CITY OF LOGAN
ORDINANCE NO. 03-69

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 Single Family Traditional Planned Development (SFT-PD) as follows:

TIN #03-005-0047.

Also identified as "Rose Hill Rezone," 23.98 acres at approx. 1800 South 1200 West.

SECTION 2: This ordinance shall become effective upon publication.


AYES: [Signatures]
NAYS: [Signatures]
ABSENT: [Signatures]

Tom Kerr, Chairman

ATTEST:

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 3rd day of Sept., 2003.

Tom Kerr, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 3rd day of Sept., 2003.

Douglas E. Thompson, Mayor
DATE:    July 10, 2003
FROM:    Michelle N. Mechern, Planner II
SUBJECT: Rose Hill Rezone

Summary of Planning Commission Proceedings

Project Name: Rose Hill Rezone
Project Address: Approximately 1250 West Young Ward Road (1800 South Street)
Request: A Rezone to Single Family Traditional-Planned Development (SFT-PD).
Current Zoning: AG, Agriculture
Proposed Zoning: SFT-PD

The proponent has requested a rezone of approximately 23.98 acres of land from the Agriculture zoning district to the Single Family Traditional-Planned Development zoning district. Staff recommended that the Planning Commission recommend approval of this zone change to the Municipal Council. On June 26, 2003, the Planning Commission voted 4-2 to approve a motion to recommend approval to the Municipal Council of the proposed zone change. Staff has attached the staff report to the Planning Commission and the minutes of the June 26, 2003 Planning Commission Meeting.

Attachments:
Planning Commission Minutes from June 26, 20003
Staff Report to the Planning Commission June 26, 2003
ROSE HILL. Rezone. Venture Net LLC/Marv Hansen, applicant/owner, requests a rezone from the Agriculture (AG) to the Single Family Traditional Planned Development (SFT-PD) zone on 23.98 acres at approx. 1800 South 1200 West. TIN#03-005-0047.

STAFF: Staff reviewed the report as written.

PROPONENT: Troy Kartchner. He discussed the best use of this land. The sewer is supposed to go in this year which will make it easier to develop. This project is a PUD and will work with Staff to develop this property.

PUBLIC: Ed Jensen, adjacent landowner, board of directors of Spring Creek. He wants to make sure there is no run off or degradation of the water quality. The reservoir is a liability, this project increases the density and kids in the area and raises the liability. He runs a feedlot and a diesel engine that is loud. He likes the open space. This project jeopardizes his property and well being. 1600 West is a gravel road and an issue. The road would be over the capacity, traffic is heavy. These questions have been raised before and need answered before approval.

Marsha Israelsen. She is against this development. She is concerned with the traffic.

Hal Olsen, farmer to the east. He just sprayed his land recently and if this development goes in, he will not be able to spray. This year his irrigation ditch was filled in with garbage and cement and he had to have it cleaned out before he could use it. Residential and farmers do not mix.

Laurie Bradshaw, lives to the north. She wants the Planning Commission to clean up the messes they have already made down there. She owns cows and chickens. You are moving in residential into an agriculture area and it doesn’t fit. She strongly objects to this project. She wants it to be a buffer zone between Logan City and the County.

Marv Hansen, owner. This is his property and he should be able to do what he wants.

Raeghn Torrie. She lives in the house that Marv sold and she has had water in the basement several times. She was annexed after they purchased their home. They bought there to move away from Logan to raise her children. She does not want a walking path in her back yard.

Dan Larson. His dad is a dairy farmer in Newton. The city will grow and the city proposes to put growth on the worst farm ground. Parents are going to watch their kids. He is a student and looking for a place to buy. In a year there won’t be anything to buy in Logan.

Ed Nelson. What is going to happen with the traffic, will they widen 1800 South? He is against this project.

COMMISSION: Mr. Kartchner stated this is a request for a rezone and none other. We are looking at what this should be zoned. He doesn’t think we are ready for a rezone yet. He doesn’t see it but as permanently agriculture or residential. He thinks residential is the better one. The sewer is going in but still not ready for a subdivision. He thinks it will fill in as residential.

Mr. Ward explained the process of the rezone.

Mr. Kerr stated over the several iterations of this property, this group has been exposed to several studies. He discussed the results of several studies that have been conducted. Looking down the road, everything
suggests this parcel and the ones surrounding it will become residential. None of the evidence presented suggests to not rezone it tonight.

Mr. Ward discussed the surrounding land. He thinks residential is a more friendly use.

Mr. Kerr stated residents have nowhere else to go and this proponent is filling a need. We all have kids that need to find a place to live.

Mr. Kartchner stated maybe we should be zoning it industrial instead of residential.

Mr. Nielson stated you would need to develop a basis for that. The city has 75 years of Industrial ground left. Leave it Agriculture if you want to hold it. To meet the current needs of our citizens, it needs to be residential. The mold was cast to allow the other two residential developments down there already.

Ms. Morgan stated we are cutting off the opportunity to fix the other development by cutting off further development on this project. We get so caught up in the problem that we can't see a solution.

Ms. Wickwar stated she was the only nay vote last time. She still feels the same way because it is out in the middle of nowhere. She will vote no.

MOTION: Moved to recommend the project to the Municipal Council.

