

**CITY OF LOGAN, UTAH
ORDINANCE NO. 15-18**

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

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

SECTION 1: That certain map or maps entitled "Zoning Map of Logan City, Utah" is hereby amended and the following property is hereby zoned from Resource Conservation (RC) to Mixed Use (MU):

TIN#03-007-0013

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 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 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 #03-007-0013

Total 1.10 acres

Legal Description

----- 2015 -----

BEG W 868.8 FT & S 36*40'30" W 353.9 FT FROM CTR SEC 17 T 11N R 1E S 66*23'30" E
300 FT SELY ALG E BANK OF DITCH 187 FT N 65*59'30" W 468.4 FT N 36*40'30" E
132.2 FT ALGHIWAY TO BEG G207A



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: August 27, 2015
FROM: Amber Reeder, Planner II
SUBJECT: PC15-039 Whispering Oaks Zone Change

Summary of Planning Commission Proceedings

On August 13, 2015, the Planning Commission recommended that the Municipal Council **deny** a request to rezone the property at 2250 South Highway 89/91 from Resource Conservation (RC) to the Mixed Use (MU) zone.

The Planning Commission based its recommendations on the following findings:

1. The property location is not compatible with the purpose of the Mixed Use (MU) zoning district.
2. The property is not suitable for all development within the new zoning district without increasing the need for variances or special exceptions.
3. The location property is not suitable for all of the permitted uses within the new zoning district.
4. The infrastructure providing access and utility services to the subject property do not have adequate capacities or are at a suitable level of service for the permitted uses within the new zoning district.
5. The property, when used for the permitted uses in the new zoning district, will not be compatible with adjoining land uses or the purpose of the adjoining zoning districts.
6. The zoning request is not consistent with the General Plan, which designates this area as RRA-Rural Reserve Area.
7. The request is not consistent with the Cache Valley South Corridor Development Plan and Preferred Land Use Plan map.

Planning Commissioners vote (6 - 0):

Moved: Commissioner Jensen Seconded: Commissioner Sinclair]

Yea: A. Davis, R. Croshaw, T. Jensen, T. Nielson, R. Price, S. Sinclair Nay: none Abstain: none

Attachments:

Staff Report

Ordinance 15-018

Draft Minutes of the August 13, 2015 Planning Commission Meeting



**Project #15-039
Whispering Oaks Rezone
Located at 2250 South Hwy 89/91, TIN# 03-007-0013**

REPORT SUMMARY...

Project Name: Whispering Oaks Rezone
Proponent/Owner: Joshua Wiscombe / Raymond and Judy Jensen Trust
Project Address: 2250 South Hwy 89/91
Request: Rezone from Resource Conservation (RC) to Mixed Use (MU)
Type of Action: Legislative
Hearing Date: August 13, 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 1.10 acres from RC to MU, located at 2250 South Hwy 89/91, TIN #03-007-0013.

Land use adjoining the subject property

<i>North:</i>	RC: residential	<i>East:</i>	RC: agricultural, undeveloped
<i>South:</i>	Nibley City COM: commercial	<i>West:</i>	RC: US Hwy 89/91, rural residential

Request

The request is to rezone (1) parcel totaling 1.10 acres located at 2250 South Hwy 89/91, from Resource Conservation (RC) to Mixed Use (MU).

Zoning History

The City of Logan adopted Zoning regulations in August of 1950. This property was annexed into Logan City in 2007. It was part of 300 acres on the southern end of Logan that came into the City at that time. The property was zoned AG- Agricultural from 2007 to 2011. The property was designated Resource Conservation (RC) under the 2011 Land Development Code update and rezone. The current designation is RC.

Land Development Code (LDC)

The Land Development Code (LDC) §17.12.120 describes different functions of the Resource Conservation (RC) zone. Areas within this designation may include land to be protected from development such as highly productive agricultural lands, areas of high visual value, such as views and view corridors, and critical environmental areas. Some of the critical environmental areas have development hazards such as high water tables, wetlands, and high liquefaction potential. These areas on the southwest part of Logan support essential natural functions and give a unique identity to the community. Another limited function of the zone is a holding zone for lands annexed but not yet planned for future development. The RC zone allows for residential development at one unit per 40 acres and only permits single family use and some limited allowance for public service uses and open space.

The Land Development Code (LDC) §17.16.040 indicates the Mixed Use (MU) zone is intended to provide for concentrated development of commercial and office uses with residential uses integrated into the overall project design. Mixed Use developments shall have both a residential and commercial component and be scaled to be consistent with the surrounding neighborhoods. There are ten objectives of the zone:

1. Transition toward a more compact urban form with more multi-story buildings and structured parking, as economics allow.
2. Coordinate between adjacent properties regarding parking, access, circulation, and landscape design.
3. Orient buildings to streets to maintain and enhance pedestrian scale.
4. Provide high quality pedestrian ways, public gathering areas, courtyards, or plazas.
5. Encourage innovative and high architectural standards using quality materials and design.
6. Promote a highly landscaped character.
7. Minimize the visual impacts of parking.
8. Encourage transit-oriented design and land uses at transit stops.
9. Ensure appropriate transitions in building intensity and landscaped setbacks adjacent to neighborhoods.
10. Encourage the redevelopment of out-dated and worn properties to stimulate further interest and investment in the older areas of Logan.

