CITY OF LOGAN,
ORDINANCE NO. 05-86

AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE, 1989,
TABLE 17.17.020 "PRIMARY USES ALLOWED IN ECONOMIC DEVELOPMENT
DISTRICTS"

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

SECTION 1: Logan Municipal Code, 1989, Table 17.17.020 "Primary Uses Allowed in
Economic Development Districts" is hereby amended to read as follows:

Table 17.17.020: Primary Uses Allowed in Economic Development Districts (current)

<table>
<thead>
<tr>
<th>Category</th>
<th>Description (Excerpt)</th>
<th>Economic Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouse, Freight Movement</td>
<td>Firms involved in the storage, or movement of goods for themselves of other firms</td>
<td>CN No CG C* CC No CE No P</td>
</tr>
<tr>
<td>Refer to §17.09.030</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contractors storage yard of heavy</td>
<td></td>
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<tr>
<td>equipment</td>
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<tr>
<td>Lumberyard</td>
<td></td>
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<tr>
<td>Storage of sand, gravel, earth or</td>
<td></td>
<td></td>
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<tr>
<td>stone</td>
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</tbody>
</table>
*Building not to exceed 20,000 square feet.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS ___ DAY OF September, 2005, by the following vote:
AYES: [Signatures]
NAYS: [Signatures]
ABSENT: [Signatures]

Joseph C. Needham, Chair

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the ___ day of ___ , 2005.

Joseph C. Needham, Chair
MAYOR'S APPROVAL OR DISAPPROVAL

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

Douglas E. Thompson, Mayor
DATE: August 12, 2005
FROM: Michelle N. Mechem, Senior Planner
SUBJECT: Proposed Code Amendment to Table 17.17.020: Primary Uses Allowed in Economic Development Districts

Summary of Planning Commission Proceedings

On July 28, 2005 the Planning Commission voted unanimously to recommend that the Municipal Council deny a motion to amend the Land Development Code to conditionally permit “Firms involved in the storage, or movement of goods for themselves or other firms,” in the Commercial General (CG) zoning district. Currently the movement/storage of goods use is not permitted in the CG zone; however it is permitted in the Industrial zoning district. Staff has attached the staff report to the Planning Commission and the minutes of the July 28, 2005 Planning Commission Meeting.

STAFF RECOMMENDATION
Staff recommends that the Municipal Council deny an amendment to the Land Development Code Table 17.17.020: Primary Uses Allowed in Economic Development Districts as proposed by Ten-O LLC, for Fed Ex.

Attachments:
Planning Commission Minutes from July 28, 2005
Staff Report to the Planning Commission July 28, 2005
8. Approval of the subdivision conforms to the requirements of Utah law.

[Moved: Mr. Morgan Seconded: Mr. Kartchner
Yea: P. Morgan, B. Morgan, G. Kartchner, R. Robison
Passed: 4 0]

05-047 Modification to Section 17.17.020: Primary Uses Allowed in Economic Development Districts. Ten-O-LLC, for FedEx Ground proposes amending the Land Development Code to Conditionally Permit “Firms involved in the storage, or movement of goods for themselves or other firms” in the Commercial General (CG) zoning district. The use is currently Not Allowed in the Commercial General zoning district.

STAFF: Ms. Mechem reviewed the report as written.

PROPONENT: Mr. Chase Dunn gave a history of the building since its construction in 1995. He stated that FedEx Ground has made a seven year commitment to him and that it will create 15-20 new jobs.

PUBLIC: Mr. Justin Robinson stated that he would like to see something in the building.

COMMISSION: Mr. Ward voiced his concern about allowing this use as a conditional use in a Commercial General zone because it opens it up for the whole City. He stated that sales tax revenue is an issue, but it is not an over riding issue. He questioned whether FedEx is categorized correctly.

Ms. Mechem stated she had spoken with both FedEx and Blake Parker to determine the correct usage category. She suggested that they establish a retail outlet on the front of the building with its primary use as customers so it could be a retail establishment, but they did not want to. Their business is correctly identified as freight movement.

Mr. Ward stated that whether or not it is a good use of the land is not the problem. Changing the entire code and opening it up to the whole City is the problem.

Ms. Mechem stated that the Future Land Use Map shows the area as mixed use.

Ms. Morgan did not feel that the project is consistent with the Future Land Use Plan. Adding a conditional use clause will not get us where we want to be in the future.