[Moved: Mr. Kerr Seconded: Ms. Morgan Passed: 4 , 2 1 Yea: Robison, Kerr, Hooper, Morgan, Nay: Wickwar, Kartchner Abstain:]

Work Shop Items
Staff and the Planning Commission reviewed the projects for the meeting of July 10 in a workshop setting.

03-070 Harder Warehouse
03-071 Stokes Entertainment
03-072 The Natural Step
03-073 Craney Student Housing
03-074 Willowwood II Lot 2
03-075 K & K PUD
03-076 J R Hamilton Steak House
S & S Fun Park substantial conformance review

The meeting adjourned at 8:20 p.m.

Minutes approved as written and recorded on 2 tapes at PC meeting of June 26, 2003.

Jay Nielson
Director of Community Development
Karl Ward
Chairman

Teri Routledge
Administrative Secretary
Rezone to “SFT-PD” for the Rosehill Rezone
Approximately 1250 West Young Ward Road (1800 South);
TID #03-005-0047

REPORT SUMMARY...

Project Name: Rosehill Rezone
Proponent: Troy Kartchner
Owner: Marvin J. Hansen
Project Address: Approx. 1250 to 1600 West, Young Ward Road to Spring Creek
Request: A Rezone to “SFT-PD” for property located at approximately 1250 West, Young Ward Road to Spring Creek
Current Zoning: AG, Agriculture
Proposed Zoning: SFT-PD, Single Family Traditional-Planned Development
Type of Action: Legislative (rezone)
Staff Recommendation: Recommend approval of a rezone to SFT-PD to the Municipal Council

PROJECT

The proponent is requesting a rezone of approximately 23.98 acres of property from the Agriculture (AG) to Single Family Traditional—Planned Development (SFT-PD) zoning district. The Planning Commission previously recommended approval of this rezone to the Municipal Council in September of 2002. The Municipal Council voted to deny the rezone. The previous approval included a second 6.78 acre parcel west of the current parcel that is not included in this proposal.

Land use adjoining the subject property
North: MH: Logan River Estates
East: AG and MH: Undeveloped and Spring Creek Subdivision
West: Outside City limits: Undeveloped
South: Outside City limits: Undeveloped and some single family residential

Although the applicant has eliminated the west property, owned by Bradley Hoggan, from the application Staff’s recommendation remains the same as discussed in the two previous staff reports (August and September 2002). Staff has attached both of these staff reports, the minutes from the Planning Commission meetings, and the Municipal Council minutes to this memorandum. Staff, however, wishes to add a couple of additional points to the discussion.

Sensitive Lands

According to our sensitive lands data there are some areas on this property that have high water table, wetlands, and are wildlife habitat. There are no prime farmlands on this property. All of these sensitive areas can be addressed during the subdivision review process and the PD overlay zone allows the Planning Commission a greater ability to review the subdivision with the sensitive lands in mind.
Sewer Line
During the previous reviews staff had mentioned the planned sewer extension along 1800 South Street. The Public Works Department has stated construction on the new sewer line will begin in July 2003 and it can handle a large residential subdivision.

AGENCY AND CITY DEPARTMENT COMMENTS
No comments were received from City or County departments or agencies

PUBLIC COMMENTS
Notices were mailed to 17 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 no comments.

RECOMMENDATION
Staff recommends that the Planning Commission approve a motion to recommend approval to the Municipal Council of PC Docket #03-063 for the Rosehill Rezone, a Zone Change for the property located at approximately 1250 West 1800 South Street; TID #03-005-0047.

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

1. The location of the subject property is compatible with the purpose of the SFT-PD zoning district.
2. The subject property is suitable for development within the SFT-PD zoning district without increasing need for variance or special exception.
3. The subject property is suitable as a location for all of the permitted uses within the SFT-PD district.
4. The subject property when used for the permitted uses in the district will not be incompatible with adjoining land uses or the purpose of the adjoining districts.

Respectfully submitted,

Michelle N. Mechem
Planner II

Report Published: June 19, 2003
Staff Report for the Planning Commission meeting of August 8, 2002

PC Docket #02-073
Rezone to “SFR” for the Rosewood Rezone
Approximately 1250 to 1600 West Young Ward Road (1800 South);
TID #03-005-0047, 03-005-0048

REPORT SUMMARY...

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Rosewood Rezone</th>
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</thead>
<tbody>
<tr>
<td>Proponent:</td>
<td>Troy Kartchner</td>
</tr>
<tr>
<td>Owner:</td>
<td>Marvin J. Hansen and Bradley R. Hoggan</td>
</tr>
<tr>
<td>Project Address:</td>
<td>Approx. 1250 to 1600 West, Young Ward Road to Spring Creek</td>
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<tr>
<td>Request:</td>
<td>A Rezone to “SFR” for property located at approximately 1250 to 1600 West, Young Ward Road to Spring Creek</td>
</tr>
<tr>
<td>Current Zoning:</td>
<td>AG (Agriculture)</td>
</tr>
<tr>
<td>Type of Action:</td>
<td>Legislative (rezone)</td>
</tr>
<tr>
<td>Staff Recommendation:</td>
<td>Approve a rezone to SFT-PD</td>
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</tbody>
</table>

PROJECT

The proponent is requesting a rezone of roughly 30.76 acres of property currently in two lots at approximately 1250 to 1600 West, Young Ward Road to Spring Creek from Agriculture (AG) to Single Family Residential (SFR).

