

PLANNING COMMISSION MINUTES

Meeting of December 12, 2013

City Hall Council Chambers \* 290 North 100 West Logan, UT 84321 \* [www.loganutah.org](http://www.loganutah.org)

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 the motion. The motion was unanimously approved.

**PUBLIC HEARING**

**PC 13-025 1200 E. Rezone**  Zone Change (*continued from September 26, 2013*) 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 Mixed Residential Medium (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 west 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.

**STAFF:** Mr. DeSimone explained that this is a staff-initiated rezone request based on the City’s zoning project conducted in 2012. The zoning on this site was changed in 2011 to Mixed Residential High (MRH). Neighboring residents protested the zoning change after the fact, and during the 2012 zoning project. This is one of the sites that a consensus could not be reached on a specific zone for the site. At the recommendation of the Municipal Council, a committee was comprised of City staff, a City Council member, a Planning Commission member, the landowner, and representatives from the neighborhood to develop a consensus based zoning scheme that was compatible with the neighborhood, consistent with the landowners long term plans, and consistent with the City’s General Plan. The result was a tentative project design that included multi-family development on the western eight (8) acres and single family residential on the eastern twelve acres. This concept was presented at a Hillcrest neighborhood meeting in August 2012. Since then, the landowner’s developer has withdrawn from the project and the zoning on the entire site remains as Mixed Residential High (MRH). The landowners have indicated that the property was being marketed and they had potential purchasers interested in the site who were exploring a plan consistent with the agreement; therefore, the initial rezone application put forward by staff was postponed a number of times to allow those negotiations and plans to develop. At this point, because it has been several months, staff has decided to move this rezone forward regardless of whether a project comes forward in order to ensure the agreed 12/8 split is solidified.

**PUBLIC:** Brent Carruth, 1565 East 1260 North, appreciates the efforts that have been made to reach this proposal. He said his concern is regarding the original rezone of this parcel. For over 50 years this area was zoned Neighborhood Residential, then without notice it was changed to Mixed Residential Medium (MRM) in January 2011. The residents have never received a satisfactory answer in regards to what happened to allow for such a drastic change in zoning. There are many residents who are concerned about the neighborhood, the increase in traffic, safety, and the questionable need for more high density in this area.

Morris Poole, 55 Bristol Road, has been involved in this process for the past two years. He said it was a great surprise to residents in the area when it was rezoned in 2011. Since then, the neighborhood has become quite active in the process. Last spring, Delloy Hansen presented residents with a picture of how the area might look, however, Mr. Hansen does not own the property, and there is great concern about what could really happen to the property. Mr. Poole said his greatest concern is something happening without the citizens being heard. If USU is in need of more housing, they should build on their property. A nice project could be accomplished if the land is contoured and developed with proper access.

Andrea Nye, 1510 North 1350 East, served on the committee that reviewed and developed a plan for the zoning of this property. She said the Planning Commission originally recommended that this area go back to single-family zoning. The Municipal Council requested that a committee be established to review this matter and develop a proposal for zoning. She said the majority of the committee was in favor of single-family zoning. The committee was told that if a consensus was not reached, the property would remain zoned as Mixed Residential. Ms. Nye said that the committee felt like their “arm was being twisted to come up with a solution instead of the original Planning Commission’s idea for it to go back to single-family”. The LDS Church, USU and the Hancey family were not part of, or involved with, the committee and did not have any say in the decision. The committee’s decision presented to the neighborhood was “under the plan of how it would be developed”. Her concern in changing the zoning is to ensure that a future developer abides by the decision. The neighborhood would prefer to see a proposed plan in place prior to changing the zoning. Chairman Adams asked if the plan that was shown on the screen is similar to what was presented to the neighborhood. Ms. Nye said it was and the neighborhood seemed to be okay with it; of course most residents preferred the entire parcel be zoned back to Neighborhood Residential. She re-stated that the committee was told that “a solution would have to be come up with or it would remain zoned as it had been [MRM], without anyone’s knowledge”.

