CITY OF LOGAN, UTAH
ORDINANCE NO. 11-82

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF LOGAN CITY, UTAH

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

SECTION 1:

Table 17.17.030: Allowed Uses in Districts and Corridors Zones

<table>
<thead>
<tr>
<th>Category</th>
<th>Description (Excerpt)</th>
<th>TC</th>
<th>CO</th>
<th>M</th>
<th>UC</th>
<th>GW</th>
<th>CS</th>
<th>IP</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sale and Service</td>
<td>Mortuary</td>
<td>N</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>P</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Refer to §17.08.060</td>
<td>Mortuary “minor parking no chapel”</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS DAY OF November, 2011.

AYES: Swensen, Davies, Quayle, Olsen

NAYS: Waung

ABSENT: None

ATTEST:

Herm Olsen, Chair

Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 1 day of November, 2011.

Herm Olsen, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby disapproved this 1 day of November, 2011.

Randy Watts, Mayor
MEMORANDUM TO MUNICIPAL COUNCIL

DATE: October 13, 2011
FROM: Russ Holley, Senior Planner, Community Development
SUBJECT: Serenicare Text Amendment

Summary of Planning Commission Proceedings

Project Name: Serenicare Text Amendment
Project Address: Citywide
Recommendation of Planning Commission: Denial

On Oct. 13, 2011, the Planning Commission, by unanimous vote, recommended that the Municipal Council deny a motion for a text amendment to allow Mortuaries “minor parking and no chapel” in the Town Center Zone.

Planning Commissioners, unanimous vote (5-0):
Recommend Denial: Allison Hale, John Kerr, Heather Hall, Konrad Lee, Amanda Davis

I have attached the staff report, meeting minutes and ordinance.

Attachments:
Staff Report
Ordinance 11-082
Meeting Minutes
RECOMMENDATION

Staff recommends that the Planning Commission recommend **Denial** to the Municipal Council for a Text Amendment to the Land Development Code.

REQUEST

The requested amendment includes a change to Table 17.17.030: Allowed Uses in Districts and Corridor Zones. The request includes allowing "Mortuaries" in the Town Center (TC) zone and further defining the Mortuary land use designation to include "Mortuary – Minor Parking, No Chapel". The business model expressed by the proponent is not traditional to the mortuary industry. It includes only processing, body preparation and office related activities, all other typical services associated with mortuaries are done off-site. As part of the significant amendments to the Land Development Code (LDC) adopted in February 2011, mortuaries became prohibited in the Town Center zone. Currently, mortuaries are only allowed in the Commercial and Commercial Service zoning districts.

GENERAL PLAN

Staff finds the request is inconsistent with the purposes and intent of the General Plan, specifically Chapter 3.5 Town Center which states "In order to maintain downtown as the central hub for Logan and Cache Valley, the Town Center will have a mix of retail, office, residential, and civic uses in addition to entertainment and cultural activities".

Typically Mortuaries are land consumptive uses that lack daily pedestrian activity. Parking lots associated with the two existing mortuaries downtown are relatively large and remain empty a majority of the time. The General Plan (Chapter 5.2) states that three solutions to the problem of increasing per capita land consumption are compact growth, infill, and redevelopment. With the majority of land uses in the Town Center zone being either retail or office, compatibility with these land uses becomes vital and is better suited for the zoning districts which currently permit mortuaries.

DOWNTOWN SPECIFIC PLAN (DRAFT)

Table 3.1 Guiding Development Concepts states that retail/restaurant/arts uses should dominate ground floors along most downtown streets.

PUBLIC COMMENTS

As of the time the staff report was prepared, no comments had been received.
AGENCY AND CITY DEPARTMENT COMMENTS
As of the time the staff report was prepared, no comments had been received.

RECOMMENDED FINDINGS FOR DENIAL
The Planning Commission bases its decisions on the following findings:

1. Prohibiting mortuaries in the Town Center zone is consistent with goals and policies of the General Plan because of the land consumptive nature and little daily foot traffic provided by that land use.
2. Mortuary land uses are incompatible with existing and planned land uses within the Town Center zoning district.
3. Adjacent land uses, especially retail, would be negatively impacted by a mortuary.
4. Mortuaries and their associated accessory land uses detract from the desired future neighborhood character of the Town Center zone as outlined in the General Plan.

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.
PC 11-040 LDC Text Amendment. SereniCare/Rod Mortensen requests an amendment to include a change to Table 17.17.030: Allowed Uses in Districts and Corridor Zones. The request includes allowing “Mortuaries” in the Town Center (TC) zone and further defining the Mortuary land use designation to include “Mortuary – Minor Parking, No Chapel”. The business model expressed by the proponent is not traditional to the mortuary industry. It includes only processing, body preparation and office related activities; all other typical services associated with mortuaries are done off-site. As part of the significant amendments to the Land Development Code (LDC) adopted in February 2011, mortuaries became prohibited in the Town Center zone. Currently, mortuaries are only allowed in the Commercial and Commercial Service zoning districts.

STAFF: Mr. Holley reviewed the Staff Report as written, recommending that the Planning Commission forward a denial to the Municipal Council for a Text Amendment to the Land Development Code.

PROPONENT: Rod T. Mortensen explained that SereniCare is a funeral services company; however, the business model is not traditional to the mortuary industry. There are currently four mortuaries in Cache County, with two in Logan City – all with the same owner. Mr. Mortensen said they would like to present a chance for healthy competition within this industry. This concept reduces the cost of funeral services due to no chapel or viewing rooms, thus making it more affordable. The way this project will be set up will be mostly office. Customers will occasionally come in; however, meetings are usually held at private homes or chapels. He said that additional jobs will provide for economic development in the area as well as tax revenue for the City. The proposed project site has been vacant for over three years and the existing parking is adequate for the needs of this project. He explained that non-descript minivans are used for transportation and the loading area is located in the back of the building, completely away from the retail area. He said that adding a category for a mortuary (with minor parking and no chapel) would fit within, and be an acceptable portion of, the Town Center (TC) zone. This is an integral part of life and excluding mortuaries in this zone is not the right thing to do.

PUBLIC: None

COMMISSION: Chairman Simmonds noted that there are other zones where this would be a permitted use and asked why specifically the Town Center zone was chosen. Mr. Mortensen advised that the proposed area is central to the valley and there is a relationship with the property owner who is eager to rent the property.

Commissioner Davis expressed concern with the entrance to the building. Mr. Mortensen explained that there is a front entrance that will be used for office/customer use; around the back (south) side there would be a roll-up door where vehicles would enter and exit.

Commissioner Lee advised that he was sympathetic to the concept and believed this to be a good business model, however, with opportunities for this business to be placed in many different areas, he did not see a compelling reason for a text amendment to accommodate this particular project. Mr. Mortensen said this type of business model was not thought of when the Code was created regarding what uses could be in the zone. Mortuaries and associated services are central to a community and accommodations should be made.
Commissioner Lee asked if there was a clear definition of exactly what a mortuary is. Mr. Mortensen said it entails the "storage of bodies". Commissioner Lee noted that this proposal would then qualify under that category. Mr. Mortensen said it would but is also different in the fact that it contains minor parking and no chapel.

Commissioner Kerr noted that it is an intriguing business plan and the need may be justified; however, changing the entire zone seems to be an over-reach.

MOTION: Commissioner Kerr moved that the Planning Commission recommend denial to the Municipal Council for a text amendment to the Land Development Code. Commissioner Lee seconded the motion.

FINDINGS FOR DENIAL

The Planning Commission bases its decisions on the following findings:

1. Prohibiting mortuaries in the Town Center zone is consistent with the goals in the General Plan because of the land consumptive nature associated with mortuaries and provides little daily foot traffic.

2. Mortuary land uses are incompatible with existing and planned land uses within the Town Center zoning district.

3. Adjacent land uses, especially retail, would be negatively impacted by a mortuary.

4. Mortuaries and their associated accessory land uses detract from the desired future neighborhood character of the Town Center zone as outlined in the General Plan.

[Moved: Commissioner Kerr Seconded: Commissioner Lee Passed: 5,0]

Yea: A. Davis, A. Hale, H. Hall, J. Kerr, K. Lee
Nay: Abstain: