AN ORDINANCE AMENDING TITLE 17 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: That certain map or maps entitled “Zoning Map of Logan City, Utah” is hereby amended and the following property is hereby zoned from Traditional Neighborhood Residential (NR-6) to Mixed Residential Low Density (MR-12):

TIN#06-040-0024

The above parcel is also described as Exhibits A & B attached hereto.

SECTION 3: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _________

THIS DAY OF _____________, 2014.

AYES: 

NAYS: 

ABSENT: ____________  

Karl B. Ward, Council Chairman

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 ____ day of ________________, 2014.

Karl B. Ward, Council Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby ___________________ this ___ day of 

____________, 2014.

H. Craig Petersen, Mayor
EXHIBIT A

Duffin Duplex Rezone
476 North 200 East

Current Zoning: NR-6

MR-12: Mixed Residential Low

Proposed Zoning: MR-12

NR-6: Traditional Neighborhood Residential

Planning Commission
August 14, 2014
EXHIBIT B

Parcel #06-040-0024

Legal Description

-------- 2014 --------

BEG 7.5 RDS S OF NW COR BLK 49 PLT A LOGAN CITY SVY S 3 RDS E 16 RDS NE'LY ALG LOGAN HYDE PARK CANAL TO PT E OF BEG W TO BEG SEC 34 T 12N R 1E
Minutes of the meeting for the Logan City Planning Commission convened in regular session Thursday, August 14, 2014. Chairman Davis called the meeting to order at 5:30 p.m.

Planning Commissioners Present: David Adams, Amanda Davis, Russ Price, Maybell Romero, Sara Sinclair, Garrett Smith

Staff Present: Mike DeSimone, Russ Holley, Amber Reeder, Kymber Housley, Craig Humphreys, Debbie Zilles

[...]

**PC 14-032 Duffin Duplex Rezone** Zone Change. Daryl Duffin, authorized owner/agent, request a zone change from Neighborhood Residential (NR-6) to Mixed Residential (MR-12) on .35 acres at 476 North 200 East; TIN 06-040-0024.

**STAFF:** Ms. Reeder reviewed the Staff Report as written, recommending denial. The request is to rezone one 0.35 acre parcel from traditional Neighborhood Residential (NR-6) to Mixed Residential Low Density (MR-12). The Adams Neighborhood Specific Plan identified the goal to apply zoning and land use stability in the area so that people would have confidence in investing in Adams as a family-oriented area. It also stated residents' feeling that there is an excessive amount of rental property in the neighborhood. The Future Land Use Plan (FLUP) does not designate this area as Mixed Residential; therefore, the zone change would not be consistent with the General Plan.

The Adams Plan gave consideration to transitional areas where an NR and MR zone meet. Standards were amended to require additional setbacks on yards or frontages adjacent to an NR zone. The subject property is narrow and access is limited to the rear area of the lot. Should the property be rezoned it would allow for up to 4 units. The configuration of the lot makes it difficult to find the property suitable for development without variances or special exceptions to fire access, infill requirements, and setbacks. The access between the house and fence is approximately 10' wide. A 25' side setback would be required on the north side of the lot adjacent to NR-6 zoning and 8' on the south, MR-12 zoned property. This would only leave a buildable width of 17', which is not likely to be suitable for development.

This property is impacted by the new roundabout under construction at 500 North and 200 East. Improvements are extending to the front of this property. The majority of the surrounding NR-6 zoned properties are nonconforming uses so the request merits consideration however, based on the analysis, Staff is recommending denial of the zone change.

This property is currently within the subject area of the 400 North Corridor Study. A plan is being developed and it may be better to consider this property as part of the larger context of the study.

**PROPOSER:** Daryl Duffin, owner of property, advised that the park strip reclamation program resulted in limited tenant parking areas. He believes another duplex will make the best use of the
property. He appreciates the work the City is doing on 500 North and would like to stub for utilities while the area is currently under construction.