The LDC allows for Mixed Use development to develop at 4-30 residential units per acre. The maximum building height is 58' and there is a maximum site coverage allowed of 60%. A minimum of 20% of the site must be set aside for open space and useable outdoor space.

General Plan

The Future Land Use Plan (FLUP) adopted in 2008 identifies this property as RRA- Rural Reserve Area. The purpose of areas with this designation is to provide a rural separation between the City of Logan and other incorporated communities. These areas may be suitable for low density development that preserves significant portions in agricultural or open space use. New residential development should be limited and clustered to preserve open space away from arterial frontages. The zoning designation of Mixed Use (MU) would not be consistent with the General Plan and the Mixed Use Center (MUC) General Plan designation is focused on infill areas with Logan City.

This area is also a part of the Cache Valley South Corridor Development Plan. The Plan project was started in 2011 and the document completed two years ago. Logan City adopted the Plan and the City Council has been reviewing ways to implement it. The Plan developed a Preferred Land Use Plan for the corridor. The key ideas were to cluster development at intersections, establish a trail along the corridor, provide substantial open space buffers along the highway, prohibit new residential development that would be impacted by the highway, and prohibit strip development along the corridor. The Preferred Land Use map indicates this area as open space conservation. It provides a gap to separate Nibley and Logan along the corridor. The map indicates 3200 South, 2600 South, and 1000 West as the locations of future possible traffic signals and the areas for clustered development nodes. Changing the zoning of this property to Mixed Use would not be consistent with the South Corridor Plan.

Potential Development

A concept called Whispering Oaks is being considered by the proponent for development of the property. It is a mixed use project that includes a commercial office for the sales and management of "tiny house" buildings and a development of approximately 16 tiny homes in a cluster development. The homes are approximately 500 SF and they would like to utilize existing trees and green space on the site.

The site is adjacent to Nibley City on its southern boundary. The CampSaver store and warehouse is developed on the adjacent property which Nibley has designated as a Commercial zone.

Utility Information

The site is not currently on Logan City water, sewer, or power services. The existing residence has a septic and well system. New development would have to be on centralized services. The nearest Logan City water service is at the Spring Creek Subdivision at 1450 West and 2200 South. There is a sewer line that runs on 2200 South to the northwest of this property. Logan City Power extends to the corner of 2200 South and Highway 89/91. Nibley City has services to the south, with lines approximately 400' away. The site is not readily adjacent to all needed services to be suitable for development.

Analysis and Recommendation

Staff is recommending the Planning Commission recommend denial of this rezone request to amend the zoning district from Resource Conservation to Mixed Use. The site is surrounded to the north, east, and west by Logan City and land that is similarly used and designated as a rural residential use. The area is indicated on the General Plan and the South Corridor plan for rural residential use and the Mixed Use designation is not consistent with those plans. It is unique that it is adjacent Nibley City and a commercial development to the south.

A Mixed Use development may be compatible with the adjacent commercial use but the size of the subject property does not allow for much area to transition use and intensity to the surrounding rural residential areas. The objectives of the Mixed Use zone are not consistent with the South Corridor development guidelines for the Highway corridor.

The potential project includes small detached residences at just over 16 units per acre. This would provide a transition between Nibley and the more rural areas but the proximity of the area to commercial development and the highway does not seem suitable to single family residential development. The site is not readily adjacent to all services for development and would not be appropriate for all development allowed within the Mixed Use zoning designation.

PUBLIC COMMENTS

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

AGENCY AND CITY DEPARTMENT COMMENTS

City Departments and contacted agencies were provided opportunity to review this project. The Fire Department indicated that there are not any Logan City or Nibley City fire hydrants close enough to serve this area.

PUBLIC NOTIFICATIONS

Legal notice was published in the Herald Journal on July 23, 2015, and the Utah Public Meeting website on July 27, 2015. A Quarter Page Ad was published in The Herald Journal on July 26, 2015. Public Notice was mailed to property owners within 300' of the property on July 27, 2015.

RECOMMENDED FINDINGS FOR DENIAL

The Planning Commission bases its decisions on the following findings:

1. The location of the subject property is not compatible with the purpose of the Mixed Use (MU) zoning district.
2. The subject property is not suitable for all development within the new zoning district without increasing the need for variances or special exceptions.
3. The subject property is not suitable as a location for all of the permitted uses within the new zoning district.
4. The infrastructure providing access and utility services to the subject property do not have adequate capacities or are at a suitable level of service for the permitted uses within the new zoning district.

