CITY OF LOGAN, UTAH
ORDINANCE NO. 19-18

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 “Official Zoning Map of Logan City, Utah” is hereby amended and the following properties in the Bridger Neighborhood and as specifically identified in Exhibit A, as attached, are hereby zoned from Traditional Neighborhood Residential (NR-6) to Mixed Residential Traditional (MR-9).

SECTION 3: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _________
THIS DAY OF ______________, 2019.

AYES:
NAYS:
ABSENT:

_____________________________
Jeannie F. Simmonds, Chair

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 ________________, 2019.

_____________________________
Jeannie F. Simmonds, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby ____________________ this ___ day of ______________, 2019.

_____________________________
Holly Daines, Mayor
Parcel #05-041-0006
MEMORANDUM TO MUNICIPAL COUNCIL

DATE: September 18, 2019
FROM: Aaron Smith, Planner II
SUBJECT: Ordinance #19-18 Kearl Property Rezone

Summary of Planning Commission Proceedings

Project Name: Kearl Property Rezone
Request: Official Zoning Map Amendment
Project Address: 1136 N 600 W (approx.)
Recommendation of the Planning Commission: Denial

On September 12, 2019, the Planning Commission recommended that the Municipal Council deny the Kearl Property Rezone.

Planning Commissioners vote (4-3):
Motion: S. Goodlander
Second: J. Lucero
vote recommend denial: S. Goodlander, J. Lucero, T. Nielson, E. Ortiz
vote recommend Approval: D. Newman, R. Dickinson, R. Croshaw
abstain: none

Attachments:
Staff Report
Ordinance #19-18
Planning Commission Meeting Draft Minutes
Project Slides
Bridger Home Ownership Study
Staff recommends that the Planning Commission recommend denial to the Municipal Council for a Rezone of approximately 6.55 acres of property located at approximately 1136 N 600 W (TIN# 05-041-0006) from Neighborhood Residential Traditional (NR-6) to Mixed Residential Transitional (MR-9).

Contingent on approval of a rezone to MR-9, Staff recommends that the Planning Commission conditionally approve a Subdivision and Design Review Permit for Project #19-031 Kearl Property, for 32 townhome units on individual building lots located at 1136 N 600 W (TIN# 05-041-0006).

Land use adjoining the subject property

<table>
<thead>
<tr>
<th>North:</th>
<th>East:</th>
</tr>
</thead>
<tbody>
<tr>
<td>REC: Park and Elementary School</td>
<td>NR-6 Single Family Residential</td>
</tr>
<tr>
<td>South:</td>
<td>West:</td>
</tr>
<tr>
<td>MR-12: Multi-Family Residential</td>
<td>IP: Agricultural, Storage, and Educational Uses</td>
</tr>
</tbody>
</table>

REQUEST

The proponent is requesting to rezone approximately 6.55 acres from NR-6 to MR-9 to allow for townhome development. The proposed townhome development consists of 32 dwelling units in eight (8) 4,480 SF buildings. Each townhome will be on its own building lot. The proposed development features a low gross density, 4.95 units/acre. The buildings are arranged around a central oval private drive with building fronts oriented towards a common open space. The configuration preserves a large amount of common open space for the development. The proposal includes only one street connection at 1150 N. This road connects to the proposed development through a single-family neighborhood. To the west, the property is adjacent to railroad tracks that run along 600 W. No 600 W access across the railroad tracks is proposed with this project. To the north is Bridger Park and Elementary School. To the south is a multi-family development.

GENERAL PLAN

The Future Land Use Plan (FLUP) adopted in 2008 identifies this property as Detached Residential (DR). The FLUP does not distinguish between the different DR zoning districts in the General Plan. DR is described as a district that will be developed with detached single-family homes. While flexibility and variety of housing is described as important in this district, the General Plan states that all new residential developments must create a traditional neighborhood character with entrances of homes oriented towards public streets.
The current zone, NR-6, allows single family detached homes with a minimum lot size of 6,000 SF. The zone is prominent throughout the core of Logan. The proposed MR-9 zone is described in the Land Development Code (LDC) as providing transitional areas between higher intensity commercial and lower intensity residential. A variety of housing types and designs are encouraged to promote neighborhood stability and a sense of community. This zone allows for up to 9 units per acre of land and permits residential uses with a maximum occupancy of one family or no more than three (3) unrelated people within each dwelling unit.

**REZONE REQUEST**

While the proposed development is significantly under the maximum density of the MR-9 zone and the stated desire of the proponent is to develop a project that meets the current NR-6 density standard, a rezone of this property would allow for up to a maximum of 58 units on the property unless the property owner records a voluntary deed restriction that capped the maximum density for the property to something less than the zoning permits.

