbing, and Hyclone border the property on the North. The property is surrounded by unincorporated County land. Cox Honeyland is located to the northeast and the Ramada Express is located to the southwest. Because this property is part of the entranceway to Logan City it should be zoned CE as it will be contiguous to the CE zoning district.

The Municipal Council accepted the annexation petition on January 8, 2003. Currently all property annexed into the City of Logan is zoned Agriculture (AG) as a holding zone unless the proponent applies for a zone change prior to the annexation. If Council approves the proposed rezone the property will be annexed into the City of Logan as Commercial Entryway (CE). This will allow the proponent to submit for additional permits (i.e. Design Review, Conditional Use) on the property and continue with a project design without waiting for the Council to approve the rezone after the annexation. The Municipal Council will hear the annexation on March 5th. The rezone will only be necessary if the Municipal Council annexes the land.
Public Comments
Notices were mailed to 16 property owners located within three hundred feet of the subject property. At the time the staff report was prepared, the Department of Community Development had received one written comment opposed to the rezone. The comment is attached.

Recommendation
Staff recommends that the Planning Commission approve a motion to recommend to the Municipal Council Approval of PC Docket#03-013 for the S & S Family Fun Center Rezone, a zoning amendment for the property located at approximately 1800 South Highway 89/91; TID#03-006-0003 through 0007 and 0013.

Recommended Findings for Approval
The Planning Commission bases its decisions on the following findings supported in the administrative record for this project:

1. The S & S Family Fun Center zone amendment 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 S & S Family Fun Center zone amendment 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 S & S Family Fun Center zone amendment conforms to the requirements of Title 17 of the Logan Municipal Code.

4. The S & S Family Fun Center zone amendment is compatible with existing land uses and zoning.

5. The S & S Family Fun Center zone amendment is consistent with the goals and policies of the Logan General Plan.

Respectfully submitted,

Michelle N. Mechem
Planner II
Report Published: February 20, 2003

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.
PC DOCKET #03-013
S & S FAMILY FUN CENTER REZONE

PROPOSED ZONE CHANGE FROM THE AGRICULTURE (AG) ZONE TO THE COMMERCIAL ENTRYWAY (CE) ZONE
03-013  **S & S FAMILY FUN CENTER.** Rezone. Stan Checketts, applicant/owner requests a rezone from the Agriculture (AG) zone to the Commercial Entryway (CE) zone at approx. 1800 South Hwy 89/91. TIN#03-006-0003, 0004, 0005, 0006, 0007, 0013.

**STAFF:** Staff reviewed the report as written.

Mr. Kartchner asked about the Council recommendations.

Mr. Ward stated we have several options when rezoning and gave examples.

Ms. Mechem stated the general plan does not address this area of the city. We are in the process of updating the plan. Nothing states this should go either way.

Mr. Housley stated our proposed annexation plan is before Council recommending this piece be annexed into Logan.

Mr. Kartchner stated this is a rezone, not a project. The design review would come to us at a later date.

Mr. Ward explained the process of annexation.

Mr. Kerr stated it is not a requirement that all property owners in the area be party to the annexation.

Mr. Kymber stated it does not have to be unanimous; a certain percentage has to be met. It is a state law.

Ms. Mechem stated the commercial entryway zone is similar to commercial general except that it is more restrictive such as needing a conditional use permit for almost all types of uses.

**PROPONENT:** Stan Checketts. He described his intentions for this property. The proponent has agreed to all the conditions.

Mr. Ward stated we are not discussing a project. He asked Mr. Checketts about his meeting with the County.

Mr. Checketts stated he needed to know where in this valley he could go with a project like this. He asked to have a tower stand in the mean time. The County decided to turn it all over Logan City. It's just a timing issue.

Mr. Kartchner stated a major component is who ever annexes the land is responsible to provide the services. The county is not ready to provide them for this project.

**PUBLIC:** Steven Russell is a property owner inside the proposed annex area. He is a farmer and opposed to the rezoning from agriculture. There is a community of farmers out there trying to make a living.

Mr. Ward asked about the parcels in the area.

Mr. Russell stated Mr. Checketts does not own all the land proposed. Everyone else against the rezone surrounds this area. He wanted to know about the notice to everyone within ½ mile of the project. About 50 percent were notified.

Mr. Russell stated they feel they should have a voice.
Mr. Kerr stated that is why we are having this meeting. There will be other opportunities to address this issue at City Council.

Mr. Kartchner discussed the annexation policy plan and this proposed area to rezone.

Mr. Russell stated we have our rights. We have to leave something to plant our crops in. There are other areas that won’t produce crops.

Louise Watts lives on 1800 South. For the zoning, are people notified within ½ mile?