5. The subject property, when used for the permitted uses in the new zoning district, will not be compatible with adjoining land uses or the purpose of the adjoining zoning districts.
6. The zoning request is not consistent with the General Plan, which designates this area as RRA- Rural Reserve Area.
7. The request is not consistent with the Cache Valley South Corridor Development Plan and Preferred Land Use Plan map.

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.



Amber Reeder <amber.reeder@loganutah.org>

Whispering Oaks

Shari Phippen <shari@nibleycity.com>

Mon, Aug 10, 2015 at 3:20 PM

To: "Amber Reeder (amber.reeder@loganutah.org)" <amber.reeder@loganutah.org>

Amber-

Nibley City would like to go on record as supporting the recommended denial of the proposed Whispering Oaks rezone.

Mr. Wiscombe approached Nibley with the Whispering Oaks concept in June 2015. At the time, he was looking to de-annex from Logan and annex into Nibley. While Nibley City does have water and sewer services in the vicinity of the proposed project site, the City's land use ordinances do not support the Whispering Oaks concept. The City is not willing to provide utility services to areas outside the City's boundaries, when the use of the property being serviced is not allowed by Nibley City ordinance. Mr. Wiscombe was told that the property would not be serviced by Nibley City if it were located in Logan and that he would not get approval for the project in Nibley.

Nibley City opposes this project, as it is not compatible with current or anticipated future land use for the area.

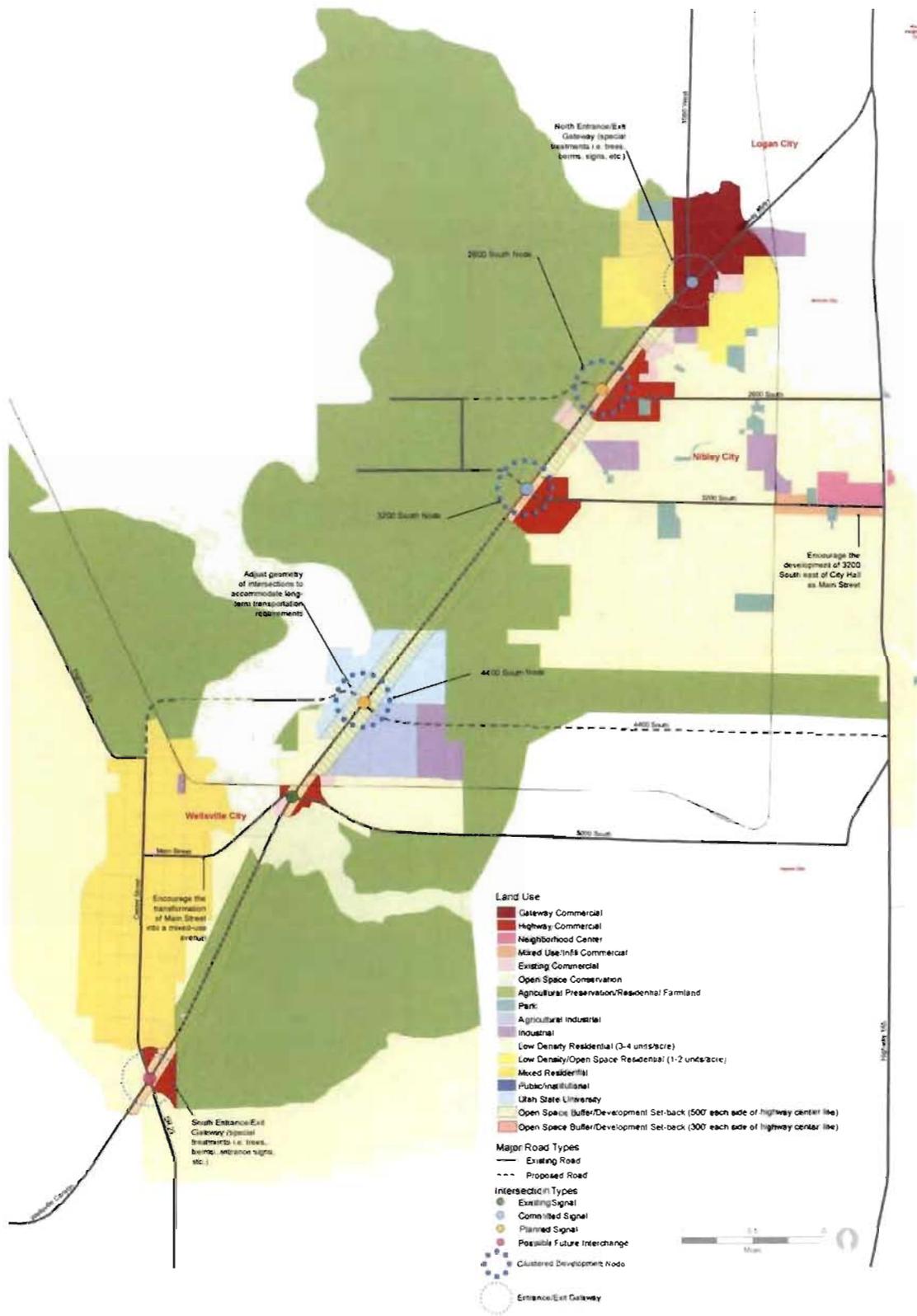
Please let me know if you have any questions or concerns.