Land use adjoining the subject property

<table>
<thead>
<tr>
<th>North:</th>
<th>MH: Logan River Estates</th>
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<tbody>
<tr>
<td>East:</td>
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<td>West:</td>
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<td>South:</td>
<td>Outside City limits: Undeveloped and some single family residential</td>
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History

The Planning Commission and Municipal Council discussed residential use of this property at considerable length from 1997 to 2000. The Planning Commission approved a request for subdivision approval and annexation into Logan originally in 1997, after first voicing concerns regarding wetland and habitat impacts, traffic, and density (the original proposal had 118 lots). The 1997 Planning Commission approval was for a project with 102 lots and open space areas around on-site wetlands and along Spring Creek.

The property then was heard before the Municipal Council. Ultimately, in July 1999, the Council approved the annexation of the property into the City, but did not take any action on a rezone at that time due in part to concerns with irrigation and potential stormwater runoff impacts on Spring Creek.

In November of 1999, the Planning Commission approved a 98 lot subdivision for the site and a rezone to “SFT-9000”, or Single Family Traditional with the density based on 9000 square foot...
building lots. This subdivision included open space along Spring Creek and the ponds on the western edge of the property.

Between November 1999 and January of 2000, the Municipal Council debated this project and several alternatives, including rezoning the property to SFT with 20,000 square foot lots or with 14,000 square foot lots. In January 2000, the Council rejected the rezone request, citing concerns with:

1. The project’s density (too dense for the area);
2. Road access issues which the Council felt were not resolved; and
3. The perception that this development was a “leapfrog” development extending beyond the logical edge of the City in terms of existing development patterns.

The property is currently zoned AG.

**Rezone to SFR (Single Family Residential)**

The proponent is requesting a rezone of approximately 30.76 acres from AG to SFR. The proposed rezone would allow single family homes to be built on 6000 square foot lots. On a gross land basis, this would allow 223 lots. It is more accurate and useful to consider this application on a net land basis, however. Approximately an acre of the property is open pond and surrounding wetland fringe, located along 1600 West and Spring Creek, which would likely be unbuildable. The exact acreage of roadway for a new project would depend on the layout of lots, but would likely be about 20% of the property or about 6 to 7 acres.

Consequently, from a net land basis, and without consideration of additional open space requirements or dedications, the rezone to SFR would potentially allow up to 165 lots. This calculation is based on approximate values for open space and roadways.

**Spot-zoning and neighborhood compatibility**

There are no properties zoned SFR adjacent to this site. Land immediately to the east of the property is Agriculture, with the Spring Creek Subdivision zoned MH further east. The land to the north of the property is partly within the County and inside City limits is zoned MH for Logan River Estates. Land to the south and west is within the County, zoned Agriculture, and contains predominately farmland with some single family homes. The closest land in the City zoned SFR is approximately a mile away, along 600 West and Golf Course Road and at about 1500 South and 500 West. There is an area zoned SFT (Single Family Traditional) extending north along 1000 West from about 1300 South. Figure 1 at the top of page 3 illustrates the zoning pattern of the area.

The existing land use pattern immediately adjacent to the proposed rezone area include farmland and single family homes to the north and west, and the Spring Creek and Logan River Estates mobile home parks to the north and east. Looking at the bigger picture, much of the land in this part of the City is currently undeveloped (for example, along 1000 West) or is non-residential in nature (For example, Hyclone and Icon).
The issues of spot-zoning and neighborhood compatibility in part depend on the area examined. Allowing additional residential development in this part of the City would be more easily considered “compatible with the neighborhood” when looking at the existing mobile home parks. This conclusion could be more difficult if the neighborhood was expanded to include the areas north and west of the site, since this site is somewhat of a transitional area between the rural, agricultural character of the County and the more urban feel of much of Logan.

From a planning perspective, consideration of spot-zoning also takes into account a community’s general plan. In this sense, the purpose of avoiding spot-zoning decisions is to ensure that the goals and policies of a general plan are met and to avoid negative impacts to the public. If a rezone is approved in accordance with the general plan, even if it is only one parcel or creates an “island” zone, it is not necessarily considered spot zoning, as long as the rezone complies with the general plan and is not detrimental to surrounding property owners.

Although there is no statutory reference to spot zoning in Utah state law, the University of Utah Center for Public Policy and Administration’s publication Planning and Zoning Administration in Utah generally discusses spot-zoning on page 11-13:

Size of the parcel is not the only criterion for designation[as spot-zoning]. The zoning of relatively small areas to provide for the general welfare and not for a specific benefit to one owner, or area, but rather in compliance with a comprehensive land use plan, is not considered spot zoning. Conversely, relatively large areas that are zoned in a manner contrary to the general land use plan, or such that only a few private interests are being single out and given special consideration, may be held to be spot zoning.
General Plan considerations

The General Plan does not address development issues for this part of the City in any specific manner. The General Plan does cite southwest neighborhood residents as desiring increased home ownership opportunities. In addition, this project requires a review based on several broad issues discussed in the General Plan:

1. **Preservation of open space.** The General Plan calls for the “preservation of important natural resources” (General Plan page 4-7). Additionally, Policy LU-20 seeks to “Preserve riparian vegetation on the Logan River and along tributary creeks and canals” (General Plan p 3-51).

