CITY OF LOGAN, UTAH
ORDINANCE NO. 18-19

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 in the Woodruff Neighborhood and as specifically identified in Exhibit A, as attached, are hereby zoned from Neighborhood Residential (NR-6) to Industrial Park (IP)

SECTION 3: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS DAY OF ___, 2018.

AYES: Anderson, Olton, Simmonds
NAYS: Broadfield
ABSENT: Denson

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 December, 2018.

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby ___ denied ___ this ___ day of December, 2018.

Holly H. Daines, Mayor
EXHIBIT A

Amber Fields Phase 3 Rezone
1200 West 200 South

Description
Cache County recorded document Amber Fields Phase 3 subdivision plat remainder parcel 0.84 acres

Planning Commission Oct 25, 2018

Subject Property
Proposed Rezone = IP

0.84 ac
MEMORANDUM TO MUNICIPAL COUNCIL

DATE: November 1, 2018
FROM: Russ Holley, Senior Planner
SUBJECT: Ordinance #18-19

Summary of Planning Commission Proceedings

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On October 25th, the Planning Commission recommended that the Municipal Council deny the Amber Fields Rezone project that amends the Official Zoning Map.

Planning Commissioners vote (5-0):
Motion: D. Newman
Second: R. Dickinson
recommend approval: none
abstain: none

Attachments:
Staff Report
Ordinance #18-19
Planning Commission Meeting Minutes from Oct. 25, 2018
Project Slides
Project #18-038
Amber Fields Remainder Parcel Rezone
Located at approx. 200 South 1300 West

REPORT SUMMARY...
Project Name: Amber Fields Remainder Parcel Rezone
Proponent/Owner: Janet Thompson / Ironwood Development Group LLC
Project Address: 1300 West 200 North
Request: Rezone from NR-6 to IP
Current Zoning: Neighborhood Residential Traditional (NR-6)
Date of Hearing: October 25, 2018
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 of approximately 0.84 acres of property located at 1300 W 200 N. (TIN# 02-066-0036) from Neighborhood Residential Traditional (NR-6) to Industrial (IP).

Land use adjoining the subject property
| North: | PUB: Landfill | East: | NR6: Residential Use |
| South: | NR6: Residential Use | West: | PUB: Public Uses |

REQUEST
The proponent is requesting to rezone a 0.84 acre parcel within phase three of the Amber Fields subdivision from NR-6 to IP. The area was originally designated as open space with the 2009 Amber Fields Planned Unit Development (PUD) subdivision permit. PUD subdivisions required open space in exchange for smaller lot sizes or cluster developments. That original 2009 PUD subdivision permit expired and a subsequent March 2017 standard single-family subdivision (PC #17-014 Amber Fields) was approved by the Planning Commission for 89 lots. The area under consideration for rezone, was labeled as a 1.49 acre remainder parcel with an approximate 9,000 SF detention pond for storm water runoff. Now the area is shown as a 0.88-acre common space for the detention pond and a 0.84-acre remainder parcel. During the PC #17-014 Amber Fields subdivision permit process, the applicant was made aware of the Landfill Overlay Zone, which prohibits residential land uses within a ¼ mile radius of the landfill. The Landfill Overlay zone prohibits residential land uses, but does allow non-residential base-zone land uses along with some limited agricultural and plant nursery land uses.

GENERAL PLAN
The Future Land Use Plan (FLUP) adopted in 2008 identifies areas within the ¼ mile radius of the landfill as Recreation (REC). The Amber Fields area outside of the radius is identified as Detached Residential (DR). REC areas are described as park or recreational facilities. Typically, REC land is publicly owned, but facilities such as golf courses or RV parks may be privately owned.

LAND DEVELOPMENT CODE
The Land Development Code (LDC) describes the IP zone as a designation that supports production and large-scale employment centers. Industrial zoned areas are not intended for residential uses. Permitted land uses within the IP zone range from warehousing and freight movement to manufacturing and applied technology businesses. The large-scale site development standards include generous setbacks and landscaping that create campus style settings.
ZONING HISTORY
From 2000-2010 the property was zoned SFT & REC reflecting the FLUP boundary. From 2010-Present the property has been zoned NR-6-Landfill Overlay.

SUMMARY
Given the proximity to phase 3 and 4 of the Amber Fields single family subdivision, staff is concerned with IP and NR zoning compatibility because of the potential negative impacts IP developments pose to immediate non-industrial neighbors. If rezoned, this would be the only industrial land in the vicinity south of 200 South and would become a very small isolated area surrounded by larger areas of PUB and NR zoning. The CS zone across the street to the north and nearly 600 feet away, are far enough away making any sort of cohesion difficult to achieve. The FLUP didn't envision any sort of Industrial uses in the area. This particular area hasn't had any expectation for development documented on official Logan City maps or plans. The applicant was aware of the Recreation Zone, Landfill Overlay and the previous Open Space designations during the March 2017 subdivision permit process. Staff recommends that the Municipal Council deny this rezone request.

AGENCY AND CITY DEPARTMENT COMMENTS
No comment.

PUBLIC COMMENTS
One written comment from Brock Dethier and Shanan Ballam, who live nearby was submitted expressing opposition to the Industrial rezone request. A copy is attached for your review.

PUBLIC NOTIFICATION
Legal notices were published in the Herald Journal on 10/14/18, posted on the City's website and the Utah Public Meeting website on 10/18/18, and noticed in a quarter page ad on 10/7/18, and a Public Notice mailed to property owners within 300' were sent on 10/8/18.

RECOMMENDED FINDINGS FOR DENIAL
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 incompatible for industrial developments because of the established single-family areas in the immediate area.
2. The subject property was never identified in the General Plan and Land Development Code as an area for future industrial development.
3. Industrial uses adjacent to single family residential uses pose potential negative impacts including loud noises, dust, debris, odors and heavy truck traffic.
4. The applicants of the previous Amber Fields subdivision permits were never given any sort of expectation of future development potential for this particular area.
Amber Fields Phase 3 Rezone
1200 West 200 South

Subject Property
FLUP = REC

Planning Commission Oct 25, 2018
Amber Fields Phase 3 Rezone
1200 West 200 South

Subject Property
Zoning = NR-6 Landfill Overlay (no residential allowed)

Planning Commission
Oct 25, 2018
Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, October 25, 2018. Vice-Chairman Nielson called the meeting to order at 5:30 p.m.

**Commissioners Present:** David Butterfield, Roylan Croshaw, Regina Dickinson, Dave Newman, Tony Nielson

**Commissioner Excused:** Sandi Goodlander, Eduardo Ortiz

**Staff Present:** Russ Holley, Amber Pollan, Kymber Housley, Debbie Zilles, Paul Lindhardt

Minutes from the October 11, 2018 meeting were reviewed. Commissioner Newman moved the minutes be approved as submitted; seconded by Commissioner Dickinson. Approved unanimously.

**PUBLIC HEARING**

**PC 18-038 Amber Fields Phase 3 Rezone** [Zone Change] Ironwood Development Group LLC, authorized agent/owner, request a zone change from Neighborhood Residential (NR-6) to Industrial Park (IP) on .84 acres located at 200 South 1200 West; TIN 02-066-0036 (Woodruff Neighborhood).

**STAFF:** Mr. Holley reviewed the request a 0.84-acre parcel within Phase 3 of the Amber Fields subdivision from NR-6 to IP. The area was originally designated as open space with the 2009 Amber Fields Planned Unit Development (PUD) subdivision permit. PUD subdivisions required open space in exchange for smaller lot sizes or cluster developments. That original 2009 PUD subdivision permit expired and a subsequent standard single-family subdivision (PC 17-014) was approved for 89 lots. The area under consideration for rezone was labeled as a 1.49 acre remainder parcel with an approximate 9,000 SF detention pond for storm water runoff. Now the area is shown as a 0.88-acre common space for the detention pond and a 0.84-acre remainder parcel. During the subdivision process, the applicant was made aware of the Landfill Overlay Zone, which prohibits residential uses within a 1/4-mile radius of the landfill. The Landfill Overlay does allow non-residential land uses along with some limited agricultural and plant nursery land uses.

Given the proximity to Phase 3 and 4, staff is concerned with IP and NR zoning compatibility because of potential negative impacts IP developments pose to immediate non-industrial neighbors. If rezoned, this would be the only industrial land in the vicinity south of 200 South and would become a small, isolated area surrounded by larger areas of PUB and NR zoning. The CS zone to the north, nearly 600' away, is far enough that making any sort of cohesion would be difficult to achieve. The Future Land Use Plan (FLUP) did not envision any industrial uses in the area. This area has not had any expectation for development documented on official Logan City maps or plans.

The applicant was aware of the Recreation Zone, Landfill Overlay and the previous open space designations during the March 2017 subdivision permit process. Staff recommends that the Municipal Council deny this rezone request.
PROPOPENT: Jeff Jackson explained that this is a leftover parcel that they are trying to find a use for. They are willing to put deed restrictions on the property. A good use for the parcel would be storage sheds as an accessory use for Amber Fields.

PUBLIC: One written comment from Brock Dethier and Shanan Ballam, who live nearby, expressing opposition to the Industrial rezone request was submitted and distributed to the Commission prior to the meeting.

Doug Adams said the access to this long piece of land is limited, there is a swamp along the west side and a drainage runoff along the east. There have been challenges with runoff from the subdivision east of his property. He is concerned about safety, as sometimes storage units can become an unsafe environment.

COMMISSION: Chairman Butterfield asked if there was a way to mitigate potential negative impacts with a different type of zone that might allow for broader non-residential uses? Mr. Holley advised that there are several other zones that may limit the potential nuisance to the adjacent neighbors, however, the viability of the zone would need to be carefully considered. The applicant has specifically requested the Industrial Park (IP) zone. Storage units are only allowed in the IP zone.

Commissioner Croshaw asked if the common area adjacent to this piece could be incorporated with this parcel. Mr. Holley said the area to the east is used for drainage retention.