Jack Peterson, 1376 Boxwood Circle, advised that the options seem to be: to keep the property Mixed-Residential Medium (MRM), to find a compromise, or to return the property to Neighborhood Residential. The majority of the residents do no support this compromise. Most prefer the zone to be returned to Neighborhood Residential. The request for a committee to reach a compromise was a request from the Municipal Council. Mr. Peterson shared some excerpts from the minutes of the February 23, 2012 Planning Commission meeting:

* “*Dr. Alan Stephens, professor of finance at USU College of Business and resident of Hillcrest, presented slides of historical graphical data. The student population 25 years ago was 12,000 and is currently 16,800 – a growth of 4,500 students in 25 years. If this same growth pattern continues, USU will not reach 26,000 students for 74 years. Commissioner Lee asked Mr. Stephens what his recommendation for the Johnson property would be. Mr. Stephens said that it should be zoned residential*.”
* “*Dr. DeeVon Bailey, economist and former head of the Economic Department at USU, pointed out that it appears as if the rezone is being driven based on what is being sold as “a public good that is needed because of the growth of the University”, however, the data seems to counter that idea […]*”
* “*Andrea Nye has worked in real estate for 23 years. […] The Johnson property will be bordered by single-family homes which have been there for many years. The recent rezone was puzzling and alarming and has been met with distrust from the residents of the neighborhood. Zoning should protect those that buy and/or build in a neighborhood and give them comfort to know that the area will retain its character*.”
* Mr. Peterson was quoted as saying “*[*…*]* *He said it would be inappropriate to solve this problem with bifurcation of the Johnson property and recommended restoring it back to the previous residential zone*”.
* “*Ray Elliott explained that he believes Hillcrest has a great sense of community and he has chosen to stay in the area* *[…]*”
* “*The Commission recommended changing the Johnson property to the previous residential zone*.”

Mr. Peterson outlined that the summary presented to the Municipal Council on June 5, 2012: “*Regarding the Johnson-Sackett property in the Hillcrest area, adjacent to 1200 East, the Planning Commission recommended changing the zoning to Neighborhood Residential Eastside (NRE)*”. He is concerned that this project is staff-initiated. The Staff Report noted that a committee was “*[…] comprised of City staff, a City Council member, a Planning Commission member, the landowner, and representatives from the neighborhood to develop a consensus base zoning scheme that was compatible with the neighborhood, consistent with the landowner’s long term plans and consistent with the City’s General Plan*”. He pointed out that Pat Hancey, an adjacent property owner, was not involved in to participate on this committee. Mr. Peterson said there can be a solution and it is time to correct this error by rezoning this property to Neighborhood Residential. He feels it is wrong to split this property. Compromises can be effective, and there are situations that can be considered, however at this point, it seems to be putting the “cart before the horse” by rezoning this area without a plan in place. A developer can come in with a design plan and request a rezone at a future time, for now there are just too many unknowns.

Tony Nielson, 1393 Boxwood Circle, pointed out several multi-family and/or student living projects since 2011 with a bed count totaling approximately 2,300. The Hancey gravel pit should have never been zoned anything other than Neighborhood Residential. Mr. Neilson is concerned that the Planning Commission recommended that this property be zoned Neighborhood Residential, however, the Municipal Council never even voted on the recommendation. He also questioned why the notes and/or results from the committee were never publically published. He questioned why the owner of the property and the developer were on the committee, however, no one from USU or the LDS Church were invited to participate in the decision making. The Logan School Board has recommended that this area be zoned Neighborhood Residential. Mr. Nielson questioned why there is such a push for more density. He pointed out that single-family homes would generate more income; however, more multi-family units would create more utility billing and assessments. He would like to know what the University’s position is before this area is rezoned. It has been said that the Hillcrest area does not have any high-density housing and he disagrees. This proposal does not follow the Land Development Code §17.01.020 (A) “*The provisions of this Title manage growth and development in a way that contributes positively to the quality of the community called for in the General Plan. (B) […] maintain and promote stability within the City’s neighborhoods. (C) […] protection and enhancement of the community’s appearance. (E) […] incorporates the principle that development of interconnecting road networks, walkability, architecture and site design each contribute to a quality community. (F) […] incorporates development and performance standards to reduce adverse land use impacts.*” This area has been zoned Neighborhood Residential since 1960 and he urged the Commission to respect surrounding property owner’s rights and property values.

