CITY OF LOGAN
ORDINANCE NO. 98-69
(Reconsideration)

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” is
hereby amended as shown on the map or maps entitled “Amendment #211 to the Zoning Map of
Logan City, Utah,” and the following property is hereby zoned from SFT (Single Family
Traditional) to IND (Industrial):

(See Exhibit “A” attached hereto)

Also described as a 37,763 sq. ft. lot at approximately 80 South 600 West, identified as
Tax ID No.06-010-0006.

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS 4th

Karen S. Borg, Chair

ATTEST:

Lois Price, 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 ___, 1998.

Karen S. Borg, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby ___ approved ___ this ___ day of
___, 1998.
institutions. Attorney Sorenson said that without being licensed people might operate a private school. After further considering this issue, it was determined there was not an acceptable means of defining and including uncertified instructors under the exemption section.

ACTION. Motion was made by Councilmember Pearce, seconded by Councilmember Allred to amend ordinance Section 5.29.080, Exemptions from License Requirements, as follows: "The provisions of this chapter shall not apply to any sex therapist or similar individual licensed by the State to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State or teaching in an institution of higher education for activities in the classroom, or to the production and use of bona fide educational materials prescribed or promoted by such licensed individuals or the State." Motion carried 4-0 (Harder excused.)

The Chair opened the meeting to public comment. There was none.

Councilmember Thompson questioned the need for the ordinance. He was concerned about the possibility of creating problems for the exhibition of art films and exhibits in art galleries. Attorney Sorenson explained the ordinance had been developed with community standards in mind. When those standards changed and art films were shown, then the city could consider changing the ordinance to permit more flexibility in this area. Councilmember Thompson felt the ordinance went "too far," giving people a weapon to use against genuine art films and exhibits. Mayor Thompson did not think there would be a problem. Councilmember Borg said she supported the ordinance as amended.

Attorney Sorenson spoke about the difficulty of prosecuting these laws. He talked about some examples, such as Brigham Young University officials choosing not to exhibit some of the pieces of a traveling Rodin exhibit. He said an ordinance of the type under consideration was necessary to regulate businesses that were not even close to the line of being "art," such as topless bars. "People don't want these things in their communities, by the churches and by their schools," he said.

VOTE: Motion by Councilmember Pearce, seconded by Councilmember Allred to adopt Ord. 98-68, as amended. Motion carried 3-1 (Thompson voted no; Harder excused).

REZONE - 80 SOUTH 600 WEST - SFT (Single Family Traditional) to IND (Industrial) - Ord. 98-69. An ordinance proposing the rezone of a 37,763 sq. ft. lot owned by Val Egbert (TIN 06-010-0006) was before the Council for public hearing and adoption. Chairman Borg made an opening statement. She expressed her frustration at the Council's August 26 workshop discussion. She did not feel this was the case of "one little block of residential, surrounded by commercial" that had mistakenly been zoned residential during the city-wide rezoning. She said the zoning map clearly showed the industrial zone on the east side of 600 West extended from Center Street North to about 150 North. The lots south of Center Street on the east side of the street the lots were zoned residential. Borg said she clearly remembered the Planning Commission deliberations for this area in the city-wide rezoning in November 1995 and the residential zone had been intentional.
Community Development Director Eric Toll said staff recommended the zone change because it appeared to fit the pattern of developed lots on the east side of 600 West. He said at the present time the warehouse located on the lot was vacant, but he had thought the Planning Commission and Council had rezoned to Industrial all lots that had those uses. “We can’t confirm this,” he added. Petitions and a letter from Steven McCann, opposing the rezone had been received and forwarded to the Council.

Chairman Borg opened the meeting to public comment. Planning Commission Chair Gina Wickwar reported during recent discussions there had been “strong recollection” that this was purposely left residential. The Planning Commission vote was 4-0 to rezone, but Douglas Jensen (who would have been present at the 1995 zoning meetings) was absent. Councilmembers Allred and Pearce asked why rezoning had been supported when some Planning Commission members thought the residential zone was done purposely. Mrs. Wickwar responded it was because staff had said it was an oversight which the city wanted to correct and recommended it.

Chairman Borg’s opinion was it would be unwise to rezone without a project. She wondered how long the warehouse had been vacant.

Jim Anderson, one of the owners of the lot, spoke in support of the rezone. He said there were many rental properties around this lot and the area needed to be improved. Prospective buyers were reluctant, he said, to make an offer on the property until it was rezoned industrial. He said a nice industrial building, with landscaping and parking, would upgrade the neighborhood. Mr. Anderson encouraged the Council to be “open minded.” He did not think the best use of the property was residential and pointed to the view to the west which was an abandoned building and railroad yard.

Councilmember Thompson said he believed not rezoning the lot to industrial had been an oversight. He said the building had been used as industrial and commercial for years, and buyers would not be able to obtain financing if it was not rezoned. He said he knew this from personal experience because he had tried to buy the property. “If we don’t rezone it is a ‘taking,’ and that is just plain wrong,” Thompson said.

Councilmember Pearce’s concern was the uses allowed under Industrial zoning, but she said she would consider rezoning if there was a project before the Council.

John Weldon, who lived on 300 West, was concerned about the uses that would be allowed if the lot was rezoned. The possibility of noise and pollution also concerned him. “If you’re going to make it Industrial, put restrictions on what it can be used for,” he asked.

Sandra Romesberg said she was at the 1995 hearing and remembered the deliberate zoning of this property to residential to begin to upgrade the neighborhood “If there is a way to have a compatible use, that might be all right but not a blanket Industrial rezone,” she said.

Mr. Toll stated local government did not have the right to zone a business or use out, unless the use was non-conforming. He explained there were opportunities to use the building in
Chairman Borg spoke in support of retaining the residential zoning.

Councilmember Thompson spoke in support of Industrial zoning because, in his opinion, the area would be improved if a new business were permitted to locate there. He asked why the rezone would not be supported when a restaurant had been allowed across the street, which had a much more serious neighborhood impact.

Councilmember Allred said he was hesitant to make a change. His opinion was that the lot area had purposely been left residential. “Logic tells me if we were going to change any of that to Industrial, we would have changed the entire east side,” he said. “We would be better served if we rezoned the entire east side and got comments on that, but I know what we would hear. Based on that I think I’m not willing to rezone this specific piece at this time,” he continued. He said if one parcel had been left out of the block, he would consider it an error, but “logically I won’t consider rezoning the one piece.”

Councilmember Pearce agreed with Councilmember Allred, saying she would be more comfortable rezoning the entire block than picking out one lot.

ACTION. Motion by Councilmember Thompson to adopt Ord. 98-69, Rezone from SFT to IND. He commented that when the Council had considered this area during the city-wide rezoning, they had simply looked at an overhead on a screen and did not talk about a specific industrial building that was on a corner lot. “If that’s what you based your decision on, that’s unfortunate,” he added.

Chairman Borg responded that she found Councilmember Thompson’s motion offensive because she had lived in the area and knew it well. There was a short debate among Councilmembers, and the motion died for lack of a second.

Motion by Councilmember Allred, seconded by Councilmember Pearce to deny Ord. 98-69, Rezone from SFT to IND. Motion carried 3-1. (Allred, Pearce, Borg voted yes; Thompson voted no; Harder absent)

OTHER CONSIDERATIONS.

Sign Ordinance. Community Development Director Eric Toll asked that the sign regulation component of the Land Development Code be considered at a special workshop. Chairman Borg said the issue was not compelling enough for special treatment.

Cable Transfer. Attorney Mark Sorenson reported Charter Cable was selling its cable business to Paul G. Allen, and the Council would be required to consent to the transfer.

Arbor Meadows Annexation. Community Development Director Eric Toll reported he had received a new annexation plat map and one additional petition and was ready to bring the
APPLICATION FOR PROJECT REVIEW

☐ PLANNING COMMISSION  ☐ BOARD OF ADJUSTMENT

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<tr>
<th>Date received</th>
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<th>Receipt No.</th>
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<td>11/98</td>
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Type of application (Check all that apply):
PC: ☐ Subdivision  ☐ Conditional Use  ☐ Design Review  ☒ Zone/Text Change  ☐ Amendment
BOA: ☐ Variance

Project Name:
80 South 600 West Rezone

Property Address:
80 South 600 West

Contact Person:
Staff

Mailing address, City, State Zip:

Applicant (if different):
City of Logan

Mailing address, City, State Zip:
255 North Main Logan, UT 84321

Property owner of record (if different):
Val Egbert

Mailing address, City, State Zip:
32 South 600 West

Describe the proposed project as it is should be presented to the Planning Commission or Board of Adjustment:
Rezone from SFT to IND

Lot size in acres or sq. feet:
36,763 sq. ft.

Number of dwelling units / lots:

I certify that the information contained in this application and supporting plans is correct and accurate.
Signature of applicant
Planning Commission June 11, 1998

I certify that I am the record owner of the subject property and that I consent to the submittal of this application.
Signature of owner (if different)

Use additional pages if necessary. You must provide the Commission or Board with enough information to make an informed decision.

The Commission has directed Staff to continue projects if the application is not complete.
Tape 1A: Counter 109
98-052 Continued from June 11th......910 SOUTH MAIN BILLBOARD. Conditional Use Permit. Paul Willie, owner/applicant, requests a conditional use permit to replace two existing billboards at 910 South Main in the Commercial General (CG) zone. TIN# 02-086-0002.

STAFF: Staff summarized the report as written.

PROPOSENT: Bruce Leishman agreed with the staff report.

PUBLIC: There was no public comment.

Tape 1A: Counter 192
MOTION: Moved to approve with the following conditions.

1. Any representations by the proponent or agent at the Planning Commission hearing shall be incorporated into the final action as conditions of approval.

2. The area around the billboard structure shall be kept clean and all scrub brush, tall grass, weeds, and inappropriate vegetation shall be cleared away to a distance of at least ten feet to the rear and side of the structure, as well as to the front property line.

3. Trees in the public planting strip that grow in front of the billboard shall not be trimmed or removed without the approval of the City Forester.

4. The billboards shall be setback a minimum of 10 feet from the west property line and shall not exceed 300 feet in sign area for each sign face of the single sided billboards.

[Moved: Mr. Jensen Seconded: Mr. Hooper Passed: 4-0]
Yea: Kartchner, Wickwar, Hooper, Jensen

Tape 1A: Counter 210
98-59 80 SOUTH 600 WEST REZONE. Rezone. City of Logan, applicant, requests a rezone of a 36,763 sq. ft. lot from Single Family Traditional (SFT) to Industrial (IND) at 80 South 600 West, owned by Val Egbert. TIN#06-010-0006.

STAFF: Staff summarized the report as written.

PUBLIC: Steve Parkinson owns the property directly east of the property. His only concern is the noise and things that might accompany Industrial Zoning. He would like to make sure the use was compatible to residential.

COMMISSION: Doug Jensen said when they were looking at this property said everything on the east side of 600 West was residential except for three properties. He said to his recollection that the property was supposed to be SFT not industrial.
Mr. Jensens biggest concern is that if they rezone this Industrial then any number of different businesses can go in there. He would like to defer this decision until the Combing Zones are adopted. This way they can better tailor this area for residential zoning.

Mr. Kartchner said they could put a use that was in the building before as long as a year did not lapse. He was uncomfortable rezoning a single individual lot.

**Tape 1A: Counter 428**

MOTION: Move to continue the project until July 23, 1998 to wait to the for the finalization of the combing zones.

[Moved: Mr. Hooper. Seconded: Mr. Jensen. Passed: 4, 0.]

Yea: Kartchner, Wickwar, Hooper, Jensen

**Tape 1A: Counter 412**

98-057 Continued from June 11th.....UTAH STATE UNIVERSITY FLIGHT OFFICE. Design Review. Utah State University, applicant, requests design review of a 1,960 sq. ft. modular office on a 5.220 sq. ft. designated pad owned by the Logan-Cache Airport Authority at the Logan-Cache Airport in the Public (PUB) zone. TIN#04-062-0050.

STAFF: Mr. Toll said that he would like to work the proponents and let Chair and Vice-Chair review the project once the proponents have worked with staff.

PROPONEENT: Sarah Ann Skanky said the Airport Authority does not have a problem with changing the size and shape of the building.

PUBLIC: There was no public comment.

COMMISSION: Mr. Kartchner asked if the airport and the City could develop restrictive covenants to cover design review and signs for the airport. The covenants could be approved by the Planning Commission and then they would not have to be approved each individual project.

Ms. Skanky said she would be comfortable with guidelines. Mr. Kartchner said signs, allocation of property and design review could be approved by the airport Authority Board.

**Tape 1A: Counter**

MOTION: Moved to allow the Chair and Vice-Chair be able to approve the design of the building.

[Moved: Mr. Jensen. Seconded: Mr. Kartchner. Passed: 4, 0.]

Yea: Kartchner, Wickwar, Hooper, Jensen

**Tape 1A: Counter 000**

98-055 Continued from June 11th......NORTHERN UTAH AUTO MALL SUBDIVISION/NORTH MAIN RDA. City of Logan, applicant, requests a subdivision of 20 acres into 5 lots at 1901 North Main owned by Brent Dahle, in the Commercial General (CG) zone. TIN#04-080-0016, 0017, 0024, 0029.
Minutes of the meeting for the Logan Planning Commission convened in regular session Thursday, July 23, 1998, Chair Virginia Wickwar conducting. The chair called the meeting to order at 5:45 p.m.

Planning Commissioners present were: Eldon Hooper, Eugene Kartchner, Virginia Wickwar, Paul Larsen and Bruce King

Planning Commissioners absent were: Douglas Jensen

Staff present: Eric Toll, Brandi Clement, Leslie Clark, Heather Hines

Minutes as written and recorded from July 9, 1998 were moved to be approved by Bruce King and seconded by Eldon Hooper. The vote was unanimously approved.

Tape 1A: Counter 030

98-59 80 SOUTH 600 WEST REZONE. Rezone. City of Logan, applicant, requests a rezone of a 36,763 sq. ft. lot from Single Family Traditional (SFT) to Industrial (IND) at 80 South 600 West, owned by Val Egbert. TIN#06-010-0006.

STAFF: Staff summarized the report as written.

Mr. Kartchner said he also remembers the same things that Douglas Jensen did, that they purposely rezoned this property for residential because it is surrounded by residential. They wanted to see the property become residential, and they realized that by zoning it residential the owner could still have industrial use of the building if the use remained the same, but one day it would phase out into residential.

PROPOSED: Darrell Anderson, partial owner of the property, said the building had been commercial for 50 years. Across the street is the railroad and a restaurant. They would like it rezoned to Industrial like it always had been. They are not planning on having a loud tenant that would cause a lot of disturbance for the area. He is not aware of any property owners that have any problems with it being rezone to Industrial. The lot is very large and it is a big building which is suited for industrial use.

PUBLIC: There was no public comment.

COMMISSION: Mr. Kartchner said his only reservation is even if the current owner is going to have tenants in the building that are compatible to a residential neighborhood, if they rezone it to Industrial any type of industrial use could go into that building. They could have heavy
manufacturing on that property. He would almost rather see it zoned commercial because it is not allowed to have hazardous uses.

Eldon Hooper asked if this would be considered a spot rezone? Staff said it would not be because industrial is right across the street.

Mr. Toll said that they thought all of the lots east of 600 West that were industrial buildings should not have been zoned residential. He cannot find anything in his notes that indicated the lot was supposed to be residential.

MOTION: Moved to recommend to the Municipal Council a zoning amendment from Single Family Traditional (SFT) to Industrial (IND).

(Moved: Mr. Larsen Seconded: Mr. Hooper Passed: 4, 0)
Yea: Kartchner, King, Hooper, Larsen

98-062 ADVENTURE SPORTS CYCLING SUPER GRAPHIC. Conditional Use Permit. Dave Newman, applicant, requests a conditional use permit of a 770 sq. ft. super graphic painted on the north side of the building located at 565 North Main, owned by Robert Borg, in the Commercial General (CG) zone. TIN#05-078-0020.

STAFF: Staff summarized the report as written.

Mr. King asked if it is legal to approve a sign on a proposed ordinance that has not been reviewed by either the Commission or Council? Mr. Toll said they were comfortable on moving this forward because he feels the ordinance will get passed and they need to get the super graphic up while the weather is warm.

Ms. Wickwar agreed with Mr. King and felt that they should not be making a decision on a super graphic when they have not seen the proposed ordinance on super graphics. She said the City is trying to keep signage under control, but the next guy may want to get a bigger and better sign. The Commission needs to decide what direction they want to take with the ordinance before they approve a sign.

Mr. Kartchner said he hopes the sign ordinance will be very distinct in between a sign and a supergraphic. He said this needs a lot of consideration. The Commission previously told Blue Water Scuba that their building painted red with a stripe was advertising and it was not allowed.

PROPOONENT: Dave Newman said when they first moved into the building they painted the wall white. He said they wanted to change the wall and also add to the community. He said the mural would start behind the reader board. He would like to get the supergraphic done before the end of August before it gets too cold.

PUBLIC: There was no public comment
Staff Report for the Planning Commission meeting of June 25, 1998  
PC#98-049 FOR A ZONING AMENDMENT FOR  
THE CITY OF LOGAN

REPORT SUMMARY...

Request: Rezone of approximately 36,753 sq.ft. (0.84 acres) from Single Family Traditional (SFT) to Industrial (IND).
Address: 80 South 600 West
Existing Zoning District: SFT: Single Family Traditional
Proposed Zoning District: IND: Industrial
Recommendation: Approve

PROJECT

The proponent is requesting a rezone of a 0.84 acre parcel of land from SFT to IND. The rezone is being requested by the City of Logan to correct an oversight that occurred during the City-wide Rezoning, in March of 1996.

No development proposal has been submitted with the request.

SITE DESCRIPTION

Land use adjoining the subject property

North: Single Family Residences
East: Single Family Residences
West: Industrial Building
South: Single Family Residences

The site has an existing building on it that currently sits vacant.

BACKGROUND

During the City-wide rezoning, in March of 1996, it was the intent of the Council to rezone businesses on 600 West to Industrial. However, this lot was overlooked. The property has always had commercial use but recently sits vacant. The current owners would like to use the property for conforming purposes sometime in the future. On June 11, 1998, the Planning Commission Initiated a zoning change for this property, located at 80 South 600 West.

AGENCY AND CITY DEPARTMENT COMMENTS

The Department of Community Development circulated copies of the proposed project to City Departments and various State and Regional Agencies. No comments were received.
PUBLIC COMMENTS

Notices were mailed to 28 property owners located within three hundred feet of the subject property.

No comments were received as of the date the Staff Report was published.

COMMUNITY DEVELOPMENT DEPARTMENT COMMENTS

The proposal for rezoning is consistent with the recommendations for long term use of the area, made by both the Planning Commission and Municipal Council during the City-wide Rezoning in 1996. As stated earlier, there is an existing building located on the property, that presently sits vacant. It is the intention of the current property owner to use the existing building for an ‘industrial’ business, at some time in the future. Therefore, no plans have been submitted for review.

The surrounding properties to the west and south of the subject property are zoned Industrial. It is for this reason that Staff accepted this rezone application without a development proposal. Staff believes that the request for rezone is consistent with the use desired on the property.

Staff would like to note that any type of outside improvements, or development on the property, will need to be approved through the Design Review process.

RECOMMENDATION

Staff recommends that the Planning Commission approve a motion to Recommend to the Municipal Council PC#98-059, for a Zoning Amendment from Single Family Traditional (SFT) to Industrial (IND), as sought by the City of Logan, for the property located at 80 South 600 West. TID#06-010-0006

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings supported in the administrative record for this project:

1. 80 South 600 West Rezone is consistent with the goals and policies of the Logan General Plan.

2. 80 South 600 West Rezone is compatible with neighboring land uses.

Respectfully submitted,

Brandi L. Clement, M.U.R.P.
Planner II
Report Published: June 19, 1998
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, "

On this 21st day of October, 1998, A.D., personally appeared before me, Felicia Tepedino, who being first duly sworn, deposes and says that she is the chief 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 advertisement

LEGAL NOTICE

a copy of which is hereto attached, was published in said newspaper for...one...issue, commencing October 21, 1998 and ending October 21, 1998.

Signed, Felicia Tepedino

Subscribed and sworn to before me, the day and year above written.

Signed, CYNTHIA K. FULTON
Notary Public.


LEGAL NOTICE TO RECONSIDER REZONE

The Logan Municipal Council will hold a public hearing to reconsider the following rezone. On September 2, 1998 the Council denied the request. The City of Logan, applicant, requests a rezone of a 36,763 sq. ft. lot from Single Family Traditional (SFT) to Industrial (IND) at 80 South 600 West, owned by Val Egbert. The parcel is identified as Tax Identification Number 06-010-0006 and described as follows:

The South 15 rods of Lot 2, Block 8, Plat "A", LOGAN CITY SURVEY, being situate in the Southwest Quarter of Section 33, T12N, R1E of the Salt Lake Base and Meridian. The public hearing will be held before the Logan Municipal Council on Wednesday, November 4, 1998, not before 6:15 p.m. in the Council Chambers at 255 North Main, Logan, Utah.

Lois Price, Recorder

Publication Date: October 21, 1998.
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ..

On the 17th day of August, 1998, personally appeared before me Felicia Tepedino, who being first duly sworn, deposes and says that she is the chief 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 advertisement

LEGAL NOTICE TO REZONE

was published in said newspaper for one (1) issue, commencing August 17, 1998 and ending August 17, 1998.

Signed

Subscribed and sworn to before me, the day and year above written.

Signed

Notary Public.

(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE.

On this 11th day of November A.D. 1998, personally appeared before me, Felicia Tepedino, who being first duly sworn, deposes and says she is the chief 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 advertisement...

LEgal Notice

Summaries of ordinances passed by the Logan Municipal Council are as follows:

1. Ord. 98-85. An ordinance was passed October 21, 1998 adding subsections (C) and (D) to 17.28.080, "Residential Parking." Subsection (C) prohibits the parking or storage of any commercial truck or truck trailer in the SFL, SFT, SPR, MRM and MFV zones, except when located outside required setbacks and public rights-of-way, or located within a residential garage. This prohibition does not apply to vehicles making deliveries or pick-ups. Subsection (D) prohibits the parking of recreation vehicles within the public-rights-of-way, or if there is an adjoining driveway, in a sight distance triangle of fifteen feet from the curb in front of a residence.

2. Ord. 98-95. A temporary ordinance was passed on November 4, 1998 providing for the sale of Christmas trees at single family dwellings from November 21 through December 25, 1998. A business license must be obtained in conformance with the requirements for licensing seasonal business. The ordinance sets forth standards for operation of the business.

3. Ord. 98-69. An ordinance amending the Zoning Map of Logan City, was passed November 4, 1998, adopting Amendment #211 rezoning a 37,763 sq. ft. lot at approximately 80 South 600 West, identified as Tax ID No. 06-010-0006 from SFT (Single Family Traditional) to IND (Industrial).
