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## PLANNING COMMISSION MINUTES

### Meeting of April 14, 2016

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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 on Thursday, April 14, 2016. Chairman Davis called the meeting to order at 5:30 p.m.

Planning Commissioners Present: David Butterfield, Amanda Davis, Dave Newman, Tony Nielson, Eduardo Ortiz, Russ Price, Sara Sinclair

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

On Tuesday, April 5, 2016 the Municipal Council passed a Resolution of Commendation for the Planning Commission. Council members Holly Daines and Jeannie Simmonds were present. Ms. Simmonds presented the Commendation to the Commission.

Minutes as written and recorded from the March 24, 2016 meeting were reviewed. Commissioner Newman moved that the minutes be approved as submitted. Commissioner Sinclair seconded the motion. The motion was unanimously approved.

### **PUBLIC HEARING**

**PC 16-016 Mountain Lion Motors LLC** [Conditional Use Permit] Wendy Ashcroft Buhr, authorized agent/owner, requests a permit for vehicles sales located at 58 West 200 South in the Commercial (COM) zone; TIN 02-048-0022;-0032.

**STAFF:** Mr. Holley reviewed the request for a Conditional Use Permit for vehicle sales. Vehicle sales are allowed only within the COM and Commercial Service (CS) zoning districts, with the majority of existing dealers being located along Main Street. The applicant has indicated that this will be a part-time business and meant to be a very limited operation. He has indicated that no more than three (3) vehicles will be located on the property for sale at any given time. The number of employees will be limited to the applicant and one business partner. The property is currently developed, with a converted home into a commercial office and a four-plex apartment behind. A detached garage sits between the two buildings and a 13-stall parking lot is positioned along the west boundary. This proposal does not change any site layout or building configurations.

**PROPONENT:** Scott Bird explained that the biggest issue is trying to meet the parking requirement without affecting the other business (Bridgerland Phone Book). Mountain Lion Motors will be a secondary use as an office to meet the necessary requirements to apply for a state dealership license. With the 15' required setback, two stalls along the west side would be lost. Bridgerland Phone Book is a seasonal business and parking ebbs and flows. If the setback could be adjusted to 9', only one stall would be lost and the required amount onsite could be met. Sales will be handled online and onsite customers would be by appointment only; there would be no more than three vehicles on the property for sale at any given time.

**PUBLIC:** None

**COMMISSION:** Chairman Davis asked whether 16 parking stalls were feasible with the 15' required setback. Mr. Holley said the garage is deep and can accommodate three vehicles; however, they would have to do some shifting to meet 16.

Commissioner Price asked about any long-term impacts. Mr. Holley explained that this permit would be associated with the property, if the use were abandoned, the permit would expire and no longer be applicable.

Commissioner Butterfield questioned whether it would be better to adjust the setback or reduce the amount of required parking. Mr. Holley said if the setback were to be reduced, staff would prefer to see heavier landscaping to help with screening. The applicant can submit an alternative parking plan for a reduction of the parking requirement. Commissioner Butterfield said he would prefer to see some leniency on the parking rather than adjusting the required setback. This type of business does not seem to need much parking.

Commissioner Ortiz asked who would control the number of cars for sale. Mr. Holley explained that this Conditional Use Permit and the Business License would ensure that the requirements are maintained and inspections are completed. If any complaints of non-compliance are received they will be investigated and handled appropriately.

Commissioner Nielson asked if it would be feasible to put in another stall in front of the 4plex. Mr. Bird said that may not be aesthetically or functionally feasible. The asphalt currently goes right to the fence line and the addition of a stall could extend past the fence and encroach into neighbor's yard.

Chairman Davis said she is inclined to agree that 15 parking stalls would be sufficient and encouraged the applicant to submit an alternative parking plan. Commissioner Butterfield agreed that there seems to be a strong argument for a reduction of required parking.

**MOTION:** Commissioner Butterfield moved to **conditionally approve** a Conditional Use Permit as outlined in PC 16-016 with the amended 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. This permit authorizes vehicle sales at this property for no more than three (3) vehicles placed on the paved area along the west property line and outside the 15' front parking setback.
3. A minimum of 12 parking stalls shall be provided on-site for commercial and residential uses with a staff approved alternative parking plan that justifies the reduction of one (1) parking stall.
4. Any new 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.
5. No signs or fences are approved with this permit. All signs and fences shall be approved and permitted by staff in accordance with the Land Development Code.
6. 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. Water
    - i. If using water all backflow rules must be met. Hose bib vacuum breakers for hoses. High-hazard backflow assembly RP (ASSE1013) must be installed and tested annually on water main if using equipment such as power washer and/or chemicals.
  - b. Environmental
    - i. Will continue to use residential cans.

## FINDINGS FOR APPROVAL

1. As conditioned with designated display locations, the project is compatible with surrounding land uses and zoning designations and will not interfere with the use and enjoyment of adjoining properties.
2. 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.
3. Other infrastructure to the property has adequate capacity, or suitable levels of service for the proposed use.

Moved: Commissioner Butterfield    Seconded: Commissioner Sinclair    Passed: 7-0  
Yea: D. Butterfield, A. Davis, D. Newman, T. Nielson, E. Ortiz, R. Price, S. Sinclair    Nay:    Abstain:

**PC 16-017 Willets Rezone** [Zone Change] Jed Willets, authorized agent/owner, requests a zone change from MR-12 to MR-20 on .24 acres located at 1350 North 200 West; TIN 05-041-0056.

**STAFF:** Mr. Holley provided a brief history of the property. In 1992 the Planning Commission approved the 6-lot Royal Point Subdivision located south of 1400 North between 200 and 400 West. Each lot was approximately 1.30 to 1.80 acres in size. Lot #6 is associated with this request. In 1992 the zoning was R4, which allowed multi-family structures at a rate of one unit per every 6,000 SF and an additional 1,000 SF for each subsequent unit (4-plexes would require 9,000 SF). Multiple residential structures were permitted on one lot. In 1993 the first 4-plex was built and over the course of the following two years seven 4-plexes were built on Lot #6 (1.8 acres). In 1995 tax identification number (TIN) boundaries were divided around the existing seven 4-plexes at the county. The creation of the seven (7) boundaries left the original parent TIN as a vacant .24 acre area in the southwest corner. Application for proper subdivision (to create legal building lots) was never made with Logan City. The City has never recognized these additional TIN boundaries. Lot #6 under the R4 zoning ordinance could have allowed for additional units, but were never constructed (reason unknown). Access easements were established at the County to access interior structures. In 2000 zoning designations and densities changed to Multi Family High and the project became “legally existing nonconforming”.

The proponent is requesting a re-zone of Lot #6 from Mixed Residential Low (MR-12) to Mixed Residential Medium (MR-20). This would achieve a higher density allowing for a proper Logan City subdivision to occur and thus creating recognized building lots. It would then be the intention of the proponent to build a multi-family structure (up to 4 units for .24 acres) in the vacant area in the southwest corner. The MR-12 zone allows 12 units per acre. The MR-20 zone allows 20 units per acre. Currently, Lot #6 is developed at 15.5 units per acre.

**PROPONENT:** Jed Willets explained that he purchased the property in 2011 with the desire to build a duplex. An application for design review was submitted and then problems were discovered. A zone change was requested and denied in 2011. Property trades have not worked out and he would like to do something with this vacant lot. He expressed frustration with the process and his desire to move forward. He said he would be amenable to putting a restriction on the parcel only allowing him to build a duplex.

**PUBLIC:** Jennifer Carroll, 215 West 1330 North, has been to many of these meetings and has never seen a positive outcome regarding issues raised. She is disappointed that the City has not taken more of an interest in northwest Logan. The continued densification in the area has impacted air quality, traffic, safety and neighborhood and school stability. She has unfortunately learned over the years that you “don’t take anyone’s word”. She feels bad for Mr. Willets’ situation; however, the addition of multi-housing developments has not been positive. This area is a great place to live and is close to many amenities. She would like to see a small pocket park put in.

Charlie Pfar, 228 West 1330 North, said the situation is unfortunate but it also affects the residents. The parcel has been in an unkempt condition for many years and she does not trust that a duplex/4plex would be maintained. She provided pictures of the area for the Commission to view. There are so many landowners that no one is willing to take responsibility for taking care of the area and adding another property owner will only perpetuate the problem. Chairman Davis encouraged the residents to contact the City about property maintenance concerns.

LeeAnn Wilkins, 235 West 1330 North, said the canal makes the usable space of the property less than it appears. She is also concerned with a slope that leads down to her property and would like a restriction to only allow a duplex if it is rezoned. There is no area for parking. She said Mr. Willets approached her about purchasing part of her property and said that "the City would let him build".

**COMMISSION:** Mr. Holley confirmed for Commissioner Price that if the subdivision had been done legally and this property was the correct size, then this would not be an issue. The entire Royal Point subdivision (lots 1-6) was subdivided through the County Recorder's Office without going through any formal City-approved process.

Commissioner Newman asked how the property to the west (the larger two corner lots) would be affected. Mr. Holley said that other areas are developed differently and some have been condominimized.

Commissioner Price asked about the City's intent in 2011 and the arrangement to allow him to build a duplex. Mr. Holley explained that the City felt liable to a degree and agreed to some compensation. The Municipal Council agreed that the City was not 100% liable. Mr. Housley explained that the intent was to help Mr. Willets recoup a percentage of any loss (\$15,000-\$20,000 worth) to be used as a credit toward any future building fees/permits or to provide an equitable land trade. Part of the difficulty is that it was initially believed that other landowners would be willing to pay toward the development of open space; however, they were not willing to participate.

Commissioner Newman asked about the property trade idea. Mr. Housley explained that the City would be willing to swap a piece of property or give Mr. Willets some financial credit toward the purchase of another property or offset building fees. He explained that there was discussion about a trade with a parcel on 100 East however it took Mr. Willets too long to come to a decision, in which time circumstances changed and the value of the property increased. The credit is still available for Mr. Willets to use.

Mr. Willets explained that if a duplex is built, the property would have to be surveyed and go through a formal subdivision process. The area of the right-of-way that was taken made the area denser. He agrees that there should be "no reward" for wrongdoing; however, this would clean up the area.

Commissioner Butterfield asked whether a title company was used by the lending institution at the time of purchase. Mr. Willets said the title company ensures there are no liens or encumbrances. He checked with the City multiple times before he purchased the property and feels like due diligence was done. Mr. Butterfield said the fact that the property was not subdivided should have been obvious on the title. Mr. Housley said he was surprised it was not caught, although a title company would not ensure zoning, the fact that the lot was not subdivided legally should have been determined.

Commissioner Price would like to see the rezone considered with a deed restriction that would allow a duplex to be built. The property is meant to be developed in some way and it does not seem logical for a single-family home. He would like to see the applicant be able to move forward and out of the "loop" that he has been in for the past few years. Mr. Housley pointed out that a deed restriction could not be required; however the applicant could agree to one.

Commissioner Price said some of the underlying concerns from neighbors (access and drainage) could have been addressed and required to meet City standards had the property been subdivided legally.

Mr. Holley reviewed current density of the area at the request of Chairman Davis. He pointed out that the rezone would encompass the entire illegally divided lots (the City recognizes it as lot 6).

If the entire parcel were rezoned, with a deed restriction on Mr. Willets portion, Chairman Davis asked if other owners could increase the density of their portions. Mr. Holley explained that the lots are configured unevenly. Mr. Housley said the deed restriction would apply to the entire parcel. The challenge will be that all property owners will have to agree to the deed restriction, however, it would be advantageous for them because then the parcel could be legally subdivided.

Commissioner Newman asked how the rezone would affect the other portions of the parcel which have been developed. Mr. Housley explained that once it is subdivided, each lot would be allowed to develop what the zone allowed. Density restrictions could be placed on each lot, or the parcel could be zoned back to MR-12 when it comes before the Commission for a subdivision. In order to be able to subdivide, the zone would have to be changed to MR-20.

Commissioner Newman asked what would happen if other owners did not agree to the restriction. Mr. Holley suggested that a deed restriction could be agreed to and signed prior to a decision by the Municipal Council for the zone change.

Commissioner Ortiz asked if it could be zoned to MR-15 rather than MR-20. Mr. Housley said that the City does not have an MR-15 zone designation.

**MOTION:** Commissioner Price moved to **forward a recommendation for approval** to the Municipal Council for a zone change as outlined in PC16-017 with the additional condition for a voluntary deed restriction for a duplex. Commissioner Ortiz seconded the motion.

Moved: Commissioner Price    Seconded: Commissioner Ortiz    **Passed:** 7-0

Yea: D. Butterfield, A. Davis, D. Newman, T. Nielson, E. Ortiz, R. Price, S. Sinclair    Nay:    Abstain:

**PC 16-015 LDC Amendment 17.25 Drinking Water Source Protection (SP) Overlay Zone**

[Code Amendment] Logan City requests an amendment to the Land Development Code Section 17.25 in order to comply with new requirements to infiltrate or evaporate the first 6" of rainfall on the site of each project. It has become necessary to modify underground injection systems, Class V injection wells in the Source Protection zone.

**STAFF:** Mr. DeSimone explained that the proposed modifications to Section 17.25 are required in order to comply with state & federal requirements to manage stormwater on-site. Underground injection systems, called Class V injection wells, are currently prohibited in all Drinking Water Source Protection Zones. These changes would permit the use of Class V injection wells in Drinking Water Source Protection Zones 3 & 4 only. A Class V injection well is a type of drainage facility that generally depends on gravity to drain fluids below the land surface and generally involves little or no pretreatment. A typical Class V system is a dry well or a septic system.

Mr. Young explained that recent stormwater requirements changed on March 1, 2016, requiring that all new development projects have to retain onsite up to the 90<sup>th</sup> percentile storm events. The current Code does not allow for Class V injection well (sump) in some areas and with the new requirement some exceptions need to be made.

**PUBLIC:** None

**COMMISSION:** Commissioner Price asked about any impact. Mr. Young said this will provide the allowance of different options for development.

**MOTION:** Commissioner Newman moved to **forward a recommendation for approval** to the Municipal Council for an amendment to the Land Development Code Section 17.25 as outlined in PC 16-015. Commissioner Sinclair 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 is minor in nature and brings Drinking Water Source Protection Standards into compliance with State/Federal requirements.
4. The provisions of the amendment 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 Newman    Seconded: Commissioner Sinclair    **Passed:** 7-0

Yea: D. Butterfield, A. Davis, D. Newman, T. Nielson, E. Ortiz, R. Price, S. Sinclair    Nay:    Abstain:

**PC 16-018 Logan City Block Rezone** [Zone Change] Logan City requests to rezone the Main Street frontage of the City block located between 200 North – 300 North from Public (PUB) to Town Center (TC). This action includes approximately 4 acres on the following properties or portions thereof; TIN 06-016-0001,-0002,-0004,-0019,-0020,-0021,-0022,-0023,-0024,-0025,-0027.

**STAFF:** Mr. DeSimone reviewed the proposal to rezone approximately four (4) acres from Public (PUB) to Town Center (TC) along the front or eastern half of the City block. The purpose is to develop this area commercially.

The block located between Main Street and 100 West and 200 North–300 North is the site of Logan City Hall, the Logan City Library, and the U.S. Post Office. With the exception of the Post Office, all the property on this block is owned by Logan City. Logan City acquired these properties over the past 10-15 years in order to help clean up downtown and eventually stimulate new development. The intent of this rezone is to allow for the eventual redevelopment of the 4 acres fronting Main Street, starting with the southeast corner and moving north. The existing library is proposed to be demolished and replaced elsewhere.

The Town Center zone is consistent with the surrounding zoning and would permit a wide range of commercial activities. The Future Land Use Plan (FLUP) contained in the Logan General Plan designates the property as Town Center (TC). The intent of the Town Center (TC) designation is to “*maintain the downtown as the central hub for both Logan and Cache Valley...*” The Plan also states that “*the Town Center will have a mix of retail, office, residential, and civic uses...*” Regarding new construction, the Plan recommends that “*new buildings will be more than one story, constructed of traditional building materials, and will be designed to be architecturally complementary to the existing downtown historic structures. New...projects that provide the greatest mix of complementary uses for the downtown will be given the highest priority in allocating community resources.*” The rezone anticipates a mixture of new development types on this site.

**PUBLIC:** None

**COMMISSION:** Mr. DeSimone confirmed for Commissioner Price that the City wants to clean up and revitalize the area.

Commissioner Butterfield said this is a good idea and commends the City's direction. This is valuable property which could help revitalize downtown and the zone change would help provide the highest and best use of the area.

**MOTION:** Commissioner Butterfield moved to **forward a recommendation for approval** to the Municipal Council for a zone change as outlined in PC 16-018. Commissioner Ortiz seconded the motion.

#### FINDINGS FOR APPROVAL

1. The location of the property is compatible with the purpose of the Town Center Zone in that the Future Land Use Plan designates it as Town Center.
2. The subject property is suitable as a location for uses within the Town Center district.
3. The infrastructure providing access and utility services to the subject property have adequate capacities or a suitable level of service for the permitted uses within the zoning district.
4. The subject property, when used for the allowed uses in the Town Center district, will not be incompatible with adjoining land uses or the purpose of the adjoining districts.
5. The proposal meets the intent and recommendations of the General Plan with the zone change to Town Center (TC).

Moved: Commissioner Butterfield    Seconded: Commissioner Ortiz    Passed: 7-0  
Yea: D. Butterfield, A. Davis, D. Newman, T. Nielson, E. Ortiz, R. Price, S. Sinclair    Nay:    Abstain:

#### WORKSHOP ITEMS for April 28, 2016

- ✓ PC 16-019 Miller Auto Body Addition [Design Review & Conditional Use Permit]

Meeting adjourned at 7:16 p.m.

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Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting of April 14, 2016.

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Michael A. DeSimone  
Community Development Director

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Amanda Davis  
Planning Commission Chair

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Russ Holley  
Senior Planner

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Amber Reeder  
Planner II

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Debbie Zilles  
Administrative Assistant