Commissioner Dickinson agrees with staff’s recommendations.

Commissioner Newman questioned whether an access road would be extended during Phase 4 to work as a connection to the parcel. Mr. Holley said there would be a row of homes located along the exterior perimeter so it could not serve as an access; 200 South is the only access point to the property.

Commissioner Newman asked about a deed restriction only allowing storage units? Mr. Holley explained that a deed restriction is against the law to conditionally zone a property so it would depend on the language used within the restriction. Mr. Housley said that there have only been two deed restrictions done in 24 years. One was about density, the other was for project on 1200 East (former gravel pit area) regarding height. Restrictions deal with specific numbers and/or measurements; uses are much more difficult to restrict.

Chairman Butterfield noted that storage sheds with appropriate landscaping could be a viable use for this parcel. He recommended having staff work with the applicant regarding specific language and/or a different type of zone with a possible conditional use permit review to mitigate potential negative impacts. Commissioner Dickinson disagreed and said that it is not staff’s responsibility to design a project, it is up to the developer to come up with a solution based upon the Commission’s decision regarding the proposal.

Commissioner Nielson said the overlay zone was in place when the property was purchased so this should be no surprise for the applicant. It is not the Commission’s job to design or find ways to develop it. If it cannot be usable green space, the developer can come back with different options.

MOTION: Commissioner Newman moved to recommend denial to the Municipal Council for a Rezone of approximately 0.84 acres of property located at 1300 W 200 N. (TIN# 02-066-0036) from Neighborhood Residential Traditional (NR-6) to Industrial (IP) as outlined in PC 18-038. Commissioner Dickinson seconded the motion.

FINDINGS FOR DENIAL
1. The location of the subject property is incompatible for industrial development because of the established single-family areas in the immediate area.
2. The subject property was never identified in the General Plan and Land Development Code as an area for future industrial development.

3. Industrial uses adjacent to single-family residential uses pose potential negative impacts including loud noises, dust, debris, odors and heavy truck traffic.

4. The applicants of the previous Amber Fields subdivision permit were never given any sort of expectation of future development potential for this area.

Moved: Commissioner Newman  Seconded: Commissioner Dickinson  Approved: 5-0
Yea: Butterfield, Croshaw, Dickinson, Newman, Nielson  Nay:  Abstain:

MEETING ADJOURNED: 7:57 p.m.
Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of October 25, 2018.

Michael A. DeSimone  
Community Development Director

David Butterfield  
Planning Commission Chairman

Russ Holley  
Senior Planner

Amber Pollan  
Senior Planner

Debbie Zilles  
Administrative Assistant
WARRANTY DEED

IRONWOOD DEVELOPMENT GROUP, L.C., a Utah limited liability company, Grantor of 50 East 2500 North, Suite 101, North Logan, Utah 84341, hereby CONVEYS AND WARRANTS to IRONWOOD DEVELOPMENT GROUP, L.C., a Utah limited liability company, Grantee of 50 East 2500 North, Suite 101, North Logan, Utah 84341 for the sum of Ten Dollars ($10.00) and other good and valuable consideration, the following described tracts of land in Cache County, State of Utah:

Remainder Parcel in Amber Fields Phase 3 Subdivision

Tax Parcel No. 02-066-0036

COVENANTS, CONDITIONS AND RESTRICTIONS

1. Grantor hereby declares that all of the above Property shall be held, sold, conveyed, and occupied subject to the following covenants, conditions and restrictions (CCRs). These (CCRs) are for the purpose of protecting the value and desirability of the Property. These (CCRs) shall be construed as covenants of equitable servitude, shall run with the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each successor thereof and to the benefit of Logan City.

2. The Property may be subdivided consistent with Logan City Zoning Ordinances and with these CCRs.

3. Notwithstanding the various uses permitted by the Industrial zoning designation, Grantor shall be only be permitted to use the property for storage units and accessory uses relating thereto, which shall be in accord with then existing Logan City Ordinances.

4. There is no limit on accessory buildings or amenities to be built in the future on the Property, so long as it is in accord with then existing Logan City Ordinances.

5. If, in the future, any land surrounding the Property is rezoned to the Industrial Zone, then these CCRs shall be null and void.

6. Absent a change in zoning to Industrial, as provided in paragraph 5, only Logan City and Grantor (or its successors and assigns), jointly, can change or alter these CCRs.

7. Grantor has agreed to these CCRs in consideration of Logan City’s approval of a rezone of the Property to Industrial.
Warranty Deed – Page 2

DATED this _____ day of __________, ______.

IRONWOOD DEVELOPMENT GROUP, L.C.

By: ___________________________________________________________________

its: __________________________________________________________________

STATE OF UTAH       )
                     : ss.
County of Cache      )

On the _____ day of __________, 20____, personally appeared before me
______________________, the signer of the within instrument, who duly acknowledged to me that he is
the Manager for IRONWOOD DEVELOPMENT GROUP, L.C., and that in that capacity he
executed the same.

_____________________
NOTARY PUBLIC