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 and the following properties are hereby zoned from Campus Residential (CR) to Mixed Residential Low 12 (MR-12):


The above eight (8) parcels are also described as Exhibits A & B attached hereto.

SECTION 3: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS DAY OF ____________, 2014.

AYES:
NAYS:
ABSENT:

Karl B. Ward, 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 ________________, 2014.

Karl B. Ward, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby ________________ this ___ day of ____________, 2014.

H. Craig Petersen, Mayor
EXHIBIT B

Parcel Number: 05-028-0005
Legal Description
------- 2013 -------
BEG 104 FT N OF SW COR LOT 2 BLK 1 PLAT F LOGAN FARM SVY & TH N 104 FT TH W 70 FT FOL CURVE TO L TO PT 79 FT N OF BEG S 79 FT TO BEG SE/4 SEC 27T 12N RE D2945H

Parcel Number: 05-028-0001
Legal Description
------- 2013 -------
BEG AT SW COR LOT 2 BLK 1 PLAT F LOGAN FARM SVY & TH N 104 FT ALG E LN OF 600 E ST TH E 80 FT TH S 104 FT TO N LN OF 1000 N ST TH W/LY 80 FT TO BEG SE/4 SEC 27 T 12N R 1E

Parcel Number: 05-028-0007
Legal Description
------- 2013 -------
BEG 80 FT E OF SW COR LOT 2 BLK 1 PLAT F LOGAN FARM SVY & TH E 78 FT TH N 104 FT TH W 78 FT PARALLEL TO N LN OF 1000 N ST TH S 104 FT TO BEG SE/4 SEC 27 T 12N R 1E

Parcel Number: 05-028-0008
Legal Description
------- 2013 -------
BEG IN N LN OF 1000 N ST 158 FT E OF SW COR LOT 2 BLK 1 PLAT F LOGAN FARM SVY & TH N 100 FT TH E PARALLEL TO N LN OF 1000 N ST TH S 100 FT TH W/LY IN N LN OF 1000 N ST TO BEG SIT SE/4 SEC 27 T 12N R 1E

Parcel Number: 05-028-0010
Legal Description
------- 2013 -------
BEG IN N LN OF 1000 N ST 423 FT 4 INCHES E OF SW COR LOT 2 BLK 1 PLAT F LOGAN FARM SVY & TH N 100 FT TH W 70 FT TH S 100 FT TH E/LY 70 FT TO BEG SE/4 SEC 27 T 12N R 1E

Parcel Number: 05-028-0009
Legal Description
------- 2013 -------
BEG IN N LN OF 1000 N ST 239 FT E/LY ALG N LN OF SD ST FROM SW COR LT 2 BLK 1 PLT F LOGAN FARM SVY & TH E ALG N LN OF ST 100 FT TH N 100 FT TH W & PARALLEL WITH N LN OF 1000 N ST 100 FT TO PT 100 FT N OF BEG TH S 100 FT TO BEG SIT SW/4 SEC 27 T 12N R 1E

Parcel Number: 05-028-0011
Legal Description
------- 2013 -------
BEG IN N LN OF 1000 N ST 423 FT 4 INCHES E OF SW COR LOT 2 BLK 1 PLAT F LOGAN FARM SVY N 104 FT E 118 FT TO W LN OF LOGAN NORTHERN CANAL SW/LY ALG SD W LN 104 FT TO N LN 1000 N ST W/LY 78 FT ALG ST TO BEG SE/4 SEC 27 T 12N R 1E

Parcel Number: 05-028-0006
Legal Description
------- 2013 -------
BEG 183 FT N OF SW COR LOT 2 BLK 1 PLAT F LOGAN FARM SVY & TH N 100 FT TO PT OF TANGENCY OF A 25 FT RADIUS CURVE TH SELY ALG CURVE TO PT 25 FT E OF A PT 258 FT N OF SW COR LOT 2 TH E 60 FT TH N 6 FT TH E 575 FT TO W BANK OF CANAL TH SW/LY TO PT 104 FT N OF N LN OF 1000 N ST TH W 118 FT TH S 4 FT TH W 70 FT TH S 100 FT TH W 118 FT TH N 4 FT TH W 181 FT TH N 4 FT TH W 63 FT TH N 104 FT TH W 70 FT TO PT OF TANGENCY OF 25 FT RADIUS CURVE TO LEFT TH ALG CURVE TO BEG SE/4 SEC 27 T 12N R 1E
MEMORANDUM TO MUNICIPAL COUNCIL

DATE: December 20, 2013
FROM: Russ Holley, Senior Planner
SUBJECT: 1000 North 600 East Rezone

Summary of Planning Commission Proceedings

Project Name: 1000 North 600 East Downzone
Project Address: Approximately 1000 North 600 East (Northeast Corner of Intersection)
Recommendation of Planning Commission: Approve as submitted

On December 12, 2013, the Planning Commission recommended that the Municipal Council approve a request to rezone approximately 2.7 acres at approximately 1000 N 600 E from Campus Residential (CR) to Mixed Residential Low (MR-12).

