CITY OF LOGAN
ORDINANCE NO. 04-21

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 Single Family Residential Planned Development (SFR-PD) as follows:

TIN #02-058-0015.

Also identified as "Park Avenue Subdivision Rezone," 8.15 acres at approx. 850 South Park Avenue.

SECTION 2: This ordinance shall become effective upon publication.


AYES: N marches, Ayers, S. Thompson, Taylor, Sevener
NAYS: None
ABSENT: None

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 16th day of March, 2004.

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 16th day of March, 2004.

Douglas E. Thompson, Mayor
MEMORANDUM TO THE MUNICIPAL COUNCIL

DATE: February 26, 2004
FROM: Geoff Butler, Planner I
SUBJECT: Park Avenue Rezone

Summary of Planning Commission Proceedings

Project Name: Park Avenue Rezone
Project Address: Approximately 850 South Park Avenue
Request: Rezone to Single Family Residential-Planned Development
Current Zoning: SFR, Single Family Residential

The proponent has requested a rezone of approximately 8.15 acres of land from the Single Family Residential zoning district to the Single Family Residential-Planned Development zoning district. Staff recommended that the Planning Commission recommend approval to the Municipal Council. The Planning Commission heard the project on February 12, 2004 and voted 6-0 to recommend approval of the rezone to the Municipal Council. Staff has attached the staff report to the Planning Commission and the minutes of the February 12, 2004 Planning Commission Meeting.

Attachments:
Planning Commission Minutes from February 12, 2004
Staff Report to the Planning Commission February 12, 2004
Minutes of the meeting for the Logan Planning Commission convened in regular session Thursday, January 22, 2004, Chair Karl Ward conducting. The chair called the meeting to order at 5:30 p.m.

**Planning Commissioners present were:** Karl Ward, John Kerr, Ray Robison, Gene Kartchner, Gina Wickwar, Paul Morgan, Becky Morgan

**Planning Commissioners absent were:** none

**Staff present:** Jay Nielson, Michelle Mechem, Kymber Housley, Geoff Butler

Minutes as written and recorded from the January 22, 2004 meeting were moved to be approved by Mr. Kartchner and seconded by Mr. Robison. The vote was unanimously approved.

**Tape 1A**

**Public Hearings**

03-109B *Continued from the January 22th meeting... Park Avenue Subdivision. Rezone.* Horizons Construction/Dan Heiner, applicant/ owner, requests a rezone from the Single Family Residential (SFR) to the Single Family Residential Planned Development (SFR-PD) zone on 8.51 acres at approx. 850 South Park Avenue. TIN#02-058-0015.

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

Mr. Kerr asked about an incorrect street name on the aerial photo.

Mr. Butler stated the street name is a mistake and was left over from an old map. The northeast part of the parcel is the wetlands.

Mr. Kartchner asked if the site plan/plat would come in with the open space shown.

Mr. Butler stated yes.

**PROPOSENT:** Wayne Crow, representing the proponent. The open space will be well over an acre. The road will be a full 60 foot dedicated road with sidewalks and street trees. There will be two entrances from the road onto Park Avenue. There will be two large open spaces connected with trails.

**PUBLIC:** Stan Myrick 855 South Park Avenue. They are compromising on the density to preserve open space. The owners can't build on the wetlands anyway. There is already a lot of traffic on this road. A high density area will bring up problems with schools and transporting students. Woodruff School is at capacity now.
Reid Wadsworth. He discussed his daughter wanting to build here with big lots. This project changes the neighborhood. He has nothing against a subdivision as long as there are decent houses. Why rezone it to get more houses in it? He is against the rezone. The developer should have some consideration for the other people around there.

Mr. Kartchner asked about the number of acres in the project.

Mr. Butler stated the discrepancy on the application and in the report is a result of the survey.

Mr. Kerr asked how long it has been currently zoned SFR.

Ms. Mechem stated probably since the 1996 rezone.

Doug Eames. He discussed a retirement center that was proposed at this location. He is against this project. The houses will be impacted by the lights of the ball diamonds to the east.

COMMISSION: Ms. Wickwar stated we have spent some time talking about the need for more density within the city. But putting a PD overlay does not give the right to put in as many homes as possible.

Mr. Kartchner stated this particular piece of ground would be logical to zone it PD because it has that kind of character. The rezone stands alone and is logical to this piece of land.

Mr. Kerr stated he agrees. The PD gives the Planning Commission more control when the subdivision takes place.

Mr. Kartchner stated it would be a good idea to zone PD's around town as part of the General Plan update on parcels with sensitive areas.

A discussion took place regarding the public notice and what was previously sent.

Mr. Kartchner stated it ought to be renounced.

Mr. Butler explained that the project has been noticed correctly.

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

[Moved: Mr. Kartchner Seconded: Mr. Morgan Pass: 6 0]

Yea: Robison, J. Kerr, G. Kartchner, G. Wickwar, P. Morgan, B. Morgan

Nay: 

Abstain:
Work Shop Items
Staff and the Planning Commission reviewed the projects for the meeting of February 12 in a workshop setting.

04-015 Verizon Wireless
04-016 Heritage Apartments
04-017 Charlie Fullmer

The meeting adjourned at 6:15 p.m.

Minutes approved as written and recorded on 1 tape at PC meeting of February 12, 2004.

Jay Nielson
Director of Community Development

Karl Ward
Chairman

Teri Routledge
Administrative Secretary
PC Docket #03-109B

Rezone for the Park Avenue Planned Development located at approximately 850 South Park Avenue TID #02-058-0015

REPORT SUMMARY...

Project Name: Park Avenue Planned Development
Proponent: Jared Nielson
Owner: Dan Heiner
Project Address: Approximately 850 South Park Avenue
Request: A Rezone to SFR-PD
Current Zoning: SFR (Single Family Residential)
Proposed Zoning: SFR-PD (Single Family Residential-Planned Development)
Staff Recommendation: Recommend approval of a rezone to SFR-PD to the Municipal Council
Type of Action: Legislative (rezone)

PROJECT

Rezone

The proponent is requesting a rezone of approximately 8.15 acres of property located at approximately 850 South Park Avenue from the Single-Family Residential (SFR) to the Single Family Residential-Planned Development (SFR-PD) zoning district.

Land use adjoining the subject property

North: SFR: single-family homes
East: REC: Oregon Short Line right-of-way/ Willow Park Baseball Complex
West: SFR: singly-family homes
South: SFR/REC: single-family homes

This property has wetlands, high water table and small wildlife habitat areas as well as a stream that runs through the property from east to west. Staff feels that the PD overlay zone would give the proponent and the Planning Commission the needed flexibility to preserve sensitive lands and natural amenities while designing a quality development for residents.

The Planned Development requirements of the Land Development Code contain provisions that are intended to address several issues including preservation of sensitive lands. The Land Development Code allows Planned Developments to obtain some relief from minimum lot sizes, and contains other provisions that enable the Planning Commission and Municipal Council to approve high-quality, well-designed subdivisions. For example, lots can be reduced in size from the standard minimum lot sizes to avoid highly sensitive areas such as wetlands, streams, and flood plains and to provide open recreation areas for residents.

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 on this site should address issues such as neighborhood compatibility, preservation of open space, protection of sensitive resource areas, and other General Plan issues. Staff
believes that the Planned Development requirements incorporated into the Land Development Code provide the Planning Commission with the tools to ensure that these issues are addressed when the property is subdivided.

The subject property could potentially accommodate 59 lots at 6,000 square feet each under the current zoning. The proposed rezone to SFR-PD would not allow any additional density. It would however, allow the proponent more flexibility to preserve sensitive lands while still retaining the density which he is entitled to.

General Plan Considerations
The General Plan does not address development issues for this part of the City in any specific manner. Without specific direction from the General Plan, staff analyzes land uses in the neighborhood to determine if a rezone request would be compatible with the existing neighborhood. Staff believes a rezone of this property to Single Family Residential-Planned Development would result in a quality development that is consistent with the existing neighborhood, which consists of several single-family homes among fairly large areas of natural passive open space and streams.

This project if approved with the Planned Development overlay will require a review based on some broad issues discussed in the General Plan and mentioned below:

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).

The Planning Commission will review these issues during the subdivision and design review phase of this project to ensure compliance with the goals of the General Plan. The Planned Development overlay will allow the developer to design a project that is consistent with the goals of the General Plan by allowing flexibility to the site design standards.

AGENCY AND CITY DEPARTMENT COMMENTS
No comments were received from City or County departments or agencies regarding the rezoning of this property.

PUBLIC COMMENTS
Notices were mailed to 19 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 letter from neighboring residents expressing concerns about the preservation of the stream and trees, small lot sizes, and traffic safety.

RECOMMENDATION
Staff recommends that the Planning Commission approve a motion to recommend approval to the Municipal Council of PC Docket #03-109B for the Park Avenue Subdivision, a zone change for the property located at approximately 850 South Park Avenue; TID #02-058-0015.

RECOMMENDED 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 SFR-PD zoning district.
2. The subject property is suitable for development within the SFR-PD zoning district without increasing the need for a variance or special exception.

3. The subject property is suitable as a location for all of the permitted uses within the SFR-PD district.

4. The infrastructure providing access and utility services to the subject property have adequate capacities or suitable levels of service for the permitted uses within the zoning district.

5. 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,

Geoff Butler
Planner I
Report Published: February 5, 2004

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.
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF Cache, etc.

On this 25th day of March, 2004, 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 March 25, 2004, and ending March 25, 2004.

Signed: Rachelle S. Thomas

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

Cynthia K. Peck
Notary Public.


LEGAL NOTICE

LOGAN MUNICIPAL COUNCIL

SUMMARY OF AN ORDINANCE amending the Logan Municipal Code, 1989, passed by the Logan Municipal Council is as follows:

ORD. 04-21. An ordinance amending the Zoning Map of Logan City, Utah, was passed and approved March 16, 2004, rezoning 8.15 acres at approx. 850 South Park Avenue from Single Family Residential (SFR) to Single Family Residential Planned Development (SFR-PD) identified as TIN #02-035-0010. Also identified as "Park Avenue Subdivision Rezone."

This ordinance is effective immediately upon publication. Full text 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: Mar. 25, 2004
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE.

On this 2nd day of March, 2004

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

was published in said newspaper for one (1) issue commencing March 2, 2004 and ending March 2, 2004

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

NOTICE OF PUBLIC HEARING FOR PURPOSES OF REZONING PROPERTY

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

Park Avenue Subdivision Rezone. Horizons Construction/Dan Heiner, applicant/owner, requests a rezone from Single Family Residential (SFR) to Single Family Residential Planned Development (SFR-PD) on 8.15 acres at approx. 850 South Park Avenue. TIN#02-058.0015

Public hearing will be held before the Logan Municipal Council on Wednesday, March 16, 2003, not before 6:15 p.m. in the Council Chambers at 255 North Main Street, Logan, Utah. Interested citizens are invited to attend.

Lois Price, Recorder

Publication Date: March 2, 2004