Thank you-

Shari Phippen

City Planner

Figure 2-1
Preferred Land Use Plan





APPLICATION FOR PROJECT REVIEW

Planning Commission Land Use Appeal Board Administrative Review

Date Received 7/10/15	Received By R.N.S.S	Receipt Number 521480	Zone RC	Application Number PC 15-039
<input type="checkbox"/> Design Review	<input type="checkbox"/> Conditional Use	Type of Application (Check all that apply)		<input type="checkbox"/> Administrative Design Review
<input type="checkbox"/> Code Amendment	<input type="checkbox"/> Appeal	<input type="checkbox"/> Subdivision	<input checked="" type="checkbox"/> Zone Change	<input type="checkbox"/> Other _____
		<input type="checkbox"/> Variance	<input type="checkbox"/> 4950 Design Review	

PROJECT NAME
Whispering Oaks Zone Change

PROJECT ADDRESS
2250 S HWY 89/91

COUNTY PLAT TAX ID #
03-007-0013

AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete)

MAILING ADDRESS
Joshua Wiscombe

CITY
Layton

STATE
UT

ZIP
84041

MAIN PHONE #
801-808-6906

EMAIL ADDRESS
jshwisc@comcast.com

PROPERTY OWNER OF RECORD (Must be listed)

MAILING ADDRESS
Jensen, Raymond & Judy E Trust

CITY
Layton

STATE
UT

ZIP
84041

MAIN PHONE #
435-760-3301

EMAIL ADDRESS
jennifer.nielsen@comcast.com

DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (include as much detail as possible - attach a separate sheet if needed)

Rezone to Mixed-Use (MU)

Total Lot Size (acres)
1.10 acres

Size of Proposed New Building (square feet)
500 to 2800 sq ft

Number of Proposed New Units/Lot
up to 19 units

- 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
[Signature]

I certify that I am the property owner on record of the subject property and that I consent to the submital 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
SEE ATTACHED REPC

Whispering Oaks

July 10, 2015

Logan City Council

To the Logan City Council,

To keep the openness that Logan city is known for, we are proposing a green community development at the property located at 2250 South HWY 89/91. This property is located NE of CampSaver, on the boarder of Logan and Nibley. This property is on the boarder of the Nibley business park, which includes a Charter School and the Spring Creek Crossing Town Home Community. We propose to rezone this property to a mixed-use zone and to develop this property into Whispering Oaks, a tiny home development which will be a sales office for this and future developments.

We know that one of the purpose of Logan City is to keep the agricultural and with lots of green space. We know that the corridor along HWY 89/91 has pockets of commercial, homes and agricultural. The current property has one home located there. We are asking for a rezone of this property to mixed-use development by maximize green space and provide high quality living space through modern architectural design. While also using this locations' visibility to showcase and show future tiny home developments by using it as a sales office.

We propose that this rezone will be the showcase of our tiny homes as well as have tiny homes for living. We will keep and remodel/upgrade the existing home, as two condos and build at least 16 small house units and a rec center/ clubhouse on the property. Each of the 16 units will be around 500 square feet of beautiful, consolidated living space. Each unit will feature state of the art arrangements, low energy costs with modern rustic feel. We propose a recreational/club house area for groups to gather and to house our offices.

We will berm up the frontage on highway 89/91 with trees and landscape. We also plan on preserving as much green space with in the site by using existing trees and bushes, as well as adding additional foliage throughout the property. This will be a minimalist development. Whispering Oaks will maximize space in each unit through structured design so the tiny home owners can have their basic necessities, while reducing their impact on the environment. Through this simplified design process we will provide an affordable option for people to own their own home vs rent. These simplified designs will allow home owners to more fully enjoy businesses, the outdoors of Logan, and life.

This location gives us the commercial ability to showcase these homes. We would like to expand these communities through out Logan. We will be able to do this through the visibility of this newly rezoned property, and we look forward to making this happen in the City of Logan.

Sincerely,

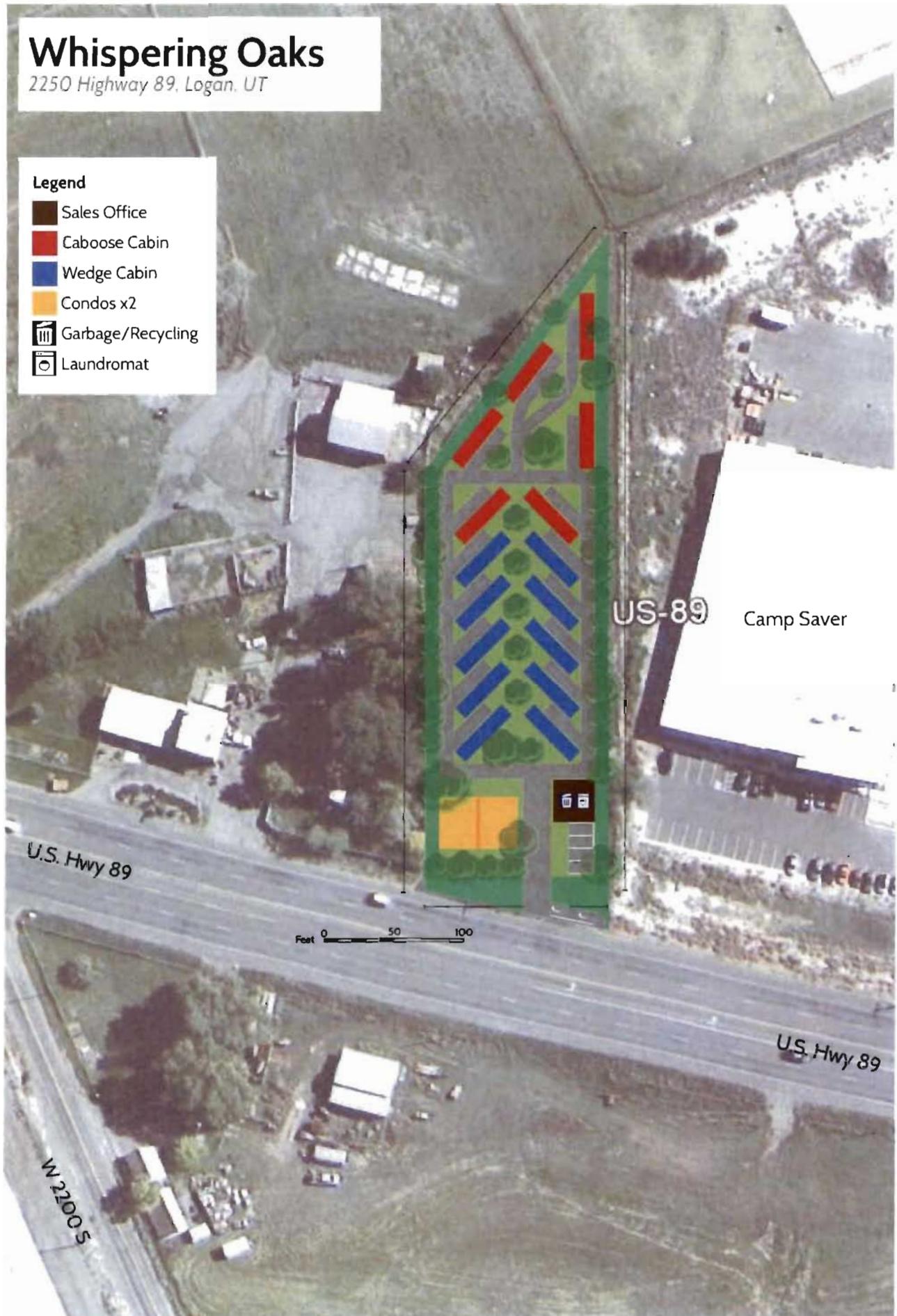
Joshua Wiscombe
Whispering Oaks Developer

