ANNOUNCED 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#02-026-0001
TIN#02-063-0020
TIN#02-063-0021

Also identified as "Logan River Project Rezone," 18.8 acres at approximately 600-700 South Main.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS DAY OF August, 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 August, 2005.

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this day of August, 2005.

Douglas E. Thompson, Mayor
DATE: June 30, 2005
FROM: Josh Runhaar, Planner
SUBJECT: Logan River Project Rezone

Summary of Planning Commission Proceedings

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On June 23, 2005 the Planning Commission unanimously recommended that the Municipal Council approve a rezone of parcels 02-026-0001, 02-063-0020 and 0021 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 June 23, 2005 Planning Commission Meeting.

Staff would like to clarify that this rezone covers an approximate 18.8 acres of land with the right-of-way for 100 East removed from the total acreage. This project was initially public noticed as 13.8 acres and the staff report lists the total area as 24.4 acres (which is the approximate acreage of the three parcels and the 100 East right-of-way).

Attachments:
Planning Commission Minutes from June 23, 2005
Staff Report to the Planning Commission June 23, 2005
Zoning Map Amendment for Logan River Project Rezone
Located at approximately 700 South Main Street
TID #02-026-0001 & 02-063-0020, 0021

REPORT SUMMARY...
Project Name: Logan River Project Rezone
Proponent: Wasatch Property Management
Owner: Karen Lundahl, KLJB LTD, and LaRee Johnson
Project Address: Between 600 and 700 South, Main Street to the future 100 East
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

PROJECT
The proponent is requesting a rezone from the Agriculture (AG) to Commercial General (CG) for approximately 24.36 acres between 600 and 700 South, Main Street to the future 100 East. Two of the parcels are currently undeveloped, with the third parcel having operated as Johnson’s Construction.

Surrounding Zoning/ Land Uses
North: CG, Mixed Commercial
South: CG and SFR, Mixed Commercial and Single Family Residences
East: AG, Agriculture
West: CG, Mixed Commercial

History
A portion of this property was annexed in January of 2002 and the Johnson’s Construction piece was annexed in January of 2005. When these pieces were annexed they were zoned as AG, which is a holding zoning district within Logan City.

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.
**General Plan issues**
The proposed Future Land Use Plan shows these parcels as Mixed Use (MU), which allows for “retail, office, employment and residential uses”. The rezone to Commercial General (CG) is compatible with the intent of the Future Land use Plan for this area as this zone will allow for retail, office, and residential uses.

*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.

**Services and Misc.**
Currently this area is serviced by both Main Street and 700 South and will be served by 100 East in the future (initial estimates place the construction of 100 East in early 2007). Staff is not concerned that these roads will provide an adequate level of service for this project, but a traffic study will still be required in addition to permits from UDOT for work or access along Main Street as part of the Design Review for any development.

A large portion of the site being rezoned is currently under agricultural production, however, 8.4 acres of land has operated as the Johnson’s Construction site for at least 30 years. Staff is concerned with the amount of pollution that may be present on the site and as part of the Design Review of this site, the proponent will be required to submit substantial evidence that the property meets all environmental standards. The Design Review will also review the sensitive lands along the Logan River, and while this
Runhaar  

site does not appear to be within a flood plain, federal permits may be required to complete construction along the Logan River.

AGENCY AND CITY DEPARTMENT COMMENTS
Comments were received from the Engineering Division to inform the proponent that the City is currently working with Bio-West to complete the 100 East Environmental Impact Study and that the alignment of 100 East shown on the plan is the City's preferred alternative but until the EIS is completed the City cannot fully approve the alignment of 100 East as shown and from the Light and Power Department to inform the proponent that a major overhead power line is being planned between Main Street and 100 East along 700 South.

PUBLIC COMMENTS
Notices were mailed to 46 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 Logan River Project Rezone from Agriculture to Commercial General (CG) for 24.36 acres located between 600 and 700 South and Main Street and the future 100 East, TIN # 02-026-0001 & 02-063-0020, 0021.