Nick Wilson, 252 West 1010 South, grew up in this neighborhood. He said there have been comments indicating that no compromise has taken place, however, he pointed out a compromise has taken place. A buffer has been created. He encouraged finding the best possible solution for the residents, the University and the valley.

Dick Sackett, representing the Johnson family, said he was involved in the process with the committee trying to find a solution that would work for everyone involved. There were several meetings held which concluded with the 12/8 split being an equitable solution. The potential developer simply backed off due to the downturn in the economy. He said there are not many apartments east of 800 East. Even though there are many people who comment that apartments are not needed or wanted, there are a lot of people who want and/or need multi-family dwellings and he would like to see the 12/8 split approved.

Zane Atkinson, 1351 Box Elder Circle, noted that there was a counter-proposal by a member of the Municipal Council that seventeen (17) acres be high-density, with three (3) acres of residential. There have been comments about “perceived pressure from the council”. He said the counter-proposal was taken into consideration by the committee.

**COMMISSION:** Mr. DeSimone clarified for Commissioner Stokes that the current zone is Mixed Residential Medium (MRM), which is 20 units/acre. The proposal is to have eight (8) acres continue to be MRM with twelve acres to be zoned Neighborhood Residential (NR-6).

Commissioner Stokes and Chairman Adams questioned the allowable heights. Mr. DeSimone explained that the MRM zone has a height limit of 45’; the NR-6 zone allows up to 35’.

Mr. DeSimone answered for Commissioner Davis that at this time there is no proposed development pending. Logan City is the proponent for this request.

Commissioner Fonnesbeck said she is very “compromise-oriented”; however she is concerned that this particular agreement was based on a specific project. There is currently no project on the table and she has some angst about approving a rezone based on a project that does not exist, nevertheless she noted that keeping all 20 acres as MR-20 would be a bad idea.

Mr. DeSimone pointed out that the Commission does consider rezone requests that are not associated with specific projects. This proposal reflects the compromise the committee reached. He remarked that the process was not done under duress and there were no threats; this compromise recognized that there were individuals who wanted the entire 20 acres residential and others who wanted it all higher density.

Commissioner Price said although it would be nice to have a particular project to consider, this proposal does seem to establish a zoning regime that reflects what appears to be an acceptable compromise. He agrees with Commissioner Fonnesbeck that the entire area should not be Mixed Residential Medium and it would be better to move forward with this suggested rezone.

Commissioner Stokes has friends on both sides of the debate. He is concerned with the notification process for mass zoning changes. When a smaller parcel is being considered for a zone change, adjacent property owners within 300’ are notified. The mass change in 2011, although it complied with state requirements, did not seem to “smell right”. Everyone should have had an opportunity to comment. He said there are valid concerns from all involved and he can understand each perspective. If the property is left the way it is currently, a developer can build a higher density project. He said he is concerned that “one bad may create a second bad”. It was not right in 2011; however he is concerned that it might become worse if nothing is done now. Compromise makes everyone angry and this is a very complicated situation. It would be nice to have a specific project to consider, however, there is a desire to protect the current residents.

Commissioner Davis said she recalls the discussion regarding the initial recommendation to the Municipal Council. No decision was made as to whether this property may or may not be appropriate for multi-family use. The recommendation that the entire property be zoned Neighborhood Residential was partly due to the fact that the Commission wanted to see a rezone request together with a specific project. She appreciates the comments and reasoning, however, she is still grappling with having no specific project tied to the rezone. The committee may or may not have made their decision based on a particular project, but it is still her belief that a higher density rezone should be made during a specific project request.

