



PLANNING COMMISSION MINUTES

Meeting of April 23, 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, April 23, 2015. Chairman Davis called the meeting to order at 5:30 p.m.

Planning Commissioners Present: David Adams, David Butterfield, Amanda Davis, Tom Jensen, Russ Price, Sara Sinclair

Planning Commissioners Absent: Maybell Romero

Staff Present: Mike DeSimone, Russ Holley, Amber Reeder, Kymber Housley, Paul Taylor, Bill Young, Craig Humphreys, Debbie Zilles

Minutes as written and recorded from the March 26, 2015 meeting were reviewed. Commissioner Price moved that the minutes be approved as submitted. Commissioner Sinclair seconded the motion. The motion was unanimously approved.

PUBLIC HEARING

PC 15-022 CVTD Radio Tower [Conditional Use Permit] Clark Winward/CVTD, authorized agent/owner request to place a 70' radio tower pole on the corner of the property located at 754 West 600 North in the Public (PUB) zone; TIN 05-062-0052.

STAFF: Mr. Holley reviewed the request for a 70' wooden pole on the southeast corner of the CVTD offices and bus maintenance facility. The proposal includes a 12" microwave dish attached to the top of the pole allowing radio communication between this property and the transit center on 500 North. A category 6 wire will stretch from the microwave dish to the nearby maintenance garage where communication equipment will be located.

The Land Development Code (LDC) fails to specifically list the Public (PUB) zone under tower height allowances in LDC §17.45.090; however, if the current land use of bus maintenance, repair and storage where not publicly owned it would likely have the zoning designation of Industrial Park (IP). Adjacent and neighboring land uses, which include heavy manufacturing and commercial storage, are industrial in nature. Although not specifically listed under the height exceptions in LDC §17.22.070, an argument could be made that this is a public safety facility. Staff considers a 70' pole height compatible and applicable in this case. The location of the pole should comply with minimum building setbacks of the PUB zone for consistent and predicable development patterns.

PROPONENT: Clark Winward, CVTD Facilities Supervisor, answered for Commissioner Price that the tower directly to the north was not considered; because of the stipulation for burying the lines they thought it would be better to keep the project on their property. The closest poles to their location are Logan City power poles and co-locating on those could be problematic.

Commissioner Adams asked if 70' was necessary. Mr. Winward explained that the current tower is 36' high and they have problems with the canopy of trees (especially when the trees are in bloom). A lift truck was used at the 60-70' range, which seemed to result in the best line of sight.

PUBLIC: None

COMMISSION: Mr. Holley confirmed for Commissioner Jensen that the wire will be run directly down the pole and buried (rather than sling or stretch it).

Commissioner Butterfield expressed concern about the height; there does not appear to be anything else in the area that is that high and wondered if 60' would be sufficient.

Chairman Davis reviewed the current zoning of the area. A height of 70' is allowed in the Industrial Park (IP) zone and 60' in the Commercial (COM). Staff's recommendation of 70' is based off the adjacent IP zone standard because the Public (PUB) zone does not have a height regulation. Mr. Holley explained that projects in the Public zone are reviewed through the conditional use process on a case-by-case basis.

Commissioner Adams asked about stabilizing wires. Mr. Holley said the pole would be self-supporting. Staff considers this to be a "public safety" facility and 70' would be appropriate. Mr. DeSimone, the Community Development Director, pointed out that the satellite dish that will be located on the top is quite small (12").

Commissioner Adams advised that if 60' is sufficient it would be better than 70'. Commissioner Jensen expressed concern that the Commission was playing with an arbitrary number; this proposal includes a substantial setback and is located next to storage units. He would hate to mandate a 60' pole that might not work. Considering the mitigating factors, such as the zone and the fact that it is a monopole, he feels 70' would be fine.

Chairman Davis asked if Staff was satisfied with the co-location efforts made by the applicant. Mr. Holley said he was under the impression that all adjacent towers were explored and would like to see some research outlining that the tower to the north was reviewed. Mr. DeSimone pointed out that burying the line makes this much more difficult to co-locate.

Commissioner Adams asked about the height of the power lines on 600 North. Mr. Holley said they are close to 70'. Commissioner Adams advised that those do not seem to look out of place.

