CITY OF LOGAN
ORDINANCE NO. 06-39

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 Recreation (REC) to Commercial General (CG) as follows:

TIN #05-024-0019

Also identified as "Municipool Rezone," 1.56 acres, more or less, located at approx. 114 East 1000 North.

SECTION 2: This ordinance shall become effective upon publication.


AYES: [Signatures]
NAYS: [Signatures]
ABSENT: [Signatures]

Stephen C. Thompson, 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 20th day of JUNE, 2006.

Stephen C. Thompson, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 20th day of JUNE, 2006.

Randy Watts, Mayor
DATE: June 1, 2006
FROM: Tavis J. Austin, Planner II, Community Development
SUBJECT: Municipool Property Rezone

Summary of Planning Commission Proceedings

Project Name: Municipool Property Rezone

Project Address: 114 East 1000 North

Recommendation of Planning Commission: Approval of rezone to Commercial General (CG)

Current Zoning: Recreation (REC)

On May 25, 2006, the Planning Commission unanimously recommended that the Municipal Council approve a rezone of parcel 05-024-0019 from the Recreation (REC) zone to the Commercial General (CG).

I have attached the staff report to the Planning Commission and the minutes of the Planning Commission meeting.

Attachments:
Draft Planning Commission Minutes from May 25, 2006
Staff Report to the Planning Commission May 25, 2006
REPORT SUMMARY...

Project Name: Municipool Rezone
Proponent: City of Logan
Owner: City of Logan
Project Address: 114 East 1000 North
Request: A Rezone to Commercial General (CG)
Current Zoning: Recreation (REC)
Type of Action: Legislative (rezone)
Staff Recommendation: Recommend approval of rezone to Commercial General (CG)

PROJECT

The proponent is requesting a rezone of 1.57 acres on the Municipool parcel located at 114 East 1000 North. This parcel is currently zoned Recreation (REC).

Surrounding Zoning/ Land Uses
North: CG/SFR: Commercial and Residential Development
South: SFR: Mt Logan Middle School Property
East: SFR: Mt Logan Middle School Property
West: CG: Commercial Development area

Staff is recommending that the Planning Commission recommend approval of the proposed rezone of this parcel from Recreation (REC) to Commercial General (CG) zoning district to the Municipal Council. Staff believes this zone is appropriate in this area as both our current General Plan and the proposed Future Land Use Map identify this area along 1000 North as a commercial corridor.

The proposed rezone is supported by the current General Plan and Land Development Code, as well as the in-process General Plan update and the subsequent supporting zoning ordinance update, and the Future Land Use Map.

AGENCY AND CITY DEPARTMENT COMMENTS

☐ No Agency or Department comments have been received at this time; no additional requirements or conditions have been requested.

PUBLIC COMMENTS

Notices were mailed to 6 property owners located within three hundred feet of the subject property. Notices were also mailed to 17 surrounding and affected entities (cities, county, and districts, etc.). At the time the staff report was prepared, no written 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 Municipal Council approve a zone change for the Municipool property, a rezone from Recreation (REC) to the Commercial General (CG) zoning district, for property located at 114 East 1000 North, TIN # 05-024-0019 (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 property is compatible with the purpose of the proposed Commercial General (CG) zoning district.
2. The subject property is suitable for development within the proposed CG zoning district without increasing the need for variances or special exceptions.
3. The subject property is suitable as a location for all of the permitted uses within the proposed CG zoning district.
4. The subject property when used for the permitted uses in the CG district would be compatible with adjoining land uses or the purpose of the adjoining Commercial General districts.

Respectfully submitted,

Tavis J. Austin
Planner II
Report Published: May 16, 2006

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.
Minutes of the 4:30 p.m. Bus Tour of the Agenda Sites: Participants included Karl Ward, John Kerr, Ray Robison, Maggie Hinckley, and Doug Blaser

06-029 Municipool Rezone. Mr. Austin reviewed the project and discussed location and future commercial corridor.

06-030 Logan Inn. Mr. Austin reviewed the project and discussed the intended use, location, and proponent rationale.

06-031 Discount Tire & Automotive. Mr. Mumford reviewed the project and discussed the most recent sign permit approval and called attention to the previous proposal, stating that it is a similar proposal.

Minutes of the meeting for the Logan Planning Commission convened in regular session on Thursday, May 25, 2006, with Chair Karl Ward conducting. The chair called the meeting to order at 5:30 p.m.

Planning Commissioners Present: Karl Ward, John Kerr, Ray Robison, Maggie Hinckley, Doug Blaser, Gene Kartchner, and Becky Morgan

Planning Commissioners Absent: None

Staff Present: Jay Nielson, Tavis Austin, and Steve Mumford

Minutes as written and recorded from the May 11, 2006, meeting were moved to be approved by Mr. Robison and seconded by Mr. Blaser. The vote was unanimously approved.

Tape 1A

Public Hearings

06-029 Municipool Rezone. Zone Change. Kymber Housley/City of Logan, applicant/owner, requests a zone change from Recreation (REC) to Commercial General (CG) on approximately 1.56 acres at 114 East 1000 North. TIN 05-024-0019.

STAFF: Staff reviewed the report as written.

Mr. Kartchner questioned why the staff report stated that the property would not be on the open market if it was zoned for commercial development.

Mr. Nielson explained that the property is going from public use to private use so it must be zoned Commercial General. The contract states that if the property owner ever decides to dispose of the property, the Logan School District has the first chance to purchase it.

Mr. Kartchner reiterated that the contract has a clause saying that if the buyer decides to give up the land then it goes back to the school district for the first right to purchase it.

Mr. Ward clarified that the school district has the first right of refusal.

PROPOSER: Nothing further to add.
PUBLIC: There were no public comments.

COMMISSION: Mr. Kerr suggested that the Commission was paying too much attention to the future use of the land based on comments in the staff report. He reminded them that it is a stand alone decision. If the land is rezoned, it will be commercial regardless of who happens to be on title. The intended use has no bearing in their decision. The Commission should only be concerned whether the current use should be Commercial General or not.

Mr. Kartchner stated that he totally agreed with Mr. Kerr, but that there needed to be discussion in the minutes so the staff report is not misleading.

MOTION: Mr. Kerr motioned that the Planning Commission recommend that the Municipal Council approve a zone change for the Municipool property from Recreation (REC) to Commercial General (CG) and that the staff report be amended by removing all references to future use and intent. Mr. Kartchner seconded the motion.

FINDINGS FOR RECOMMENDATION OF APPROVAL
The Planning Commission bases its decision 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 proposed Commercial General (CG) zoning district.
2. The subject property is suitable for development within the proposed CG zoning district without increasing the need for variances or special exceptions.
3. The subject property is suitable as a location for all of the permitted uses within the proposed CG zoning district.
4. The subject property when used for the permitted uses in the CG district would be compatible with adjoining land uses or the purpose of the adjoining Commercial General districts.

[Moved: Mr. Kerr   Seconded: Mr. Kartchner   Passed: 6, 0]
Yea: J. Kerr, R. Robison, M. Hinckley, D. Blaser, B. Morgan, G. Kartchner
Nay: Abstain:

06-030 Logan Inn. Zone Change. Joe J. Thompson, applicant/owner, requests a zone change from Single Family Residential (SFR) to Commercial General (CG) on approximately 0.50 acres at approximately 364 South Main. TIN 02-053-0026.

STAFF: Staff reviewed the report as written.

Mr. Kartchner asked whether the current property owner owns all the property shown as the Logan Inn proposal and they are just cutting off a piece of the southwest part of that property.

Mr. Austin stated that was correct.

PROPOSENT: Nothing further to add.

PUBLIC: There were no public comments.

MOTION: Mr. Kartchner motioned that the Planning Commission recommend that the City Council approve a zone change for the Logan Inn property as amended by staff, a rezone from the Single-Family Residential (SFR) to the Commercial General (CG) zoning district, for property located at approximately 364 South Main, TIN #02-053-0026. Mr. Robison seconded the motion.
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 6th day of June A.D. 2006

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

copy of which is hereto attached, was published in said
newspaper for One (1) issue
commencing June 6, 2006 and
ending June 6, 2006
Signed Rachelle S. Thomas

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

My Commission expires September 7, 2007

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

Municipal Rezone, Kymer Huesley/City of Logan, applicant/
owner, requests a zone change from Recreation (RE) to
Commercial General (CG) on approximately
1.56 acres at 114 East 1000 North, TIN 06-024-0019.

Logan Inn, J. J. Thompson, applicant/
owner, requests a zone change from Single Family Residential
(SFR) to Commercial General (CG) on approx.
0.56 acres at approx. 364 South Main,
TIN 02-052-0026

Public hearing will be held before the Logan Municipal Council on
Tuesday, June 20, 2006, 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:
June 6, 2006