Planning Commissioners vote (5 - 0):
Motion to recommend approval:

Attachments:
Staff Report
Ordinance 14-02
PC Meeting Minutes
Slides
Project #13-070
1000 North 600 East Rezone
Located at Northeast corner of 1000 N 600 E

REPORT SUMMARY...
Project Name: 1000 North 600 East Rezone
Proponent/Owner: Logan City / John Brandley
Project Address: Eight Properties located northeast of 1000 N 600 E
Request: Rezone from CR to MR-12
Type of Action: Legislative
Hearing Date: December 12, 2013
Submitted By: Russ Holley, Senior Planner

RECOMMENDATION
Staff recommends that the Planning Commission recommend approval to the Municipal Council for a Rezone of eight (8) parcels totaling approximately 2.7 acres from Campus Residential (CR) to Mixed Residential Low (MR-12) at approximately 1000 N 600 E. TIN # 05-028-0005, -0001, -0007, -0008, -0010, -0009, -0011, -0006.

Current Land use and Zoning adjoining the subject property:

<table>
<thead>
<tr>
<th>North</th>
<th>East</th>
</tr>
</thead>
<tbody>
<tr>
<td>NR-6: Church</td>
<td>NC: Bank</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>South</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR: Multi-Family Residential</td>
<td>NR-6: Single Family Residential</td>
</tr>
</tbody>
</table>

Background
This area was zoned to CR in January of 2011 and a Design Review Permit was issued to John Brandley on January 12, 2012 for Independent Student Living, a 108 multi-dwelling student housing project. The project includes the allowance for up to 11,804 SF of ground floor commercial space and 324 parking stalls. A one year extension letter was granted for the project, allowing for an additional year rather than the standard one to obtain a building permit.

This particular site in the city has been the subject of controversy, as it’s located in a transition area between high density student housing to the east and single family low density to the west. Neighboring residents to the west vocalized opposition to the project over a three month Planning Commission review primarily based on overall density, bulk and height of the structure.

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Zone</th>
<th>Use/Structure Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950-1968</td>
<td>R-2A</td>
<td>1-4 Family Dwellings - 6,000 minimum lot size +1000 per unit</td>
</tr>
<tr>
<td>1968-2000</td>
<td>R2</td>
<td>1-4 Family Dwellings - 6,000 minimum lot size +1000 per unit</td>
</tr>
<tr>
<td>2000-2011</td>
<td>SFR</td>
<td>Single Family Residential – 7,000 minimum lot size</td>
</tr>
<tr>
<td>2011-2013</td>
<td>CR</td>
<td>Campus Residential – Student Housing 40 units per acre</td>
</tr>
</tbody>
</table>

Land Development Code (LDC)
The Land Development Code (LDC) describes the MR-12 zone as providing a range of housing options for all stages of life and levels of income. Structures in this zone will range from townhouse to apartments developed at 12 units to the acre. New development will have a mix of
housing types to avoid repetitious rows of the same housing type. The maximum building height is 35’.

**General Plan**
The Future Land Use Plan (FLUP) adopted in 2008 identifies these properties as Detached Residential (DR) with a recommended density range of 4-6 units per acre. The proposed rezone is inconsistent with the General Plan; however the MR-12 zone is substantially less intensive than the current CR zone and brings the area into closer compliance with the 2008 General Plan. Because of the unique location of this site with higher density housing and commercial to the east, this area is truly transitional by nature and the MR-12 zone acts as a logical transition between higher and lower density.

**Streets**
The City of Logan Surface Master Transportation Plan identifies 1000 North as a Minor Arterial and 600 East as a Collector street. Both streets are well traveled, especially by student populations, as they traverse the city.