MOTION: Commissioner Sinclair moved to **conditionally approve** a Conditional Use Permit as outlined in PC 15-022 with the conditions of approval as listed below. Commissioner Jensen seconded the motion.

Commissioner Butterfield suggested a friendly amendment to the motion that the tower be no taller than 60' rather than the proposed 70'. Commissioner Sinclair said she would prefer to allow for 70'. Commissioner Butterfield withdrew his friendly amendment.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. The radio tower shall be no taller than 70'.
3. All antennas and other equipment attached to the pole shall not project out more than 12".
4. The radio tower shall be no closer than 20' from the east property boundary and 10' from the south property boundary complying with building setbacks in PUB zone.
5. Any wires or cables associated with the radio tower shall be routed directly down the pole and not slung or stretched out across the site.
6. The applicant shall submit a written summary to Community Development for approval prior to construction that demonstrates co-location efforts were made on nearby towers and considered infeasible.

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 70' is consistent with a compatible tower height in the adjoining Industrial and Commercial zones.
2. The project conforms to the requirements of Logan Municipal Code Title 17.
3. The project meets the goals and objectives of the PUB zone within the Logan General Plan by providing reliable and quality public services and transportation options.
4. The project met the minimum public noticing requirements of the Municipal and Land Development Codes.

[Moved: Commissioner Sinclair Seconded: Commissioner Jensen **Passed: 5-1**
Yea: D. Adams, D. Butterfield, A. Davis, T. Jensen, S. Sinclair Nay: R. Price Abstain:

PC 15-023 Child & Family Support Center [Conditional Use Permit] Wasatch Development Group/CH Champlin LLC, authorized agent/owner, request a 10,000 SF building for a non-profit center with services including family counseling, childcare and respite care for endangered children located at 200 West 1500 North in the Community Commercial zone; TIN 04-082-0006.

STAFF: Ms. Reeder reviewed the request for the Child & Family Support Center to operate at this location as a “*use of a public, nonprofit, or charitable nature generally providing a local service to people of the community*”. This use category requires a Conditional Use Permit in the Community Commercial (CC) zone. A 10,000 SF building was granted a permit by the Planning Commission on February 26, 2015, subject to the rezone of the property. The Municipal Council approved a zoning designation of Community Commercial for this property on March 17, 2015.

PROPONENT: Bracken Atkinson, Wasatch Development Group, point out that the conceptual subdivision concept will be in the Champlin Development and not part of this project.

PUBLIC: None

COMMISSION: Ms. Reeder answered for Commissioner Adams that the lot orientation (from the layout previously presented during the Design Review Permit review) has been adjusted and a subdivision was created to maintain the single-family residential buffer. This revised configuration still meets all the conditions outlined by the Commission at the 2/26/15 meeting. The lot is slightly smaller than what was previously reviewed.

Commissioner Jensen asked if the parcel to the west would be sufficient for a double-loaded cul-de-sac. Ms. Reeder explained that a conceptual subdivision plan had been drafted. A copy of the plan was distributed to the Commission.

Commissioner Jensen asked if there would still be an opportunity for the Child & Family Support Center to expand in the future if needed. Ms. Reeder explained that any future expansion would be added to the existing building and would come before the Commission for review and approval.

Ms. Reeder confirmed for Commissioner Adams that the amount of parking remained the same.

Commissioner Jensen said there have been several good changes and this seems to work well serving as a buffer zone to the adjacent industrial area.

MOTION: Commissioner Jensen moved to **conditionally approve** a Conditional Use Permit as outlined in PC 15-023 with the conditions of approval as listed below. Commissioner Price seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. Compliance with the Subdivision and Design Review Permit issued for the project.
3. Prior to issuance of a building permit, the Director of Community Development shall receive a written memorandum from each of the following department indicating that their requirements have been satisfied:
 - a. Water
 - i. The building water main, lawn irrigation, and fire sprinkler system, if installed, will all require their own currently approved backflow assemblies.