PUBLIC: An email was received and distributed prior to the meeting from a property owner in the vicinity who did not have objection to allowing additional density on the property but had concerns that residents may infringe on his parking area.

Gordon Geddes, HOA President of Courtyard Condos located just south of this property, advised that adding another duplex to this area will only increase the existing parking and noise problems.

Kathryn Geddes expressed concern that the property is too narrow to add another duplex. She also agreed with concerns related to parking in the area.

John Reed, lives in the condos to the south, asked for clarification on the definition of a duplex. Chairman Davis clarified that at this time the only consideration is for a zone change. A recommendation from the Commission will be forwarded to the Municipal Council for a final decision. Any future development would occur at a later stage.

COMMISSION: Ms. Reeder clarified for Commissioner Adams that this property accommodates parking for the duplex on 500 North (also owned by Mr. Duffin).

Commissioner Price noted that with a 25’ required setback along the length of the property adjacent to the NR-6 zone, there is only about 17’ of buildable width. Ms. Reeder agreed and advised that one of the findings for denial is the fact that the property is not suitable for development without increasing the need for variances or special exceptions.

MOTION: Commissioner Romero moved to recommend denial to the Municipal Council for a zone change as outlined in PC 14-032 based on the findings listed below. Commissioner Adams seconded the motion.

FINDINGS FOR DENIAL
1. The proposal is not in conformance with the General Plan Future Land Use Map.
2. The property is not suitable for development within the MR-12 zoning district without increasing the need for variances or special exceptions.
3. The request is not consistent with the Adams Neighborhood Specific Plan.

[Moved: Commissioner Romero  Seconded: Commissioner Adams  Denied: 6-0]
Duffin Duplex Rezone
476 North 200 East

NR-6: Traditional Neighborhood Residential

Current Zoning: NR-6

MR-12: Mixed Residential Low

Proposed Zoning: MR-12

Planning Commission
August 14, 2014
MEMORANDUM TO MUNICIPAL COUNCIL

DATE: August 28, 2014
FROM: Amber Reeder, Planner II
SUBJECT: PC14-032 Duffin Duplex Rezone

Summary of Planning Commission Proceedings
On August 14, 2014, the Planning Commission recommended that the Municipal Council deny a request to rezone the property at 476 North 200 East from NR-6, the Traditional Neighborhood Residential zone, to MR-12, Mixed Residential Low Density zone.

The Planning Commission based its recommendations on the following findings:
  1. The subject property is not in conformance with the General Plan Future Land Use Map.
  2. The property is not suitable for development within the MR-12 zoning district without increasing the need for variances or special exceptions.
  3. The request is not consistent with the Adams Neighborhood Specific Plan.

Planning Commissioners vote (6 - 0):
[Moved: Commissioner Romero  Seconded: Commissioner Adams]

Attachments:
Staff Report
Ordinance 14- 73
Draft PC Meeting Minutes
Project Images
RECOMMENDATION

Staff recommends that the Planning Commission recommend denial to the Municipal Council for a Rezone of one (1) parcel totaling 0.35 acres from NR-6 to MR-12, located at 476 North 200 East, TIN #06-040-0024.

Current Land use adjoining the subject property:

<table>
<thead>
<tr>
<th>North</th>
<th>NR-6: Residential Uses</th>
<th>East</th>
<th>NR-6: Canal, Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>MR-12: Residential Uses</td>
<td>West:</td>
<td>PUB/TC: 200 East; CVTD Station,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Commercial Uses</td>
</tr>
</tbody>
</table>

Request

The request is to rezone (1) parcel totaling 0.35 acres located at 476 North 200 East, from Traditional Neighborhood Residential (NR-6) to Mixed Residential Low Density (MR-12).

Zoning History

The City of Logan adopted Zoning regulation in August of 1950. The zoning history of the property is the following:

<table>
<thead>
<tr>
<th>Year</th>
<th>Zone</th>
<th>Use/Structure Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>R-2</td>
<td>1-4 Family/ 6,000 sf minimum per one-family dwelling with 1,000 sf for each additional unit in a multi-family building</td>
</tr>
<tr>
<td>1976</td>
<td>R-2</td>
<td>Single Family/ 6,000 sf minimum lot size</td>
</tr>
<tr>
<td>2000</td>
<td>SFR</td>
<td>Single Family/ 6,000 sf minimum lot size</td>
</tr>
<tr>
<td>2011</td>
<td>NRC</td>
<td>Single Family/ 6,000 sf minimum lot size (4-6 units/acre)</td>
</tr>
<tr>
<td>2013</td>
<td>NR-6</td>
<td>Single Family/ 6,000 sf minimum lot size (maximum 6 units/acre)</td>
</tr>
</tbody>
</table>

The property currently consists of one building, a grandfathered duplex, and parking area. The building was built in 1925, with plumbing and electrical added in the 1930's. The residence was remodeled into two units in 1968.

Land Development Code (LDC)

The Land Development Code (LDC) §17.12.060 describes the NR-6 zone as established residential neighborhoods intended to preserve historic development patterns and forms. The current zoning allows 6 units per acre. The maximum allowed height in the zone is 35 feet.
The Land Development Code (LDC) §17.12.080 indicates the MR-12 zone provides a range of housing options for all stages of life and levels of income. The areas should be located near employment centers and service areas allowing residents to be within walking distance of where transportation choices are available. The maximum height allowed is the same as the NR-6 zone at 35 feet. The setbacks are also the same as the NR-6 zone, except that the front setback can be reduced to 10'. There are setbacks of 25' required on any yard that is adjacent to a single family zone.

General Plan
The Future Land Use Plan (FLUP) adopted in 2008 identifies this property as Detached Residential (DR) and it is directly adjacent to Mixed Residential (MR). Detached Residential areas are for development and maintenance of single family housing and the Detached Residential areas are to provide a range of housing options near services and transportation.

Analysis and Recommendation
The Adams Neighborhood Specific Plan identified the goal to apply zoning and land use stability in the area so that people would have confidence in investing in Adams as a family-oriented area. It also stated residents' feeling that there is an excessive amount of rental property in the neighborhood. The Future Land Use Plan does not designate this area as Mixed Residential and so the zone change would not be consistent with the General Plan.

The Adams Plan gave consideration to transitional areas where an NR and MR zone meet. Standards were amended to require additional setbacks on yards or frontages adjacent to an NR zone. The subject property is narrow and access is limited to the rear area of the lot. Should the property be rezoned it would allow for up to 4 units. The configuration of the lot makes it difficult to find the property suitable for development without variances or special exceptions to fire access, infill requirements, and setbacks. The access between the house and fence is approximately 10' wide. The lot is about 50' wide. With new development a 25' side setback would be required on the north side of the lot adjacent to NR-6 zoning and 8' on the south, MR-12 zoned property. This would only leave a buildable width of 17', which is not likely to be suitable for development.

This property is impacted by the new roundabout under construction at 500 North and 200 East. Improvements are extending to the front of this property. The majority of the surrounding NR-6 zoned properties are non-conforming uses so the request merits consideration however, based on the analysis, staff is recommending the Planning Commission recommend denial of the zone change.

This property is currently within the subject area of the 400 North Corridor Study. A plan is being developed and it may be better to consider this property as part of the larger context of the study area as that data, public input, and subsequent recommendations will inform land use decisions in the area.

PUBLIC COMMENTS
As of the time the staff report, one letter was received. A property owner in the vicinity did not have objection to allowing additional density on the Duffin property but had concerns that residents may infringe on his parking area.

AGENCY AND CITY DEPARTMENT COMMENTS
City Departments and contacted agencies did not have comment on the rezone at this time.
PUBLIC NOTIFICATIONS
Legal notice was published in the Herald Journal on July 31, 2014, and the Utah Public Meeting website on August 4, 2014. Public notices were mailed to all property owners within 300 feet of the project site on July 28, 2014. A Quarter Page Ad was published in The Herald Journal on July 27, 2013. The property was posted with the Community Development Department’s Land Use Action sign on August 1, 2014.

RECOMMENDED FINDINGS FOR DENIAL
The Planning Commission bases its decisions on the following findings:
1. The subject property is not in conformance with the General Plan Future Land Use Map.
2. The property is not suitable for development within the MR-12 zoning district without increasing the need for variances or special exceptions.
3. The request is not consistent with the Adams Neighborhood Specific 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.
# Application for Project Review

**LOGAN CITY UNITED IN SERVICE**

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

<table>
<thead>
<tr>
<th>Date Received</th>
<th>07/14/2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received By</td>
<td>Akeudn</td>
</tr>
<tr>
<td>Receipt Number</td>
<td>PC 14.032</td>
</tr>
<tr>
<td>Zone</td>
<td>NR-6</td>
</tr>
</tbody>
</table>

**Type of Application (Check all that apply):**

- Design Review
- Conditional Use
- Subdivision
- Variance
- Zone Change
- 4950' Design Review
- Administrative Design Review
- Other

### Project Name

**Duffin Duplex Rezone**

### Project Address

4767 N 200E, Logan UT 84321

### Authorized Agent for Property Owner (Must be accurate and complete)

<table>
<thead>
<tr>
<th>Darryl Duffin</th>
</tr>
</thead>
</table>

### Mailing Address

485 Broughhurst Dr, Providence UT 84332

### Email Address

darryluffin@yahoo.com

### Property Owner of Record (Must be listed)

<table>
<thead>
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### Mailing Address

485 Broughhurst Dr, Providence UT 84332

### Email Address

darryluffin@yahoo.com

### Describe the Proposed Project as it should be presented

I am requesting a zone change on my property from Single Family Residential to a Low Density Single Family from the South property line at 4767 N and E to the north side property line at 50 ft.

- No Site Activity may occur until after appropriate committee approval.

### Other

- Total Lot Size (acres): 0.25 ac
- Size of Proposed New Building (square feet): N/A
- Number of Proposed New Units/Lots: N/A

I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.

I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.

**Signature of Property Owner's Authorized Agent**

**Signature of Property Owner**

mc W: Sept. 2
mc H: Sept. 16
Commissioners: We own the red brick triplex south of the Duffin property. If Mr. Duffin wants to put another couple of apartments in the rear of the property, we don't have an objection. We have, however, had tenants and their guests from the Duffin duplex use our parking in the past. It might be more convenient than parking in the rear of the Duffin duplex. Would that be more of a problem if two units were added to the property? That would be our objection to more apartments next door. Jim and Janell Royle (435-753-1432)
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Planning Commissioners Present: David Adams, Amanda Davis, Russ Price, Maybell Romero, Sara Sinclair, Garrett Smith

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PUBLIC HEARING

[...]

PC 14-032 Duffin Duplex Rezone Zone Change. Daryl Duffin, authorized owner/agent, request a zone change from Neighborhood Residential (NR-6) to Mixed Residential (MR-12) on .35 acres at 476 North 200 East; TIN 06-040-0024.

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COMMISSION: Ms. Reeder clarified for Commissioner Adams that this property also accommodates parking for the duplex on 500 North (also owned by Mr. Duffin).

Commissioner Price noted that with a 25’ required setback along the length of the property adjacent to the NR-6 zone, there is only about 17’ of buildable width. Ms. Reeder agreed and advised that one of the findings for denial is the fact that the property is not suitable for development without increasing the need for variances or special exceptions.

MOTION: Commissioner Romero moved to recommend denial to the Municipal Council for a zone change as outlined in PC 14-032 based on the findings listed below. Commissioner Adams seconded the motion.

