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" are hereby amended and the following property(s) are hereby zoned from Mixed Residential Medium (MRM) to Mixed Residential High (MRH):

TIN #04-081-0014
TIN #04-081-0015

Also identified as, 1650 North 400 West and more particularly described as Exhibit A attached hereto.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS DAY OF September, 2012.

AYES: [Signatures]
NAYS: [Signatures]
ABSENT: None

ATTEST:

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 4th day of September, 2012.

Dean Quayle, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 4th day of September, 2012.

Randy Watts, Mayor
EXHIBIT A

9.14 Total Acres

TIN #04-081-0014
4.57 Acres

------- 2012 -------

BEG 10.5 RDS N OF SE COR LOT 7 BLK 6 PLAT D LOGAN FARM SVY & TH W TO E LINE OSL RR R/W TH N 10.5 RDS ALG SD R/W TH E TO PT N OF BEG TH S 10.5 RDS TO BEG CONT 4.57 AC

TIN #04-081-0015
4.57 Acres

------- 2012 -------

BEG AT SE COR LOT 7 BLK 6 PLAT D LOGAN FARM SVY & TH W TO E LN OF OSL RR R/W TH N'L Y ALG SD R/W 10.5 RDS TH E TO PT N OF BEG TH S 10.5 RDS TO BEG CONT 4.57 AC M/L
MEMORANDUM TO THE MUNICIPAL COUNCIL

DATE: July 31, 2012
FROM: Amber Reeder, Planner II, Community Development
SUBJECT: Logan Gateway II Rezone

Summary of Planning Commission Proceedings

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Logan Gateway II Rezone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address:</td>
<td>1650 North 400 West</td>
</tr>
<tr>
<td>Recommendation of Planning Commission:</td>
<td>Approval of MRH zoning</td>
</tr>
</tbody>
</table>

On July 26, 2012, the Planning Commission voted unanimously to recommend approval of the Logan Gateway II proposed Rezone of TiN #04-081-0014 and #04-081-0015. The proposed change would rezone the property from Mixed Residential Medium (MRM) to Mixed Residential High (MRH). These changes are requested in order for the proponent to continue with a mixed residential development that was originally proposed in 2006 and partially developed in 2008.

I have attached the staff report to the Planning Commission with the information relevant to the rezone request and the minutes of the Planning Commission meeting. There have been no changes or further discussions on this request since the July 26, 2012 meeting.

Thank you.

Planning Commissioners- Vote (5,0)
Recommended approval: David Adams, Amanda Davis, Heather Hall, John Kerr, Konrad Lee

Attachments:
Staff Report PC#12-044
Ordinance #12-54
RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the Municipal Council for a Rezone of two (2) properties, totaling 9.7 acres located at 1650 North 400 West, from MRM to MRH, TIN #04-081-0014, 04-081-0015.

Current Land use adjoining the subject property:

<table>
<thead>
<tr>
<th>North:</th>
<th>MRM: Multi-family Residential Uses</th>
<th>East:</th>
<th>MRM: Multi-family Residential Uses</th>
</tr>
</thead>
</table>

Request
The request is to rezone two (2) parcels totaling 9.2 acres at the northwest corner of the intersection of 400 West and 1600 North from MRM to MRH.

Existing Conditions
The property is currently vacant but there are some above ground and below-ground improvements such as paving and utilities. The property is adjacent to multi-family housing development to the north, east, and south. To the west there is a railroad spur line with commercial/industrial development on the other side.

Zoning History
The land was annexed in the early 1980’s with an Agricultural zoning. The zoning stayed Agricultural until 2001 when it was changed to Mixed Residential High (MRH). On October 26, 2006, the Planning and Zoning Commission conditionally approved a Design Review Permit for the initial Logan Gateway project to be developed. It included sixteen (16) townhome-style buildings with four (4), five (5), or twelve (12) units per building for a total of 128 residential units. The project density was approximately fourteen (14) units per acre. The property changed ownership and the Design Review Permit was extended through October 2008. All the below ground infrastructure for the site was installed and the above ground improvements on the eastern half of the property have been constructed based on the infrastructure needs for the approved project and density of the Logan Gateway II project.

Building permits were submitted in late 2008 and early 2009; however, issuance of the permits and construction of the project were put on hold due to issues with the lending institution that the developer was working with. The Design Review Permit subsequently expired and as a result of the 2011 City-wide zoning map update, the zoning changed to Mixed Residential
Medium (MRM). The Land Development Code (LDC) §17.15.060 allows for a density of 9-11 units per acre in the MRM zone.

**Proposed Zoning**
The LDC §17.15.070 describes the Mixed Residential High (MRH) zone as allowing a mix of housing types, both attached and detached, to provide a range of housing options for all stages of life and income levels. A density of 11-20 units to the acre and a maximum height of 35 feet are allowed.

As the majority of the infrastructure has been constructed for the original Logan Gateway II project to accommodate a density of fourteen (14) units per acre, the applicants want to be able to move forward with the concept and density that was previously approved and which would not be possible under the MRM zoning. The surrounding zoning will be MRM, but at 9.2 acres the property is not necessarily a “spot-zone” and the request for MRH is supported by the General Plan.

**General Plan**
The Future Land Use Plan (FLUP) adopted in 2008 identifies these properties as Mixed Residential (MR). General Plan section 3.3 describes the MR designation as providing a range of housing options that includes townhouses and apartments with a density range of 15-30 dwelling units per acre.

**PUBLIC COMMENTS**
As of the time the staff report was prepared, no comments from the public have been received.

**AGENCY AND CITY DEPARTMENT COMMENTS**
Comments were solicited from the following departments or agencies:

<table>
<thead>
<tr>
<th>Fire</th>
<th>• Engineering</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water/Cross Connection</td>
<td>• Environmental</td>
</tr>
</tbody>
</table>

1. Engineering – contact 716-9160
   a. Upgrade storm water system to comply with current City Storm Water Design Standards.
   b. Update the Storm Water Pollution Prevention Plan and NOI.
   c. Complete construction of project as currently approved for utilities and roads with upgrades requested in item (a).
   d. Proponent will need to discuss maintenance of fire and culinary water lines on site. City policy is for lines in private roads to be maintained privately. At the time of the original approval water metering policy may have allowed the entire project to have a single meter. Current standards require each building to be metered separately.
   e. Project requires a boundary line adjustment or lot combination.

2. Environmental (Waste Management) – contact 716-9760
   a. Original comments from pre-development review September 29, 2008: Stacking dumpsters is no longer an option so all dumpsters must be side by side in a minimum 22 foot wide by 10 feet deep enclosure, without gates. This allows for a single 8 yard or 6 yard refuse dumpster and a recycling dumpster to be placed in each enclosure. If gates are desired, the enclosure must be 24 feet wide to allow for the center gate post; however no gates are preferred as they interfere with the collection process and they tend to increase the litter problem within the enclosure area. Enclosures must be
placed to allow for efficient collection flow, so the north side center enclosure must be turned to face south instead of east with a minimum of 60 feet straight on access required.

b. In addition, it appears they need to add one more dumpster location to handle to the two units on the northwest corner of the development otherwise they will overload one of the other locations.

3. Water/Cross Connection – contact 716-9627
   a. If buildings are 3 levels, backflow protection will be required on each culinary water line after it enters the building.

RECOMMENDED FINDINGS FOR APPROVAL FOR THE REZONE REQUEST

The Planning Commission bases its decisions on the following findings:

1. The proposed rezone is consistent with the General Plan and Future Land Use Plan (FLUP), which identify the area as Mixed Residential (MR).
2. The infrastructure has been reviewed and partially constructed to provide adequate capacity for the proposed density of the project.
3. The proposed rezone is compatible with the residential land uses and zoning adjacent to the property.
4. The proposed rezone is compatible with the neighborhood character.

This staff report is an analysis of the application based on adopted city documents, standard 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.
## APPLICATION FOR PROJECT REVIEW

### Planning Commission  Board of Adjustment  Board of Appeals  Other

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Received By</th>
<th>Receipt Number</th>
<th>Zone</th>
<th>Application Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.27.12</td>
<td>DZ</td>
<td>MRM</td>
<td></td>
<td>12-044</td>
</tr>
</tbody>
</table>

### Type of Application
- **Design Review**
- **Conditional Use**
- **Subdivision**
- **Zone Change**
- **Code Amendment**
- **Appeal**
- **Variance**
- **4950" Design Review**
- **Boundary Line Adjustment**
- **Other**

### PROJECT NAME
- **LOGAN GATEWAY II**

### PROJECT ADDRESS
- **1650 N 400 W LOGAN, UTAH**

### AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete)
- **Richard Reeve**

### MAILING ADDRESS
- **372 24th Street Ogden Utah 84401**

### EMAIL ADDRESS
- **reeve@vancott.com**

### PROPERTY OWNER OF RECORD (Must be listed)
- **Mountainland DEVELOPERS LLC**

### MAILING ADDRESS
- **2878 Commerce Way Ogden UTAH 84401**

### EMAIL ADDRESS
- **Dsalazar@ctiu.ut.com**

### DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED

**This project was originally approved and started at Zone of 14 doors an acre. We are requesting original zoning of 14 doors an acre or 128 total doors per project. Stamped plans are in engineering office. Please see attached exhibit for full detail.**