Commissioner Fonnesbeck noted that she is highly doubtful that a developer would come in and request a down-zone from multi-family to residential. This proposed zone seems to pigeon-hole projects that may come forward. Although there are pros and cons on both sides, she struggles with the idea of having the acres divided.

Mr. DeSimone noted that the zone for this property was adopted in 2008; however, it went through a process including workshops (that were not well attended) and other public forums. In 2011 this area was changed to Campus Residential, allowing 40 units/acre, however, it was believed that an MR-20 zone would be more appropriate for this area. During the 2012 rezone project, every property owner in Logan City was mailed a notice, with additional notifications in the newspaper and with utility billing. During the committee process the impacts to the neighborhood were brought up and discussed. The committee felt that a percentage of the property zoned as Neighborhood Residential would help mitigate any impacts and maintain the character to the east and still allow for possible multi-family to the west. This proposal seems to allow for some latitude on both sides.

Commissioner Davis said she is unsure what may or may not be appropriate. The market seems to indicate that the property is not right for high-density or there would be a project. She is not opposed to higher density in this area, however, she feels like this seems to be more of a spot zone and not appropriate at this time.

Commissioner Smith asked if recommending the entire property be zoned as Neighborhood Residential would be an appropriate option. Mr. DeSimone said that it would.

Commissioner Price noted that Commissioner Davis is correct in the fact that there is not a project being proposed at this time. The reasons are unknown. He said that if the property were zoned entirely Neighborhood Residential, there might be a problem putting residential properties on that street. The notion of Neighborhood Residential on the perimeter of the property may not be entirely feasible. This proposal seems like a method to moving forward. This problem was created in 2011 when people felt excluded from the process. He said his wife was involved with the committee that reviewed this proposal, and he is convinced that there was no “conspiracy”. He said he understands the frustrations. It would be his suggestion to accept this compromised proposal.

Commissioner Stokes said he understands that the Sackett’s have made a good faith effort to put in a buffer of residential homes. The homeowners in the area, who were promised that this area would remain residential, would still have residential located next to them. The only change with this 60/40% split of acreage is the fact that would be more traffic to the west. There is a need for the University to accommodate growth. Although dividing the property is a good compromise, and not a bad solution, it may not be a good ratio for the “next developer”.

Commissioner Smith asked about open space and parking. Mr. DeSimone said that parking would be 2 spaces per unit with a maximum occupancy of one family or three unrelated individuals (in the NR-6 zone). Open space is 30% total.

Mr. DeSimone noted that one of the ideas with this concept was possible age-restricted housing on the east side of the project with the rationale being to possibly entice some of the older residents of Hillcrest to move to this area and free up existing single-family homes in the area.

**MOTION:** Commissioner Davis moved to forward a recommendation for approval to the Municipal Council for a zone change of the entire 20 acres from Mixed Residential Medium (MR-20) to Neighborhood Residential (NR-6). Commissioner Smith seconded the motion.

[Moved: Commissioner Davis Seconded: Commissioner Smith Passed: 3-1]

Yea: A. Davis, A. Fonnesbeck, G. Smith Nay: R. Price Abstain: S. Stokes

**PC 13-070 1000 N 600 E Rezone** Zone Change 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:

**PC 13-072 The Dance Illusion LLC** Conditional Use Permit Chris Falk/Utah Festival Opera Company, authorized agent/owner, request a conditional use permit for a dance studio at 55 North 200 West in the Community Commercial (CC) zone (rezone pending before Planning Commission public hearing 11/14/13 and Municipal Council workshop 11/19/13 & Municipal Council public hearing 12/3/13); TIN 06-023-0029.

**STAFF:** Ms. Reeder advised that Staff is requesting to continue this project to the January 23, 2014 meeting. This proposal depends upon a successful rezone of the property. The Commission considered the code amendment and rezone request regarding the Community Commercial zoning designation on November 14, 2013 and continued discussion to the January 9, 2014 meeting. Staff will be able to provide a better analysis of the project and the Commission will be better able to address the request following the January 9 meeting.

