CITY OF LOGAN, UTAH
ORDINANCE NO. 16-19

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 properties identified in Exhibit A, as attached, are hereby rezoned from Town Center (TC) to Mixed Residential Medium (MR-20).

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, __21__
THIS DAY OF __June__ 2016.

AYES: Brakeham, Daines, Simmons, Jensen
NAYS: None
ABSENT: Olsen

ATTEST:
Teresa Harris, City Recorder

Holly Daines, Vice Chair

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the __21__ day of __June__, 2016.

Holly Daines, Vice Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby __denied__ this 21st day of __June__, 2016.

H. Craig Petersen, Mayor
EXHIBIT A

Burton Rezone
239 North 200 East

EXISTING ZONING = TC

PROPOSED ZONING = MR-20
MEMORANDUM TO MUNICIPAL COUNCIL

DATE: June 1, 2016
FROM: Russ Holley, Senior Planner
SUBJECT: Burton Rezone

Summary of Planning Commission Proceedings
On May 26th, the Planning Commission voted on a recommendation for denial to the Municipal Council for a rezone of .25 acres, 239 North 200 East, from TC to MR-20.

Planning Commissioners vote (6-0):
Motion to recommend DENIAL:
Moved: Commissioner Sinclair  Seconded: Commissioner Newman
Nay: None
Abstain: None

Attachments:
Staff Report
Ordinance 16-019
Portion of PC Meeting Minutes from May 26th, 2016
REPORT SUMMARY...

Project Name: Burton Rezone  
Proponent/Owner: David Burton / MJ Enterprises Cache Valley  
Project Address: 239 North 200 East  
Request: Rezone from TC to MR-20  
Current Zoning: Town Center (TC)  
Date of Hearing: May 26, 2016  
Type of Action: Legislative  
Submitted By: Russ Holley, Senior Planner

RECOMMENDATION

Staff recommends that the Planning Commission recommend denial to the Municipal Council for a rezone from TC to MR-20, Burton Rezone, for the property located at 239 North 200 East; TIN #06-062-0036.

Land use adjoining the subject property

<table>
<thead>
<tr>
<th>North</th>
<th>NR-6: Residential Uses</th>
<th>East</th>
<th>MR-20: Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>NR-6: Residential Uses</td>
<td>West</td>
<td>TC: Commercial Uses</td>
</tr>
</tbody>
</table>

Request

The request is to rezone a 0.25 acre parcel from Town Center (TC) to Mixed Residential Medium (MR-20) with the applicant intent of constructing a multi-family apartment building.

Existing Conditions

The site currently sits contains a developed 10-stall asphalt parking lot and driveway approach onto 200 East. The remainder of the site contains multiple trees and low growing vegetation. This parcel was subdivided off the larger medical office complex property located to the west in May of 2009 (Second East Subdivision). The asphalt parking lot still connects to the back parking lot of the medical office complex.

Zoning History

The City of Logan adopted Zoning regulations in August of 1950. The zoning history of the area is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Zone</th>
<th>Use/Structure Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>R-3</td>
<td>Single Family and up to 4 Dwelling Units with 9,000 SF min lot size</td>
</tr>
<tr>
<td>1976</td>
<td>R-4</td>
<td>Single Family to Multi-Dwelling Units with 6,000 SF min base lot size plus 1000 SF per additional unit</td>
</tr>
<tr>
<td>2000</td>
<td>MFH</td>
<td>Multi-Family Residential Uses up to 14 units per acre</td>
</tr>
<tr>
<td>2011</td>
<td>TC</td>
<td>Town Center – Primary Commercial Uses w/ optional Secondary Residential Uses</td>
</tr>
</tbody>
</table>

Neighborhood Compatibility

Based on the diverse zoning history of this area, the site development patterns and buildings are varied. The three largest structures are the LDS Church on the opposite corner, the Senior Citizen Center and the Medical Office Complex directly west of the site. The majority of the
structures on the block are residential, with 11 single family homes and 10 multi-family structures. Both 100 East and 200 East are used as alternatives to Main Street for north/south travel. Farther north and in some areas to the south, both 100 East and 200 East have significant commercial development.

General Plan
The Future Land Use Plan (FLUP) adopted in 2008, identifies this entire block as Town Center (TC) commercial. TC areas are described as having the majority of the communities historic and cultural resources. The Town Center will act as the hub of the valley having dense commercial, civic, entertainment and residential development. High-quality developments will provide excellence gathering spaces for residents of Cache Valley and the City of Logan.

Land Development Code (LDC)
The Land Development Code (LDC) §17.15.070 describes the TC zone as a compact commercial zoning district with minimal building setbacks, tall building heights and the promotion of high quality development that is both walkable and compatible with Logan’s rich historical past. The LDC describes the MR-20 zone as a mixed residential zone intended for a variety of housing types developed at a maximum of 20 units per acre.

The Adams Neighborhood Specific Plan (2013)
The Adams Neighborhood Plan adopted in 2013 lists recommendations concerning both zoning and commercial developments in the Adams Neighborhood. A zoning recommendation on page number 18 states that current commercial zoning locations should remain to allow future commercial development to occur. A commercial and mixed use recommendation on page number 36 states that ground floor street facing space should be preserved for commercial uses to better serve Logan’s growing population.

Summary & Recommendation
With the recent upgrades to 200 East and the projected growth of Cache Valley and Logan, a robust commercial core is vital to the communities overall longevity. Because of the surrounding conditions of the neighborhood and the unique and odd shape of this particular parcel, a better long-term land use resolution would be a consolidated quality commercial development serving the regional and local populations. Although high-density housing is important to a town center, providing 24-hour vibrancy and housing diversity options, the TC zone envisions residential development in the vertical mixed-use layout which better utilizes ground floor space for commercial services. Based on these issues, combined with the General Plan’s recommendation, staff is recommending denial of this rezone request and is in favor of leaving the parcel zoned TC for future commercial developments.

PUBLIC COMMENTS
As of the time the staff report was prepared, no written comments have been received; however, two verbal comments from neighbors in the area of the project site voiced opposition to the request.

AGENCY AND CITY DEPARTMENT COMMENTS
No comments.

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

1. The proposed re-zone is not consistent with the adopted Logan City Future Land Use Plan.
2. The proposed rezone is not consistent with the Logan City General Plan.
3. The proposed rezone would likely result in the area not being developed as high quality commercial development as contemplated in the General Plan.
4. By not changing the zoning, this site will have a better likelihood of being combined and developed in a collaborative method that may better accomplish the goals in the General Plan.
5. The Adams Neighborhood Plan adopted in 2013 does not support new stand-alone multi-family buildings on this block.

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.
Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, May 26, 2016. Chairman Davis called the meeting to order at 5:30 p.m.

Planning Commissioners Present: David Butterfield, Amanda Davis, Dave Newman, Tony Nielson, Eduardo Ortiz, Russ Price, Sara Sinclair

Staff Present: Mike DeSimone, Russ Holley, Amber Pollan, Kymber Housley, Paul Taylor, Craig Humphreys, Bill Young, Debbie Zilles

Minutes as written and recorded from the May 12, 2016 meeting were reviewed. Commissioner Nielson moved that the minutes be approved with a minor grammatical change. Commissioner Sinclair seconded the motion. The motion was unanimously approved.

PUBLIC HEARING

PC 16-025 Burton Rezone [Zone Change] David Burton/MJ Enterprises Cache Valley, authorized agent/owner, request a zone change of .25 acres from Town Center (TC) to Mixed Residential Medium (MR-20) at 239 North 200 East; TIN 06-062-0036.

STAFF: Mr. Holley reviewed the request to rezone a 0.25 acre parcel with the intent of constructing a multi-family apartment building. The site currently contains a developed 10-stall asphalt parking lot and driveway approach onto 200 East. The remainder of the site contains multiple trees and low growing vegetation. This parcel was subdivided from the larger medical office complex property located to the west in May 2009 (Second East Subdivision). The asphalt parking lot still connects to the back parking lot of the medical office complex.

Based on the diverse zoning history of this area, the site development patterns and buildings are varied. The three largest structures are the LDS Church, the Senior Citizen Center and the medical office complex directly west of the site. The majority of the structures on the block are residential, with 11 single-family homes and 10 multi-family structures. Both 100 East and 200 East are used as alternatives to Main Street for north/south travel. With recent upgrades to 200 East and the projected growth of Logan, a robust commercial core is vital to overall longevity. Because of the surrounding conditions of the neighborhood and the unique and odd shape of this particular parcel, a better long-term land use would be a consolidated quality commercial development. Although high-density housing is important, the Town Center (TC) zone envisions residential development in a vertical mixed-use layout which better utilizes ground floor space for commercial services. Based on these issues, combined with the General Plan’s recommendation, staff is recommending denial of this rezone request and is in favor of leaving the parcel zoned TC for future commercial development.

PROPOUNENT: David Burton pointed out that the last commercial building in the area was built in 1960 which indicates that the zone has not fostered commercial growth. During the time it was zoned for multi-family homes (circa 2000) there were three 4-plexes built. Nothing has been built since it was zoned to Town Center (TC) which has seemed to stop the growth on that particular block. Since
the hospital was moved, the block has become blighted. This lot had a house that burned down in the 1950's. The remains of that home and the cement foundation are still there with vegetation growing around it, which is evidence to the fact that this area is not in demand. His desire for the zone change is to build a 4-plex, which he believes will be beneficial to the area.

PUBLIC: Laurie Mecham, represented the owner who could not be in attendance, does not agree with the recommendation that the area remain Town Center (TC). The owner has had several people look at the lot for commercial use; however, because of the way the lot is situated, it would not work. There is not enough visibility for a commercial business. The block is filled with multi-family units and it seems that more multi-family lots would bring more residents closer to downtown. The lot is mostly weeds with an asphalt area that could be used for tenant parking. It is currently used for parking by nearby residents. This proposal would improve the appearance of the area. She questioned the best use of the property as it currently stands and where parking for a commercial development would be located; as a realtor she cannot see any potential for this lot to be used commercially. A 4-plex would do well in this location. She pointed out that 274 East 300 North was zoned from Town Center (TC) to Mixed Residential (MR) and questioned why there would be opposition to this parcel being rezoned. Jessie Eiman, 145 North 200 East, displayed an illustrated map outlining the ratio of owner-occupied homes the area. As a homeowner she is opposed to a 4-plex. One of the goals of the Adams Neighborhood Specific Plan is to provide a family-friendly neighborhood with single-family homes. This goal seems to be slipping with the continued trend toward high-density housing units. Long-term owners are the people who patronize downtown businesses. There is a need for a stronger core of owner-occupied dwellings in the Adams neighborhood.

John Eiman reiterated the recommended findings for denial as proposed by staff. The proposed zone change is not consistent with the vision and goals of the surrounding area as stated in the Adams Neighborhood Specific Plan, which was adopted in 2013, specifically under Zoning and Land Use Goals (page 7) “Apply zoning and land use stability so that future generations have confidence to invest in existing homes and raise their families in the Adams neighborhood”. Homeowners are concerned with the struggle to attract new families to the area and keep it a nice place. This property, with a slight rearrangement, could serve as a useful expansion of the Senior Center.

Nathan Obray, 192 East 300 North, recently purchased a home in the area and enjoys living close to downtown. He does not want to see more rentals added to the neighborhood and is comfortable with the Town Center (TC) zone.

Scarlet Fronk, works for the real estate company representing Mr. Burton and is also a tenant of one of Mr. Burton's rental properties. As an owner/manager of rental properties, Mr. Burton makes an effort to screen and find stable rental tenants. Her hope is that this might help the standard for other rentals in the area.

Tharon Olsen, 138 East 300 North, encouraged following the recommendations from staff and denial of the rezone. A 4-plex could prevent future commercial growth.

COMMISSION: Commissioner Price asked about the characterization of the area and other commercial development. Mr. Holly pointed out the dental office to the south and quite a bit of commercial to the north, especially beyond 1000 North. The area has mainly older structures, some single-family homes and some that have been converted to multi-family.

Mr. Holley clarified for Commissioner Newman that the dental office has two points of ingress/egress and the driveway on this property would not be mandatory for an access easement and could be removed for future development.

Chairman Davis said she did not believe this request to be congruent with the General Plan and the Adams Neighborhood Specific Plan. Many of the public comments seemed to be on point.
Commissioner Price was excused from the meeting.

Commissioner Ortiz pointed out that his is an interesting block and this location does not seem to have a demand for commercial development. Mr. Holley explained that although the demand may be low now, zoning decisions are typically 30-year determinations. If a 4-plex is built, it could impact future commercial development. As Logan’s population grows, these areas may become highly desirable for compact commercial development. Higher density near downtown is encouraged; however, ground floor areas should be preserved for commercial use.

MOTION: Commissioner Sinclair moved to **recommend denial** to the Municipal Council for a zone change from Town Center (TC) to Mixed Residential Medium (MR-20) for the property located at 239 North 200 East as outlined in PC 16-025 with the findings for denial as listed below. Commissioner Newman seconded the motion.

**FINDINGS FOR DENIAL**
1. The rezone is not consistent with the adopted Logan City Future Land Use Plan.
2. The rezone is not consistent with the Logan City General Plan.
3. The rezone would likely result in the area not being developed as high-quality commercial development as contemplated in the General Plan.
4. By not changing the zoning, this site will have a better likelihood of being combined and developed in a collaborative method that may better accomplish the goals in the General Plan.

**Moved:** Commissioner Sinclair  **Seconded:** Commissioner Newman  **Passed:** 6-0

**Yea:** D. Butterfield, A. Davis, D. Newman, T. Nielson, E. Ortiz, S. Sinclair  **Nay:**  **Abstain:**

**WORKSHOP ITEMS for June 9, 2016** - There will be no meeting held, the next meeting will be held June 23, 2016.

Meeting adjourned at 7:25 p.m.
Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of May 26, 2016.

Michael A. DeSimone
Community Development Director

Amanda Davis
Planning Commission Chair

Russ Holley
Senior Planner

Amber Reeder
Planner II

Debbie Zilles
Administrative Assistant