**Total Lot Size (acres)**
- **9.7**

**Size of Proposed New Building (square feet)**
- **128**

**Number of Proposed New Units/Lots**
- **128**

### MC Workshop: Aug.7
- **MC Hearing: Aug.21**
June 25, 2012

DELCIVERED VIA E-MAIL (MIKE.DESIMONE@LOGANUTAH.ORG) 
AND U.S. MAIL

Logan City Community Development Department 
c/o: Mike DeSimone, Director 
290 North 100 West 
Logan, Utah 84321

Re: Letter of Explanation for Application for Project 
Review for the Logan Gateway II Project

Dear Logan City Community Development Department Members:

This firm has been retained to act as the authorized agent for Mountainland Developers, owners of the Logan Gateway II project, located at 1650 N. 400 W., Logan, Utah (tax id. nos. 04-081-0014 & 04-181-0015.) My office has been in communication with Kymber Housely, the Logan City Attorney; and submits this application on his recommendation.

Even though some of the facts are in dispute, for the purposes of this application, the basic history of this project is as follows:

(1) The initial owner and developer of the Logan Gateway II project was Frontgate Homes/C.S. Homes of Utah, Inc. Frontgate Homes received conditional approval and a Design Review Permit on October 26, 2007. The zoning connected with the Design Review Permit was Mixed Residential High ("MRH.")

(2) In the fall of 2007, Mountainland Developers purchased the Logan Gateway II Project from Frontgate Homes.

(3) In October of 2007, Frontgate Homes requested, on behalf of Mountainland Developers, an extension of the Design Review Permit.

(4) Once Mountainland purchased the project, it worked with the City to revise the project’s site plan and prepare infrastructure plans.

(5) In May of 2008, the City approved Mountainland’s infrastructure plans and authorized Mountainland to install both above and below ground infrastructure of the
project. All of the infrastructure for Phase I of the project was installed. All of the below ground infrastructure for Phase II of the project was installed. As per the City’s requirements, the infrastructure installed by Mountainland was sufficient to serve the anticipated higher density of the MRH zone. In total, Mountainland incurred approximately $1.2 million of costs to install the necessary infrastructure. The infrastructure was approved by the City sometime in November of 2008.

(6) In late 2008 and early 2009, Mountainland began applying for a building permit to begin vertical construction. It is my understanding that Mountainland only needed to submit the necessary fees in order to receive a permit to commence vertical construction. During this same time frame, Mountainland’s construction lender failed and was seized by the FDIC. At no fault of its own, Mountainland lost its ability to come up with the funds necessary to move forward with vertical construction. To make matters worse, Mountainland’s ability to move forward with another lender was compromised because the FDIC had seized their account. Mountainland finally worked through the long FDIC process and has only recently worked out the issues with their lending. Mountainland is now prepared to move forward with the project.

(7) During the process of working with the FDIC, Mountainland maintained contact with the City to maintain the property. However, for some reason, the Design Review Permit expired and the City changed the zoning from MRH to Mixed Residential Medium. Mountainland maintains that it did not have notice of these changes.

Mountainland Developers want to put the past behind it and move forward. It wants to proceed with the project. Mountainland Developers’ original intent was to move the project diligently to completion; however, its intent was derailed by the collapse of the credit markets and the loss of Mountainland Developers’ construction lender. Mountainland has incurred significant costs to install infrastructure to support the higher density of the MRH zoning and seeks a rezone of the property from MRM to MRH so it may proceed with the project, as it was originally approved.
I will serve as Mountainland's primary contact for purposes of this application. Please let me know if I can answer any questions for you. I look forward to working with you on this matter.

Sincerely,

Richard Reeve

RHR:ei
cc: Les Syme
    Kymber Housley

4847-9718-8368, v. 1
PC 12-044 Logan Gateway II Zone Change & Design Review Permit. Richard Reeve/Mountainland Developers LLC, authorized agent/owner, request to rezone two (2) parcels totaling 9.2 acres at the northwest corner of the intersection of 400 West and 1600 North from Mixed Residential Medium (MRM) to Mixed Residential High (MRH) at 1650 North 400 West; TIN #04-081-0014, 04-081-0015, and a Design Review permit for the proposed development.

STAFF: Ms. Reeder reviewed the Staff Report as written, recommending approval.