**MOTION:** Commissioner Davis moved to continue PC 13-072 to the January 23, 2014 meeting.

Commissioner Price seconded the motion.

[Moved: Commissioner Davis Seconded: Commissioner Price Passed: 5-0]

Yea: A. Davis, A. Fonnesbeck, R. Price, G. Smith, S. Stokes Nay: Abstain:

**PC 13-073 Aggie Flats Clubhouse Addition** Design Review Permit Jason Plant/NB Continental Apartments LLC, authorized agent/owner, request a 2-story addition to an existing student apartment complex. The clubhouse will contain gathering rooms, an office, and bathrooms for the adjacent spa. This project includes increasing landscaped open space in a number of areas around the site at 729 East 900 North in the Campus Residential (CR) zone; TIN 05-032-0007;0015.

**STAFF:** Mr. Holley reviewed the Staff Report as written recommending approval.

**PROPONENT:** Jason Plant explained that on this project the open space is not really used. The desire is to create an year-round conducive environment for students to gather. The impact of the clubhouse will be on a social level. The goal is to provide on-site amenities that would otherwise be found off-site, which may cut down on traffic. He does not anticipate this to be a large draw for off-site visitors. There may be periodic events; however, a lot has been secured ½ block to the west which can be used for overflow student parking.

**PUBLIC:** None

**COMMISSION:** Mr. Holley clarified for Commissioner Davis that the requirement for open space is 20%. This project is currently at 19%. The addition of 200 SF does not actually bump it up to the 20% requirement (it would be 19.4%). Although a little deficient, the applicant did increase the overall open space. This applies to both properties.

Chairman Adams asked about condition #9 in the Staff Report indicating that no fences are approved, however, the elevation depicts a decorative, ornamental fence. Mr. Holley said a separate fence permit would be required prior to installation.

Commissioner Price asked about condition #6 indicating that all pedestrian entrances have adequate weather protection provided and whether this would apply to the entrance shown on the west elevation. Mr. Holley advised that will need to be taken care prior to the issuance of the building permit. Although this is a service entrance, something minimal will be required.

Mr. Holley clarified for Commissioner Smith that this is in the Campus Residential (CR) zone and the fencing requirements are the same as in other zones.

Chairman Adams asked if the parking is adequate for guests and visitors. Mr. Holley said the parking numbers remain the same and they anticipate that this will be used by existing tenants and is not intended for guests.

Commissioner Stokes asked if doors are required on all dumpster enclosures. Mr. Holley said the Environmental Department’s preference is for no doors, however, it is determined on a case-by-case basis and some projects have more of a need for screening purposes. If doors are allowed, they are required to have locking pins.

**MOTION:** Commissioner Stokes moved to conditionally approve a Design Review Permit for

PC 13-073 with the conditions of approval as listed below. Commissioner Davis seconded the motion.

##### CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. 1,048 SF of new open space and usable outdoor space shall be placed on the complex site to offset the new building footprint of 854 SF and gain an additional 194 SF of open space.
3. Building colors shall be grayish brown and match the submitted elevations.
4. A Performance Landscaping Plan, prepared in accordance with LDC §17.39 shall be submitted for approval to the Community Development Department prior to the issuance of the building permit. The plan shall include the following:
5. Four (4) street trees along 900 North.
6. Ten (10) additional trees placed in the rear and in the areas of new open space.
7. Varieties and sizes of all plant material shall be specified on the plan and plant quantities shall be per LDC §17.39.050 and include a minimum of 25% evergreen varieties for year-round visual interest.
8. All dumpsters associated with this proposal shall be visually screened or buffered from public streets by either the use of landscaping, fencing or walls.
9. All pedestrian entrances shall have adequate weather protection provided.
10. Exterior lighting shall be concealed source, down-cast and reviewed and approved prior to the issuance of a building permit and shall comply with current LDC regulations.
11. No signs are approved with this permit. All signage shall be approved in accordance with the Land Development Code.
12. No fences are approved with this permit. All fences shall be approved in accordance with the Land Development Code.
13. 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. Engineering

1. Upsize existing water main from 4” - 8” minimum. If model requires a size larger than 8”, the City will participate in additional costs, or another solution viable to meet fire flows.
2. Comply with City design and construction standards.
3. Provide City with sewer lateral locations to be added to GIS.

b. Water

1. Culinary water connection will be required to meet current code and Logan City Policy as it relates to backflow prevention and cross connection control.

c. Fire

1. Fire apparatus access to the existing building is adequate.
2. Required water supply for an approx. 1,600 SF building addition of type VB construction is 1,500 gpm. Existing water supply is *not* adequate:
3. Fire Hydrant FH00109 (740 East 900 North) is 696 gpm at 20 psi.

d. Environmental

1. Due to the serious parking congestion in this area, trucks are unable to access the dumpsters. Recommend the dumpsters stay at the current location for accessibility.

### FINDINGS FOR APPROVAL

### The project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the building design, materials, landscaping, and setbacks to adjacent development.

1. The permit conforms to the requirements of Title 17 of the Logan Municipal Code.
2. As conditioned, the project does not adversely impact open space and useable outdoor space as outlined in the Land Development Code and actually achieves better compliance than what currently exists.
3. The project meets the goals and objectives in the General Plan by creating efficient infill and redevelopment that better utilizes properties in the CR zoning district.
4. The proposed project complies with maximum height, density and building design standards and is in conformance with Title 17.
5. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
6. 900 North Street provides access and is adequate in size and design to sufficiently handle traffic related to the land use.

[Moved: Commissioner Stokes Seconded: Commissioner Davis Passed: 5-0]

Yea: A. Davis, A. Fonnesbeck, R. Price, G. Smith, S. Stokes Nay: Abstain:

**PC 13-074 Hilco Plumbing & Heating Contractors** Design Review Permit The Design Guild/Todd Hill, authorized agent/owner, request a new main office metal building which will house shop and offices at 865 West 1455 North in the Industrial Park (IP) zone; TIN 04-193-0007.

**STAFF:** Ms. Reeder reviewed the Staff Report as written, recommending approval.

**PROPONENT:** None

**PUBLIC:** None

**COMMISSION:** Commissioner Price if there needed to be any additional approval/wording regarding access and circulation. Ms. Reeder said it is noted in Finding of Approval #3 “*The area north of the building may be a gravel surface as it is compatible with industrial use and as approved by Public Works and the Fire Chief*”. Commissioner Price asked if this would be a similar argument for garbage trucks. Ms. Reeder said it would.

Ms. Reeder clarified for Chairman Adams, regarding the gravel access, that the Fire Department has a certain required radius for fire hoses to access all the required areas of the building, although the Fire Department would rather have a hard surface, they did not have any concerns with this specific project as outlined.

Commissioner Price asked about the awning material. Craig Wyatt, the architect, said it would be a steel structure with painted metal beams and posts.

**MOTION:** Commissioner Stokes moved to conditionally approve a Design Review Permit for

PC 13-074 with the conditions of approval as listed below. Commissioner Smith seconded the motion.

##### CONDITIONS OF APPROVAL

##### All standard conditions of approval are recorded and available in the Community Development Department.

##### A Performance Landscaping Plan, prepared in accordance with LDC §17.39 shall be submitted for approval to the Community Development Department prior to the issuance of the building permit. The plan shall include the following:

1. Thirteen (13) trees and 31 shrubs provided on site.
2. Varieties and sizes of all plant material shall be specified on the plan and plant quantities shall be per LDC §17.39.050 and include a minimum of 25% evergreen varieties for year-round visual interest.
3. Any fences or walls shall be reviewed and approved prior to installation.
4. Exterior lighting shall be down-lit concealed source and in accordance with LDC 17.37.
5. 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. Engineering

1. Engineering is checking on the status of water shares for the property.
2. Stormwater detention to be accommodated in the existing pond or provide additional features or structures.