FINDINGS FOR APPROVAL

1. The project conforms to the requirements of Logan Municipal Code Title 17.
2. The use as a professional office providing a service to the community conforms to the requirements of Title 17 and is listed as a conditional use for the Community Commercial zone.
3. The building is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
4. The streets providing access and other infrastructure to the subject property have adequate capacities or a suitable level of service for the use.
5. The use is compatible with neighborhood uses and character while providing a transition of uses in the neighborhood.
6. The proposed use provides adequate off-street parking in conformance with Title 17.
7. The project, as conditioned, conforms to landscaping requirements in Title 17.
8. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

[Moved: Commissioner Jensen Seconded: Commissioner Price **Passed: 6-0**]

Yea: D. Adams, D. Butterfield, A. Davis, T. Jensen, R. Price, S. Sinclair Nay: Abstain:

PC 15-002 LDC Amendment – 17.19 Town Center Development Standards – *continued from 3/26/15* – [Code Amendment] Logan City requests to clarify Town Center building standards outlined in the Land Development Code §17.19.

STAFF: Mr. DeSimone reviewed the proposed amendment to Section 17.19.060 of the Land Development Code which includes eliminating the minimum building height requirement for new projects along Main Street in the Town Center (TC) zone; increasing the maximum building height on side streets from 40' to 42'; eliminating the requirement to have one entrance per 40' of frontage; and adding clarification language regarding building placement and orientation.

The LDC design standards and the Historic Design Guidelines are important to the overall development pattern of the Town Center zone and the arbitrary minimum height requirement of three stories does not fit into the overall character of Logan City. Clearly, the existing heights found throughout the TC zone are varied, represent a mixture of development periods, and provide an interesting blend of building types, sizes, shapes and heights.

The original intent behind the minimum building height in the Town Center zone was to build large, tall buildings downtown. There are number of inherent challenges and disconnects to mandating a minimum height standard and a blanket policy of only allowing tall buildings in such a broad zone. The standards in the Code were prepared with little regard to the economies of our market. Logan is not ripe for large, dense buildings. The Code is looking to the future; however, it does little good if all development is stymied because the requirements and anticipated community design are incongruent with the actual demands of the local economy. One challenge is how to define the Town Center and the broader “downtown” area. The historical character of the core downtown needs to be protected; however, the historic core should not be expanded beyond its defined

boundaries and preclude new opportunities elsewhere in the TC zone. Logan has adequate design standards in place to ensure that the level of new development the TC zone is compatible with existing development and is of a high quality. The City has adequate historic design guidelines and a Historic Preservation Commission in place to protect the historical resources of downtown. Construction of large, tall buildings could be incompatible with many developed areas currently in the TC zone. Maximum height is a means to regulate and avoid neighborhood incompatibility, yet the same logic has not been applied to minimum height.

The second component is to increase the maximum building height on side streets from 40' to 42' to make it possible to allow a fourth story on a building. The minimum height for a ground floor is 12'. The typical floor height on commercial structures is 10'. Because of the minimum first floor height (12'), and a typical commercial floor height (10'), the maximum 40' building height would only allow a 3-story building. A 4-story building would exceed the 40' height limitation. Modifying the Code would provide additional options for new development in the TC zone.

The third component is to eliminate the requirement for one entrance per 40' of frontage. This is an urban, commercial storefront standard applicable to the existing, historical type of development found downtown, but is not readily applicable to most commercial buildings. The building orientation and entry standards contained in §17.18.030 provide more functional standards by requiring primary building entries be oriented towards public streets. This is more important than just a generic numerical standard of one entrance per 40' of frontage.

The fourth component adds a *Building Placement & Orientation* section to clarify that the intent for development is to place the bulk of a building's mass along the corresponding street frontage. The proposed language:

Building Placement & Orientation

New development with Main Street frontage shall orient at least 75% of the building footprint towards their Main Street frontage while new development along other public streets in the Town Center shall orient at least 40% of the building footprint towards their public street frontage. In the downtown area, new infill development shall be compatible with the height and scale of surrounding buildings.

PUBLIC: None

COMMISSION: Commissioner Price questioned the parapet and/or roof in regards to the maximum height measurements. Mr. DeSimone advised that the real issue is the number of stories; the proposed height can be adjusted if necessary. Commissioner Jensen said the recommendation of 42' seemed quite conservative.

Commissioner Price questioned the language of the Building Placement & Orientation section, specifically "...at least 75% of the building footprint towards their Main Street frontage..." Mr. DeSimone explained that is in the current Code and has been interpreted to mean that 75% of the building should front Main Street; however, the challenge is when a building is oriented another way, or when there is a long length of frontage and not as much building. Commissioner Price said this does not seem to allow for much flexibility. Mr. DeSimone pointed out that the Commission is allowed some discretion which can be used in specific cases.