Whispering Oaks

2250 Highway 89, Logan, UT

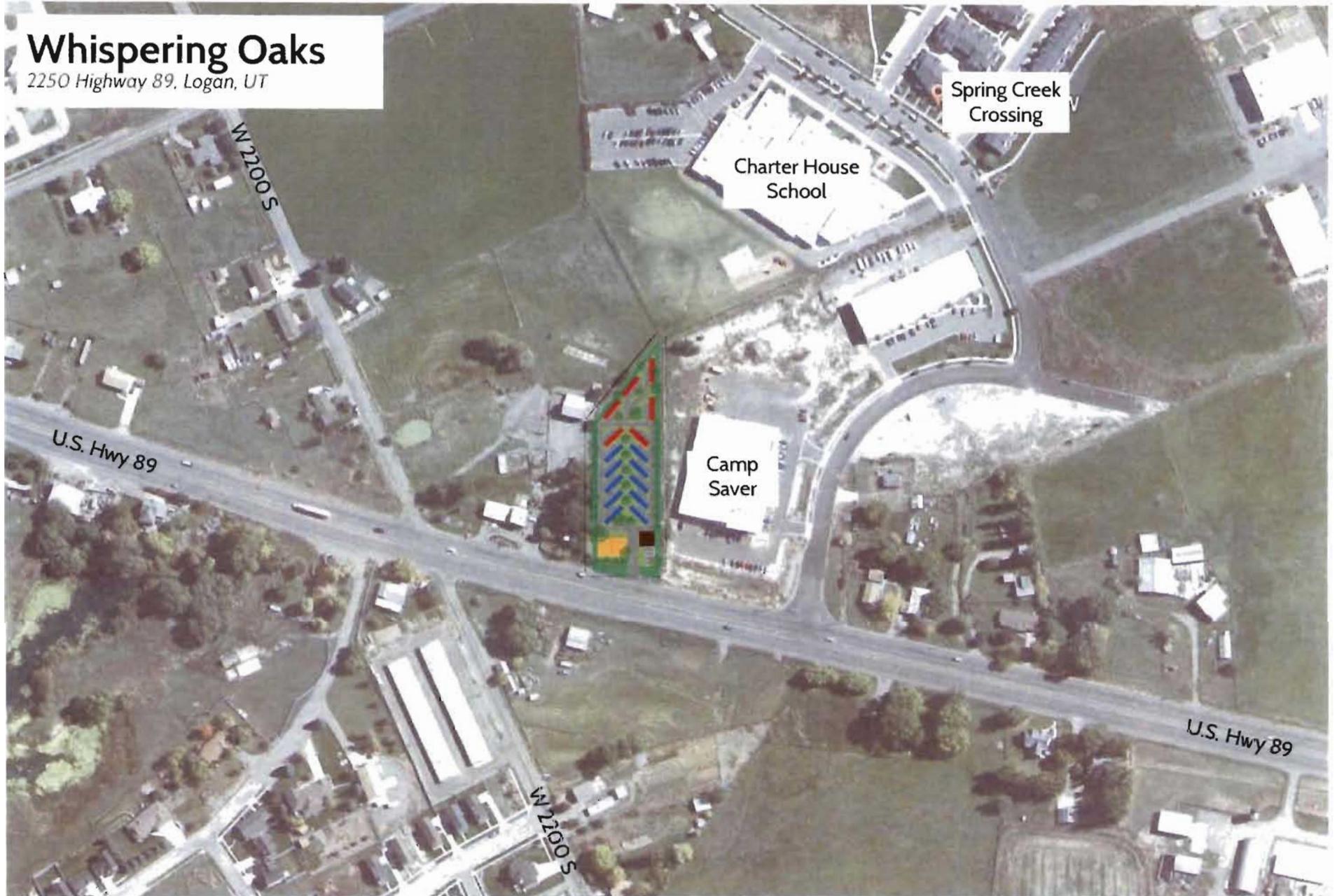
Legend

-  Sales Office
-  Caboose Cabin
-  Wedge Cabin
-  Condos x2
-  Garbage/Recycling
-  Laundromat



Whispering Oaks

2250 Highway 89, Logan, UT



Spring Creek Crossing

Charter House School

Camp Saver

U.S. Hwy 89

U.S. Hwy 89

W 2200 S

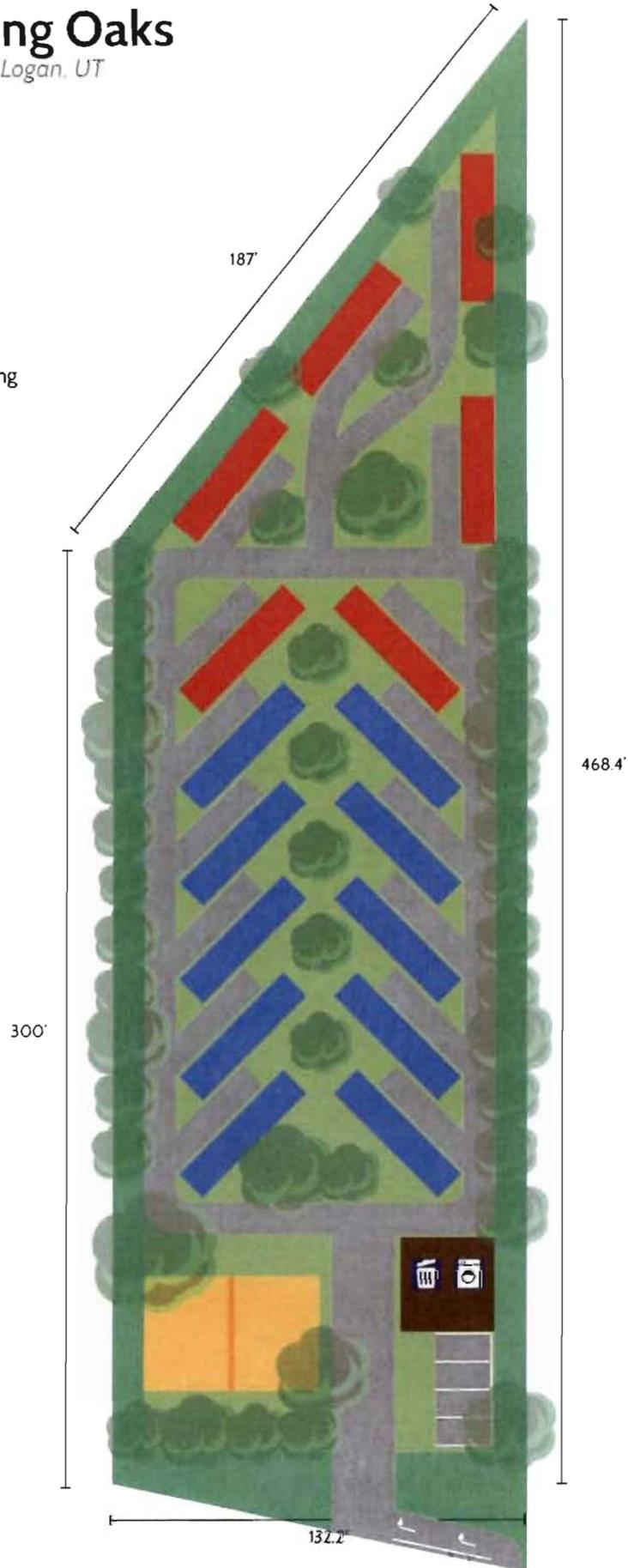
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Whispering Oaks