### FINDINGS FOR APPROVAL

1. The project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the building design, materials, landscaping, and setbacks to adjacent development.
2. The project conforms to the requirements of Title 17 of the Logan Municipal Code.
3. The area north of the building may be a gravel surface as it is compatible with industrial use and is approved by Public Works and the Fire Chief.
4. The project is compliant with open space and useable outdoor space requirements as outlined in the Land Development Code.
5. The project meets the goals and objectives in the General Plan for the IP zoning district.
6. The 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. Surrounding roadways are adequate in size and design to sufficiently handle traffic related to the land use.

[Moved: Commissioner Stokes Seconded: Commissioner Smith Passed: 5-0]

Yea: A. Davis, A. Fonnesbeck, R. Price, G. Smith, S. Stokes Nay: Abstain:

**PC 13-075 North Commerce Center** Subdivision Permit Craig Champlin, authorized agent/owner, request to divide a parcel into two (2) lots at 195 West 1600 North in the Commercial (COM) zone; TIN 04-082-0016.

**STAFF:** Mr. Holley explained that this request is for a two (2) lot subdivision, with Lot #1 being developed and containing a multi-tenant commercial building and Lot #2 being an undeveloped remainder parcel. Lot #1 is proposed at 0.48 acres and located at the northeast corner of the intersection of 200 West 1600 North, Lot #2 is proposed at 3.21 acres and located mid-block. The frontage for Lot #1 along 200 West is 117’ and along 1600 North is 179’. The frontage for Lot #2 along 1600 North is 441’.

The Land Development Code (LDC) permits subdivisions within the COM zone without a minimum lot size, but does regulate maximum lot coverage, building setbacks, open space and parking. The existing building located on the proposed Lot #1 currently complies with maximum lot coverage, building setbacks, open space and parking. Curb, gutter, sidewalk and street trees have been installed along frontages adjacent to the new commercial building on the proposed Lot #1. No curb, gutter, sidewalk or other streetscape improvements currently exist adjacent to Lot #2.

The proposal is consistent with the Logan City General Plan, as it indentifies the area as Commercial, suitable for commercial and service oriented development.

**PROPONENT:** None

**PUBLIC:** None

**COMMISSION:** Mr. Holley explained for Commissioner Smith that financing is the primary motivator for the subdivision request.

Mr. Holley pointed out the drive aisle with the condition to place access easements on lot #1 for future development in lot #2 and reduce curb cuts on 1600 North.

Mr. Holley clarified for Commissioner Price that there is no minimum footprint size, however, it does have serve as a primary use.

Commissioner Smith asked if there were any problems subdividing in a Commercial zone. Mr. Holley explained that only within the Historic District Overlay is there a prohibition for subdividing.

**MOTION:** Commissioner Fonnesbeck moved to conditionally approve a Subdivision Permit for

PC 13-075 with the conditions of approval as listed below. Commissioner Davis seconded the motion.

##### CONDITIONS OF APPROVAL

##### All standard conditions of approval are recorded and available in the Community Development Department.

##### Two (2) lots are approved with this subdivision.

##### Setbacks for lot 2 shall be reviewed and approved at the time of building permit application.

##### Logan City standard public utility easements shall be shown along property lines.

##### Prior to recordation of the final plat, 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.Engineering

1. The developer will not be required to provide City right-of-way improvements on the 1600 North frontage. This will be required when the remainder parcel develops.
2. Developer shall record a cross access agreement on Lot 1 providing access from 200 West and 1600 North to the remainder parcel.

### FINDINGS FOR APPROVAL

### The subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because the subdivision meets the minimum requirements for the Commercial (COM) zone.

### The subdivision conforms to the requirements of Title 17.47 concerning hearings, procedures, application requirements and plat preparations.

### The project meets the goals and objectives of the COM zoning designations within the Logan General Plan by providing commercial opportunities in areas with existing services and higher volume roads.

### The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

[Moved: Commissioner Fonnesbeck Seconded: Commissioner Davis Passed: 5-0]

Yea: A. Davis, A. Fonnesbeck, R. Price, G. Smith, S. Stokes Nay: Abstain:

**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.

**STAFF:** Mr. DeSimone explained that the regulations in Section 17.14.020.C.1 currently require a variety of lot widths in new subdivisions with a minimum deviation of 10’ between each lot, and with a minimum lot width of 50’. In practice, there is a great deal of confusion (and dissatisfaction) when applying this requirement. The typical subdivision is located in an area zoned for six (6) units per acre with a minimum lot size of 6,000 square feet, and which typically equates to a 60’ x 100’ residential lot. Because the Code allows for a minimum lot width of 50’, the challenge is to provide uniformity in subdivision design (lot depth) when manipulating the lot width and still meeting the minimum 6,000 square foot requirement. The original intent behind the standard was to encourage a variety of housing sizes and styles in subdivisions; however, in practice, this specific standard will have very little bearing on determining house size or style within a new neighborhood. This regulation just adds a level of complexity to subdivisions that is unwarranted

**PUBLIC:** None

**COMMISSION:** Mr. DeSimone confirmed for Commissioner Price that architectural review is completed by Staff. Commissioner Price commented that this takes away any leverage the Commission had and he is not as comfortable leaving that as a Staff decision.

Commissioner Smith asked about variation in architecture. Mr. Holley explained that that is determined by color, material, fenestration, roof pitch, porch width/depth. Mr. DeSimone pointed out that there are eight (8) elements in the Code, at least four (4) of them are required. Mr. Holley noted that there is still some potential for repetition, but it is not every single home.

Commissioner Price said this addresses the problem of “cookie cutter” style repetition, however, it does not help achieve a mix of residences within a development (attract more diverse styles i.e. cottage home, larger style home, etc.)

Mr. DeSimone advised that feedback from builders is that this will not be achieved. A large home will probably not be built next to a smaller-style cottage home because of the desire to match home values. Commissioner Price said this is a way to maximize their ability to make money. Mr. DeSimone agreed, however, builders have said variation can be achieved but not side-by-side. Commissioner Price said that argument could be made, however, there are successful, very high profile examples indicating otherwise.

Commissioner Price suggested that decisions and future zoning be thoughtfully developed to get “what we want”. He would rather see more time spent talking about these type of issues and come to some kind of consensus about what we “want to be doing” rather than trying to force the Code to do what we want.

Commissioner Stokes advised that a 6,000 SF lot is a small lot and there are not as many options on variation, other than size. Commissioner Price agreed that lot size variation is not the answer.

Commissioner Price said his desire is that Staff is not left to do everything.

Mr. DeSimone advised that this proposal deals specifically with lot widths in new subdivisions. It does not seem to get at the intent it was designed for. It adds a level of complexity to subdivisions that seems to be unwarranted.

**MOTION:** Commissioner Price moved to forward a recommendation for approval to the Municipal Council for a text amendment to the Land Development Code §17.41 as outlined in PC 13-071 with the findings listed below. Commissioner Davis seconded the motion.

### FINDINGS FOR APPROVAL

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).

2. The code amendment is in conformance with the requirements of Title 17.51 of the Logan Municipal Code.

3. The code amendment clarifies intent by removing unnecessary language.

4. The provisions of the residential subdivision design standards without the lot width variety requirement is consistent with the overall goals and objectives of the Logan General Plan.

5. No public comment has been received regarding the proposed amendment

[Moved: Commissioner Price Seconded: Commissioner Davis Passed: 4-0]

Yea: A. Davis, A. Fonnesbeck, R. Price, G. Smith Nay: Abstain:

\*Commissioner Stokes was excused prior to the motion/vote.

**WORKSHOP ITEM(S) for January 9, 2014 meeting**

Meeting adjournedat 8:13 p.m.

Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of December 12, 2013.

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Michael A. DeSimone Konrad Lee

Community Development Director Planning Commission Chairman

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Russ Holley Amber Reeder

Senior Planner Planner II

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Debbie Zilles

Administrative Assistant