FINDINGS FOR DENIAL
1. The proposal is not in conformance with the General Plan Future Land Use Map.
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3. The request is not consistent with the Adams Neighborhood Specific Plan.

[Moved: Commissioner Romero  Seconded: Commissioner Adams  Denied: 6-0]
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3. The request is not consistent with the Adams Neighborhood Specific Plan.

[Moved: Commissioner Romero  Seconded: Commissioner Adams  Denied: 6-0]
The Logan City Planning Commission will hold a public hearing to receive input on the following:

**PC 14-032 Duffin Duplex Rezone** Zone Change. Daryl Duffin, authorized owner/agent, request a zone change from Neighborhood Residential (NR-6) to Mixed Residential (MR-12) on .35 acres at 476 North 200 East, TIN 06-040-0024.

The Municipal Council is tentatively scheduled to hold a workshop on these items on **Tuesday, September 2, 2014**, and a public hearing on **Tuesday, September 16, 2014**. Both meetings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 pm. Contact the Department of Community Development at 716-9022 for more information or www.loganutah.org

**published in H.J. 7/27/14**
# Application for Project Review

**Project Name:** Duffin Duplex

**Rezone**

**Project Address:**
476 N 200 E Logan UT 84321

**County Plat Tax ID:** 00-040-0024

**Authorized Agent for Property Owner (Must be accurate and complete):**
Daryl Duffin

**Mailing Address:**
485 Broughurst Dr Providence UT 84332

**Email Address:**
DarylDuffin@yahoo.com

**Property Owner of Record (Must be listed):**
Daryl Duffin

**Mailing Address:**
485 Broughurst Dr Providence UT 84332

**Email Address:**
DarylDuffin@yahoo.com

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**Type of Application (Check all that apply):**
- Design Review
- Conditional Use
- Subdivision
- Zone Change
- Administrative Design Review
- Code Amendment
- Appeal
- Variance
- 4950 Design Review
- Other

**Date Received:** 07/14/2014

**Received By:** Arend

**Receipt Number:** 101420

**Zone:** NR-6

**Application Number:** PG 14-032

**Presented Project As It Should Be Presented:**
- NR-6 to NR-12
- Total Lot Size (acres): 0.85 ac
- Size of Proposed New Building (square feet): N/A
- Number of Proposed New Units/Lots: N/A

**Certification of Information:**
- I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.
- I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.

**Signature:**
- Property Owner's Authorized Agent: [Signature]
- Property Owner: [Signature]

**Date:**
- MC W: Sept. 2
- MC H: Sept. 16
NW Section 34 Township 12 North  Range 1 East
Scale 1 Inch = 50 FEET

BLOCK 49, PLAT "A" & BLOCK 17, PLAT "C"

THE COURT YARD CONDOMINIUM
SEE PAGE 07-164

GLEN BROOK CONDOMINIUMS
SEE PAGE 07-165

PTNW4Section 34
Township 12 North
Scale 1 Inch = 50 FEET

TAX UNIT 27

PC 14-032
LEGAL NOTICE
Logan Planning Commission
August 14, 2014

The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. Contact 716-9021 or www.loganutah.org for further info.

PC 14-032 Duffin Duplex Rezone  Zone Change. Daryl Duffin, authorized owner/agent, request a zone change from Neighborhood Residential (NR-6) to Mixed Residential (MR-12) on .35 acres at 476 North 200 East; TIN 06-040-0024.

Publication Date:  Thurs. July 31, 2014
LEGAL NOTICE
Logan Municipal Council
September 2 & 16, 2014

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Workshop item for September 2 and public hearing September 16:

**PC 14-032 Duffin Duplex Rezone** Zone Change. Daryl Duffin, authorized owner/agent, request a zone change from Neighborhood Residential (NR-6) to Mixed Residential (MR-12) on .35 acres at 476 North 200 East; TIN 06-040-0024.

Publication date: Tues. August 19, 2014