2. **Neighborhood compatibility.** The General Plan requires that new development preserve and enhance neighborhood character (General Plan Goal LU-23, p. 3-58). Additionally, the General Plan requires new development to be compatible with existing neighborhoods, stating that “new residential neighborhoods present design opportunities during subdivision review” (General Plan p 3-47).

3. **Housing.** The General Plan encourages the development of housing affordable to all income brackets (General Plan Policy LU-11, p 3-43).

4. **Transportation.** The General Plan calls for a “safe and adequate roadway network for traveling to and through Logan” (General Plan Goal CT-1).

All of these issues were debated during previous reviews and public hearings on this project. Below is a summary of each of these issues and the points of discussion.

1. **Open space preservation.** Preservation of open space and protection of the existing wetland and riparian habitat on the site was discussed at length. Additional concerns were expressed regarding management of stormwater runoff and existing irrigation uses. As a result of these concerns, the original project was reconfigured to avoid building lots that encroached on wetland and riparian areas, instead leaving these parts of the property as open space including property for the Logan River Trail extension. Even with these changes, there was evidence that the project still resulted in a negative impact on the habitat and open space value of this area. Stormwater and existing irrigation rights would also have to resolved.

2. **Neighborhood compatibility.** General Plan Implementation Measure LU-4.1(a) states that “[w]hen considering applications for changes of zone, the City shall consider the appearance and character of the neighborhood and the impact of the proposed change in land use. Emphasis shall be placed on ensuring that new development or expansion of existing development enhances or improves character in a neighborhood.” (General Plan page 3-31). Consideration of the enhancement or improvement in neighborhood character in part depends on the size of the neighborhood under consideration.

During the previous subdivision proposal reviews, public and Municipal Council comments included the perception that single family homes on approximately 9000 square foot lots were too dense for this area. There was also concern that this development was ahead of its time, in that residential development had not completely spread to this part of Logan yet.

3. **Housing.** The Logan General Plan states that “[o]ne of the critical issues raised during the development of the General Plan center on the diversity and availability of housing.”
(General Plan page 3-37). The General Plan also discusses the need for housing that serves “several distinct constituencies”, from upper to lower income families to students and industrial service workers (General Plan pages 3-37 to 3-39). While the General Plan discusses the need for affordable housing in greater detail, it also calls for the City to work with “regional service agencies and private developers in providing opportunities for affordable housing for all housing groups.” (General Plan page 3-39). The Planning Commission and staff recommended approval of the previous subdivision proposals for this site in part based on providing additional housing in Logan.

4. Transportation. The previous proposal for this property included two accesses onto 1800 South leading to 1000 West Street that would have served as the ingress/egress. The Municipal Council expressed concern that road access was not fully addressed in the proposal or the traffic study done by the proponents. Previous Department staff and the City Engineer had concerns that the traffic study was inadequate in that it did not address projected peak traffic flows, may not have been performed by a traffic engineer, and lacked any suggestions for improvements to 1800 South Street.

Development of the site
The proposed rezone to SFR would allow the construction of a maximum of approximately 165 homes on 6000 square foot lots. If approved, the Planning Commission would then review a subdivision for the project. Staff is concerned with this approach because it may not result in the resolution of previously identified issues (i.e., density, protection of habitat and open space and maintenance of neighborhood character). While the subdivision process could address these issues, there is no guarantee of that occurring if the property is rezoned to SFR.

Previous proposals for this property suggested a rezone to a density that approximated the density of the SFT zone, which requires lots to be a minimum of 8000 square feet. Approximately 125 lots maximum could be built on this property (depending on the area devoted to roadways and open space/wetlands/riparian areas) if the property was zoned SFT. Previous proposals for this area started at about 118 lots, but the number of lots was reduced to address concerns with the density issue (the Planning Commission approved a 98-lot subdivision in late 1999). The SFT zone applied to this property would result in the potential for about 40 fewer lots than would be allowed under the SFR zone and would come closer to addressing the density issue than a rezone to SFR.

The Planned Development requirements of the Land Development Code contain provisions that are intended to address issues such as neighborhood compatibility and preservation of sensitive areas such as wetlands and riparian zones. The Land Development Code allows Planned Developments to “cluster” homes and obtain some relief from minimum lot sizes, and contains other provisions to enable the Planning Commission and Municipal Council to approve high-quality, well-designed subdivisions. For example, lots can be clustered and slightly reduced in size from the standard minimum lot sizes to avoid highly sensitive areas such as wetlands and riparian areas. Additionally, clustering of homes would also enable larger open space areas to be preserved, providing not only residents but neighbors of the subdivision with quality open space and helping to address the issue of neighborhood compatibility. Clustering homes in such a
manner also affords the developer cost reductions in terms of less ground to cover to provide services such as roadways, water, and sewer.

The Planned Development portion of the Land Development Code allows flexibility in applying standard subdivision and zoning requirements providing the subdivision is of high quality. If the property were rezoned to the Planned Development overlay, the Planning Commission would apply the Planned Development standards in reviewing a subdivision proposal.

Staff has discussed the issue of City services with the Public Works Department, which has tentative plans to put in an upgraded sewer line along 1800 West next summer. If water and other improvements required for 1800 South are addressed by the developer, adequate provision of City services seems feasible. A traffic study could be completed that would address previously raised issues such as peak traffic flows and the need for any improvements to 1800 South Street, the main road accessing the property.

