CITY OF LOGAN, UTAH
ORDINANCE NO. 18-02

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 in the Woodruff Neighborhood and as specifically identified in Exhibit A, as attached, are hereby zoned Mixed Residential Medium (MR-20).

SECTION 3: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, 16

AYES: Anderson, Bradfield, Jensen, Simmonds
NAYS: none
ABSENT: Olson

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 16 day of January, 2018.

Tom Jensen, Council Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 16 day of January, 2018.

Holly H. Daines, Mayor
EXHIBIT A

Nibley Sixteen Rezone
991 West 2200 South

Subject Property
Existing Zone = COM
Proposed Zone = MR 20

Planning Commission
December 14, 2018
MEMORANDUM TO MUNICIPAL COUNCIL

DATE: December 22, 2017
FROM: Russ Holley, Senior Planner
SUBJECT: Ordinance #18-02

Summary of Planning Commission Proceedings
Project Name: Nibley Sixteen Rezone
Request: Zoning Map Amendment
Project Address: 991 West 2200 South
Recommendation of the Planning Commission: Approval

On December 14, the Planning Commission recommended that the Municipal Council approve the Nibley Sixteen Rezone project that amends the Official Logan City Zoning Map.

Planning Commissioners vote (5 - 2):
Motion: S. Goodlander
Second: D. Butterfield
Yea: T. Nielson, D. Butterfield, R. Price, S. Goodlander, E. Ortiz,
Abstain: none  Nay: D. Newman, R. Dickinson,

Attachments:
Staff Report
Ordinance #18-02
Planning Commission Meeting Minutes from Dec. 14, 2017
Project Slides
Project #17-044
Nibbley Sixteen Rezone
Located at 991 West 2200 South

REPORT SUMMARY...
Project Name: Nibbley Sixteen Rezone
Proponent/Owner: Dan Larsen / Nibley Sixteen LLC
Project Address: 991 West 2200 South
Request: Rezone from COM to MR-20
Current Zoning: Commercial (COM)
Date of Hearing: December 14, 2017
Type of Action: Legislative
Submitted By: Russ Holley, Senior Planner

RECOMMENDATION
Staff recommends that the Planning Commission recommend approval to the Municipal Council for a Rezone of approximately 5.86 acres of property located at 991 West 2200 South (TIN# 03-006-0014) from Commercial (COM)) to Mixed Residential Medium (MR-20).

Land use adjoining the subject property

<table>
<thead>
<tr>
<th>North</th>
<th>East</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial (COM) – Commercial Uses/Vacant Land</td>
<td>Mixed Residential Medium (MR-20) – Vacant Land</td>
</tr>
<tr>
<td>South:</td>
<td>West:</td>
</tr>
<tr>
<td>Outside Logan City Boundary</td>
<td>Commercial (COM) – Commercial Uses/Vacant Land</td>
</tr>
</tbody>
</table>

REQUEST
The proponent is requesting to rezone approximately 5.86 acres of property from COM to MR-20. The area is currently vacant and fronts onto 2200 South along the south property boundary. The new extension of 1000 West will align along the west side of this property. The property located directly east is currently being considered for annexation into Logan City. The property has primarily been used for agricultural and grazing purposes in the past. The applicant’s intention is to combine this property with the adjacent 10-acre property currently already zoned MR-20, for the purpose of developing a larger more comprehensive multi-family development.

GENERAL PLAN
The Future Land Use Plan (FLUP) adopted in 2008 identifies this property as Commercial (COM). COM areas are described within the Logan City General Plan as locations that provide retail, service and hospitality uses that serve city-wide and regional populations.

ZONING
The MR-20 zone is described in the Land Development Code (LDC) as providing a range of housing options for all stages of life and levels of income. MR-20 areas should provide a range of housing types meeting the diverse needs of the population and should be located near employment and service centers to allow for additional transportation choices and options. This zone allows numerous structure types, including townhomes and larger multi-family complexes. Densities are limited to 20 units per acre of land and building heights capped at 45’. Open space and landscaping is required at 30% of the overall project site.

SUMMARY
Although the FLUP indicates this area as COM, the nearly 800-foot setback from Highway 89/91 limits commercial land-use viability. With Nibley City located directly to the south of this area and low density residential zoning currently adopted, transitions and land-use compatibility should be considered with the action. Based on draft Woodruff Neighborhood Plan information,
the Woodruff Neighborhood has approximately 140 acres currently zoned for mixed residential uses out of the total neighborhood 2,219 acres (6%). Commercially zoned properties total 170 acres, or approximately 7%.

With the addition of a new traffic signal at Highway 89/91 and 1000 West, it is anticipated that new high-intensity commercial uses will develop adjacent to this intersection. Multi-family developments could act as a transition zone between high-intensity commercial areas to the north and lower density residential areas to the south.

AGENCY AND CITY DEPARTMENT COMMENTS
No comments.

PUBLIC COMMENTS
Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, no comments have been received.

PUBLIC NOTIFICATION
Legal notices were published in the Herald Journal on 12/3/2017, posted on the City’s website and the Utah Public Meeting website on 12/3/2017, and noticed in a quarter page ad on 11/26/2017, and a Public Notice mailed to property owners within 300’ we sent on 11/27/17.

RECOMMENDED FINDINGS FOR APPROVAL
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 compatible in land-use with the surrounding Commercial areas to the north and MR-20 areas to the east.
2. The subject property can fulfill the purpose of the General Plan and Land Development Code by providing a range of housing types for all stages of life.
3. The subject property is in an area and surrounded by streets and infrastructure that can handle and appropriately serve MR-20 developments.
4. The proposed MR-20 zone is limited in density, height and required to provide sufficient open space and landscaping to ensure neighborhood compatibility.
5. The surrounding streets and infrastructure are sufficient in size and capacity to handle uses permitted in the MR-20 zoning district.
Nibley Sixteen Rezone
991 West 2200 South

Subject Property
ZONING = COM

Planning Commission
December 14, 2018
Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, December 14, 2017. Chairman Price called the meeting to order at 5:30 p.m.

Commissioners Present: David Butterfield, Regina Dickinson, Sandi Goodlander, Dave Newman, Tony Nielsen, Eduardo Ortiz, Russ Price

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

Minutes from the November 9, 2017 meeting were reviewed. Commissioner Newman moved that the minutes be approved as submitted. Commissioner Goodlander seconded the motion. The motion was unanimously approved.

PUBLIC HEARING

PC 17-044 Nibley Sixteen Rezone [Zone Change] Dan Larsen/Nibley Sixteen LLC, authorized agent/owner, request a rezone of 5.86 acres located at located at approximately 991 West 2200 South from Commercial (COM) to Mixed Residential (MR-20); TIN 03-006-0014.

STAFF: Mr. Holley reviewed the request to rezone approximately 5.86 acres of property from Commercial (COM) to MR-20. The area is currently vacant and fronts onto 2200 South. The new extension of 1000 West will align along the west side of this property. The property located directly east is currently being considered for annexation into Logan City. The property has primarily been used for agricultural purposes. The applicant's intention is to combine this property with the adjacent 10-acres, zoned MR-20, to develop a multi-family development.

Although the Future Land Use Plan (FLUP) indicates this area as COM, the setback from Highway 89/91 limits commercial use viability. With Nibley City located directly to the south of this area and low-density residential zoning currently adopted, transitions and land use compatibility should be considered. The Woodruff Neighborhood has approximately 140 acres currently zoned for mixed residential uses out of the total 2,219 acres (6%). Commercially zoned properties total 170 acres (7%); the majority of the area is zoned single-family residential.

With the addition of a new traffic signal at Highway 89/91 and 1000 West, it is anticipated that new commercial uses will develop adjacent to this intersection. A multi-family development will act as a transition between commercial areas to the north and lower-density residential areas to the south.

PROPOSENENT: Dan Larsen explained that they have been working with Logan City, Nibley City, UDOT and the property owner. The rezone request is because a viable commercial project has not been found for this property and it makes sense to keep MR areas together. The property to the south is currently zoned agricultural, however, Nibley is considering future development. This entire area is changing drastically with the road changes.

PUBLIC: Jed Merrill, owns property to the west along the highway, was recently approached to sell a portion of his property to U-Haul, however, he did not want to sell only a part of the land. He was
against the RV Park when it came in. A vinyl fence was built instead of the approved cinder block one. South of the RV park has been designated as a buffer zone between Commercial (COM) and Agricultural (AG). When the road is completed it will have more trucks (especially from Miller's) that will travel along it and it will not be a good location for housing due to noise and safety.

COMMISSION: Mr. Holley reviewed the planned road with an 80’ right-of-way. Commissioner Newman asked about the width of 1000 West. Mr. Holley explained that 1000 West is a different category of road, this road will be a 3-lane road (two travel lanes and a turn lane).

Commissioner Nielson asked about school boundaries. Mr. Holley explained that school district boundaries will not automatically change with annexation, currently this area is within the Cache County School District.

Chairman Price asked if the setback from the highway is appropriate for MR-20 and how much area around 1000 West will remain commercial. Mr. Holley explained that with the new road, there will be space on the north part of the agricultural area, there is an existing motel, an RV park and older single-family homes to the south (that may be redeveloped in the future). An MR designation is appropriate adjacent to a Commercial (COM) zone and serves as a transition buffer. The MR-20 zone allows for up to 20 units/acre, a 4-story building (45’ max height) with a 120’ width limitation, and 15’ front setbacks, 8’ side setbacks and 10’ rear setbacks.

Commissioner Nielson asked about the frontage setback requirement along the highway. Mr. Holley advised that the standard setback is 10’, however, the South Gateway Overlay Zone requires a 100’ setback.

Commissioner Ortiz asked why the area was zoned Commercial (COM). Mr. Holley explained that the entire nodal area around 1000 West has been a commercial area for more than a decade. Changing a zone is dependent on development. Commissioner Ortiz asked if the main reason for this change is the new traffic signal. Mr. Holley advised that the signal and request for a subdivision where two reasons. Bisecting a zone along a roadway makes sense.