Commissioner Price reviewed the Conservation Overlay District table he developed [as previously submitted to the Commission]. He noted that if the Code clearly states that something can be done, then it must be allowed. He encouraged the Commission to consider the historic fabric of downtown as well as the area to the north, south and side streets.

Commissioner Adams questioned how detailed Commissioner Price wanted to get regarding preferred building materials. Commissioner Price said it would depend on what is around a building. Commissioner Jensen said he is supportive of the general idea; however, it's quite difficult to create defined rules that provide for that type of discretionary spirit.

Commissioner Price recommended that sloped roofs should only be allowed where flat roofs with parapets are not the predominant roof form. The standards in place are pretty good for most of what would be built. He expressed concern about the area covered by the Historic District because it is "our treasure". He is looking for ways to start a dialogue to think beyond what could be applied universally across Logan as opposed to what might be appropriate to apply in specific areas, which is where the idea of the Conservation Overlay came from. He said it might be wise to look at some area that extends beyond the Historic District and at the approach into Logan and departure through the main historic core.

Commissioner Price appreciated the work and research that has been done. The proposal suggestions are logical; however, he would like to see additional review to ensure solid and sustainable decisions. One issue that concerns him is having 4-story buildings on side streets where they are not predominate and would most often look out of place, unless there was a clear move toward developing a sub-area within the Town Center. This area deserves thought in terms of planning standards and the impact a building is going to have on its surroundings. He pointed out the wall where the Everton Building removed. If there is an ability to control how these areas are going to be treated architecturally he is not seeing it, especially in this example. Mr. DeSimone explained that the Historic Preservation Committee reviewed this specific situation, given the circumstances available, and made the best decision they thought possible. Commissioner Price pointed out that a building was removed from a continuous streetscape for more parking. There is now a large gap in the streetscape of a primary cross-street with a view of a parking lot. He questioned how that would be re-established with anything that is compatible with, compliments, or builds on what should be in the historic downtown area.

Mr. DeSimone pointed out that there were nuances that are not being discussed, which include problems with access to that interior parking area. The original goal was to salvage the Everton building, however that was not feasible. This solution was proposed and ultimately approved. Although not ideal, it does help connect the mid-block crossing and provides additional parking. Given all the circumstances, the Historic Preservation Committee felt that this was appropriate.

Commissioner Price felt that the Historic Committee standards may not be giving them the tools they should have to deal with these types of issues. This specific example is more an issue of planning and usage. He said a pattern of allowing a large access into a back parking lot has been established. This area should be primarily pedestrian access.

Commissioner Butterfield questioned having standards that impinge on the ability to allow projects to work. There are times when there are logistical circumstances or problems and making standards too stringent might make it impossible for a project to work.

Commissioner Price pointed out that Zions Bank, which also has a drive-through, provides a much better hardscape along the street. Commissioner Butterfield felt that this was a completely different situation. Commissioner Price disagreed.

Commissioner Price said that it seems as if every economic "excuse" or "barrier" is being allowed to drive decisions that will be forever. Mr. DeSimone disagreed and advised that it is more cyclical; buildings tend to match the economy at hand. As society evolves so does development. Logan City competes with outside jurisdictions for business. If standards are too stringent there will be no incentive to develop in this area. Too many restraints will make it difficult for developers.

Mr. DeSimone suggested that reviewing the design standards can be handled at a different time if that is the desire of the Commission. This particular proposal identifies four specific items that need to be addressed.

Commissioner Price agreed that the standards should be reviewed with another group involving members from the Historic Preservation Committee, Planning Commission, Municipal Council and business owners. Mr. DeSimone said his concern is making the Code too onerous, for the last several years there has been quite a bit of work to try and make it more manageable.

Commissioner Butterfield agreed that there should be a balance. If it becomes too onerous or expensive to develop downtown the result will be vacant, dilapidated buildings. He urged the Commission to focus on the recommendations made by Mr. DeSimone and leave this discussion for another venue. Commissioner Price asked when that would be appropriate. Commissioner Butterfield explained that he was not suggesting whether it is or is not appropriate, nor when it might be so, only that it is not appropriate to have a nebulous conversation about wholesale changes to the Code at this time. If the Commission would like to see changes, it should be handled separate from this specific proposal.

Commissioner Jensen pointed out that this is a situation where “everyone is right”. Staff is right regarding the specific issues outlined in this proposal and Commissioner Price has some good ideas which should be considered. He thought the Cache Valley Bank project was a good example of balance between the economic investment and the parking and access concerns. It seemed to be a good give-and-take situation. There are good issues that have been raised and he suggested that instead of being highly prescriptive there ought to be more discretion given to the Staff to help with compatibility within the spirit of the Code.

The Commission recommended changing the height from 42’ to 45’.

Mr. DeSimone clarified for Chairman Davis that Main Street frontage has a maximum height of 68’. The tallest building on Main Street is currently the Wells Fargo building which is approximately 50’. There used to be a height bonus; however, that was taken out of the Code as a result of the Independence Student Living project. He pointed out that 68’ is lower than most other jurisdictions. Commissioner Adams noted that height is usually driven by the type of service within the building. Mr. DeSimone suggested leaving it at 68’ to provide latitude for development.

Chairman Davis questioned the wording in the Building Placement & Orientation section “*..In the downtown area, new infill development shall be compatible with the height and scale of surrounding buildings*” which sounded like “fluff” language and does not allow any ability to change development for compatibility. Mr. Housley, the City Attorney, said it is “intent language” and if intent language is to be enforced, there should be standards in place. The Commission will need to determine if there is value in having that type of language included. Mr. DeSimone suggested removing it.

MOTION: Commissioner Jensen moved to **recommend approval** to the Municipal Council for an amendment to the Land Development Code §17.19 as outlined in PC 15-002 with a change increase the maximum building height on side streets from 42’ to 45’ and to strike the wording of “*In the downtown area, new infill development shall be compatible with the height and scale of surrounding buildings.*” Commissioner Butterfield seconded the motion.

FINDINGS FOR APPROVAL

1. Utah state law authorizes local planning commissions to recommend ordinance changes to the legislative body (Municipal Council).
2. The amendment is in conformance with the requirements of Logan Municipal Code Title 17.51.

3. The amendment clarifies minimum design standards for new development within the Town Center (TC) zone.
4. The provisions are 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 Jensen Seconded: Commissioner Butterfield **Passed: 5-1**
Yea: D. Adams, D. Butterfield, A. Davis, T. Jensen, S. Sinclair Nay: R. Price Abstain:

OTHER:

Chairman Davis asked for input regarding the previous discussion regarding Commissioner Price's recommendations and suggestions. Commissioner Butterfield said he was not entirely convinced there was a compelling need address a Conservation Overlay District.

Commissioner Jensen said there are some good ideas and it may not hurt to create a committee comprised of interested parties to look into this issue and possibly bring it back before the Commission for further consideration.

Mr. Housley said it may be helpful to take the issue to the Downtown Alliance since it would likely impact them the most. It would be useful to get the stakeholder's input before going further. Commissioner Butterfield agreed and questioned where the impetus was coming from.

Mr. Housley suggested that Commissioner Price continue to build momentum for this issue. Commissioner Price said he would and noted that business owners are not the only stakeholders and this should be a much broader discussion. He also noted for the record that he was not opposed to increasing the maximum height along Main Street.

Mr. Holley pointed out that the Historic Preservation design standards are due for an update and this discussion could be included in that process. An RFP will be sent out in a few weeks.

Commissioner Jensen complimented Commissioner Price for all his time, research and effort.

Commissioner David Adams was thanked for his service on the Commission.

WORKSHOP ITEMS for May 14, 2015

- ✓ PC 15-024 Fairground & Willow Park Subdivision
- ✓ PC 15-025 Maverik Main St.
- ✓ PC 15-026 Crest Investments Subdivision
- ✓ PC 15-027 GW Properties 6-plex
- ✓ PC 15-028 Zions Bank Financial Center
- ✓ PC 15-029 Tandoori Oven Addition
- ✓ PC 15-030 22 E. Center Exterior Wall Mural

Meeting adjourned at 7:10 p.m.

Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of April 23, 2015.

Michael A. DeSimone
Community Development Director

Amanda Davis
2015 Planning Commission Chair

Russ Holley
Senior Planner

Amber Reeder
Planner II

Debbie Zilles
Administrative Assistant