CITY OF LOGAN
ORDINANCE NO. 04-65

AN ORDINANCE AMENDING THE ZONING MAP OF LOGAN CITY, UTAH

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

SECTION 1: That certain map or maps entitled “Zoning Map of Logan City, Utah” is hereby amended and the following property is hereby zoned from Commercial General (CG) to Multi-Family Medium (MFM) as follows:

TIN #’s: 04-081-0016, 0018, 0019, 0020, 0021.

Also identified as “Bridgerland Rezone,” approximately 36 acres located at approximately 1400 North 400 West.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, 3rd THIS
AYES: Needham, Swenson, Taylor, Pyfer, S. Thompson
NAYS: None
ABSENT: None

Tami W. Pyfer, 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 August, 2004.

Tami W. Pyfer, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 3rd day of August, 2004.

Douglas E. Thompson, Mayor
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ss.

On this 20th day of July, A.D. 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,

daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

NOTICE OF PUBLIC HEARINGS FOR PURPOSES OF REZONING PROPERTY

AND AMENDING THE LAND DEVELOPMENT CODE

a copy of which is hereto attached, was published in said newspaper for One (1) issue


Signed

Rachelle S. Thomas

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

Signed

Cynthia K. Fulton

Notary Public.


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

1. Bridgerland Meadows Rezone, Don Barring/Charlie Full-mer, applicant/owner, request a rezone from the Commercial General (CG) zone to the Multi-Family Medium (MFM) zone on 36 acres at approx. 1400 North 400 West.

2. Land Development Code Group Living Amendments. City of Logan, applicant/owner, requests text change to Logan City Land Development Code Chapter 17.07.010 and 17.38.030 regarding group living in the multi-family zones.

3. Procedures for Processing Applications. City of Logan, applicant/owner, requests a text change to the Logan City Land Development Code, Chapter 17.55 regarding clarification of noticing requirements.

Public hearings will be held before the Logan Municipal Council at 255 North Main Street, Logan, Utah. Interested citizens are invited to attend.

Tuesday, August 3, 2004, 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: July 20, 2004
DATE: July 16, 2004
FROM: Jay L. Nielson, Director of Community Development
SUBJECT: Bridgerland Meadows Rezone (2)

Summary of Planning Commission Proceedings

- **Project Name:** Bridgerland Meadows Rezone
- **Project Address:** Approximately 400 - 600 West 1400 - 1600 North Streets
- **Recommendation of Planning Commission:** Rezone to Multi-Family Medium (MFM)
- **Current Zoning:** Commercial General (CG)

On July 8, 2004 the Planning Commission unanimously recommended that the Municipal Council approve a rezone of parcels 04-081-0016, 0018, 0019, 0020 and 0021 from the Commercial General zoning district to the Multi-Family Medium zoning district. Staff has attached the staff report to the Planning Commission and the minutes of the July 8, 2004 Planning Commission Meeting.

Attachments:
- Planning Commission Minutes from July 8, 2004
- Staff Report to the Planning Commission July 8, 2004
Zoning Map Amendment for Bridgerland Meadows
Located at approximately 400 West 1400 North Street
TID #'s 04-081-0016, 0018, 0019, 0020, and 0021

REPORT SUMMARY...

Project Name: Bridgerland Meadows  
Proponent: Wapit Development, Inc (Don Barringer)  
Owner: C A Fullmer Family LLC  
Project Address: Approximately 400 West 1400 North Street  
Request: A Rezone to Multi-Family Medium (MFM)  
Current Zoning: Commercial General (CG)  
Type of Action: Legislative (rezone)  
Staff Recommendation: Recommend approval of rezone to MFM

The Planning Commission, in May of this year, recommended to the Municipal Council that this property be rezoned into the MFH zoning district. The project was reviewed and continued in a workshop setting at the Municipal Council. After the Council workshop the proponent withdrew the application. The proponent has since met with staff and has decided to apply for a rezone into the Multi-Family Medium (MFM) zoning district. This district would permit the proponent to develop at a maximum density of 11 units per acre. These units could not be apartments, however, they must be attached single family dwellings (townhomes). Giving them the ability to be owner occupied. The 11 units per acre is what could currently be built on the property in conjunction with a commercial development, as the property is currently zoned CG. The proponent has applied for a Design Review, Subdivision, and Conditional Use Permit for this property for a mixed use development with a gross density of 11 units per acre. The Planning Commission will review this project at the July 22nd meeting.