Therefore, for the reasons outlined above, staff recommends two motions:

1. Staff recommends that the Planning Commission approve a motion to recommend denial of the rezone request to SFR for the property located at approximately 1250 to 1600 West Young Ward Road (1800 South); TID #03-005-0047, 03-005-0048.

2. Staff recommends that the Planning Commission approve a motion to recommend approval a rezone to SFT-PD for the property located at approximately 1250 to 1600 West Young Ward Road (1800 South); TID #03-005-0047, 03-005-0048.

AGENCY AND CITY DEPARTMENT COMMENTS
One comment was received from City or County departments or agencies. The Public Works Department stated that they will want to review any improvements in light of culinary water and sewer facilities and future plans for this area as development is discussed.

PUBLIC COMMENTS
Notices were mailed to 10 property owners located within three hundred feet of the subject property. At the time the staff report was prepared, one written comment had been received by the Department of Community Development from one of the property owners expressing support for the rezone.

Respectfully submitted,

John W. Weber
Planner II

Report Published: August 8, 2002
August 22, 2002 Planning Commission Minutes

02-078 STEPHENS DUPLEX. Boundary Line Adjustment. Roger & Barbara Stephens, applicant/owner, request a design review of an existing home to be a legal duplex on an approx. .28 acre lot at 176 West 600 North in the Multi Family Medium (MFM) zone. TIN#05-077-0003, 0014, 0040.

MOTION: Moved to continue the project to the September 12th meeting.

02-073 CONTINUED FROM THE AUGUST 8TH MEETING.... ROSEWOOD REZONE. Rezone. Troy Kartchner/Marvin Hansen/Bradley Hoggan, applicant/owners, request a rezone from the Agriculture (AG) zone to the Single Family Residential (SFR) zone on 30.76 acres at 1600 West Young Ward Road. TIN#03-005-0047, 0048.

STAFF: Staff reviewed the report as written.

Ms. Wickwar asked about the 125 lot maximum when the council rejected this project in 1998.

Mr. Weber stated he was suggesting Single Family Traditional as an alternative because it is less lots. It is an estimate, the number could change. The Planning Commission will review the subdivision approval if one should come in.

Mr. Ward stated we are recommending a rezone only at this point.

Mr. Kartchner asked about the recommendation of Single Family Traditional with PD attached. Would this change the character of the neighborhood? This changes the character by attaching the PD to it. It is more complicated, how are you going to manage the open space?

Mr. Weber stated the proponent thinks it would be a very good thing, that there would be more additional open space maintained as quality.

PROPOSENT: Troy Kartchner. They agree with suggestions and proposals. They think the open space could be tied to a trail system around the area. They do not want a PUD that requires an association fee to maintain roads. Walking paths, landscaping, trees will be discussed later.

PUBLIC: Evan Olsen. What has changed since this was denied before?

Mr. Weber stated we don't have a specific subdivision proposal like before.

Mr. Ward stated the Planning Commission did not deny the project, the Council did.

Mr. Olsen asked if the City has an orderly growth plan.

Ms. Mechem stated no.
Ms. Mechem stated our general plan and annexation plan are missing.

Mr. Olsen stated this seems like a spot zone.

Mr. Weber discussed spot zoning. Staff does not believe this project is a spot zone.

Mr. Olsen stated he believes it is. The road issue, he wants to know if staff would make changes there.

Mr. Weber stated a traffic study would be required if a subdivision was proposed.

Mr. Olsen stated it is agriculture land, the road needs to be 12-15 feet wider, it puts a hardship on ag people trying to get down the road. He is the largest stockholder in the canal company, how would the storm water be handled?

Mr. Weber stated the public works department would have to approve a storm water management plan to deal with those issues.

Mr. Olsen stated he has been working hard to preserve open space and ag land. He suggests the Planning Commission think hard and know a lot of people are worried about this project. He opposes this project.

Mr. Ward asked if the parcel was under cultivation now.

Mr. Olsen stated some of it for barley, but frost got to it.

Carolyn Jones. Owns 25 acres North of proposed rezone and has lived there 26 years. She has a bad taste the way Logan City does they’re zoning and annexations. She read from a letter.

Mr. Ward stated the Planning Commission shares her concerns.

Mr. Kartchner asked when that was annexed.

Mr. Johnson stated early 90’s.

Marsha Israelsen. She is involved with agriculture and very concerned. She discussed a situation with an irrigation canal. She feels no one looks out for the agriculture people. The road is narrow and children play by the irrigation ditches. It is not a safe road. Nothing has been done to fix the road, more mobile home are being moved in and more are located there than what was approved. She wants this project denied.

Ed Nelson. They better know what is taking place. Logan City does not take care of the roads with snow plows, roads are not wide, cars will slide off. The county always took care of it. There are a lot of wetlands. The irrigation company will not allow water into their irrigation ditches. They’re going to have to do a detention pond, there is no place to put the surface water. It’s all polluted and the State says clean it up. Subdivisions cause more pollution than anything else. Mr. Nelson stated he researched Logan River Estates and it was done illegally. The file contained only 5 sheets of paper and no one was ever notified. Reed was just pulled into Logan City. They just
go do what they want to. Crime will increase if you put more small housing out there. Logan City should deny this project until there are some plans.

Mike Yacotz. Eric Toll showed up at his house to tell him Logan City was going to put in a road and utilities on his property. Traffic on the road has tripled since the mobile homes moved in. Rosewood would not protect the wildlife in that area. He doesn't see how it will be protected. He is concerned about rezoning a property without plans. He is against the rezoning because they doesn’t know how many homes will go in.