This project is located within the Bridger Neighborhood. Housing in this neighborhood is diverse, with large amounts of townhomes and multi-family developments. The housing portfolio in the area around this project reflects the diverse housing in the area. According to the American Community Survey (ACS) 2017 estimates, only 22.5% of the housing in the proximity of the project site (between 600 N and 1400 N and between Main Street and 600 W) are single family homes. This is nearly half the rate for single family homes in Logan City (40%). Also, the area features an above average concentration of attached housing (21%) and 3 or 4 unit apartments (46%).

<table>
<thead>
<tr>
<th>Statistics</th>
<th>Social Explorer - ACS 2017 (5-Year Estimates)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Block Groups in Proximity to Project Site</td>
</tr>
<tr>
<td>Housing Units</td>
<td></td>
</tr>
<tr>
<td>Housing Units</td>
<td>1,843</td>
</tr>
<tr>
<td>Housing Units in Structure</td>
<td></td>
</tr>
<tr>
<td>Housing Units:</td>
<td>1,843</td>
</tr>
<tr>
<td>1 Unit</td>
<td>805 43.7%</td>
</tr>
<tr>
<td>1, Detached</td>
<td>415 22.5%</td>
</tr>
<tr>
<td>1, Attached</td>
<td>390 21.2%</td>
</tr>
<tr>
<td>2</td>
<td>11 0.6%</td>
</tr>
<tr>
<td>3 or 4</td>
<td>846 45.9%</td>
</tr>
<tr>
<td>5 to 9</td>
<td>7 0.4%</td>
</tr>
<tr>
<td>10 to 19</td>
<td>21 1.1%</td>
</tr>
<tr>
<td>20 to 49</td>
<td>0 0.0%</td>
</tr>
<tr>
<td>50 or More</td>
<td>0 0.0%</td>
</tr>
<tr>
<td>Mobile Home</td>
<td>153 8.3%</td>
</tr>
<tr>
<td>Boat, Rv, Van, Etc.</td>
<td>0 0.0%</td>
</tr>
</tbody>
</table>

Table 1 – ACS 2017 Estimates for project area compared to Logan City

Logan City's housing goal for the Bridger Neighborhood has been to increase the number of single family homes in the area to help provide a more balanced housing portfolio. Much of the remaining undeveloped land, including this parcel, has been rezoned to NR-6 and designated as DR on the FLUP to help achieve this goal. Balance to the housing in the area will help to
increase long term home ownership, lessen student turnover in local schools, and provide more housing options for residents.

While the current project proposal reflects a gross density that is within the requirements of the NR-6 zone, the proposal for additional attached housing in the area will not help to balance the neighborhood’s housing portfolio. With the project site being adjacent to an existing single family development, the FLUP designation of the area as DR, and the need for more single family detached housing in the area, staff recommends that the rezone request from NR-6 to MR-9 be denied to preserve one of the last remaining locations for single family detached homes in the neighborhood.

SUBDIVISION PERMIT
The Land Development Code (LDC) 17.40 requires subdivision permits to be in accordance with zoning district standards to ensure orderly development patterns, block connectivity and to preserve traditional neighborhood character. When subdividing townhomes in the MR-9 zone, the LDC does not require a minimum lot size, only compliance to maximum density. With a subdivision request and the addition of new interior property lines, building setbacks will be reviewed on an individual building lot basis. The applicant is requesting 32 building lots with a reminder open-space property for community amenities and landscaping. The net density of the project is proposed at 4.95 homes per acre of land. As proposed, with a density of 4.95 acres/unit, the project meets the density standards of the MR-9 zone.

Street Grid Connectivity
The LDC 17.30.170 requires that subdivisions with greater than 20 lots have at least three (3) adjacent street connections or stubs for future connections. The LDC street connectivity requirement ensures practical traffic distribution, efficient utility networks, improved walkability and the continuation of traditional core neighborhoods with homes placed around the perimeter of a network of city blocks. This proposal includes only one street connection at 1150 N. While fire code mandates that at least one additional 20' wide fire access be provided, that access may not meet the standard of a street.

The LDC allows the Planning Commission to reduce the number or required street connections based on physical conditions of the site or abutting properties and pre-existing development patterns. The project is boxed in on several sides by a railroad to the west, a park to the north, and existing development to the south. Connectivity to the east has been preserved with the 1150 N road and a dedicated right-of-way to extend 1110 N to the project property. The continuation of the 1110 N street would provide a second connection for the development. The 1110 N to 1150 N connection on the site can be considered as a public street. Dedication this as a public street will eliminate dead-end roads, provide city maintenance for the street and improve neighborhood connectivity. As conditioned, with the Planning Commission permitting only 2 street connections, and requiring the extension of 1110 N to the development, and the dedication of the 1110 N to 1150 N loop as a public street or developed to public street standards, the project meets the street connectivity standards of the LDC.

DESIGN REVIEW PERMIT
Site Plan & Building Placement
The LDC 17.09.040 states that buildings shall be placed near the street and oriented with front facades and primary pedestrian entrances facing the adjacent street or common courtyards unless unique site conditions prohibit it. This requirement enhances the traditional neighborhood character by placing quality architecture features, such as porches and stoops, along the street. This pattern produces better walkability and pedestrian accessibility.

The proposed building orientation is towards the perimeter common area, which may be considered a courtyard to meet the orientation standard of the LDC. While this orientation does
not promote a traditional neighborhood layout, it will allow for the more architecturally detailed portions of the building to face adjacent development and provide for access for residents to the common open space without having to cross the shared drive; however, with street connectivity requirements to extend 1110 N and the proposed connection to 1150 N, there is opportunity to provide street facing design that meets the intent of the LDC. Where site constraints are found to provide no practical design to orient building toward the street, the Planning Commission may permit alternative site layouts. As conditioned, with the planning commission allowing the building orientation as proposed, the project meets the building placement and orientation standards of the LDC.

**Pedestrian Circulation**

The LDC 17.30.160 requires pedestrian circulation throughout neighborhood streets and within open space areas for overall walkability and access. Pedestrian circulation should provide a safe, convenient and well-connected network. Clear pedestrian connections to the primary front entrance is required. As proposed, there are limited pathway connections from the private drive and parking to the front doors of each unit. To improve neighborhood connectivity, a pathway to the adjacent park should also be provided. As conditioned, with five additional pedestrian pathways between the buildings and a pathway to the park, the project meets the requirements of the LDC.

**Setbacks**

The Land Development Code (LDC) requirements for setbacks in the MR-9 zone are as follows (as measured from property lines):

- Front: 15'
- Side: 8'
- Rear: 10'

The following setbacks are proposed for the building(s) (as measured from the exterior property lines of the project site):

- Front (East): 170'
- Side (North): 85'
- Side (South): 60'
- Rear (West): 45'

As proposed, perimeter setbacks comply with the LDC. Townhome building lots will have a 0' setback. As conditioned, with each townhome lot being considered and amendment for LDC setback compliance, the project meets minimum setback requirements of the LDC.

**Open Space**

The LDC 17.07.070 requires 20% open space and an additional 10% useable outdoor space for projects located within the MR-9 zoning district. The LDC 17.28 generally describes open space as native vegetation or landscaped areas, while useable outdoor space is typically decks, patios and other similar amenities. The 6.55 acre site would require 85,602 SF of total opens space and useable outdoor space. The proposed project contains 207,171 SF of combined open space and useable outdoor space. As proposed the project meets the requirements of the LDC.

**Landscaping**

The LDC 17.32 requires minimum landscaping for overall visual aesthetics, ecological reasons, visual screening, shading purposes and enhancement of the outdoor experience. The LDC requires a minimum of 20 trees and a combination of 50 shrubs, flowers and ornamental grasses per acre of land in the MR-9 zone. For 6.55 acres, 131 trees and 328 shrubs, flowers and ornamental plants would be required as per the LDC. The proposed project shows conceptual landscaping area. The conceptual landscaping includes native grass planting around the edge, turf areas, and a gravel/xeriscape planting area around the homes. As conditioned
with a detailed landscaping plan meeting minimum plant numbers, that addresses plant type and management of native grass area, and provides street trees, the project complies with the LDC.

**Parking Stall Requirements**
The LDC 17.31.040 requires two (2) parking stalls per every dwelling unit (64 parking stalls). The proposal includes a total of 112 parking stalls. Each unit has a 2-car garage, and an additional 48 stalls located along the interior of the private drive. There are no driveways for individual units, as the private drive runs along the backside of each unit. As proposed, the project meets the parking requirements in the LDC.

**Building Design**
In the MR-9 zone, the LDC requires that no two adjacent buildings can share the same elevations. The LDC identifies eight (8) different categories and requires that at least four (4) out of the eight (8) be noticeably different. The eight (8) categories listed are building color, materials, roofline, height (number of floors), fenestration, architectural style, articulation and porch design. The proposal includes only one elevation for the buildings. As proposed, with adjacent façades that vary by at least four (4) out of the eight (8) design categories listed in the LDC, the project meets the requirements of the LDC.

Porches and stoops are required to be a minimum of 4’ in depth. The proposed stoop for each unit is shown as only 2’. As conditioned, with a minimum 4’ stoop or porch for all units, the project meets the requirements of the LDC.

**Lighting**
The LDC 17.30.090 requires adequate lighting that adds aesthetic quality and improves safety while mitigating unnecessary glare, sky glow and light trespass. The LDC limits freestanding pole height to 32 feet and luminaire fixtures on buildings and canopies to be concealed source, down-cast and shielded from neighboring properties. Light measurements are required to range between 0.5 – 4.0 foot candles, so areas are sufficiently safe, but not excessively bright. As submitted, no exterior lighting has been shown. As conditioned, the project meets the requirements of the LDC.

**PROPOSENENT CONSIDERATION**
The proponent has requested that the Planning Commission consider an alternative site plan that includes 36 units instead of 32. This proposal increases the density to 5.5 units/acre. With the additional building the project would remain complaint with open space, parking, density, and the front setback would be reduced to 45’. All conditioned previously stated would remain in force with the alternative layout. The Planning Commission may entertain the request and amend the number of permitted units and buildings to include the alternative site plan.

**STAFF SUMMARY**
The project includes a rezone, subdivision, and design review. The subdivision and design review permits are conditioned on the approval of the rezone from NR-6 to MR-9 by the City Council. The proposed 32-unit project, with a density of 4.95 units/acre is under the current NR-6 density requirements, but a rezone to MR-9 would allow for up to 58 units on the property unless the proponent places a voluntary deed restriction on property. As the site is one of the last parcels zoned for single family homes in a neighborhood that has, compared to the rest of Logan, a low amount of single family options, staff recommends denial of the rezone request.

If the rezone is approved, several changes to the subdivision and design review permits are required, including improved access to the surrounding neighborhood via a 1110 N extension, internal pathway improvements, and building variation. While the site plan is unconventional from a traditional neighborhood layout perspective, site constraints, particularly the lack of...
connectivity options to the north, west, and south, drive the design. The Planning Commission may exercise their design discretion to permit the lay out as proposed, or the Commission may find that the layout does not meet the LDC standards and require the building placement to front streets or a courtyard layout.

AGENCY AND CITY DEPARTMENT COMMENTS
Comments were solicited from the following departments or agencies:

- Water
- Engineering
- Fire

PUBLIC COMMENTS
Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, one written comment was received from Gerald Polukoff expressing concerns over the rezone and potential neighborhood impacts of the project.

PUBLIC NOTIFICATION
Legal notices were published in the Herald Journal on 8/31/219, posted on the City’s website and the Utah Public Meeting website on 9/4/19, and noticed in a quarter page ad on 8/24/2019, and mailed out to adjacent property owners within 300’ on 8/21/19.

RECOMMENDED CONDITIONS OF APPROVAL
This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.

1. All standard conditions of approval will be recorded with the Design Review and are available in the Community Development Department.
2. Subdivision and Design Review permits are subject to rezone approval from NR-6 to MR-9.
3. 32 building lots and 2 common spaces are approved with this subdivision. The areas labeled as common space shall be listed as non-buildable and only contain landscaping or accessory subdivision amenities.
4. The final plat for the subdivision shall be recorded within one year unless an extension of time is granted as per LDC. The subdivision may be phased as per LDC regulations.
5. Ensure CC&R’s are in place to address maintenance of common area and infrastructure.
6. Building setbacks shall be reviewed and approved on an individual building basis and comply with the MR-9 requirements of 15’ front yard, 8’ side yard, 0’ common wall side and 10’ rear yard.
7. Townhome buildings within the MR-9 shall have a maximum occupancy of one family or no more than three (3) unrelated people within each dwelling unit.
8. No two adjacent buildings shall have the same street facing façade design and must vary at least four (4) out of the eight (8) design categories listed in the LDC 17.09.040.
9. Front porches and stoops shall be a minimum of 4’ in depth.
10. The Planning Commission reduces the street connection requirement from three (3) connections to two (2) connections, as site constraints prohibit additional street connections.
11. 1110 N shall be connected to the project as a second required street connection.
12. The 1110 N to 1150 N loop shall be dedicated as a public street or shall be developed to meet current city standards and specifications.
13. The planning commission allowing the proposed building orientation, as unique site constraints limit building placement and orientation.
14. Five (5) additional pedestrian pathways connecting the front of buildings to the parking/driveway area shall be constructed.
15. A pathway connecting the development to the northern property boundary to allow future connection to Bridger Park’s pathway network shall be constructed.
16. A performance landscaping plan, prepared in accordance with §17.32 of the LDC, shall be submitted for approval to the Community Development Department prior to the recordation of the final plat. The plan shall include the following:
   a) Final landscape designs for open space and usable outdoor space. 20% of the area shall be dedicated as open space, and 10% shall be dedicated as usable outdoor space.
   b) 131 trees and 328 shrubs, flowers and ornamental plants.
   c) Final landscape design shall indicate re-vegetation techniques for native planting areas.
   d) Street trees shall be planted every thirty (30) feet along all street and private drive that are not fronted by buildings or parking.

17. Storm water areas designed for open space shall be done in a manner that conceals the storm water function so that they generally appear as parks not storm water ponds.

18. No signs are approved with this Design Review Permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.

19. No fences are approved with this Design Review Permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.

20. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
   a. Water—contact 716-9622
      - Water meter setters must meet current Logan City standards.
      - Any landscape irrigation systems that feed from City water must have high hazard backflow protection installed and tested. Either common or private.
      - All current IPC rules for backflow protection shall apply during and after construction.
   b. Engineering—contact 716-9160
      - Comply with City Storm Water Design Standards. This includes the on-site retention of the 90% storm event through the use of Low Impact Design practices. Area disturbed is greater than 1 acre, provide City with a Storm Water Pollution Prevention Plan
      - Provide water shares or an in-lieu fee or all increased indoor and outdoor demands to existing system.
      - All buildings with 4 or less units per building shall have individual water services.
      - No utilities can be placed under a storm water detention/retention pond.
      - Provide City with a private water utility agreement and a storm water maintenance agreement
      - All roads as shown in development are not to a City standard and therefore shall be considered private.
      - All water and sewer services in this development shall be private.
      - Second access to development for emergency purposes shall be provided.
      - Post the 33' drive through development as a Fire Lane.
   c. Fire—contact 716-9515
      - Developments of one or two-family dwellings where the number if dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. Where two fire apparatus access roads are required they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. IFC D107
      - Fire apparatus access roads shall be 20 ft wide, signed as No Parking. IFC 503
      - Place fire hydrants so all points around the exterior of building are within 600 feet. IFC 507.5.1 Exception 1
RECOMMENDED FINDINGS FOR DENIAL FOR THE REZONE

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

1. The Logan City FLUP identifies the area as DR.
2. This area is one of the few remaining vacant DR areas in the Bridger Neighborhood.
3. The Bridger Neighborhood surrounding the project site has a disproportionately high amount of attached and 3-4 unit multi-family housing developments, and a disproportionately low amount of detached single-family homes when compared to Logan City as a whole.
4. The DR designation is intended for detached single-family residential development.

RECOMMENDED FINDINGS FOR APPROVAL FOR THE DESIGN REVIEW PERMIT

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

1. The proposed project was rezoned from NR-6 to MR-9.
2. The proposed project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the conditioned building design, site layout, materials, landscaping, building orientation, heights and setbacks.
3. The Design Review Permit conforms to the requirements of Title 17 of the Logan Municipal Code.
4. The proposed project provides adequate open space and useable outdoor space in conformance with Title 17.
5. The proposed project provides off-street parking in compliance with the LDC.
6. The proposed project complies with maximum height, density and building design standards and is in conformance with Title 17.
7. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
8. The surrounding streets and utilities are of adequate in size and design to sufficiently handle all traffic modes and infrastructure related to the land use.

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, September 12, 2019. Chairman Nielson called the meeting to order at 5:30 p.m.

**Commissioners Present:** Roylan Croshaw, Regina Dickinson, Sandi Goodlander, Jess Lucero, Dave Newman, Tony Nielson, Eduardo Ortiz

**Staff Present:** Mike DeSimone, Russ Holley, Aaron Smith, Debbie Zilles, Kymber Housley, Paul Taylor, Bill Young, Jeannie Simmonds (City Council liaison)

Minutes from the August 22, 2019 meeting were reviewed. Commissioner Croshaw moved to approve the minutes as submitted. Motion seconded by Commissioner Goodlander. Approved unanimously.

**PUBLIC HEARING:**

**PC 19-031 Kearl Property Rezone** [Zone Change] Travis S. Taylor/Leonard C. Keart Jr. Trust, authorized agent/owner, request a rezone of 6.46 acres from Neighborhood Residential (NR-6) to Mixed Residential (MR-9) located at approximately 1136 North 600 West; TIN 05-041-0006.

**STAFF:** Mr. Smith reviewed the request to rezone approximately 6.55 acres from NR-6 to MR-9 to allow for townhome development. The proposed townhome development consists of 32 dwelling units in eight (8) 4,480 SF buildings. Each townhome will be on its own building lot. The proposed development features a low gross density of 4.95 units/acre. The buildings are arranged around a central oval private drive with building fronts oriented towards a common open space. The configuration preserves a large amount of common open space for the development. The proposal includes only one street connection at 1150 North. This road connects to the proposed development through a single-family neighborhood. To the west, the property is adjacent to railroad tracks that run along 600 West. Access across the railroad tracks is proposed with this project. To the north is Bridger Park and Elementary School. To the south is a multi-family development.

While the proposed development is significantly under the maximum density of the MR-9 zone and the stated desire of the proponent is to develop a project that meets the current NR-6 density standard, a rezone of this property would allow for up to a maximum of 58 units on the property unless the property owner records a voluntary deed restriction that capped the maximum density for the property to something less than the zoning permits.

This project is located within the Bridger Neighborhood. Housing in this neighborhood is diverse, with large amounts of townhomes and multi-family developments. The housing portfolio in the area around this project reflects the diverse housing in the area. According to the American Community Survey (ACS) 2017 estimates, only 22.5% of the housing in the proximity of the project site (between 600 North and 1400 North and between Main Street and 600 West) are single-family homes. This is nearly half the rate for single-family homes in Logan City (40%). The area features an above average concentration of attached housing (21%) and 3 or 4 unit apartments (46%).
Logan City’s housing goal for the Bridger Neighborhood has been to increase the number of single-family homes to help provide a more balanced housing portfolio. Much of the remaining undeveloped land, including this parcel, has been rezoned to NR-6 and designated as DR on the Future Land Use Plan (FLUP) to help achieve this goal. Balance to the housing in the area will help to increase long term home ownership, lessen student turnover in local schools, and provide more housing options for residents.

The proposal reflects a gross density that is within the requirements of the NR-6 zone, however, the proposal for additional attached housing in the area will not help to balance the neighborhood’s housing portfolio. With the project site being adjacent to an existing single-family development, the FLUP designation of the area as DR, and the need for more single-family detached housing in the area, staff recommends that the rezone request from NR-6 to MR-9 be denied to preserve one of the last remaining locations for single-family detached homes in the neighborhood.

If the rezone is approved, several changes to the subdivision and design review permits are required, including improved access to the surrounding neighborhood via a 1110 North extension, internal pathway improvements, and building variation. While the site plan is unconventional from a traditional neighborhood layout perspective, site constraints, particularly the lack of connectivity options to the north, west, and south, drive the design.

**PROPOINENT:** Travis Taylor said they have tried to take the goals of the Bridger neighborhood and balance them with the realities of this parcel, which is on the edge of the neighborhood and borders industrial uses. The NR-6 zone would yield 38 lots, the proposed site plan is 32 units, with up to 36 possible. This would provide reasonably-priced homes and long-term maintenance of the grounds with more open space. He referenced an article outlining the seriousness of affordable housing. In Oregon, single-family zoning has been proposed to be eliminated in cities with more than 25,000 residents and multi-family housing options would be allowed on parcels currently reserved for single-family homes. This movement is going against the trend for exclusionary zoning, which can drive up home prices. The goal with this project is to come up with a plan that has an overall density of less than what is allowed in the current NR-6 zone. He said they would be willing to stipulate that they would not go higher in density than what the NR-6 zone would allow.

**PUBLIC:** A letter was received from Gerald Polukoff expressing concerns over the rezone and potential neighborhood impacts of the project. He included a petition to deny the zone change which included 13 signatures from neighboring residents (letter & petition are included in the project file).

A written letter from Dr. Frank Schofield, Logan City School District Superintendent, supporting staff’s recommendation for denial was received and distributed prior to the meeting.

**COMMISSION:** Commissioner Dickinson asked when the surrounding areas were zoned MR-12. Mr. Holley said he did not know the exact dates, but it has been quite a while.

Commissioner Lucero appreciated Mr. Taylor’s discussion about housing affordability, however, she also understands and supports staff’s recommendations regarding the need for more stability in this area. Commissioner Goodlander agreed.

Commissioner Newman generally leans toward property owner rights, however, in this instance it is for the greater good that it be built out in the NR-6 zone.

Commissioner Dickinson is fine with the rezone because it would provide a buffer between the industrial area and the MR-12 zone to the south. The proposal fits with what is currently there.
Commissioner Croshaw asked if the footprint of each proposed unit would be the property line; Mr. Taylor confirmed that it would be, the units would be individually owned, open space would be commonly owned with an HOA to maintain the property. Commissioner Croshaw said his concern would be ongoing maintenance and the visual impact. Mr. Taylor said there would be less left to chance with commonly-owned areas managed by an HOA. The reality is that single-family homes could be purchased as rental units. With an HOA, at least there is some oversight within the CCR’s than with individually-owned property.

Commissioner Newman asked about the price point. Mr. Taylor said typically, these types of units are $30,000-$40,000 less than single-family homes. These units can generally be finished nicer, with the ability to put in better amenities. Commissioner Newman said many single-family homes are being purchased by rental properties and that Mr. Taylor has some good points.

Chairman Nielsen said Mr. Taylor made a valid point, however, he feels that the Bridger neighborhood has a much higher percentage of rental and multi-family units than anywhere else in Logan. He would feel better with single-family homes.

**MOTION:** Commissioner Goodlander moved to recommend denial to the Municipal Council for a rezone of approximately 6.55 acres of property located at 1136 North 600 West from Neighborhood Residential (NR-6) to Mixed Residential (MR-9) as outlined in PC 19-031 with the findings for denial listed below. Commissioner Lucero seconded the motion.

**FINDINGS FOR DENIAL FOR THE REZONE**
1. The Future Land Use Plan (FLUP) identifies the area as Detached Residential (DR).
2. This area is one of the few remaining vacant Detached Residential (DR) areas in the Bridger Neighborhood.
3. The Bridger Neighborhood, surrounding the project site, has a disproportionately high amount of attached and 3-4-unit multi-family housing developments, and a disproportionately low amount of detached single-family homes when compared to Logan City as a whole.
4. The DR designation is intended for detached single-family residential development.

**Moved:** S. Goodlander  **Seconded:** J. Lucero  **Approved:** 4-3

**Yea:** Goodlander, Lucero, Nielsen, Ortiz  **Nay:** D. Newman, R. Dickinson, R. Croshaw  **Abstain:**

Discussion regarding the Subdivision and Design Review permits will be continued until after the zone change is considered by the Municipal Council (tentative date Oct. 24).
Planning Commission Meeting

Sept 12, 2019
PC #19-031
Kearl Property
Rezone & Design Review Permit
Kearl Property Rezone and Design Review

Approx. 1100 N 600 W
Kearl Property Rezone and Design Review

Approx. 1100 N 600 W

Proposed Rezone = NR-6 & MR-9

Planning Commission
August 22, 2019
Kearl Property Rezone and Design Review
Approx. 1100 N 600 W
The Bridger Home Ownership Study was prepared to provide home ownership information for housing in proximity to an area in the Bridger Neighborhood that is being considered for a rezone from NR-6 to MR-9 to allow for townhome development. During Planning and Zoning Commission discussion, the question was raised regarding home ownership rates for detached single family homes and townhomes in the area. This study looks at 143 townhomes and 146 single family detached homes in the area around the rezone request. Single family homes that had lot sizes similar to the minimum lot size permitted in the NR-6 (around 6,000 SF), and townhome developments that were on their own building lot and in developments that were not entirely owned by a single owner were included in the study. Logan City parcel data from January 2019 was used to determine home ownership based on owner address. This study is only an approximation of ownership rates.

The study found that home ownership rates for townhomes in the rezone area is 49%, while home ownership rates for single family detached homes that met the lot size requirement is 85%. Overall, home ownership rates of single family detached homes in the area, while on smaller lots than much of the older detached development in Logan, have robust home ownership. The rate was even higher than the more established older single family neighborhood in the area, which had a home ownership rate of 80%.

<table>
<thead>
<tr>
<th>Development</th>
<th># of Units</th>
<th>Owner Occupied</th>
<th>%</th>
<th>Non-Owner Occupied</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victorian Village</td>
<td>34</td>
<td>12</td>
<td>35%</td>
<td>22</td>
<td>65%</td>
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<tr>
<td>Warm Springs</td>
<td>18</td>
<td>8</td>
<td>44%</td>
<td>10</td>
<td>56%</td>
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<tr>
<td>Hartford Park</td>
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<td>16</td>
<td>50%</td>
<td>16</td>
<td>50%</td>
</tr>
<tr>
<td>Ten-O-Two</td>
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<td>12</td>
<td>63%</td>
<td>7</td>
<td>37%</td>
</tr>
<tr>
<td>Lexington Village</td>
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<td>55%</td>
<td>18</td>
<td>45%</td>
</tr>
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<td><strong>Total</strong></td>
<td><strong>143</strong></td>
<td><strong>70</strong></td>
<td><strong>49%</strong></td>
<td><strong>73</strong></td>
<td><strong>51%</strong></td>
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<table>
<thead>
<tr>
<th>Development</th>
<th># of Units</th>
<th>Owner Occupied</th>
<th>%</th>
<th>Non-Owner Occupied</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Gate</td>
<td>25</td>
<td>14</td>
<td>56%</td>
<td>11</td>
<td>44%</td>
</tr>
<tr>
<td>Ashbury Court</td>
<td>38</td>
<td>33</td>
<td>87%</td>
<td>5</td>
<td>13%</td>
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<tr>
<td>Ashbury Court 3</td>
<td>52</td>
<td>47</td>
<td>90%</td>
<td>5</td>
<td>10%</td>
</tr>
<tr>
<td>Spring Street</td>
<td>31</td>
<td>30</td>
<td>97%</td>
<td>1</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>146</strong></td>
<td><strong>124</strong></td>
<td><strong>85%</strong></td>
<td><strong>22</strong></td>
<td><strong>15%</strong></td>
</tr>
</tbody>
</table>
DECLARATION OF VOLUNTARY DEED RESTRICTION
AND AGREEMENT TO LIMIT RESIDENTIAL HOUSING UNITS

This DECLARATION OF VOLUNTARY DEED RESTRICTION AND AGREEMENT TO LIMIT RESIDENTIAL HOUSING UNITS (Declaration) is made this ____ day of _____________, 2019, by ______________________, a Utah limited liability company (Declarant), for the purpose of facilitating a re-zoning the following described tracts of land in Cache County, State of Utah: Cache County Parcel Tax ID: 05-041-0006. (Property). This Declaration may be enforced by Logan City, a political subdivision of the State of Utah (City). City is expressly identified as a third-party beneficiary to this Declaration.

RECITALS

A. Declarant is the owner in fee simple of the Property, which is currently zoned as NR-6.

B. Declarant desires to obtain approval to rezone the Property as MR-9, and has agreed to voluntarily restrict the number of residential housing units to comport with the land use authority's general plan.

C. In consideration of the voluntary deed restrictions set forth herein, Logan City will agree to rezone the Property from NR-6 to MR-9.

VOLUNTARY RESTRICTIONS

In consideration of the foregoing Recitals, which are incorporated herein by reference, Declarant agrees as follows:

1. Declarant hereby declares that the Property shall be held, sold, conveyed, and occupied subject to the restrictions set forth herein.

2. This Declaration is for the purpose of enhancing the value and desirability of the Property. This Declaration 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.

3. The Property may be subdivided consistent with Logan City Zoning Ordinances.

4. A maximum of thirty-nine (39) residential units may be built on the Property. All development of the Property shall be in accordance with all applicable Logan City Ordinances in effect at the time of any such development activity.

5. All residential units shall consist only of detached single-family dwellings and/ or no more than sixteen units which may be built in a configuration of four buildings with four units per building (4-plex).
6. Each of the four 4-plex buildings may be located along either the southern or western boundaries of the Property.

7. Only single-family detached homes, open space or amenities are allowed along the eastern and northern boundaries of the Property.

8. 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.

9. Except as set forth in paragraph 10 hereof, this Declaration may be amended and revised only upon joint written approval of Logan City and Declarant (or its successors and assigns).

10. Declarant submits this Declaration conditionally upon and in consideration of Logan City's approval of a rezone of the Property from NR-6 to MR-9. In the event the City does not approve the rezone to MR-9, or the Property is zoned to something other than MR-9, Declarant may unilaterally rescind this Declaration and record a notice of rescission of the Declaration in its entirety.

IN WITNESS WHEREOF, Declarant has executed this instrument the day and year set forth below.

[Declarant Entity]

By: ____________________________
Its Authorized Representative

State of Utah )
County of _________ ) ss.

On the ___ day of ____________, 2019, personally appeared before me ____________________________ who by me being duly sworn, did say that he/she is the authorized agent of Declarant and that the foregoing instrument is signed on behalf of said entity with all necessary authority.

Notary Public______________________________
Exhibit A

(Legal Description of Property)

All of Cache County Parcel Tax ID: 05-041-0006