Surrounding Zoning/Land Uses
North: MFH: Maple Valley Apartments, Undeveloped  
South: MFH: 1400 North Street, Victorian Village, Storage Units, Nonconforming Industrial  
East: CG: Mixed Commercial/Industrial Uses, Undeveloped  
West: IND: Railroad Tracks, 600 West, Mixed Industrial Uses, Undeveloped

The history of this property was reviewed in the previous staff report. This site formerly contained the Economy Auto salvage yard. Staff would once again like to commend the proponent for cleaning up the site in such an expeditious manner.

Although staff believed the rezone into the MFH zone would have allowed the proponent more flexibility in order to create a mixed housing type development, staff also believes the rezone to MFM can accomplish a mixed housing style project with a density that is amenable to the proponent, the neighborhood, and the Municipal Council. Staff believes the proposed MFM rezone is appropriate for the same reasons that staff supported a rezone to MFH on this property. This site is not conducive to typical single family development because of its proximity to other MFH zones, the proximity to commercial and industrial areas, and its proximity to the railroad tracks, 1400 North Street and 400 West Street.

The proximity of this property to both commercial and industrial areas provides an ideal location for multi-family or compact single family housing by encouraging people to live near their workplace and
also near areas that provide essential services (i.e. grocery shopping). Staff does not believe that this site should develop as a commercial property with a large service area, as a commercial development on this property would continue the strip of commercial development further along 1400 North Street. Logan City’s current pattern of creating strip commercial development leads to traffic problems similar to Main Street. By choosing to focus the commercial development on the north end into a center around 1400 North and Main Street surrounded by residential uses we will create a more walkable area. The proposed rezone will support the existing commercial center at 1400 North and Main because more people within close proximity to the existing commercial will result in more consumers. The proposed rezone would also reduce automobile dependence by placing people within walking and biking distance to service and employment areas. This rezone will also support long range plans for mass transit options by creating a compact development that can be easily serviced by transit.

Staff, however, also believes that at some point in the future a small scale neighborhood commercial development would be workable for this area. If a developer, at a future point in time, were to return for a rezone to allow a small scale commercial development on these properties (as a support use for the existing neighborhood) staff would recommend this neighborhood enhancement.

Staff also believes that the adjacent trafficways can handle the additional traffic created by a future residential project. Typically traffic generated by a commercial project is higher than that created by a residential project, although, the numbers are based on the type of commercial and the type of residential.

Staff reviewed the General Plan issues in the previous staff report and believes that although this rezone would allow single family dwellings to be attached in groups of four, the Design Review Guidelines that were adopted after the General Plan have been successful at prohibiting poorly designed “four-plexes.”

Overall, staff believes that a rezone from the CG to the MFM zone for these properties will provide additional quality housing near employment and service areas and near roads which can accommodate additional traffic. In addition a project of this size can be well designed to allow a compact neighborhood with several housing options. The character of the neighborhood will not be affected with a quality designed multi-family project and the rezone will fulfill a need for housing that serves a variety of current and future residents, which is a goal of the Logan City General Plan.

AGENCY AND CITY DEPARTMENT COMMENTS
No comments were received from City departments.

PUBLIC COMMENTS
Notices were mailed to 57 property owners located within three hundred feet of the subject property. At the time the staff report was prepared, no comments had been received by the Department of Community Development.

STAFF RECOMMENDATION
Staff recommends that the Planning Commission approve a motion to recommend that the City Council approve a rezone for Bridgerland Meadows from Commercial General to Multi-Family Medium, for properties located at approximately 400 West 1400 North Street TIN # 04-081-0016, 0018, 0019, 0020, and 0021 (see map below).
RECOMMENDED FINDINGS
The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. The location of the subject properties is compatible with the purpose of the new Multi-Family Medium (MFM) zoning district.

2. The subject properties are suitable for development within the MFM zoning district without increasing the need for variances or special exceptions.

3. The subject properties are suitable as a location for all of the permitted uses within the MFM district.

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

5. The subject properties when used for the permitted uses in the MFM district will not be incompatible with adjoining land uses or the purpose of the adjoining Multi-Family High, Commercial General, and Industrial zoning districts.

Respectfully submitted,

Michelle N. Mechem
Planner II
Report Published: June 30, 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.
4. The Blaine Morris Addition is compatible with existing land uses and will not interfere with the use and enjoyment of adjoining or area properties.

5. 100 North, the street providing access and other infrastructure to the subject property has adequate capacities or a suitable level of service, for the conditional use and is considered adequate for this use without the addition of a sidewalk.

[Moved: Mr. Kartchner Seconded: Mr. Kerr Passed: 5-0]  
Yea: R. Robison, G. Kartchner, B. Morgan, J. Kerr, P. Morgan  
Nay:  
Abstain:

04-062 Bridgerland Meadows (2). Rezone. Don Barringer/Charlie Fullmer, applicant/owner, request a rezone from the Commercial General (CG) zone to the Multi Family Medium (MFM) zone on 36 acres at approx. 1400 North 400 West. TIN#04-081-0016, 0018, 0019, 0020, 0021.

STAFF: Staff reviewed the report as written.

PROponent: Don Barringer. He explained his intentions with the property.

PUBLIC: Mike Gill. As homeowners in the area, they are very against this density. They would like to see more low density. You cannot control if you rent or not.

Bart Chidester. President of Yorkshire Village. From experience, owners only stay about a year. They are trying to get them to rent to families. There is a high turnover. We need more single family homes.

Dean Quayle. They were promised a general plan in January. He wants to see it. This area already has this type of housing, we need stability for this area.

Kate Powell. Over the years our area has been penalized. This area was slated to have more single family housing.

Larry Welsch. It is their intention to market these homes as single family. Not everyone wants a large yard. 1400 North is a collector road. It is against the law to differentiate between a renter and a homeowner.

Royce McRae. He would like to have people to stay and invest year round. He is against this project.

Jennifer Carroll. She had been told there was going to be single family homes and now it is all multi family with no landscaping. It has not been enforced. She is against this project as it is proposed.

Chris Donavan. She is concerned about the area. The multi family buildings are not maintained. We worry about where the children play.

Vicki Craw. She appreciates the new park and the new school. She does not want the entirety of multi family plopped down right on their corner. There needs to be more of a mixture. She would like to see the project change.

Cindy Gill. She attended the council meeting where this was a workshop item as MFH. They would not approve that high density. Can they offer a street of homes to make more of a mix in this project.
Jim Hickman. He stated the majority of Victorian Village is homeowners, he has been there six years. He likes the low maintenance. The occupancy ordinance doesn't allow to make it economically feasible for renters. He is in favor of the project.

Rick Arnold. He represents Charlie Fullmer. The salvage yard did go away that was nonconforming. This project is allowed in the existing zone. This proposed project will be professionally managed with a homeowners association. Everything will be recorded and enforced by the homeowners association. He participated in the general plan revisions.

COMMISSION: Mr. Kartchner stated we are jumping around the general plan. He is concerned that we might not be ready to make a zone change. He would like to see home ownership in that area.

Mr. Nielson explained the project that is being proposed in a few weeks. This proposal allows for less density. They could have more with the Commercial General zone how it stands.

Mr. Kerr stated there has not been anything more spoke about than homeownership. Our codes do not legislate how you control homeownership. We cannot disagree with the public, we cannot dictate those things. It is always a challenge.

Mr. Ward stated in our general plan process and a trend countrywide is to try to move away from single use areas and make them a variety of housing types. He discussed spot zoning to try to achieve mixed use. He wants to move toward our goal of mixed use.

Ms. Morgan stated this project would be good for this neighborhood. There are a lot more requirements for developers now than before. Staff has a lot more control over projects. This zone is the only way your going to get the mixed use. She lives in a townhome and encourages everyone to drive through the well maintained area. She is in favor of this project.

Mr. Morgan stated there is a huge concentration of each kind of use. We need to start integrating. He is in favor of this project.

Ms. Morgan asked if zoning this MFM is different than what the community asked for during the growth challenge game process.

Mr. Nielson stated there needs to be a great mixture of use. The property owner has a future idea and we cannot hold them hostage.

A discussion took place regarding the general plan.

Mr. Kartchner asked if the zone dictates design review or the multifamily.

Mr. Nielson stated only multi family or commercial project require design review.

Mr. Kerr stated single family homes with a PUD overlay would require design review.

Mr. Nielson stated with the new code, a mixed use would have to come in for approval.

Mr. Ward stated we have been trying to create stability in the neighborhoods, recommending MFM will allow mixed use development.

MOTION: Moved to recommend the project to the Municipal Council.
04-058 Continued from the June 24th meeting...Six Million Gallon Storage Reservoir. Design Review, Conditional Use. City of Logan, applicant/owner, requests a design review and conditional use permit for a new six million gallon storage tank on 4.43 acres at 800 North 1900 East in the Recreation (REC) zone. TIN#05-008-0002.

STAFF: Staff reviewed the report as written.

PROPONENT: Ron Johnson, Assistant City Engineer. He gave a history of this project.

Mr. Kerr asked about the exposed concrete being decorative.

Mr. Johnson stated yes.

PUBLIC: Tim Gibbons. He is concerned about the trees in the area. The Planning Commission should require the same setbacks as anyone else.

Randy Olhem. Logan Golf and Country Club. They are very concerned about the trees. He wants to know who will maintain the new trees – if he is supposed to then the city needs to work it out with him. The last time they left a mess for a few years. They don’t want the noise and impact of the construction.

COMMISSION: Mr. Kerr asked if staff could show where the setbacks are and property lines.

Mr. Nielson stated in the staff report it states there are protection for the trees.

Mr. Johnson explained the excavation part of the project. They will have to penetrate the trees in two places to replace old existing lines.

Mr. Kartchner asked where the construction equipment is coming in and how will that impact the area.

Mr. Johnson stated they will work with the water department for the staging area which will be on site.

Mr. Kerr stated to maintain the integrity of the road and keep it clean.

Mr. Kerr stated the view from the northwest should be screened. The City will work with the golf course with the landscape plan since they’re going to be the ones to maintain it.

MOTION: Moved to approve the project with the conditions as listed below. The following conditions were changed from the staff report: change #1, #2 screen PRV building from view of golf course, protect trees on city and golf course property.

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 is filed with the City.
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, E. C.

On this 16th day of August, 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 on the 1st issue, commencing August 15, 2004 and ending August 15, 2004. Signed Rachelle S. Thomas

Subscribed and sworn to before me, the day and year above written. Signed Cynthia K. Fulton Notary Public.


LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL

SUMMARIES OF ORDINANCES amending the Logan Municipal Code, 1989, adopted August 3, 2004 and approved August 5, 2004 by the Logan Municipal Council and Mayor are as follows:

ORD. 04-65. An ordinance amending the Zoning Map of Logan City, Utah rezoned 38 acres at approx. 1400 North 400 West from Commercial General (CG) to Multi-Family Medium (MFM) for Tax ID Nos. 04-081-0016, 0018, 0019, 0020, 0021. Also identified as "Bridgerland Rezone."

ORD. 04-54. An ordinance vacating 33 feet of property on the north side of 500 North right-of-way adjacent to parcel Tax Identification No. 05-088-0018 located at 305 West 500 North.

ORD. 04-66. An ordinance amending Section 17.55.030, Public Notices, clarifies notice requirements to affected property owners relative to changes to the Zoning Map, Land Development Code or General Plan. Among other things, the ordinance stipulates that the Logan Municipal Council shall comply with public noticing requirements specified in Utah Law in adopting an amendment to the Official Zoning Map, Land Development Code, or the General Plan.


The ordinance, among other things, requires conditional use permits for all new or expanding group living structures; limits occupancy by gross finished dwelling unit area; and requires provision of useable open space based on sq. ft. of lot area. Parking requirement are also set forth.