2250 Highway 89, Logan, UT

Legend

-  Sales Office
-  Caboose Cabin
-  Wedge Cabin
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Whispering Oaks

2250 Highway 89, Logan, UT

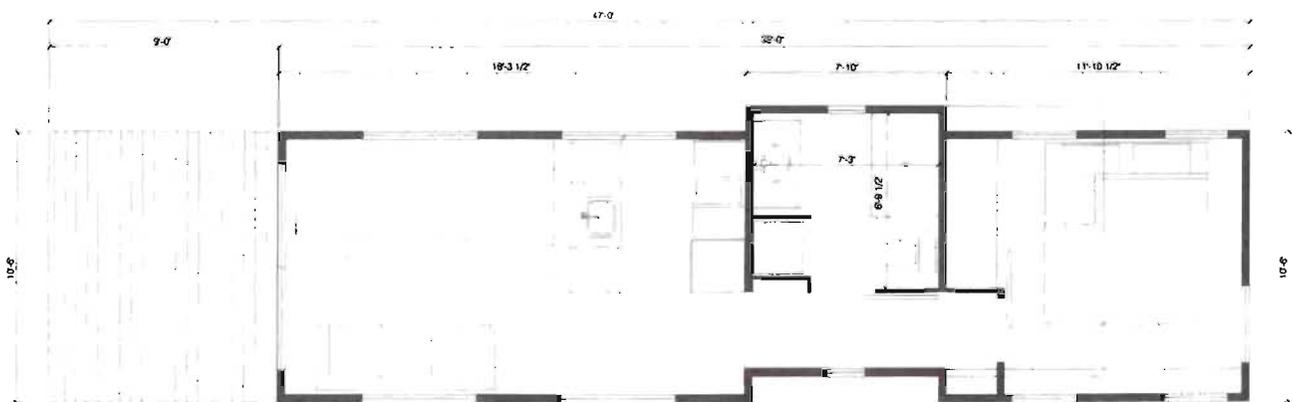
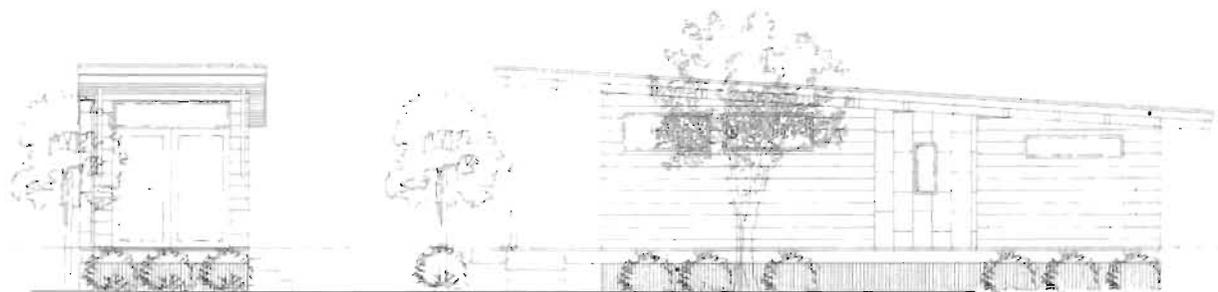


Whispering Oaks

2250 Highway 89, Logan, UT



The Wedge



Whispering Oaks

2250 Highway 89, Logan, UT



The Caboose





PLANNING COMMISSION MINUTES

Meeting of August 13, 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, August 13, 2015. Chairman Davis called the meeting to order at 5:30 p.m.

Planning Commissioners Present: Amanda Davis, Roylan Croshaw, Tom Jensen, Tony Nielson, Russ Price, Sara Sinclair

Planning Commissioners Absent: David Butterfield

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

The oath of office was given to new Planning Commissioner Tony Nielson by City Recorder, Teresa Harris.

Minutes as written and recorded from the July 23, 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 15-039 Whispering Oaks Zone Change Joshua Wiscombe/Jensen, Raymond & Judy Z Trust, authorized agent/owner, request a zone change from Resource Conservation (RC) to Mixed Use (MU) on 1.10 acres located at 2250 S. Hwy 89/91.

