CITY OF LOGAN
ORDINANCE NO. 07-74

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 Industrial (IND) to
Single Family Residential (SFR):

TIN 05-043-0014 from IND to SFR

Also identified as Carol M. Lisonbee Rezone, 5.8 acres at approx. 510 West 1000 North.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, 18th
THIS DAY OF Sept., 2007.
AYES:
NAY:
ABSENT:

Steven C. Taylor, 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 18th day of Sept., 2007.

Steven C. Taylor, Chairman

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby Approved this 18th day of
Sept., 2007.

Randy Watts, Mayor
MEMORANDUM TO THE MUNICIPAL COUNCIL

DATE: August 30, 2007
FROM: Tavis J. Austin, Senior Planner, Community Development
SUBJECT: Carol M. Lisonbee Rezone

Summary of Planning Commission Proceedings

Project Name: Carol M. Lisonbee Rezone

Project Address: Approximately 510 West 1000 North

Recommendation of Planning Commission: Rezone to Single Family Residential (SFR)

Current Zoning: Industrial (IND)

On August 23, 2007, the Planning Commission unanimously recommended that the Municipal Council rezone parcel 05-043-0014 from the Industrial (IND) to the Single-Family Residential (SFR) zoning district. This proposal includes approximately 5.8 acres.

I have attached the staff report from the Planning Commission meeting of August 23, 2007 for your review; draft minutes have also been included.

Attachments:
Staff Report to the Planning Commission, August 23, 2007
Draft Planning Commission Minutes, August 23, 2007
Project Number: 07-071

Carol M. Lisonbee Rezone
Located at approximately 510 West 1000 North
TIN # 05-043-0014

REPORT SUMMARY...
Project Name: Carol M. Lisonbee Rezone
Proponent/Owner: Carol M. Lisonbee
Project Address: Approximately 510 West 1000 North
Request: A Rezone to Multi-Family Medium (MFM)
Current Zoning: Industrial (IND)
Type of Action: Legislative (rezone)
Staff Recommendation: Recommend denial of rezone to Multi-Family Medium (MFM)

PROJECT

The proponent is requesting a rezone of 5.8 acres on the parcel located North of Frontier Village. This parcel is currently zoned Industrial (IND) and developed with a single family home and small warehouse type structure.

Surrounding Zoning/ Land Uses
North: MFM: Mixed Multi-family housing
South: IND/SFR: TYCO/ Vacant
East: SFR: Single-family housing
West: IND: Storage Units

Staff believes this zone is not appropriate in this area as both our current General Plan and the proposed Future Land Use Map identify this area as Industrial. Further, as the Commission is aware, Municipal Council, with the recommendation of the Planning Commission, recently rezoned a majority of the adjacent properties from MFM to SFR. The current rezone request is inconsistent with the intent of this recent rezone and the Future Land Use Plan (FLUP). Note that the FLUP identifies this area as IND based on present use of the land. Staff believes that a zoning of SFR is most consistent with the recent rezone of the area and creates a land use more compatible with the surrounding developments. Lastly, zoning boundaries are best designed along physical barriers, such as streets. Staff recommends that the Planning Commission recommend denial of the proposed rezone of this parcel from Industrial to Multi-Family Medium zoning district to the Municipal Council.

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 24 property owners located within three hundred feet of the subject property. Notices were also mailed to 18 surrounding and effected 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 deny a zone change for Carol M. Lisonbee, a rezone from the Industrial to the Multi-Family Medium zoning district but approve rezone from industrial to single family residential, for property located at approximately 510 West 1000 North, TIN # 05-043-0014.

RECOMMENDED FINDINGS FOR DENIAL OF REZONE TO MFM
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 not consistent with the Future Land Use Plan.
2. The subject property is not consistent with the recent rezone of adjacent properties from MFM to SFR.
3. Use of physical barriers, such as 1000 North, creates a clear distinction between land uses and creates a more harmonious development pattern within areas of the same or similar zoning districts.

RECOMMENDED FINDINGS FOR APPROVAL OF REZONE TO SFR

1. The location of the subject property is compatible with the purpose of the proposed SFR zoning district.
2. The subject property is suitable for development within the proposed SFR 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 SFR zoning district.
4. The subject property when used for the permitted uses in the SFR district would be compatible with adjoining land uses or the purpose of the adjoining Commercial Entryway districts.

Respectfully submitted,

Tavis J. Austin
5N 4 Section 28 Township 12 North, Range 1 East
Scale 1 Inch - 3 ch.
PART PLAT 'A' LOGAN FARM

NOTE: Location of Road & R.R. 
Maps taken from Survey Map
Forest Service Plats
4. The state engineer is showing two water right points of diversion on the property, these need to be addressed before the plat is recorded.
5. Provide a shared access for these two lots.
   a. Fire Department – contact Liz Hunsaker 716-9515
      1. May be required to add a fire hydrant.
   b. Environmental Department – contact Steve Larson 716-9756
      1. Residents will need to bring their recycling and refuse cans to Park Avenue for collection. They will need to leave sufficient room for all the cans to be lined up along the side of the road.

RECOMMENDED FINDINGS FOR APPROVAL
1. 780 Park Avenue 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. 780 Park Avenue 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. 780 Park Avenue Subdivision is consistent with goals and policies of the Logan General Plan.
4. 780 Park Avenue Subdivision is compatible with existing land uses and zoning.
5. 780 Park Avenue 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.
9. The Conditional Use Permit, as conditioned herein, complies with LDC §17.44.060.

[Moved: Mr. Ward  Seconded: Mr. Bravo]  Passed: 6 0
Yea: J. Kerr, D. Blaser, K. Ward, R. Robison, J. Wuthrich, L. Bravo
Nay:  Abstain:

07-071 Carole M. Lisonbee. Zone Change. Carole M. Lisonbee, applicant/owner, requests a zone change from Industrial (IND) to Multi Family Medium (MFM) on 5.91 acres at 510 W 1000 N; TIN #05-043-0014.

STAFF: Mr. Austin reviewed the staff report as written and recommended that the Commission recommend to the Municipal Council that this parcel be rezoned to Single Family Residential (SFR).

PROPOSITION: Ms. Sher Lisonbee stated she was representing the property owner, Carol Lisonbee. They requested that the property be rezoned to Multi Family Medium (MFM) density because there are others in the area.

Mr. Kerr asked how she felt about accepting a rezone to Single Family Residential (SFR).

Ms. Lisonbee stated they prefer the other, but are willing to accept Single Family Residential.

PUBLIC: There were no public comments.

COMMISSION: Mr. Ward stated that since the Commission has worked hard to downzone to Single Family Residential, he felt staffs recommendation is appropriate and that the neighbors would be delighted.
Ms. Morgan agreed and stated that the Municipal Council's commitment to Single Family Residential is very clear as well.

MOTION: Mr. Kerr motioned that the Planning Commission approve a motion to recommend that the Municipal Council deny a zone change for Carol M. Lisonbee, a rezone from Industrial (IND) to the Multi-Family Medium (MFM) zoning district but approve a recommendation to rezone from Industrial (IND) to Single Family Residential (SFR), for the property located at approximately 510 W 1000 N, TIN # 05-043-0014. Mr. Kerr added that Single Family Residential (SFR) has a minimum lot size of 6,000 square feet. Mr. Robison seconded the motion.

RECOMMENDED FINDINGS FOR DENIAL OF REZONE TO MFM
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 not consistent with the Future Land Use Plan.
2. The subject property is not consistent with the recent rezone of adjacent properties from MFM to SFR.
3. Use of physical barriers, such as 1000 North, creates a clear distinction between land uses and creates a more harmonious development pattern within areas of the same or similar zoning districts.

RECOMMENDED FINDINGS FOR APPROVAL OF REZONE TO SFR
1. The location of the subject property is compatible with the purpose of the proposed SFR zoning district.
2. The subject property is suitable for development within the proposed SFR 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 SFR zoning district.
4. The subject property when used for the permitted uses in the SFR district would be compatible with adjoining land uses or the purpose of the adjoining Commercial Entryway districts.

[Moved: Mr. Kerr Seconded: Mr. Robison]
Yea: J. Kerr, D. Blaser, K. Ward, R. Robison, J. Wuthrich, L. Bravo
Nay: Abstain
Passed: 6, 0


STAFF: Mr. Austin reviewed the staff report as written and recommended conditional approval.

Ms. Morgan asked if the asphalt on the east side of the initial site plan had been replaced with landscaping.

Mr. Austin stated that question would have to be answered by the proponent. The proposed building will be behind the front plane of the building to the west. There is a slotted chain link fence down the property line so staff is not concerned with the west side landscaping as long as adequate landscaping is within the 50 foot setback. Staff understands that the proponent wants storm water to circulate around the west side of the building and then go north to the detention basin so this would be an asphalt area. As long as it is screened in front, it should not be much of an issue.
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 7th day of September, 2007

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

daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

NOTICE OF PUBLIC HEARING

a copy of which is hereto attached, was published in said

newspaper for One (1) issue

commencing September 4, 2007

ending September 4, 2007

Signed Rachelle S. Thomas

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

Signed

Notary Public

My Commission expires September 7, 2007

NOTICE OF PUBLIC HEARING FOR PURPOSES OF REZONING PROPERTY

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

ZONE CHANGE. Carole M. Lisbonbee requests a zone change from Industrial (IND) to Multi-Family Medium (MFM) on 5.91 acres at 510 W 1000 N in the Industrial (IND) zone; TIN #05-043-0014.

Public hearing will be held before the Logan Municipal Council on Tuesday, September 18, 2007, 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: September 4, 2007
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF Cache, et al.

On this 9th day of October, 2007

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

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

commencing September 26, 2007

ending September 26, 2007

Signed Rachelle S. Thomas

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

Signed Notary Public

My Commission expires September 7, 2011

SUMMARY OF AN ORDINANCE passed by the Logan Municipal Council, is as follows:

ORD. 07-74. An ordinance was adopted and approved September 18, 2007 amending the Zoning Map of Logan City to rezone from Industrial (IND) to Single Family Residential (SFR): TIN 05-043-0014. Also identified as Carol M. Lisonbee Rezone, 5.8 acres at approx. 510 West 1000 North.

The ordinance is effective immediately upon publication. Full text of the ordinance may be reviewed at the Office of the Logan City Recorder, City Hall, 255 North Main, Logan, Utah during regular business hours.

Lois Price, Recorder
Publication Date: September 26, 2007