CITY OF LOGAN
ORDINANCE NO. 06-40

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 Single Family
Residential (SFR) to Commercial General (CG) as follows:

TIN #02-053-0026 (southwest corner)

Also identified as “Logan Inn Rezone,” 0.08 acres, more or less, located at approx. 364
South Main.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, ___th
THIS DAY OF ___, 2006.
AYES: __________
NAYS: None
ABSENT: None

__________________________
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 ___ day of ___, 2006.

__________________________
Stephen C. Thompson, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this ___ day of ___, 2006.

__________________________
Randy Watts, Mayor
MEMORANDUM TO THE MUNICIPAL COUNCIL

DATE: June 1, 2006
FROM: Tavis J. Austin, Planner II, Community Development
SUBJECT: Logan Inn Property Rezone

Summary of Planning Commission Proceedings

Project Name: Logan Inn Property Rezone

Project Address: Approximately 364 South Main

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

Current Zoning: Single Family Residential (SFR)

On May 25, 2006, the Planning Commission unanimously recommended that the Municipal Council approve a rezone a portion of parcel 02-053-0026 from the Single Family Residential (SFR) 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: Logan Inn
Proponent & Owner: Joe J. Thompson
Project Address: Approximately 364 South Main
Request: A Rezone to Commercial General (CG)
Current Zoning: Single-Family Residential (SFR)
Type of Action: Legislative (rezone)
Staff Recommendation: Recommend approval of rezone to Commercial General (CG)

PROJECT

The proponent is requesting a rezone of approximately 0.50 acres on the Logan Inn property located in the middle of the block bounded by Main Street, 100 East, 300 South and 400 South. This property is currently zoned Single-Family Residential (SFR).

Surrounding Zoning/ Land Uses
North: SFR: Residential Development
South: SFR: Residential Development
East: SFR: Residential Development
West: CG: Logan Inn

Staff's review of the current and proposed General Plan and the proposed Future Land Use Plan (FLUP) has shown that the entire block, as described above, is identified for future commercial zoning and associated land uses. The FLUP and General Plan Update, however, are based on a 50 year growth horizon for the City. It is staff's opinion that the commercial zoning and subsequent development of this area is contingent upon the future improvements of 100 East and its establishment as a “through corridor” with connections to the south. Rezoning of this area prior to the improvements to 100 East may encourage premature commercial development of this area. That said, staff realizes that there are some immediate development needs of the property owner to redevelop the existing, non-conforming parking at the Logan Inn. Additional area/land is required to bring the existing parking stalls into compliance with current Code. Such land must be zoned CG. As such, staff is recommending the approval of a portion of the requested land to CG (See Staff Recommended Map below).

The portion of land shown on this map (approximately 3,516 square feet or .08 acres) provides adequate area for the proponent to improve the existing parking situation at the Logan Inn. More importantly, the proposed area allows for the redevelopment of an existing commercial property without impacting the surrounding residential areas in a manner that would predispose the area to commercial development prior to the development of adequate infrastructure.

Staff is recommending that the Planning Commission recommend approval of the proposed rezone of a portion of the proposed parcel, as modified by staff, from Single-Family Residential (SFR) 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 between 100 East and Main Street 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, the subsequent supporting zoning ordinance update, and the Future Land Use Plan (FLUP).

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 51 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 City Council approve a zone change for the Logan Inn property, 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 (see map below).

![Logan Inn Proposed](image1)

![Logan Inn—Staff Recommendation](image2)

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 properties are suitable as a location for all of the permitted uses within the proposed CG zoning district.

4. The subject properties 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.

5. The Future Land Use Plan identifies this area for future commercial development.
6. The rezone of the entire parcel, as requested, predisposes a residential neighborhood to commercial development prior to the installation of appropriate infrastructure.

7. The modified area, as identified by staff, allows for redevelopment of an existing commercial property without negatively impacting the surrounding residential land uses.

Respectfully submitted,

[Signature]

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

PROPOSENENT: 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.
FINDINGS FOR 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 properties are suitable as a location for all of the permitted uses within the proposed CG zoning district.

4. The subject properties 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.

5. The Future Land Use Plan identifies this area for future commercial development.

6. The rezone of the entire parcel, as requested, predisposes a residential neighborhood to commercial development prior to the installation of appropriate infrastructure.

7. The modified area, as identified by staff, allows for redevelopment of an existing commercial property without negatively impacting the surrounding residential land uses.

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

06-031 Discount Tire & Automotive. Design Review Permit. Scott Christoffersen/L&V Nicholls LLC, applicant/owner, is requesting to replace an existing face on a sign with an electronic message center and to redesign the existing sign on 0.48 acres at 895 North Main in the Commercial General (CG) zone. TTN 05-047-0039.

STAFF: Staff reviewed the report as written.

Mr. Kerr questioned why they could change the sign out, but not add the message center.

Mr. Mumford reminded him that the Planning Commission and staff determined at the last meeting that the message center would increase the degree of nonconformity of the sign.

Mr. Kerr stated that he did not remember it that way and that he does not feel that the message center in and of itself increases the nonconformity.

Mr. Mumford stated that the staff report Findings from the previous denial made that interpretation.

Mr. Housley explained that an increase in nonconformity takes into consideration more than the square footage. It also accounts for any increase in intensity. It was determined that an electronic message center is an increase in intensity.

Mr. Kerr stated that the word intensity was not used at the last meeting and it is a new term to him.

Mr. Housley stated that the courts ruled that when the City replaced the power plant generator a few years ago that we increased its intensity because we are able to run it more often because it is cleaner.

Mr. Kerr reiterated that intensity has not been discussed by the Planning Commission and they have no basis for interpreting for it.

Mr. Housley stated that the interpretation came directly from the courts’ interpretation of our statutes.