Tene Olsen. Her husband is a dairy farmer. They rent land next to the project. She has issues because she hasn’t seen any plans. Rezone, build. Logan doesn’t live up to what they say they’re going to do. She is against the project. There is not enough room for a lot of homes. This is setting up their community for more of a mess.

COMMISSION: Mr. Kartchner stated when the City gets ready to decide everything and integrate it in a realistic way, you can’t put a subdivision out there with this present road. It is not adequate. Can’t expect subdividers to put in a 60’ wide road from 1000 West. It should stay agriculture.

Ms. Box asked about the plan submitted for Logan River Estates. Val Grant was penalized for not following the rules. If Logan River is not following the rules, then they should get after them.

Mr. Ward suggests researching Logan River Estates.

Mr. Housley stated you can’t be quick to judge, the City is not to blame, the developer is the one who needs to be looked at. Hold conclusions until we have the facts.

Mr. Housley stated the Rosewood proposal is not for MH. Those problems are not unique to that area.

Mr. Ward stated their primary concern is to see that the project enhances the city. His concerns are the same as Gene’s.

Mr. Kartchner stated Logan River Estates is irrelevant to this project. Development needs to come in as a planned development. If it’s going to be residential, it cannot be a detriment to the community.

Mr. Kerr stated all issues raised by neighbors are valid concerns and we share them. We are creating family units faster than housing units. The density has to occur somewhere.

Mr. Ward asked how do we best use green space. It makes sense not to require 1 acre lots in an area because you end up with big lots of grass and reduce ability for other areas in a more natural state. He likes staff recommendations. It is an upgrade.

Mr. Housley stated the problem is, once the land was annexed, the Council stated they would provide the infrastructure. The neighbors have valid concerns, the way you preserve it is to buy it, if you can’t buy it then you’re subject to the landowner and infringing on the landowner’s rights. The best argument is you don’t even know if you want it residential.
MOTION: Moved to recommend denial of the proponent's proposed rezone to the Municipal Council.

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

The meeting adjourned at 9:00 p.m.

Minutes approved as written and recorded on 3 tapes at PC meeting of August 22, 2002.

__________________________________________  __________________________________________
Jay Nielson  Karl Ward
Director of Community Development  Chairman

__________________________________________
Teri Routledge  
Recording Secretary
Staff Report for the Planning Commission meeting of September 26, 2002

PC Docket #02-097
Rezone to “SFT-PD” for the Rosehill Rezone
Approximately 1250 to 1600 West Young Ward Road (1800 South);
TID #03-005-0047, 03-005-0048

REPORT SUMMARY...

Project Name: Rosehill Rezone
Proponent: Troy Kartchner
Owner: Marvin J. Hansen and Bradley R. Hoggan
Project Address: Approx. 1250 to 1600 West, Young Ward Road to Spring Creek
Request: A Rezone to “SFT-PD” for property located at approximately 1250 to 1600 West, Young Ward Road to Spring Creek
Current Zoning: AG (Agriculture)
Type of Action: Legislative (rezone)
Staff Recommendation: Approve a rezone to SFT-PD

PROJECT

The proponent is requesting a rezone of roughly 30.76 acres of property currently in two lots at approximately 1250 to 1600 West, Young Ward Road to Spring Creek from Agriculture (AG) to Single Family Traditional—Planned Development (SFT-PD). At the August 22 Planning Commission, the Planning Commission reviewed this property for a rezone request to Single Family Residential; the staff recommended a rezone to Single Family Traditional—Planned Development. The Planning Commission voted 5-0 to recommend a denial of the rezone request to the Municipal Council.

Land use adjoining the subject property
North: MH: Logan River Estates
East: AG and MH: Undeveloped and Spring Creek Subdivision
West: Outside City limits: Undeveloped
South: Outside City limits: Undeveloped and some single family residential

The staff report for the August 22 Planning Commission hearing is attached. Staff’s recommendation remains the same as discussed in the previous staff report. Staff wishes to add a couple of additional points to the discussion.

Improvements to 1800 South
One of the concerns mentioned in the August 22 public hearing was the capacity of 1800 South to handle increased traffic flows if a project was approved in this area. As staff said during the August 22 hearing, as part of a residential subdivision proposal for this property, a traffic study would be required to analyze the potential traffic impacts and identify necessary improvements to 1800 South. The Planning Commission would review the traffic study as part of its review of a subdivision proposal, and would therefore have the opportunity to require improvements to 1800 South.
South. A traffic study at this point may not accurately reflect a project, since the layout and number of lots have not been proposed. If a rezone is eventually approved, a traffic study could be accurately accomplished using the maximum allowed density in the approved zone.

**General Plan issues**

Staff normally looks to the General Plan for direction regarding rezone proposals. As mentioned in the previous staff report, the General Plan does not provide specific direction regarding development in this part of the City. The General Plan was adopted in 1996, and this property was annexed into the City in 1999.