Ms Mechem stated notifications are given to property owners within 300 feet.

Ms. Watts stated she was the only one notified. They are concerned about the volume of traffic and noise. She wants to know what is going to be done about the traffic flow.

Paul Campbell, his father owns the land directly south. He attended an agriculture conference to preserve as much land as possible. They are looking to giving a permanent AG easement to keep it preserved.

Mr. Kartchner asked about the location of his father’s house and a road between his land and this project.

Del Campbell, father of Paul Campbell. He has lived on the land all his life. In a wet year, the water table can be high. If they haul infill, will this affect the natural drainage of the surrounding property? Will his land now be wetland? He has a natural spring on his property and it needs an outlet. He is opposed to the rezone, he wants the open space. We are losing the wildlife.

Mr. Ward stated when that project comes up, this is a valid concern.

Reva Merrill. When the RV Park went in, that is when they started having water problems. Traffic is another concern. She is opposed to the project.

Javier Romero moved here 6 years ago from Mexico and he loves it here. Families are growing and we need to provide services for them. We cannot stop it from growing. A factory would be worse than a park. He appreciates their view, but towns are growing. He is in favor of this project.

Bonnie Burre. She stated the reason Cache Valley is so beautiful is because it is so open. We are becoming like Layton. In the east they have plans to keep the open space. They want to keep her mother in her home she has been in for over 40 years. She is opposed to this project.

Ms. Watts stated she watched Provo and Orem be totally swallowed up until there is no more farmland. There is no agriculture there. She knows Stan needs a place for this but she is not sure this is the right spot.

Jed Merrill. The same thing is going on in Oregon. He is opposed to this project.

Mr. Kartchner stated as long as we have competing communities, and not looking at the valley as a whole, it is difficult to maintain open space. There should be a metropolitan community that deals with the valley as a whole. Right now they are all competing.

Richard Zollinger. He is concerned about the traffic. His desire is for Logan officials to put a light on that intersection. He is opposed to the project.
Mr. Kartchner stated it is a State highway and Logan City cannot decide on a traffic light there.

Mr. Ward stated traffic would be addressed when a project comes for review.

Bill Foreman. His concern is the gateway to Logan City. No commercial should be allowed at the entryway to the City. He is opposed to this project.

Mr. Checketts stated he has signatures for this project that he could provide. The highway makes much more noise than what he is proposing to do.

COMMISSION: Mr. Kartchner stated there are a number of zones. If it is annexed, it will have to be zoned. We could zone it to any one of them. The mostly likely zone is agriculture or CE, they are the most logical. That is what we must decide.

Mr. Ward stated his concern is that there is a lot of industrial around there and he would not want this to be industrial. We need to do something that discourages industrial.

Mr. Kerr stated if we leave it as agriculture, it would continue to be an item of attention to change it to something else. If we follow the lead of the annexation plan and make a recommendation now, it will establish it as CE and it would be less likely to become industrial.

Ms. Wickwar stated she is not wild about giving up farmland. If it remains AG, there will always be pressure to make it industrial. CE zone is probably the most benign use for that property. It will not be possible for it to remain AG forever.

Mr. Hooper stated CE would make the most sense.

Mr. Ward stated we do not have a county wide plan. CE is the least offensive for this project and we have a lot more control and what we put there than any other zone.

Ms. Wickwar stated the people still have the chance to go before the Municipal Council.

MOTION: Moved to recommend CE to the Municipal Council.

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

Work Shop Items
Staff and the Planning Commission reviewed the projects for the meeting of March 13 in a workshop setting.

03-002 Pebblebrook
03-011 Kentucky Fried Chicken
03-014 Fire Substation
03-015 Hernandez ADU
03-016 Curtis Larsen
03-017 Green Meadows Phase 3 & 4
03-018 Fur Breeders
STATE OF UTAH  
COUNTY OF CACHE, SS.  

On this 23rd day of April, 2003, personally appeared before me Rachelle S. Thomas, 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

a copy of which is hereto attached, was published in said newspaper for One (1) issue commencing April 23, 2003 and ending April 23, 2003. 

Signed Rachelle S. Thomas

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

Signed Cynthia K. Fulton  
Notary Public.

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, 

On this 13th, day of May, A.D. 2003, personally appeared before me Rachelle S. Thomas, 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 LOGAN MUNICIPAL COUNCIL

a copy of which is hereto attached, was published in said newspaper for One (1) issue commencing May 13, 2003 and ending May 13, 2003.

Signed Rachelle S. Thomas

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

Signed Notary Public.

S&S Family Fun Center
Rezone from AG to CE

Ord # 03-26

Date 5/7/03