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,

Josh Runhaar
Planner

Report Published: June 16, 2005
RECOMMENDED FINDINGS FOR APPROVAL

1. The West Town subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.

2. The West Town subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Title 17 of the Logan Municipal Code, the City of Logan Public Works Standards and Specifications, and the requirements of various departments and agencies.

3. The West Town subdivision is consistent with the goals and policies of the Logan General Plan.

4. The West Town subdivision is compatible with existing land uses and zoning.

5. The West Town subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.

6. 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.

7. 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.

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

[Moved: Mr. Kerr Seconded: Ms. Morgan Passed: 6, 0]
Yea: P. Morgan, R. Robison, J. Kerr, B. Morgan, G. Kartchner, G. Wickwar
Nay: Abstain:

05-042 Logan River Project. Rezone. Wasatch Property Management/Karen Lundahl, applicant/owner, requests a zone change from Agriculture (AG) to Commercial General (CG) zone on 13.8 acres at 600-700 S Main. TIN#02-026-0001, 02-063-0020, 0021.

STAFF: Staff reviewed the report as written.

Mr. Ward stated that written comments were received from one citizen regarding light pollution. Light pollution will be addressed in the General Plan, not by the Planning Commission.

Mr. Kartchner asked whether the current General Plan contains a light ordinance and what it entails.

Mr. Nielson stated that the current General Plan does not contain any ordinances addressing light pollution, but there is a draft that will be included in the Land Development Code update.

Ms. Wickwar stated that downtown business owners are aware of the issue and they are already addressing it on their own even though it is not a requirement.

Mr. Nielson stated that there is no additional cost to a developer to use dark sky friendly lighting and that he cannot imagine that they would not voluntarily include it as part of the design element.

Mr. Ward reminded everyone that the Site Specific Conditions for projects can and do often require concealed source lighting.

Mr. Kartchner asked that the minutes reflect that although there is no current ordinance addressing dark sky friendly lighting, but that it will be looked into for future ordinance changes.
Mr. Ward clarified that tonight’s discussion is for consideration of a rezone.

Mr. Kartchner felt discussion of lighting ordinances was necessary because the letter from Mr. And Mrs. Jablonski objected to the rezone based on the lack of a lighting ordinance.

PROPOSENT: Nothing further to add.

PUBLIC: Mr. Todd Weston owns property near the proposed rezone. He stated that he did not have any specific objection, but wonders what projects will be placed on it if it is rezoned to Commercial General. He is concerned about constraints on 100 East and inadequate infrastructure.

Mr. Runhaar stated that there is a dedicated right of way.

Mr. Housley stated that an environment assessment is being done and that construction will start by November 2007.

Mr. Weston was satisfied that the alignment is being completed, but felt that issues on 700 South need to be addressed as well. He does not want to see any zoning projects get too far along without being able to supply what is needed.

COMMISSION: Ms. Wickwar told Mr. Weston that the Commission always faces this dilemma on a rezone because the project is not laid out for them and they are not legally able to require it.

Mr. Kartchner told Mr. Weston that a rezone is a stepping process and that the developer will do whatever is needed to obtain the proper infrastructure.

Mr. Housley pointed out that the Commission does have the tools needed to make rezone decisions. The General Plan and the Transportation Plan have been spelled out and the Planning Commission has that information. The City has planned ahead and we know where we want to go. The issue involving 700 South is only an issue of whether to widen it or not.

Ms. Wickwar agreed with Mr. Housley. She clarified that the Commission does not have specific projects when a rezone is proposed, but they generally know what the proponent is aiming for.

Mr. Nielson stressed to everyone that we do not want to know the proposed projects. Zoning decisions are not based on projects. They are based on whether it is an appropriate use of the land.

MOTION: Motion to approve that the project be recommended to the City Council for approval with the findings as stated below. One typing error was corrected in the staff report.