Mr. DeSimone pointed out that the area to the south, just off the highway, was recently annexed under the Commercial zone, with a caveat that it could be rezoned if/when necessary. Once the alignment of the road was determined, the best use for the property could be decided.

Commissioner Dickinson asked about the area to the west. Mr. Holley said it is currently vacant and would remain Commercial. He outlined the 80’ wide portion of 1000 West. This request is to rezone only the east side to MR-20. Commissioner Dickinson does not think it is a good idea for residential to be so close to the highway and other commercial development.

Commissioner Newman was concerned with Woodruff Elementary School along 1000 West because of high-speed traffic. If the road is continued to connect with Hyrum there will be increased traffic and the idea for residential along the road is a concern.

Mr. DeSimone pointed out another perspective; directly south of this property is single-family residential, the idea that the road will be a straight shot for Miller’s trucks to use is not the case. Nibley City will not allow trucks through neighborhoods (weight limit on vehicles allowed). A road provides a good transition buffer between zones. When this property was annexed into Logan the default zone was Commercial. There is merit in providing housing for people who work in the immediate area.

Commissioner Dickinson asked why it is not larger. Mr. DeSimone explained that the property to the east is multi-family, the north portion is under annexation review and if approved will come in as MR zoning. Commissioner Dickinson noted that there is still a lot of commercial in that area.
Mr. Holley reminded the Commission that this is a legislative action and the Municipal Council will make the final determination. The Commission will be forwarding a recommendation.

Mr. Holley outlined for Commissioner Ortiz that the property to the north, if annexed, will be residential and there are currently 10 acres zoned MR-20. If the entire area is considered, it creates a large contiguous area of MR.

Mr. Holley clarified for Commissioner Goodlander that the narrow part of the road between the edge and the property line would be just over 200’ depending on the building size and use.

**MOTION:** Commissioner Goodlander moved to forward a recommendation for approval to the Municipal Council for rezone of 5.86 acres of property located at 991 West 2200 South (TIN 03-006-0014) from Commercial (COM) to Mixed Residential (MR-20) as outlined in PC 17-044 with the findings for approval as listed below. Commissioner Butterfield seconded the motion.

**FINDINGS FOR APPROVAL**
1. The property is compatible in land use with the surrounding Commercial areas to the north and MR-20 areas to the east.
2. The property can fulfill the purpose of the General Plan and Land Development Code by providing a range of housing types for all stages of life.
3. The property is in an area and surrounded by streets and infrastructure that can handle and appropriately serve MR-20 developments.
4. The MR-20 zone is limited in density and height and is required to provide sufficient open space and landscaping to ensure neighborhood compatibility.
5. The surrounding streets and infrastructure are sufficient in size and capacity to handle uses permitted in the MR-20 zoning district.

Moved: Commissioner Goodlander  Seconded: Commissioner Butterfield  Approved: 5-2

Yea: Butterfield, Goodlander, Nielson, Ortiz, Price  Nay: R. Dickinson, D. Newman  Abstain:  

Meeting adjourned at 7:40 p.m.
The Logan City Planning Commission will hold a public hearing to receive input on the following:

PC 17-044 Nibley Sixteen Rezone [Zone Change] Dan Larsen/Nibley Sixteen LLC, authorized agent/owner, request a rezone of 6.62 acres located at approximately 991 West 2200 South from Commercial (COM) to Mixed Residential (MR-20); TIN 03-006-0014.

The Municipal Council is tentatively scheduled to hold a workshop on Tuesday, January 2, 2018 and a public hearing on Tuesday, January 19, 2018. 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 716-9021 or www.loganutah.org for more information.
STATE OF UTAH  
COUNTY OF CACHE, ss

On this 22nd day of January, A.D. 2018 personally appeared
before the CLAYNE LIECHTY who being first being duly sworn, deposes and says that
(s)he is the Principal Legal 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
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 day(s) as publication in said newspaper.

Commencing on the following days:
01/21/2018

__________________________, Principal Legal Clerk

Subscribed and sworn to before me on this 22nd day of January, A.D. 2018

__________________________, Notary Public

Commissioned in the State of Utah

My Commission expires 10/18/2019

LEGAL NOTICE
LOGAN MUNICIPAL COUNCIL

SUMMARY OF AN ORDINANCE - The following ordinance
were adopted and approved by the Logan Municipal Council,
Logan, Utah on January 16, 2018.

ORD. 18-01 An ordinance adding Subsection (C) to 2.02.140
of the Logan Municipal Code Department of Finance;
Director.

ORD. 18-02 An ordinance adopting a rezone, Dan
Larsen/Nibley Sutter LLC, to rezone 5.86 acres located at
approximately 961 West 2200 South from Commercial
(COM) to Mixed Residential (MR-20).

ORD. 18-03 An ordinance adopting an annexation of property
into the City of Logan as filed by Thomas & Megan Maples
for acquisition of property located immediately North of 2200
South and East of 1200 West, consisting of approximately
2.17 acres.

These ordinances are effective immediately upon publication.
Full texts of the ordinances can 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
Published January 21, 2018 Ref. No. 17188853