Mr. Kartchner reiterated that a code change would apply to the whole community. Zoning should not be changed unless all Commercial General zones in the City should be changed to accommodate the Future Land Use plan.

MOTION: Ms. Morgan motioned to recommend that the Municipal Council deny the proposed amendment to the Land Development Code. The motioned was seconded by Mr. Kartchner.

RECOMMENDED FINDINGS
1. Utah state law authorizes local planning commissions to recommend ordinance changes to the legislative body (Municipal Council) that are consistent with the role of the Planning Commission.

2. The proposed changes to the Land Development Code are not consistent with the Land Development Code.

3. The proposed changes to the Land Development Code will not enable the Planning Department to fulfill its obligations and make land use decisions that are consistent with the General Plan and the Land Development Code.
4. The proposed changes to the Land Development Code are not consistent with the Future Land Use Plan and Foundation Statement.

[Moved: Ms. Morgan Seconded: Mr. Kartchner Passed: 4, 0] 
Yea: P. Morgan, B. Morgan, G. Kartchner, R. Robison 
Nay: Abstain:

**Workshop Items**
Staff and the Planning Commission reviewed the projects for the meeting of August 11, 2005, in a workshop setting.

- 05-049 Parker Property Rezone
- 05-051 Home Daycare
- 05-052 Cindy’s Group Home Daycare
- 05-053 Schreiber Foods

Mr. Runhaar reviewed changes to the Deseret Industries site plan. Mr. Kartchner motioned that substantial compliance had been met. Mr. Robison seconded the motion. All were in favor.

The meeting adjourned at 7:05 p.m.

Minutes approved as written and recorded on 1 tape at the Planning Commission meeting of July 28, 2005.

Jay Nielson Karl Ward
Director of Community Development Chairman

Tammy Firth
Administrative Secretary
**APPLICATION FOR PROJECT REVIEW**

- **Planning Commission**
- **Board of Adjustments**
- **Board of Appeals**

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Received By</th>
<th>Receipt Number</th>
<th>Zone</th>
<th>Application Number</th>
</tr>
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<tbody>
<tr>
<td>7/1/05</td>
<td>MNR</td>
<td></td>
<td>LG</td>
<td>05-047</td>
</tr>
</tbody>
</table>

**Type of Application (Check all that apply):**

- ☑ PC: D Subdivision
- ☑ PC: D Conditional Use
- ☑ PC: D Design Review
- ☑ PC: D Zone Change
- ☑ PC: D Code Amendment
- ☑ PC: D Boundary Line Adjustment
- ☑ PC: D Other

**Project Name:**
FedEx Ground Code Amendment Request

**Project Address:**
1510 North 200 West, Logan, Utah 84341

**APPLICANT (Must be accurate and complete):**

<table>
<thead>
<tr>
<th>Ten-O LLC, for FedEx Ground</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Plat Tax ID #: 04 ** 082 ** 0017</td>
</tr>
</tbody>
</table>

**PHONE:**
435-881-2143

**MAILING ADDRESS**
PO Box 506, Hyde Park, Utah 84318

**Contact Person (Contact preference --- circle one: phone - cell phone - email):**

<table>
<thead>
<tr>
<th>Ian Chase-Dunn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone: 435-881-2143</td>
</tr>
</tbody>
</table>

**Mailing Address**
PO Box 506, Hyde Park, Utah 84318

**Property Owner of Record (Must be listed):**

<table>
<thead>
<tr>
<th>Ten-O LLC, Ian Chase-Dunn, Member-Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone: 435-881-2143</td>
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**Mailing Address**
PO Box 506, Hyde Park, Utah 84318

**Describe the proposed project as it should be presented:**

- Request consideration for a Code Amendment of CG for Industrial Warehouse, Freight Movement from No to C. This request is intended for the Ten-O LLC building, located at 1510 North 200 West within the City of Logan.

Please see the attached pages detailing the Code Amendment Request.

**Lot size (acres or square feet):**
2.51 acres

**Size of building (square feet):**
16,000

**Number of dwelling units/lots:**

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<td>Signature of Applicant</td>
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<tr>
<td>Signature of Owner (if different)</td>
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</table>

Use additional pages if necessary.

You must provide the Planning Commission with enough information to make an informed decision.
Staff Report for the Planning Commission meeting of July 28, 2005

PC Docket #05-047
FedEx Ground Code Amendment
An Amendment to the Land Development Code Table
17.17.020: Primary Uses Allowed in Economic Development Districts

REPORT SUMMARY...

Project: Proposed text change to the Land Development Code Table 17.17.020: Primary Uses Allowed in Economic Development Districts

Proponent: Ten-O LLC, for FedEx Ground

Type of Action: Legislative

Staff Recommendation: Recommend denial of the proposed changes to the Land Development Code to the Municipal Council.

PROJECT

The proponent has requested a code amendment to conditionally permit “Firms involved in the storage, or movement of goods for themselves or other firms” in the Commercial General (CG) zoning district. This use is currently not allowed in the Commercial General zoning district and is only permitted in the Industrial (IND) zoning district.

Table 17.17.020: Primary Uses Allowed in Economic Development Districts (current)

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Staff recommends the Planning Commission recommend that the Municipal Council deny the proposed code amendment for three reasons. The first is that storage/movement of goods is not a sales tax generating land use and amending the code to allow a non tax generating land use into the CG zone further erodes potential locations that contribute to Logan’s sales tax base.

The second reason staff is not in favor of this code amendment is that CG is Logan’s “Main Street” commercial zoning district and has a higher design standard than projects in the Industrial zone. When reviewing projects for a design review permit, staff must weigh the function of a site/building against the design guidelines in order to get to a design that is both functional and that meets the requirements of Logan City. Industrial projects, such as storage/movement of goods, typically require large amounts of pavement and have warehouse buildings that lack architectural details and windows that are typically found in commercial buildings. The industrial project style is inappropriate in the CG zoning district.

The third reason for recommending denial is that the majority of Logan’s existing CG zoning district is shown in the Future Land Use Plan for mixed use development. Specifically, many of the CG areas in
Logan will have residential units located in close proximity to commercial uses. Most commercial uses (retail, restaurant, office) are compatible with residential uses, however, storage/movement of goods would be fairly incompatible due to the hours of operation and amount of large truck traffic that is typically present with this land use.

AGENCY AND DEPARTMENTAL COMMENTS
No departmental comments were received for this project.

PUBLIC COMMENTS
A newspaper advertisement was published as public notice for the proposed amendment to the Land Development Code. No comments were received by the Department of Community Development as of the date this staff report was published.

STAFF RECOMMENDATION
Staff recommends that the Planning Commission approve a motion to recommend that the Municipal Council deny the proposed amendment to the Land Development Code Table 17.17.020: Primary Uses Allowed in Economic Development Districts.

RECOMMENDED FINDINGS
The Planning Commission bases its decision on the following findings supported in the administrative record for this project.

1. Utah state law authorizes local planning commissions to recommend ordinance changes to the legislative body (Municipal Council) that are consistent with the role of the Planning Commission.

2. The proposed changes to the Land Development Code are not consistent with the Land Development Code.

3. The proposed changes to the Land Development Code will not enable the Planning Department to fulfill its obligations and make land use decisions that are consistent with the General Plan and the Land Development Code.

4. The proposed changes to the Land Development Code are not consistent with the Future Land Use Plan and Foundation Statement.

Respectfully submitted,

Michelle N. Mechem, AICP
Senior Planner
Staff report published: July 21, 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.
Ten-O L.L.C.
P.O. Box 506
Hyde Park, UT 84318
435-881-2143
June 29, 2005

Request consideration for a Code Amendment of CG for Industrial Warehouse, Freight Movement from “No” to “C”. This request is intended for the Ten-O L.L.C. Building located at 1510 North 200 West, City of Logan.

The owners of Ten-O L.L.C. are requesting a Code Amendment to allow a conditional use for a small package delivery company (FedEx) to operate at their current location which is presently zoned Commercial General. The following illustrate the benefits of such an amendment:

1. The building has been empty for five years, and FedEx, a Fortune 500 Company, desires to lease the building to operate a retail small package delivery service. It will provide a place for customers to drop off packages as well as service local businesses with FedEx delivery services.

2. Currently, FedEx, projects up to 24 additional employment opportunities if the conditional use is approved. The personnel count is directly proportional to the number of packages, so as growth in business is realized the personnel count will increase.

3. The building has been identified as “ideal” by FedEx as they will be able to maintain their delivery vehicles inside and behind the building. Thus, maintaining a well organized and clean appearance and securing their vehicles.

4. Neighboring businesses located next door and across 200 West Street to the west, Truss Tec/Capital Building Materials and Creative Communications are currently using their “yard” for shipping, receiving and storage. (See attached pictures.) Similar traffic is expected from Deseret Industries on the corner of 1400 North and 200 West. FedEx plans to use the east portion of the building to receive trucks only, and their entire operation will be located within the building. Any tractor trailers will enter and depart the facility primarily at night.

5. FedEx estimates that the hours of operation for inbound sort will be from 6:30 a.m. to 8:30 a.m. The approximate hours of operation for outbound sort will begin around 5:00 p.m. and last until approximately 7:30 p.m.

6. The facility is used to sort packages for delivery and not to store them inside the building.

7. It will provide a significant competitive shipping resource for Logan area businesses, which will have a positive impact on their operating expenses.

8. FedEx policy is to lease existing buildings; they will not invest in new construction nor seek an alternative location.

9. FedEx has identified this building as meeting their needs with minimal design changes, but with improvements to the exterior.

10. The increased business will provide economic advantages for Logan City businesses as well as additional employment opportunities.

Respectfully Submitted,

Ian Chase-Dunn, Owner Ten-O L.L.C.
We agree with and support the Code Amendment of CG for Industrial Warehouse, freight movement from "No" to "C" for the use of the Ten-O L.L.C. building on 1510 North 200 West by FedEx Ground. We understand the use is intended as a small package delivery company for the purpose of handling packages primarily from business to business and person to person.

Craig Davis
Name
6/29/05
Date

Dawson Inc.
Company

Val Spillett
Name
6/29/05
Date

Atis Sp. Grs
Company

Name
Date

Company

Name
Date

Company
Building directly south and bordering Ten-D property

Directly across the street
directly to the south of Den-O Bodding

directly across the street
The Logan City Planning Commission will hold a public hearing to receive input on the following proposed change to the Land Development Code:

**PC #05-047 Modification to Section 17.17.020: Primary Uses Allowed in Economic Development Districts.** Ten-O-LLC, for FedEx Ground proposes amending the Land Development Code to Conditionally Permit “Firms involved in the storage, or movement of goods for themselves or other firms” in the Commercial General (CG) zoning district. The use is currently Not Allowed in the Commercial General zoning district.

Please contact the Department of Community Development at 435-716-9021 if you have any questions or for a full copy of the proposed text amendment.

The Municipal Council is tentatively scheduled to hold a workshop on this code amendment on Tuesday, August 16, 2005, and tentatively scheduled to hold a public hearing on this code amendment on Tuesday, September 6, 2005. Both meetings will be held in the Municipal Council Chambers and will not start before 6:15 pm.
On this 23rd 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

NOTICE OF PUBLIC HEARING

FOR PURPOSES OF AMENDING THE LAND DEVELOPMENT CODE

a copy of which is hereto attached, was published in said newspaper for One (1) issue commencing August 23, 2005 and ending August 23, 2005 Signed Rachelle S. Thomas

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

Signed

Notary Public.


LEGAL NOTICES

NOTICE OF PUBLIC HEARING FOR PURPOSES OF AMENDING THE LAND DEVELOPMENT CODE

The Logan Municipal Council will hold a public hearing to consider the following change to the Land Development Code, Logan Municipal Code, 1989:

Modification to Section 17.17.020, Primary Uses Allowed in Economic Development Districts. Ten-O-LLC, for FedEx Ground proposes amending the Land Development Code to Conditionally Permit "Firms involved in the storage or movement of goods for themselves or other firms" in the Commercial General (CG) zoning district. The use is currently Not Allowed in the Commercial General (CG) zoning district.

Public hearing will be held before the Logan Municipal Council on Tuesday, September 6, 2005, not before 6:15 p.m. in the Council Chambers at 255 North Main Street, Logan, Utah.

Lois Price, Recorder
Publication Date: August 23, 2005
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ss.

On this 9th day of September, 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 September 9, 2005 and ending September 9, 2005.

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

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

ORD. 05-86. An ordinance was adopted and approved September 6, 2005 amending Section 17.17.020 of the Land Development Code, Primary Uses Allowed in Economic Development Districts to Conditionally Permit "Firms involved in the storage or movement of goods for themselves or other firms" in the Commercial General (CG) zoning district in buildings not to exceed 20,000 sq. ft.

Ordinance is effective upon publication. Full text 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: September 9, 2005