RECOMMENDED FINDINGS
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. Kartchner Seconded: Mr. Robison Passed: 6, 0]
Yea: P. Morgan, R. Robison, J. Kerr, B. Morgan, G. Kartchner, G. Wickwar
Nay: Abstain
June 23, 2005

To: Logan City Planning Commission
    Mayor and Council, Logan City

From: Michael Jablonski
    Cynthia Johnson

    125 East 500 South
    River Heights, Utah 84321

    165 East 500 South
    River Heights, Utah 84321

Re: Comments for the June 23 hearing about rezoning land between 500 South and 700 South

We are worried about the future of our neighborhood. We live in River Heights, adjacent to Logan’s South Main Redevelopment area. We are opposed to the rezoning of the property between 500 South to 700 South to commercial. The light pollution on the south end of Logan is terrible. Re-zoning the property so close to our home could bring this light pollution into our living room.

Logan is, no doubt, a well managed city, but your zoning ordinances should be more progressive. River Heights has an outdoor lighting ordinance. Logan does not. This is why we prefer to live in River Heights and one reason why we will never ask that our property be disconnected from River Heights and annexed in Logan, like our neighbor did.

The McDonald’s parking lot on the south side of Logan is lit up long after closing, lighting up part of the golf course. Lights from the Wendy’s shine into ours eyes when driving into Logan at night. You could sit on the roof of the gas station canopy at the Chevron station and read a book all night long, courtesy of a powerful, but unneeded, light at the Dairy Queen. (Why must they light up the roof of the gas station canopy?). The lights under the canopy of the Chevron station are excessive, wasteful, and ugly. The wall pack lights on the Family Dollar Store are ugly from miles away. This is what we fear coming to our neighborhood.

If you can spare a few minutes at night, drive by the gas station at the Smith’s Food King on 400 North and then drive by the Chevron station on south main. The gas station on 400 North is a rare example of good lighting found in Logan City. We doubt that you would choose to live near the Chevron station.

River Heights, North Logan, and Smithfield, all have outdoor lighting ordinances. Hundreds of cities that are more prosperous than Logan have had outdoor lighting ordinances for years. I could name a long list of examples, but Park City, San Diego, Tucson, Flagstaff, and Sanibel Island in Florida come to mind. There is no good reason why Logan does not join the
club. You could reduce Logan’s electric bill for street lights by using more energy-efficient fixtures. You could help to reclaim a view of the night sky. You could give assurance to homeowners that obnoxious lights shining onto their property will not be tolerated.

When I (Mike) was on the River Heights City Council (1998 through 2001), I twice mailed information about outdoor lighting and lighting ordinances to the Mayor and all Logan City Council members. I also received the Allen Stokes Conversation award from the Bridgerland Audubon Society for writing the River Heights ordinance. My enjoyment of that award, however, is constrained until Logan City does something about light pollution. I would be happy to provide you with more information about better lighting.

We like to visit places like Park City or the Gas Lamp district in San Diego to see an attractive city at night, where ample light is placed only where it needed and only when it is needed. Sidewalks and roads and parking lots are well lighted and excessive lighting is prohibited. Logan City could be as attractive. You have the power to do something about this.

Until Logan City does something about light pollution, we will not support the proposed rezone.

We will not attend the public hearing on June 23. Our policy is to submit written comments instead.
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, et al.

On this 19th day of July, 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

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 July 19, 2005 and

ending July 19, 2005

Signed Rachelle S. Thomas

Subscribed and sworn to before me, the day and year

above written.

Signed Cynthia K. Fulton

Notary Public


NOTICE OF PUBLIC HEARING
FOR PURPOSES OF
REZONING
PROPERTY

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

Wasatch Property Management/Karen Lundahl, applicant/owner, requests a zone change from Agriculture (AG) to Commercial General (CG) zone on 18.8 acres at 600-700 S. Main. TIN #02-026-0001, 02-063-0020, 0021.

Public hearing will be held before the Logan Municipal Council on Tuesday, August 2, 2005, 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 19, 2005
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, et al.

On this 18th day of August, 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 August 18, 2005 and ending August 18, 2005.

Signed, Rachelle S. Thomas

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

Signed, Notary Public