**AGENCY AND CITY DEPARTMENT COMMENTS**
No comments have been received.

**PUBLIC COMMENTS**
As of the time of this report, one comment had been received in opposition to the rezone request.

**PUBLIC NOTIFICATION**
Legal notices were published in the Herald Journal on 11/27/2013, and the Utah Public Meeting website on 11/19/2013. Public notices were mailed to property owners within 300 feet of the project site on 11/25/2013.

**SUMMARY**
The proposed rezone compromises between single family residential interests to the west and high density student housing to the east, making the site truly transitional. The likelihood of single family homes ever being developed on this site is unlikely because of the unusual shape, the existing four-plexs and its proximity to adjacent student housing. Even with the City’s newer height transition requirements, CR zoning directly adjacent to single family housing should be considered less than desirable and poses compatibility issues that include building height, size of parking lots, lighting, noise and overall higher volumes of traffic. Staff finds that MR-12 will act as a good transition zone and yet still provide unique infill housing options in an area close to existing utilities, infrastructure and commercial services.

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

1. The proposed rezone brings the site closer to compliance with the General Plan.
2. The ranges of permitted uses and housing types for the proposed zone increases compatibility with adjoining land uses and zoning.
3. The surrounding infrastructure and roadways are sufficient in size and capacity to support the zone change.
600 East 1000 North Rezone
Northeast corner of 600 E 1000 N

Planning Commission
December 12, 2013
600 East 1000 North Rezone
Northeast corner of 600 E 1000 N

Planning Commission

December 12, 2013
600 East 1000 North Rezone
Northeast corner of 600 E 1000 N
600 East 1000 North Rezone
Northeast corner of 600 E 1000 N

Subject Area
PROPOSED ZONE CHANGE TO MR-12

Planning Commission
December 12, 2013
Minutes of the meeting for the Logan City Planning Commission convened in regular session Thursday, December 12, 2013. Vice-Chairman Adams called the meeting to order at 5:30 p.m.

Planning Commissioners Present:  David Adams, Amanda Davis, Angela Fonnesbeck, Russ Price, Garrett Smith, Steve Stokes

Planning Commissioners Absent: Konrad Lee

Staff Present: Mike DeSimone, Russ Holley, Amber Reeder, Lee Edwards, Bill Young, Craig Humphreys, Paul Taylor, Nicole Simpson

Minutes as written and recorded from the November 14, 2013 meeting were reviewed. Commissioner Stokes moved that the minutes be approved as submitted. Commissioner Smith seconded motion. The motion was unanimously approved.

PUBLIC HEARING

PC 13-070  1000 N 600 E Rezone  Logan City requests to rezone eight properties located at the northeast corner of 1000 North 600 East from Campus Residential (CR) to Mixed-Residential Low (MR-12); TIN 05-028-0005, 05-028-0001, 05-028-0007, 05-028-0008, 05-028-0010, 05-028-0009, 05-028-0011, 05-028-0006.

STAFF: Mr. Holley advised that the proposed rezone compromises between single family residential interests to the west and high density student housing to the east, making the site truly transitional. The likelihood of single family homes ever being developed on this site is unlikely because of the unusual shape, the existing four-plexs and its proximity to adjacent student housing. Even with the City's newer height transition requirements, CR zoning directly adjacent to single family housing should be considered less than desirable and poses compatibility issues that include building height, size of parking lots, lighting, noise and overall higher volumes of traffic. Staff finds that MR-12 will act as a good transition zone and yet still provide unique infill housing options in an area close to existing utilities, infrastructure and commercial services

PUBLIC: Kurt Johnson, 558 Douglas Drive, appreciates the discussion of buffering zones. He works with and desires to live near the University. He is well aware of apartment buildings near where he purchased his home but was shocked to discover that the view of the mountains from his back porch will be blocked by Mr. Brandley's project. He said this rezone is vital, if only for the fact that it would set a precedent for building in buffer zones. It is important in this type of area, especially when dealing with overcrowding, illegal housing, rental homes and rowdy tenants.

Jan Nyman, 524 South 1100 North, finds it interesting that there are so many similarities between this project and the previously discussed 1200 East project as far as public notification concerns. This property being zoned Campus Residential (CR) should never have happened. The Citizens Commission report clearly shows that there were flaws in the process and procedure. Finding #18 in the report states that "All members of the City Council indicated that had we known about the
1000 North 600 East zoning change at the time, it would not have been adopted with the Campus Residential (CR) zone without further notifying the all the residents who would be affected. She recommended that this property be down-zoned to residential. She said residents have been told for over a year that there would be no extensions granted. Residents are disappointed that neighborhoods are not being protected. One of the biggest concerns is the traffic on 600 East. She requested that there be no extensions granted for the currently proposed project. The developer has to take out a building permit and begin construction prior January 12, 2014, or a second extension would need to be permitted. She feels that Mr. Brandley has had plenty of time to meet the requirements of the project. According to the information presented at this point, the primary cause for delay is due to financing and any further extension would be a violation of City Code.

Ron Godfrey, 717 East 1200 North, noted that “nature hates a void” and there seems to be pressure to build and fill every piece of open property. He appreciates the Commission taking the time to consider this rezone. He thinks down-zoning this area will allow it to be more conducive to keeping families in the area. Multi-family housing will always be successful, the economics drive it, however zoning should be a reflection of what we want our community to look like and it is important to preserve character.

Marilyn Griffin, 630 North 200 East, cannot believe that we are still discussing this project. She appreciates many of the comments shared tonight. This Campus Residential (CR) zone should never have happened. No one was aware of it until after the fact. Members of the Municipal Council had no idea that this particular property was included in the CR zone. Because she was aware that there was rezoning, she asked questions about the CR zone and was told it was “needed, necessary and not to ask any questions”. Those individuals who were invited to attend meetings also felt that their comments were not appreciated. The process was flawed from the beginning. She questioned how zoning is determined and whether citizens should help determine it. She said individuals who attended the meetings during the zone change did not know what was happening. The entire process was wrong. She agrees with Jan Nyman’s suggestion that this be returned to Neighborhood Residential.

Jed Clark owns one of the properties next to this project. He lived in the home in the 70’s, at which time was a multi-family zone, which is why there are numerous multi-family buildings in the area. When he purchased the property, he understood it to be in a multi-family zone and was unaware that it was every zoned residential. He said they have had a difficult time trying to grandfather their triplex. Most of the properties in the area are, or will be, grandfathered because they have been student rentals for many years. Down-zoning this area will do no good whatsoever. Trying to downsize this area is quite a slap in the face, especially where Logan City is the one who steps in and takes away property rights from people. He said Mr. Brandley lost his financing because of the group of people who are here; the financier backed out because of all the opposition. He (Mr. Brandley) is a good business man who tried to do the right thing and “got slapped in the face by government the Council”. Mr. Clark said he thinks this has been maliciously done, attempting to “hurry and get this downgraded before it even expires”. This is a waste of taxpayer time and money. He finds it strange that 1000 North has a bus stop, a bank and apartments, yet there is a desire for it to be a residential area again. Back in the 1960’s intelligent people with good common sense recognized that this area had a need for higher density. There is a large LDS Stake Center that buffers an entire neighborhood and there is a ditch which provides a 10’ buffer zone, yet this doesn’t seem good enough. This area has traditionally been a place for students to live since it is close to campus. He is opposed to this “maliciously timed down-zone”.

Burt Lamborn, 940 North 500 East, realizes there are different perspectives. The whole idea is that if it makes sense to change this area back to before the 2011 change, why not do it now. The process takes time and he is concerned that something else could happen if the Brandley project does not go through. He encouraged the Commission to not “push it off”. As a resident in the area
he believes it makes sense to change it back to residential; it will not affect anything that is currently there.

John Loosle, 1160 North 680 East, said that he spoke with the Engineering Department and questioned why the Brandley project was approved with regards to parking and was told "it was the law, they get a memo from the Mayor that says this is what you have to do". He said as an engineer, he has "turned down many situations similar to protect the engineering organization and as a result I hope they move through. Lately they would be able to take their name off a contract, whether they did or not, I don't know". He said it was wrong when the Mayor took responsibility and "made it so that they had to sign those papers". If this goes through, it will make things worse in the area. Homes will lose their value as a result and he asked that the Commission consider these things.

Hal Lynch, 636 South 1150 North, has lived in the neighborhood for 20 years. Only recently has there been an influx in student housing. As residents have passed away, homes have been rented out to students. Plenty of student housing already exists in this area. He accepts the fact that Mr. Brandley has the "go-ahead on this project until his extension expires"; however, he is concerned that if something is not done, another project could come in and possibly be equally destructive. High-density housing does not make sense and is not necessary here. The neighborhood children will suffer from a project of that size. Down-zoning is a matter of protection. This zoning should not have happened in the first place and now is the time to fix the problem.

Jack Peterson, 1376 Boxwood Circle, asked whether or not something is done tonight (since this is under consideration) if a new project could come in under the CR zone. Mr. Holley advised that until this project is resolved no new project can come in unless it complies with the proposed standard. Mr. Peterson recommended that down-zoning of this area is a great idea. It is a wonderful neighborhood and he supports going back to more of a residential area.

Mr. Jed Clark asked what would happen if he submitted a request to have the area rezoned. Mr. DeSimone explained that his request would be considered and reviewed after this proposal is either approved or denied.

Ron Rhees, 624 East 1150 North, said he gets the sense that the mood seems to be to "put this off". This has been going on for over two years and a decision needs to be made. He understands that Mr. Brandley still has the right to proceed with his approved project, however, he would still like to see the area zoned to residential to correct any future problems.

COMMISSION: Mr. Holley noted that the architect of the project is planning on submitting plans for a building permit by the end of the year.

Commissioner Smith asked whether the building permit needed to be submitted or signed off by January. Mr. Holley explained that a complete set of plans needs to be submitted by the end of December to allow time for proper review.

Commissioner Davis asked if this project could have another continuance. Mr. DeSimone said it would depend on the internal review process. Typically a project of this magnitude requires review by other departments (i.e. Water, Fire, Sewer, and Engineering). Sometimes there are technical issues which need to be resolved, so it could be conceivable that this project may have a month or so of continuation if the City cannot complete the permit process. Continuances are approved by the Community Development Director.

Mr. DeSimone explained that one of the purposes of this request is to have a zone in place, in case the current project does not go through, so that another application cannot come through under the Campus Residential (CR) zone. Chairman Adams asked whether this proposal could be considered prior to the official deadline of January 12, 2013. Mr. DeSimone explained that
considering this now puts it into the official process of being forwarded to the Municipal Council for a review and decision, thus providing “pending legislation” so that another project cannot “slip in” under the CR zone. Mr. Holley confirmed for the Commission that this does not affect Mr. Brandley’s current project.

**MOTION:** Commissioner Price moved to forward a recommendation for approval to the Municipal Council to rezone eight properties located at the northeast corner of 1000 North 600 East from Campus Residential (CR) to Mixed-Residential Low (MR-12): TIN 05-028-0005, 05-028-0001, 05-028-0007, 05-028-0008, 05-028-0010, 05-028-0009, 05-028-0011, 05-028-0006 as outlined in PC 13-070 with the findings as listed below. Commissioner Stokes seconded the motion.

**FINDINGS FOR APPROVAL**
1. The rezone brings the site closer to compliance with the General Plan.
2. The ranges of permitted uses and housing types for the proposed zone increases compatibility with adjoining land uses and zoning.
3. The surrounding infrastructure and roadways are sufficient in size and capacity to support the zone change.

[Moved: Commissioner Price  Seconded: Commissioner Stokes  Passed: 5-0]
Yea: A. Davis, A. Fonnesbeck, R. Price, G. Smith, S. Stokes  Nay:  Abstain:
LEGAL NOTICE Logan Municipal Council January 7 & 21, 2014

The following public hearings will be held in the Logan City Municipal Council Chambers at 290 North 100 West at 5:30 p.m. Contact 716-9021 or www.loganutah.org for further info.

PC 13-025 1200 E. Rezone Zone Change Logan City/Laree Johnson-Dick Sackett, authorized agent/owner request to rezone two (2) parcels totaling approximately 20 acres along 1200 East 1250 North from MR-20 to a mixture of eight (8) acres of MR - 20 and twelve (12) acres of NR - 6. The proposed rezone would retain the current multi-family zoning (MR-20) and density on the westerly eight (8) acres with a maximum density of 20 units per acre, while changing the zoning and density on the easterly 12 acres to single family residential (NR-6) with a maximum density of 6 units per acre. This rezone request is a result of the 2012 city-wide zoning project. TIN 05-011-0004;0005

PC 13-070 1000 N 600 E Rezone Zone Change Logan City requests to rezone eight properties located at the northeast comer of 1000 North 600 East from Campus Residential (CR) to Mixed-Residential Low (MR-12); TIN 05-028-0005, 05-028-0001, 05-028-0007, 05-028-0008, 05-028-0010, 05-028-0009, 05-028-0011, 05-028-0006.

PC 13-071 LDC Amendment 17.41 Lot Variety Code Amendment Logan City requests to amend the Land Development Code (LDC) Section 17.41 (General Development Standards: Residential) to amend the lot variety standards.

Publication Date: Tues. December 24, 2013

Newspaper Administration