PROPOSER: Richard Reeve, the attorney representing the developer, explained that this is an unusual situation. This project originally came before the Planning Commission in 2006 and was approved. The elevations were prepared at that time. Construction funding became tied up and the time extension lapsed. This is the reason the design elements are not consistent with the current Code. The primary focus is to move the rezone forward; the design review portion can be handled at a future time with updated elevations.

PUBLIC: Tony Nielsen, 1400 North 1400 East, expressed concern with the zoning being changed from Mixed Residential Medium (MRM) to Mixed Residential High (MRH). He said he is concerned for the safety of the children/traffic in the area and said the fact that the Bridger neighborhood is already battling with increased density in the area.

COMMISSION: Commissioner Kerr remarked that the elevations for the project are not adequate. The rear elevation, as presented, does not come close to the design standards expected. He said that he could not support a favorable action on the design review request. Chairman Simmonds agreed and suggested continuing the discussion with more detailed and updated elevations.

Commissioner Lee said he is in favor of the rezone, however, noted concern about the strategy of the Commission going forward regarding lapsed permits.

MOTION: Commissioner Kerr moved that the Planning Commission continue the Design Review Permit to the September 13, 2012 meeting and forward a positive recommendation to the Municipal Council for the requested zone change. Commissioner Adams seconded the motion.

FINDINGS FOR APPROVAL OF THE REZONE REQUEST
1. The proposed rezone is consistent with the General Plan and Future Land Use Plan (FLUP), which identify the area as Mixed Residential (MR).
2. The infrastructure has been reviewed and partially constructed to provide adequate capacity for the proposed density of the project.
3. The proposed rezone is compatible with the residential land uses and zoning adjacent to the property.
4. The proposed rezone is compatible with the neighborhood character.

[Moved: Commissioner Kerr  Seconded: Commissioner Adams  Passed: 5,0]
Yea: D. Adams, A. Davis, H. Hall, J. Kerr, K. Lee  Nay:  Abstain:
Civil
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ss

On this 11th day of September, A.D. 2012 personally appeared before me Monica Christensen who being first being duly sworn, deposes and says that she is the Assistant to the Finance Director of the Cache Valley Publishing Co., publishers of The Herald Journal a daily newspaper published in Logan City, Cache County Utah, and that the Legal Notice, a copy of which is hereto attached was published in said newspaper for 1 issue(s) and that said notice also published on utahlegals.com on the same days(s) as publication in said newspaper Commencing on the following days: 09/11/2012

Monica Christensen, Assistant to the Finance Director

Subscribed and sworn to before me on this 11th day of September, A.D. 2012

Amanda Marie Nye, Notary Public
Commissioned in the State of Utah
My Commission expires August 1, 2015

NOTARY PUBLIC
AMANDA MARIE NYE
600362
COMMISSION EXPIRES
AUGUST 18, 2014
STATE OF UTAH

LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL

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

ORD.12-54. An ordinance was adopted and approved September 4, 2012 amending the Zoning Map of Logan City and Design Review Permit (Logan Gateway II). Mountainland Developers LLC, authorized agent/owner, zone change from Mixed Residential Medium (MRM) to Mixed Residential High (MRH) at 1650 North 400 West with a deed restriction in place for 15 units per acre: TIN: 04-081-0014-15.

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, 290 North 100 West, Logan, Utah during regular business hours.

Teresa Harris
City Recorder
Publication date: September 11, 2012
LEGAL NOTICE
Municipal Council
August 7, 2012

The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. All comments must be submitted to Community Development to be included in the public record before 5:00 p.m. on August 3, 2012. Contact 435-716-9021 or www.loganutah.org for further info.

Public Hearing:

PC 12-040 Ellis Neighborhood (600 W) Rezone Zone Change. The City of Logan is requesting to rezone nine (9) parcels along 600 West, between 200 North-100 South, from Neighborhood Residential Core (NRC) and Neighborhood Residential Center Street (NRCS) to Commercial Services (CS). This rezone request is a result of the 2012 city-wide zoning project.

PC 12-044 Logan Gateway II Zone Change. Richard Reeve/Mountainland Developers LLC, authorized agent/owner, request a zone change from Mixed Residential Medium (MRM) to Mixed Residential High (MRH) at 1650 North 400 West; TIN 04-081-0014-0015.

The Municipal Council is scheduled to hold a workshop on these items on Tuesday, August 7, 2012, and a public hearing on Tuesday, August 21, 2012. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West and will not begin before 5:30 pm.

Contact the Department of Community Development at 435-716-9021 for more information or www.loganutah.org.

Publication date: July 24, 2012