CITY OF LOGAN
ORDINANCE NO. 05-38

AN ORDINANCE AMENDING THE ZONING MAP OF LOGAN CITY, UTAH

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

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

TIN#04-080-0009
TIN#04-080-0010

Also identified as “Muskrat Meadows Rezone,” approximately 10 acres at approximately
200 West 2200 North.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, ___

THIS DAY OF April, 2005.

AYES: ____________________________

NAYS: ____________________________

ABSENT: ____________________________

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 ___ day of April, 2005.

______________________________

Laraine Swenson, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby __________ this ___ day of

April, 2005.

______________________________

Douglas E. Thompson, Mayor
DATE: March 31, 2005
FROM: Josh Runhaar, Planner
SUBJECT: Muskrat Meadows Rezone

Summary of Planning Commission Proceedings

Project Name: Muskrat Meadows Rezone
Project Address: Approximately 2200 North 200 West
Recommendation of Planning Commission: Approve rezone to Commercial General (CG)
Current Zoning: Agriculture (AG)

On March 24, 2005 the Planning Commission unanimously recommended that the Municipal Council approve a rezone of parcel 04-080-0009 and 0010 from the Agriculture zoning district to the Commercial General zoning district. Staff has attached the staff report to the Planning Commission and the minutes of the March 24, 2005 Planning Commission Meeting.

Attachments:
Planning Commission Minutes from March 24, 2005
Staff Report to the Planning Commission March 24, 2005
Minutes of the 4:30 p.m. Bus Tour of the Agenda Sites: Participants included Karl Ward, John Kerr, Gina Wickwar, Paul Morgan, Becky Morgan, Ray Robison, and Gene Kartchner.

05-016 Tom Galloway Apartments. Mr. Runhaar reviewed the project.
05-017 Muskrat Meadows Rezone. Mr. Runhaar reviewed the project.

Minutes of the meeting for the Logan Planning Commission convened in regular session on Thursday, March 24, 2005, Chair Karl Ward conducting. The chair called the meeting to order at 5:30 p.m.


Planning Commissioners Absent: none.

Staff Present: Michelle Mechem and Josh Runhaar.

Minutes as written and recorded from the March 10, 2005, meeting were moved to be approved by Mr. Morgan and seconded by Ms. Morgan. The vote was unanimously approved.

Tape 1A

Public Hearings

05-017 Muskrat Meadows. Rezone. William Tippetts/Tippetts Investment Properties, applicant/owner, requests a zone change from Agriculture (AG) to Commercial General (CG) zone on 5.0 acres at 200 W 2200 N. TIN#04-080-0009.

STAFF: Staff reviewed the report as written.

Mr. Ward asked whether the property south of the proponent is currently zoned Commercial General.

Mr. Runhaar stated that it is.

Ms. Mechem stated that the City is recommending that the rezone of the east parcel.

Mr. Kartchner pointed out that the staff recommendation should state that it is the properties immediately east, not west, of 200 West.

PROponent: Nothing further to add.

PUBLIC: Ms. Cindy Cheal stated that she often travels along this road to visit her husband at work. She and her husband worry that the Planning Commission is wrongfully assuming that the road infrastructure will come.
Mr. Ward reminded Ms. Cheal that the Planning Commission only makes a recommendation on rezoning to the Municipal Council.

Ms. Wickwar pointed out that if there is development in the area, the developer will deed to the City any necessary road widths to make the road safe.

Ms. Cheal stated that she is surprised that the Community Development Department did not receive any written comments from the public because she is often glared at when she travels the road.

Mr. Ward stated that he is unable to answer why no written comments were received.

Mr. Kartchner stated that the Department notifies property owners within 300 feet of the property and puts a legal notice in the newspaper to notify all interested parties.

COMMISSION: Ms. Wickwar asked the proponent whether he is aware of the issues that may arise with the road, wetlands, etc.

The proponent stated that he was.

Mr. Kartchner stated that the recommendation needs to be amended so the wording is clear that it includes the adjacent property to the east, not just Muskrat Meadows.

Ms. Mechem stated that the Commission is reviewing the proponent’s request. When the Commission’s recommendation goes to the Municipal Council, it will include both parcels.

MOTION: Motion to recommend to the Municipal Council that the proponent’s property and the adjoining property to the east be rezoned Agriculture to Commercial General with the conditions as listed 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 Commercial General (CG) zoning district.

2. The subject properties are suitable for development within the Commercial General (CG) 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 Commercial General (CG) zoning 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 Commercial General (CG) zoning district.

5. The subject properties when used for the permitted uses in the Commercial General (CG) zoning district will not be incompatible with adjoining land uses.

[Moved: Mr. Kerr  Seconded: Mr. Morgan  Passed: 6, 0]

Year: G. Kartchner, G. Wickwar, P. Morgan, J. Kerr, B. Morgan, R. Robison  Nay:  Abstain:

05-016 Tom Galloway Apartments. Design Review and Conditional Use Permit. Tom Galloway/William and Myrtle DeHart Joint Trust, applicant/owner, requests a design review and
REPORT SUMMARY...

**Project Name:** Muskrat Meadows Rezone  
**Proponent:** William Tippetts  
**Owner:** Tippetts Investment Properties  
**Project Address:** Approximately 2200 North 200 West Street  
**Request:** A Rezone to Commercial General (CG).  
**Current Zoning:** Agriculture (AG)  
**Type of Action:** Legislative (rezone)  
**Staff Recommendation:** Recommend approval of rezone to CG to the Municipal Council

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**PROJECT**

The proponent is requesting a rezone from the Agriculture (AG) to Commercial General (CG) for approximately 5 acres at the southeast corner of 2200 North and 200 West Streets. The property is currently undeveloped and historically has been used for agricultural purposes.

**Surrounding Zoning/ Land Uses**

- **North:** AG, Undeveloped  
- **South:** CG, Undeveloped  
- **East:** North Logan (Fisher Furniture)  
- **West:** AG, Undeveloped

The area immediately surrounding this parcel is largely undeveloped and is currently being farmed. The closest development is Fisher Furniture, which is located along Main Street. While the land to the south is zoned Commercial General, it too is still being farmed. The AutoMall is located approximately 1000 feet south of this parcel.

**History**

This property was added to the City in May of 2000, in a boundary line adjustment with North Logan for the WalMart parking lot. At the time, there was very little development pressure so much of the area was placed into Agriculture zoning district (AG), which is a holding zoning district within Logan City. The AutoMall to the south of this parcel, has been zoned Commercial since at least 1983.

**Rezone**

The current AG zoning district allows for only very limited development. The proposed CG zoning district would permit this parcel to be developed with a variety of commercial/retail buildings. Staff feels that this rezone is appropriate in this area because of its proximity to Main Street and the amount of Commercial General zoning districts surrounding this site. In addition to the 5 acre parcel submitted by the proponent for a rezone, staff is recommending that the 5 acre parcel directly to the east also be rezoned to Commercial General to keep the Commercial uses consistent on properties south of 2200 North and east of 200 West.
General Plan issues
The proposed Future Land Use Plan shows these parcels as Commercial (COM) in use. The rezone to Commercial General (CG) is compatible with the intent of the Future Land use Plan for this area.

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). If a rezone is approved, the Planning Commission would review any proposal for any development through the design review process. Staff believes that the current design review process will ensure a high quality development on this site.

AGENCY AND CITY DEPARTMENT COMMENTS
A comment was received from the Engineering Division stating that when this property comes before the Planning Commission for a Design Review Permit, the developer will be required to dedicate necessary property on 200 West to match the planned alignment by the City and widening of 2200 North to 66”.

PUBLIC COMMENTS
Notices were mailed to 7 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 Muskrat Meadows Rezone from Agriculture to Commercial General (CG) for properties located immediately west of 200 West and south of 2200 North TIN # 04-080-0009 and 0010.

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 Commercial General (CG) zoning district.
2. The subject properties are suitable for development within the Commercial General (CG) 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 Commercial General (CG) zoning 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 Commercial General (CG) zoning district.

5. The subject properties when used for the permitted uses in the Commercial General (CG) zoning district will not be incompatible with adjoining land uses.

Respectfully submitted,

[Signature]
Josh Runhaar
Planner I
Report Published: March 17, 2005

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, e.

On the 5th day of April, 2005

personally appeared before me, Rachelle S. Thomas, who being first duly sworn,
deposes and says she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal
a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

NOTICE OF PUBLIC HEARING FOR PURPOSES OF REZONING PROPERTY

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

commencing April 5, 2005 and

ending April 5, 2005

Signed Rachelle S. Thomas

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

Signed Cynthia K. Fulton

Notary Public.

(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, et al.

On this 25th day of April, 2005

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 April 25, 2005, and ending April 25, 2005.

Signed Rachelle S. Thomas

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

Signed Cynthia K. Fulton
Notary Public


CITY OF LOGAN

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

ORD. 95-38. An ordinance was adopted and approved April 19, 2005 amending the Zoning Map of Logan City to rezone from Agriculture (AG) to Commercial General (CG) as follows: TIN 04-080-00010 and 04-080-00009. Also identified as Muskrat Meadows Rezone, approx. 10 acres at approx. 200 West 2500 North.

ORD. 95-37. An ordinance was adopted and approved April 19, 2005 amending 17.47 Subdivision, 17.49 Conditional Use Permits, and 17.50 Design Review Permits by repealing the subsections in each chapter dealing with "Dedication of Water Rights" and placing the requirement in Chapter 17.36.150. Standards Specifications and Improvements--Dedication of Water Rights. The subsection requires that water rights equivalent to the amount of increased water demand created by the Subdivision, Conditional Use or Design Review Permits shall be dedicated to the Municipal Water System.

LOGAN, CITY OF

LOGAN MUNICIPAL COUNCIL

These ordinances are effective upon publication. Full texts 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: April 25, 2005

Notary Public * State of Utah
CYNTHIA K FULTON
320 West 1330 North
Logan, UT 84341