Without direction from the General Plan, staff analyzes land uses in the neighborhood to determine if a rezone request would be either a spot-zone or would be incompatible with existing uses. As described in the previous staff report, staff does not believe this rezone proposal is a spot-zone. In examining the compatibility issue, staff has looked at the surrounding land uses. At this point, staff feels that commercial or industrial development on property this size (about 30 acres) at this location would not be compatible with the existing residential uses at Logan River Estates, Spring Creek, or the other residential homes south of the subject property. Staff feels that the possibility of commercial or industrial development in this part of the City is much stronger immediately adjacent to 1000 West, due to existing development (Icon and Hyclone, for example) and the general traffic patterns of 1000 West.

**Planned Development overlay**

According to 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]). Additionally, in order to approve a Planned Development, the Planning Commission must substantiate findings that the project is compatible with surrounding land uses, will not interfere with the use of properties in the area, and provides recreation areas and usable open space. Staff believes that a residential subdivision in this site should address issues such as neighborhood compatibility, preservation of open space, protection of sensitive resource areas such as riparian zones, and other General Plan issues as outlined in the previous staff report. Staff believes that the Planned Development requirements incorporated in the Land Development Code provide the Planning Commission with the tools to ensure that these issues are addressed.

Staff also recognizes that provision of relatively large areas of open space may result in a developer having to develop a program to maintain these open space areas. Certainly this is an issue for a Planned Development-type of project, or any project which has some sort of homeowner’s association with dues going toward the maintenance of commonly owned areas. However, staff feels that the benefits of the Planned Development approach in terms of providing usable, quality open space and natural resource protection outweigh issues associated with homeowners’ associations. Additionally, in this case a portion of the open space may and perhaps should be left in a more natural state (e.g., along Spring Creek the riparian area can be preserved) which could reduce the amount of active maintenance. These types of open spaces do provide a developer with a challenge, but the benefits outweigh the challenge in this case.
For these reasons, as well as the rationale outlined in the previous staff report, staff recommends that the Planning Commission recommend approval of a rezone to SFT-PD.

AGENCY AND CITY DEPARTMENT COMMENTS
No comments were received from City or County departments or agencies. In reviewing this proposal previously, the Public Works Department stated that they will want to review any improvements in light of culinary water and sewer facilities and future plans for this area as development is discussed.

PUBLIC COMMENTS
Notices were mailed to 10 property owners located within three hundred feet of the subject property. At the time the staff report was prepared, one written comment had been received by the Department of Community Development from one of the property owners expressing support for the rezone.

Respectfully submitted,

John W. Weber
Planner II

Report Published: September 19, 2002
1. Additional fire hydrants may be required.

**RECOMMENDED FINDINGS FOR APPROVAL**

1. River Meadows Subdivision Phase II 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. River Meadows Subdivision Phase II 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. River Meadows Subdivision Phase II is consistent with the goals and policies of the Logan General Plan.

4. River Meadows Subdivision Phase II is compatible with existing land uses and zoning.

5. River Meadows Subdivision Phase II is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

6. Access to 1000 West Street is designed to be constructed in conformance with City Standards and Specifications.

7. 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.

8. 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.

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

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

**02-097 ROSE HILL REZONE.** Rezone. Troy Kartchner/Marvin Hansen/Bradley Hoggan, applicant/owners, request a rezone from the Agriculture (AG) zone to the Single Family Traditional Planned Development (SFT-PD) zone on 30.76 acres at 1600 West Young Ward Road. TIN#03-005-0047, 0048.

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

Mr. Weber explained the difference between SFR and SFT. The original plan was 6,000 sq. ft. lots that would result in 150 lots available. The SFT with a PD overlay would reduce the number of lots to between 110-120 lots. The PD overlay does not change the number of lots. Lots by themselves could be smaller than 8,000 with the PD. This would provide more open space around the wetland areas and along Spring Creek.

Mr. E. Kartchner stated that this would allow the average lot size to be 8,000 sq. ft.
Mr. Ward stated this is just a rezone and not a subdivision.

PROPONENT: Troy Kartchner, Continental Homes. Mr. T. Kartchner stated 600 South has a subdivision similar to this. They would need to widen the road and install curb and gutter. This decision comes down to two good uses for this land either agricultural or residential. He will do whatever the City decides. This is a difficult piece to develop. He would like to see it done well.

PUBLIC: Raeghn Torrie, home owner in the area, stated she is concerned about this rezone. She was not notified about the Aug. 23 meeting. She moved to this area to have space. Can this land handle this many homes and not affect existing homes? The wildlife outside would be missed.

Mr. Ward stated the issues with water needs to be addressed by engineering. If there is not enough water, then the project would not be allowed.

Mr. Ward stated the maximum would be 120 lots.

Mr. Housley stated there is no noticing for annexation.

Marsha Israelsen asked what does the Planning Commission define as open space.

Mr. Weber stated open space is park area, trails, space that is not built on or paved.

Ms. Israelsen stated open space is a field in the agricultural community. She thinks this is a spot rezone. There is a lot of AG property around this property. She stated developers get their money and go, the residents have to deal with the development. She discussed the management it takes to upkeep the irrigation canal. This development would just add to the irrigation company's problems. She stated the City is not ready for development in this area. The community of farmers would have a harder time.

Mr. E. Kartchner stated when a City annexes land, it does not mean it is going to be developed. The property owner chooses to sell the land to the developer. We cannot tell a property owner how to use their land. It is the property owners’ choice.

Ms. Israelsen stated we would request that it not be rezoned.

Hal Olsen farms in this area. He rents the land he farms. Agricultural and residential do not mix. With residential so close there are bike paths that are driven through his wheat fields by kids and adults. The purpose of this rezone is to develop the land. Kids play in the canal, there has been floods in this area. The problem is the developer gets the profit and then moves on. Logan River Estates is a sad site. There are 17 homes for sale and there is higher crime. This is a spot rezone in this area.

COMMISSION: Mr. E. Kartchner stated this is an age-old problem with development. We have hundreds of miles of canals running through Logan. Development is going to move. There is land that could be filled in first. The current road at 1800 South is not adequate for development.

Ms. Wickwar stated she does not see a lot of changes from the last time they looked at this site plan. It is important there is infrastructure in place before we allow this kind of development.
Mr. Ward stated he would rather have SFT at this location then SFR or MH. At this point the proponent is proposing a subdivision. At that time we will have to have the correct infrastructure. He doesn't see why they are delaying rezoning it to SFT instead of having a different type of development.

Mr. Kerr stated if a developer is meeting a demand he perceives, then he has the right to develop.

Mr. E. Kartchner stated if it wasn't for developers, none of us would have a place to live. If it doesn't get rezoned now then it will be addressed in the general plan and this area would probably be residential.

Mr. Kerr stated when a farmer is nearing retirement and their land is not profitable sometimes they choose to sell the land to developers to have retirement money.

Ms. Wickwar stated if we recommend this, it would go to the City Council. They denied it last time.

Mr. Olsen stated we are putting the cart before the horse. Developers sometimes do not meet all requirements. This is not a demand basis, this is for a profit. He would like the City to fill in other areas first.

Mr. Weber stated the Logan River Estates is zoned Mobile Home, as far as the infrastructure goes there is already plans in place to improve the sewer line on 1800 South. There is no question that the infrastructure would have to be in place including the road on 1800 South for this development to happen.

Mr. Kerr stated the City couldn't put the infrastructure in place before the development. It takes development first then infrastructure.

A discussion on putting in the infrastructure took place.

Mr. E. Kartchner stated that putting the PD on the project allows the Planning Commission to have more control.

MOTION: Moved to recommend the project to the Municipal Council

[Moved: Mr. Kerr  Seconded: Mr. Kartchner  Passed: 3, 1]
Yea: Hooper, Kerr, Kartchner  Nay: Wickwar  Abstain:

02-063 Continued from the September 12th meeting.... CHRISTENSEN READY MIX. Design Review, Conditional Use. Christensen Construction/ Dena Christensen, applicant/owner, request a design review for an approx. 1,512 sq. ft. metal building and conditional use permit to allow storage of equipment and earthen materials on 10 acres at 2151 North 600 West in the Industrial (IND) zone. TIN#04-079-0002.

STAFF: Staff reviewed the report as written.

Ms. Wickwar asked if the block wall goes to the end of the driveway.
STATE OF UTAH
COUNTY OF CACHE, ss.

On this 23rd day of July, 2003, personally appeared before me, Rachelle S. Thomas, who being first duly sworn, deposes and states 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 July 23, 2003, and ending July 23, 2003.

Signed Rachelle S. Thomas

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

Signed Cynthia K. Fulton

Notary Public

STATE OF UTAH
COUNTY OF CACHE, ss.

On this 9th day of September, 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 September 9, 2003 and ending September 9, 2003.

Signed Rachelle S. Thomas

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

Signed Notary Public

My Commission expires September 7, 2007

LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL

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

ORD. 03-70. An ordinance amending the Zoning Map of Logan City, Utah, was passed and approved September 3, 2003 rezoning 0.63 acres at approx. 976 West 1000 North from Single Family Residential (SFR) to Single Family Residential (SFR-PD) identified as TIN #06-046-0019, 0021. Also identified as "Spring Street PUD Rezone."

ORD. 03-69. An ordinance amending the Zoning Map of Logan City, Utah, was passed and approved September 3, 2003 rezoning 23.98 acres at approx. 1800 South 1200 West from Agriculture (AG) to Single Family Traditional Planned Development (SFT-PD) identified as TIN #03-005-0047. Also identified as "Rose Hill Rezone."

ORD. 03-68. An ordinance repealing Chapter 17.40, "Signs and enacting new sign regulations was adopted and approved September 3, 2003. The new regulations comprise Sections 17.40.010 through 17.40.120, and address pole, monument, directory, freestanding and temporary commercial event signs, as well as menu boards and signs for multi tenant projects. Changes include lowered pole sign height, smaller wall sign size, residential signage requirements and master signage plan requirement. Chapter 17.62, "Definitions," was also amended in response to sign ordinance changes.

ORD. 03-67. An ordinance amending Section 17.55.010, "Uniform Project Review Procedures," was adopted and approved September 3, 2003 to read as follows: "A. All applications for projects to be heard by the Design Review . Committee, Board of Adjustment, the Planning Commission or the Board of Appeals shall be processed with the uniform procedures of this chapter."

ORD. 03-66. An ordinance amending Section 17.50.040, "Design Review. Permits Required," was adopted and approved September 3, 2003 to add Item No. 12, "Wall Art over 10% of the first story facade area."

ORD. 03-65. An ordinance amending Section 17.01.030B, "Prohibitions," was adopted and approved September 3, 2003 to clarify Subsection B, "No land, building, or structure may be developed, used, occupied, erected, moved or altered without conformity with the provisions of this title and state law."