STAFF: Ms. Reeder reviewed the request to rezone (1) parcel totaling 1.10 acres located at 2250 South Hwy 89/91, from Resource Conservation (RC) to Mixed Use (MU).

The City of Logan adopted zoning regulations in August of 1950. This property was annexed into Logan City in 2007. The property was zoned AG- Agricultural from 2007 to 2011. The property was designated Resource Conservation (RC) under the 2011 Land Development Code update.

Staff is recommending denial of this rezone request. The site is surrounded to the north, east, and west by Logan City and land that is similarly used and designated as a rural residential use. The area is indicated on the General Plan and the South Corridor Plan for rural residential use and the Mixed Use designation is not consistent with those plans.

A Mixed Use development may be compatible with the adjacent commercial use but the size of the subject property does not allow for much area to transition use and intensity to the surrounding rural residential areas. The objectives of the Mixed Use zone are not consistent with the South Corridor development guidelines for the highway corridor.

The potential project includes small detached residences at just over 16 units per acre. This would provide a transition between Nibley and the more rural areas but the proximity of the area to

commercial development and the highway does not seem suitable to single-family residential development. The site is not readily adjacent to all services for development and would not be appropriate for all development allowed within the Mixed Use zoning designation.

PROPONENT: Joshua Wiscombe explained that the "tiny home development" is a relatively new concept. He believes this is a good area because it is small enough in acreage to accommodate the project. The idea allows people to own rather than rent. There is quite a bit of foliage in the area, which will remain, as well as a plan for putting in more trees and berming for additional privacy. The biggest concern is access to sewer and utilities; however, he has talked with Nibley City's Mayor who likes the project. If the zone is not changed, he would like a boundary line adjustment so that the parcel could be in Nibley City. He also noted that Camp Saver, on the adjacent property to the south, has property they might be willing to sell to create more open space within the development.

PUBLIC: An email from Shari Phippen, Nibley City Planner, supporting denial of the zone change, was received and distributed to the Commission prior to the meeting.

Bette Pitcher, 2240 S. Hwy 89/91, lives next door to the proposed project and explained that all the residents in the area are on a private well. She thinks development here is a bad idea because of the awful traffic on the highway.

Shirley Reeder, 1265 W. 2200 S., lives across the street and said there are already too many residents for that area. Even with the proposed small homes, it will increase people and traffic. Because of the nature and style of homes, they could also become quite transient.

COMMISSION: Commissioner Price asked about the Fire Department's comment on the Staff Report regarding no fire hydrants close enough to serve the area. Ms. Reeder said that was encapsulated within condition #4 "*The infrastructure providing access and utility services to the subject property do not have adequate capacities or are at a suitable level of service for the permitted uses with the new zoning district*".

Commissioner Jensen asked if each unit would be separately owned. Mr. Wiscombe explained that the project would be condominimized; however, each unit would be on a fixed foundation.

Commissioner Croshaw asked about access onto Hwy 89/91 and whether UDOT has been involved. Mr. Wiscombe said they have not heard back from UDOT, however, there are two accesses and the owner of Camp Saver has indicated the possibility of allowing access to the development. Commissioner Croshaw said he is quite concerned about adding traffic flow onto the highway.

Commissioner Jensen said he thought this was a good project but the wrong location. The South Corridor Master Plan dictates the goals of this area. The highway is the artery and lifeblood into the valley and he believes development along this corridor would degrade the highway.

Commissioner Price agreed with Commissioner Jensen. This is a commendable approach and there is room for this type of development somewhere, however, not at this location. The Mixed Use seems inappropriate in terms of zoning being discussed here; it is not helpful to find ways around zoning ordinances to allow for particular development.

Commissioner Sinclair said the idea of tiny housing is quite positive, but does agree that this particular location is questionable.

MOTION: Commissioner Jensen moved to forward a **recommendation for denial** to the Municipal Council for a zone change as outlined in PC 15-039 with the findings as listed below. Commissioner Sinclair seconded the motion.

FINDINGS FOR DENIAL

1. The property location is not compatible with the purpose of the Mixed Use (MU) zoning district.
2. The property is not suitable for all development within the new zoning district without increasing the need for variances or special exceptions.
3. The location property is not suitable for all of the permitted uses within the new zoning district.
4. The infrastructure providing access and utility services to the subject property do not have adequate capacities or are at a suitable level of service for the permitted uses within the new zoning district.
5. The property, when used for the permitted uses in the new zoning district, will not be compatible with adjoining land uses or the purpose of the adjoining zoning districts.
6. The zoning request is not consistent with the General Plan, which designates this area as RRA- Rural Reserve Area.
7. The request is not consistent with the Cache Valley South Corridor Development Plan and Preferred Land Use Plan map.

Moved: Commissioner Jensen Seconded: Commissioner Sinclair **Passed: 6-0**

Yea: A. Davis, R. Croshaw, T. Jensen, T. Nielson, R. Price, S. Sinclair Nay: Abstain: