

**CITY OF LOGAN, UTAH
ORDINANCE NO. 15-02**

AN ORDINANCE AMENDING TITLE 17 THE LAND DEVELOPMENT CODE OF LOGAN CITY, UTAH

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, STATE OF UTAH AS FOLLOWS:

SECTION 1: That certain map or maps entitled "Zoning Map of Logan City, Utah" is hereby amended and the following property is hereby zoned from Mixed Residential Medium (MR-20) to Community Commercial (CC):

TIN#06-045-0001

The above parcel is 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 _____, 2015.

AYES:
NAYS:
ABSENT:

Jeannie F. Simmonds, Council 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 _____, 2015.

Jeannie F. Simmonds, Council Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____, 2015.

H. Craig Petersen, Mayor

EXHIBIT A



EXHIBIT B

Parcel #06-045-0001

Legal Description

----- 2014 -----

BEG AT SE COR LOT 1 BLK 8 PLAT C LOGAN CITY, N 5 RDS W 5 RDS S 5 RDS E 5
RDS TO BEG NW/4 SEC 34 T 12 N R 1E



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: January 14, 2015
FROM: Amber Reeder, Planner II
SUBJECT: PC15-010 Pauni Commercial Daycare Rezone

Summary of Planning Commission Proceedings

On January 8, 2015, the Planning Commission **recommended** that the Municipal Council **deny** a request to rezone the property at 295 East 300 North from MR-20, the Mixed Residential Medium Density zone, to CC, Community Commercial zone.

The Planning Commission based its recommendations on the following findings:

1. The property is not suitable for development within the Community Commercial zoning district without increasing the need for variances or special exceptions.
2. The request is not consistent with the Adams Neighborhood Specific Plan.

Planning Commissioners vote (6 - 0):

Moved: Commissioner Romero Seconded: Commissioner Jensen]

Yea: D. Adams, D. Butterfield, A. Davis, T. Jensen, M. Romero, S. Sinclair,

Nay: none Abstain: none

Attachments:

Staff Report

Ordinance 15-02

Draft PC Meeting Minutes



Project #15-010
Pauni Commercial Daycare Rezone
Located at 295 East 300 North, TIN# 06-045-0001

REPORT SUMMARY...

Project Name: Pauni Commercial Daycare Rezone
Proponent/Owner: Roxanne Pauni
Project Address: 295 East 300 North
Request: Rezone from Mixed Residential Medium (MR-20) to Community Commercial (CC), Conditional Use for Commercial Daycare
Type of Action: Legislative / Quasi-Judicial
Hearing Date: January 8, 2015
Submitted By: Amber Reeder, Planner II

RECOMMENDATION

Staff recommends that the Planning Commission **recommend denial** to the Municipal Council for a Rezone of one (1) parcel totaling 0.16 acres from MR-20 to CC, located at 295 East 300 North, TIN #06-045-0001.

Land use adjoining the subject property

North: MR-20: Mixed Residential *East:* NR-6: Residential, 300 East
South: NR-6: Residential, 300 North *West:* MR-20: Mixed Residential

Request

The request is to rezone (1) parcel totaling 0.16 acres located at 295 East 300 North, from Mixed Residential Medium density (MR-20) to Community Commercial (CC) and should the zoning be approved, a conditional use permit for a Commercial Daycare.

Zoning History

The City of Logan adopted Zoning regulation in August of 1950. The zoning history of the property is the following:

Year	Zone	Use/Structure Permitted
Pre-1950	n/a	The property operated as a residence with a grocery and meat market
1950	R-3	Residential allowed from single family to apartments, some institutional uses- child daycares or nurseries allowed / 5,000 sf minimum lot size
1976	R-4	Residential allowed from single family to apartments, some institutional uses- day nurseries or kindergartens allowed / 6,000 sf minimum lot size
2000	MFH	Multi-Family, Commercial Day Care allowed by Conditional Use/ 6,000 sf minimum lot size
2011	MRH	Mixed Residential, Commercial Day Care not allowed in any neighborhood use residential or commercial zone/ 2,178 sf per unit (max 20 units/acre)
2013	MR-20	Mixed Residential, Commercial Day Care not allowed in any neighborhood use residential or commercial zone/ 2,178 sf per unit (max 20 units/acre)

The property was originally constructed in 1892. For some time previous to the establishment of zoning in 1950, there was a grocery and meat market and residence on the property. The grocery continued after 1950 as a legally existing non-conforming use. The grocery store was

remodeled under a building permit in 1955 acquired by William Skanchy. The Skanchy family owned the property until 1997. There is a special use permit on file from April 1984 for a daycare center for the handicapped and others in the former Temple View Grocery. Daycare operations primarily take place in the former grocery area that was remodeled into a family room and bedroom.

Mrs. Pauni purchased the property in 1999. She started operating an in-home family day care with up to 8 clients in 2003. In 2005 she acquired a Conditional Use Permit to operate as a family group day care with up to 16 clients. Mrs. Pauni lived and operated the daycare here until August 2013 when she moved to another residence.

Land Development Code (LDC)

The Land Development Code (LDC) §17.12.100 describes the Mixed Residential Medium density (MR-20) zone was established to provide for a range of housing options for all stages of life and levels of income-including students, single adults, young and mature families, and senior citizens. It is intended for areas located near employment centers and service areas where transportation choices are or will be available. Non-residential uses are limited to public and institutional uses such as parks, public safety, or religious uses.

The Land Development Code (LDC) §17.16.040 indicates the Community Commercial (CC) zone is intended to provide for small scale commercial activity by providing for limited range of appropriately scaled, commercial uses compatible with existing neighborhoods and surrounding residential areas. The preservation and adaptive reuse of historic buildings is encouraged. CC is considered appropriate for areas around the edges of downtown or within existing buildings intertwined with the residential fabric of the neighborhood. There are two (2) other areas in town that have this zoning designation: the Frederico's area on 700 North and around 1350 East, and the Fraternal Order of Eagles/Dwell Realty office area on 200 West and 900 North. The maximum height allowed is the less than the MR-20 zone and the setbacks are the same as the MR-20 zone.

General Plan

The Future Land Use Plan (FLUP) adopted in 2008 identifies this property as Mixed Residential (MR). Mixed Residential areas are to provide a range of housing options near services and transportation. As the CC zone may be considered appropriate for reuse of an existing building in an existing neighborhood, it can be consistent with the General Plan as this is reuse of a unique building.

Conditional Use

The daycare would operate during typical office hours, primarily 9:00 am to 5:00 pm. Occupancy of a commercial daycare is limited by the occupant load of the building. The commercial daycare would be a change of use to the building and require site compliance.

Parking is required at one stall per 500 square feet in the building. The building is approximately 3100 sf and so 6-7 parking spaces would be required on site. The CC zone requires 20% of the property to be open space and usable outdoor space. The site is currently at 33%. It does not appear that there would be the ability to provide for an off-street parking area and meet the open space requirements for the property. A building permit would be required for the change of use of the structure and the standards would have to be met.

Analysis and Recommendation

The other areas that have been rezoned to the Community Commercial zoning have had existing commercial uses on site and have been larger in size. The Frederico's area is 0.86

acres and the Eagle's area is 3 acres. This site is 0.16 acres and has not had a commercial operation for at least 30 years. It does not appear likely that a commercial change of use would be feasible on the property without variances to parking, open space, or other site development standards. The Adams Neighborhood Specific Plan identified the goal to apply zoning and land use stability in the area so that people would have confidence in investing in Adams as a family-oriented area. The Community Commercial zone development and design guidelines encourage the reuse of existing structures and compatibility with the neighborhood but the rezone would result in the loss of residential use on this lot.

This property is currently within the subject area of the 400 North Corridor Study. A plan is being developed but there has not been consideration for commercial in this area. Staff is recommending denial of the rezone request based on analysis of the request.

PUBLIC COMMENTS

Staff has not received any comments on this project from the public.

AGENCY AND CITY DEPARTMENT COMMENTS

City Departments and contacted agencies did not have comment on the rezone at this time.

PUBLIC NOTIFICATIONS

Legal notice was published in the Herald Journal on December 25, 2014, and the Utah Public Meeting website on December 15, 2014. A Quarter Page Ad was published in The Herald Journal on December 21, 2014.

RECOMMENDED FINDINGS FOR DENIAL

The Planning Commission bases its decisions on the following findings:

1. The property is not suitable for development within the Community Commercial zoning district without increasing the need for variances or special exceptions.
2. The request is not consistent with the Adams Neighborhood Specific Plan.

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.



APPLICATION FOR PROJECT REVIEW

Planning Commission Board of Adjustment Board of Appeals Other

Date Received 12-8-14	Received By A.R.	Receipt Number	Zone MR-20	Application Number PG 15-010
Type of Application (Check all that apply): <input type="checkbox"/> Design Review <input type="checkbox"/> Conditional Use <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Zone Change <input type="checkbox"/> Administrative Design Review <input type="checkbox"/> Code Amendment <input type="checkbox"/> Appeal <input type="checkbox"/> Variance <input type="checkbox"/> 4950' Design Review <input type="checkbox"/> Other _____				
PROJECT NAME Roxanne Pauni Commercial Daycare Zone Change				
PROJECT ADDRESS 295 E. 300 N.			COUNTY PLAT/TAX ID # 06-045-0001	
AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete) Roxanne Pauni			MAIN PHONE #	
MAILING ADDRESS 1246 Aspen Dr.	CITY Logan	STATE UT	ZIP 84321	
EMAIL ADDRESS				
PROPERTY OWNER OF RECORD (Must be listed)			MAIN PHONE #	
MAILING ADDRESS			CITY	STATE ZIP
EMAIL ADDRESS				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) Become MR-20 to CC would like to some day change this from a personal daycare into a daycare center.			Total Lot Size (acres) .16	
			Size of Proposed New Building (square feet)	
			Number of Proposed New Units/Lots	
- NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -				
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.			Signature of Property Owner's Authorized Agent	
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.			Signature of Property Owner	

MC W: Jan 20
MC H: Feb. 3



PLANNING COMMISSION MINUTES

Meeting of January 8, 2015

City Hall Council Chambers * 290 North 100 West Logan, UT 84321 * www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session Thursday, January 8, 2015. Chairman Davis called the meeting to order at 5:30 p.m.

Planning Commissioners Present: David Adams, Amanda Davis, David Butterfield, Tom Jensen, Maybell Romero, Sara Sinclair

Planning Commissioners Absent: Russ Price

Staff Present: Mike DeSimone, Russ Holley, Amber Reeder, Kymber Housley, Bill Young, Paul Taylor, Craig Humphreys, Aaron Smith, Debbie Zilles, Jeannie Simmonds (Municipal Council)

Minutes as written and recorded from the November 13, 2014 meeting were reviewed. Commissioner Sinclair moved that the minutes be approved as submitted. Commissioner Jensen seconded the motion. The motion was unanimously approved.

PUBLIC HEARING

PC 15-009 Chris Bice Daycare [Conditional Use Permit] Roxanne Pauni, authorized agent/owner, requests an in-home daycare for up to 16 children on .16 acres located at 295 East 300 North in the Mixed Residential (MR-20) zone; TIN 06-045-0001.

STAFF: Ms. Reeder reviewed the Staff Report as written. The request is for a daycare with up to 16 children at a time to operate from the single-family residence at 295 East 300 North. The daycare would be operated by Chris Bice, who would reside at the home. The applicant is proposing hours from approximately 8:00 am to 5:00 pm. There would be up to one additional employee at the home. Drop-off and pick-up would take place in the driveway and street in front of the home and would be staggered so that there would be no more than 2-3 cars during peak times. Mrs. Pauni lived there and operated a daycare there from 2003 to 2013 and said that many clients travel by bus.

There is also a request for a zoning change for this property (PC 15-010). The request is to rezone the parcel from MR-20 to Community Commercial (CC) and allow for a commercial daycare at this property. If that request is not approved, the applicant will move forward with the home-based daycare as proposed in this request.

PROPONENT: Roxanne Pauni owns the home but does not live there. She explained that the difference between an in-home and a commercial daycare is the fact that someone has to live in the home. She doesn't anticipate having more than 16 children and would prefer having a daycare center rather than an in-home daycare only.

PUBLIC: Marilyn Griffin expressed concern with 16 children in such a small area. Community Commercial (CC) is not appropriate for this location and she is opposed to the proposal.

COMMISSION: Commissioner Adams asked about a fence. Ms. Reeder said a fence is there, however, fencing is reviewed by the State.

Commissioner Butterfield asked about a business license. Ms. Reeder said there was a license previously (when Ms. Pauni lived there and operated a daycare). Commissioner Butterfield asked if there were any complaints. Ms. Reeder said she did not find any regarding this property.

MOTION: Commissioner Adams moved to **conditionally approve** PC 15-009 for a Conditional Use Permit with the conditions of approval as listed below. Commissioner Sinclair seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. The daycare shall not have more than sixteen (16) children occupying the home at one time.
3. Any signage associated with this daycare shall conform to LDC §17.40 and receive the applicable permits.
4. Compliance is required with any business license requirements and the license must be issued previous to the daycare operating.
5. The driveway shall be available for employee parking and for drop-off/pick-up traffic. The proponent shall coordinate and stagger drop-off times to minimize traffic impacts to the neighborhood.
6. The proponent shall comply with all State regulations regarding daycare/preschool centers (for up to 16 clients).
7. Prior to issuance of a building permit or business license, 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. Fire Department
 - i. This is an existing building and does not need to add to fire protection. The daycare will need to have a fire inspection in the process of obtaining business license.
 - b. Environmental (Waste Management) Department
 - i. Additional residential carts are available, if needed.
 - c. Water (Cross Connection) Department
 - i. Have all water point-of-use current to code, such as air gaps and hose bib vacuum breakers. If there is landscape irrigation, it will need a backflow assembly that is current on testing with a passing report.

FINDINGS FOR APPROVAL

1. The use permitted under this conditional use permit conforms to the requirements of Logan Municipal Code Title 17 and is listed as a conditional use in the Use Table for the MR-20 zone.
2. The daycare is compatible with surrounding land uses and zoning designations and, as conditioned, will not interfere with the use and enjoyment of adjoining properties.
3. As conditioned, the street providing to the subject property has adequate capacity for the proposed use and parking/drop-off/pick-up management will be provided and regulated.
4. Other infrastructure to the subject property has adequate capacity, or suitable levels of service, for the proposed use.

Moved: Commissioner Adams Seconded: Commissioner Sinclair **Passed: 6-0]**

Yea: D. Adams, A. Davis, D. Butterfield, T. Jensen, M. Romero, S. Sinclair Nay: Abstain:

PC 15-010 Pauni Commercial Daycare Zone Change. Roxanne Pauni, authorized agent/owner, requests a zone change from Mixed Residential (MR-20) to Community Commercial (CC) at 295 East 300 North to allow for a commercial daycare center.

STAFF: Ms. Reeder reviewed the Staff Report as written. The request is to rezone (1) parcel totaling 0.16 acres located at 295 East 300 North from Mixed Residential Medium density (MR-20) to Community Commercial (CC).

The other areas that have been rezoned to the Community Commercial have had existing commercial uses and have been larger in size. This site is 0.16 acres and has not had a commercial operation for at least 30 years. It does not appear likely that a commercial change of use would be feasible on the property without variances to parking, open space, or other site development standards. The Adams Neighborhood Specific Plan identified the goal to apply zoning and land use stability in the area so that people would have confidence in investing in Adams as a family-oriented area. The Community Commercial zone development and design guidelines encourage the reuse of existing structures and compatibility with the neighborhood. The rezone would result in the loss of residential use on this lot.

This property is currently within the subject area of the 400 North Corridor Study. A plan is being developed but there has not been consideration for commercial in this area. Staff is recommending denial of the rezone based on analysis of the request.

PROPONENT: None (Ms. Pauni made her comments during PC 15-009 as to the reason for the zone change request).

PUBLIC: None (Marilyn Griffin made her comments during PC 15-009)

COMMISSION: Commissioner Butterfield said he was trying to find a reason to approve a rezone. The proponent had said that the net effect was having someone live there. He asked Commissioner Romero about her motion to deny. Commissioner Romero said she understood the applicant's concerns; however, her concern was the fact that a zone change is long-term and does not fit with the goals and objectives of the Adams Neighborhood Specific Plan. Although her desire is not to flummox the applicant's effort, she is concerned about the long-term consequences and possible future uses that could/would be allowed with the change of zone.

Commissioner Adams agreed with Commissioner Romero.

MOTION: Commissioner Romero moved to **recommend denial** to the Municipal Council for a Rezone of one (1) parcel totaling 0.16 acres from MR-20 to CC, located at 295 East 300 North, TIN #06-045-0001. Commissioner Jensen seconded the motion.

FINDINGS FOR DENIAL

1. The property is not suitable for development within the Community Commercial zoning district without increasing the need for variances or special exceptions.
2. The request is not consistent with the Adams Neighborhood Specific Plan.

Moved: Commissioner Romero Seconded: Commissioner Jensen Passed: 6-0]

Yea: D. Adams, A. Davis, D. Butterfield, T. Jensen, M. Romero, S. Sinclair Nay: Abstain: