

**CITY OF LOGAN, UTAH
ORDINANCE NO. 16-13**

AN ORDINANCE AMENDING TITLE 17 OF THE LAND DEVELOPMENT CODE
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 properties identified in Exhibit A, as attached, are hereby rezoned
from Mixed Residential Low (MR-12) to Mixed Residential Medium (MR-20).

SECTION 2: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2016.

AYES:
NAYS:
ABSENT:

Herm Olsen, 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 _____, 2016.

Herm Olsen, Chair

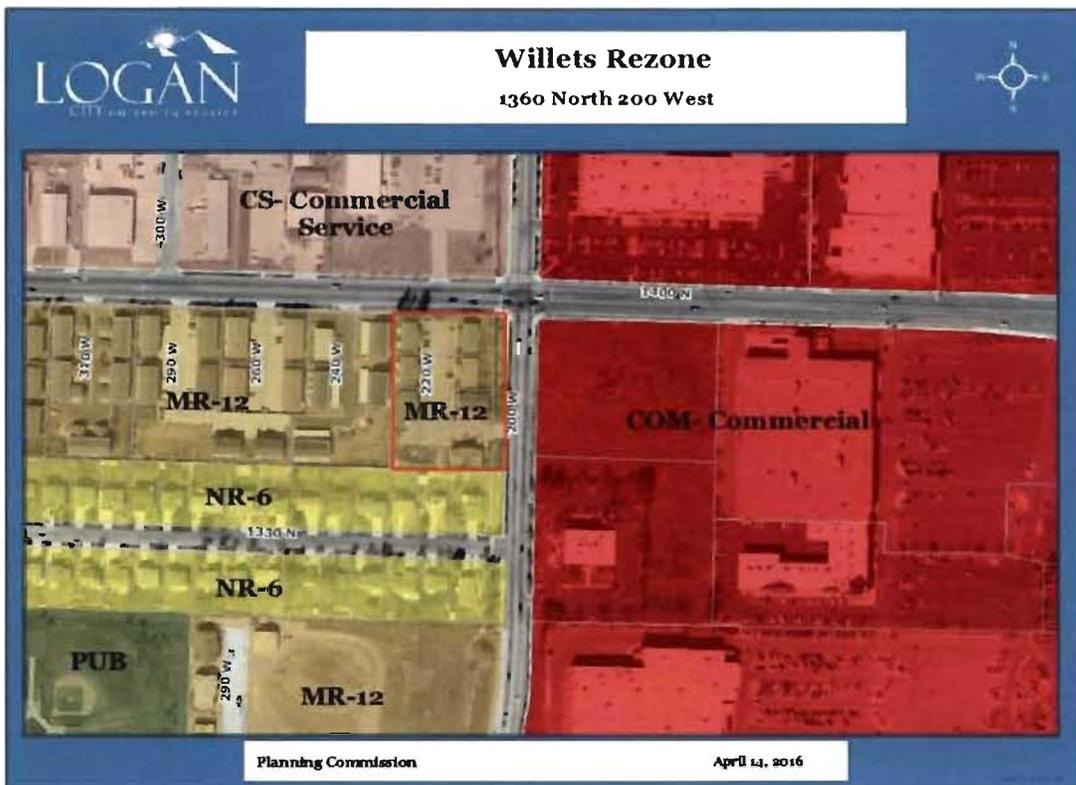
MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of
_____, 2016.

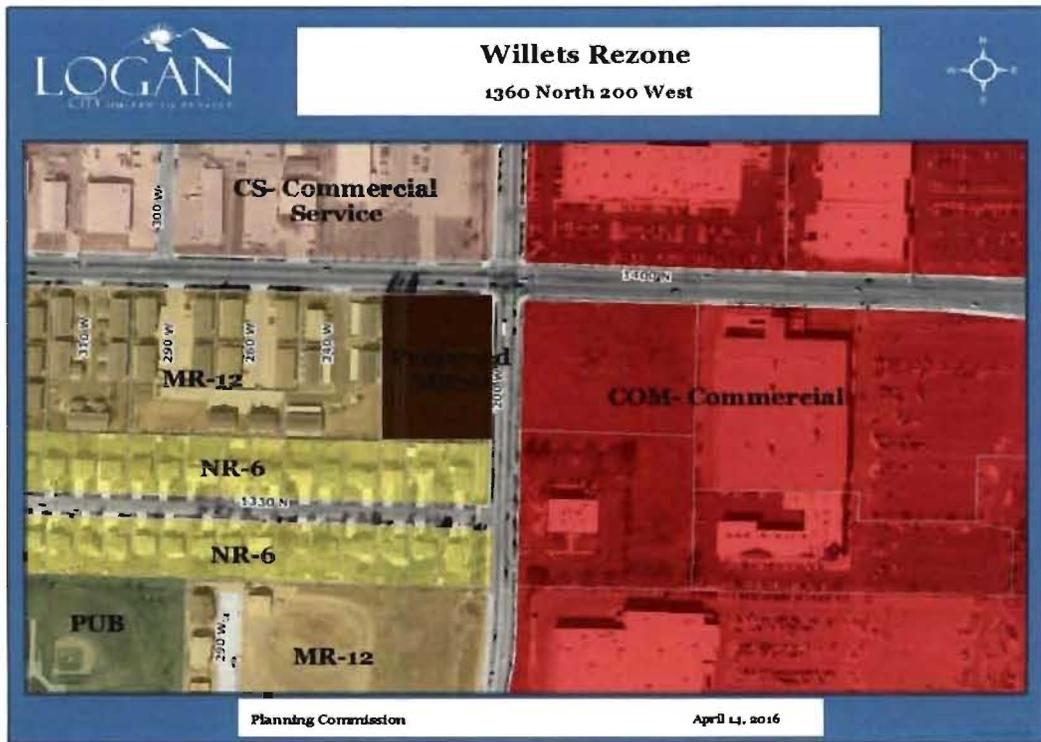
H. Craig Petersen, Mayor

EXHIBIT A

Lot #6 of the original Royal Point Subdivision approved by the City of Logan and recorded in 1992.



EXISTING ZONING



PROPOSED ZONING



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: April 26, 2016
FROM: Russ Holley, Senior Planner
SUBJECT: Jed Willets Rezone

Summary of Planning Commission Proceedings

On April 14, 2016, the Planning Commission voted on a **recommendation for approval** to the Municipal Council for a rezone of 1.80 acres, lot #6 of the original Royal Point Subdivision, from MR-12 to MR-20.

Planning Commissioners vote (7-0):

Motion to **recommend approval**:

Moved: Commissioner Price Seconded: Commissioner Ortiz

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

Nay: None

Abstain: None

Attachments:

Staff Report

Ordinance 16-013

Portion of PC Meeting Minutes from April 14, 2016



**Project #16-017
Willets Rezone
Located at 1360 North 200 West**

REPORT SUMMARY...

Project Name: Willets Rezone
Proponent/Owner: Jed F. Willets / Jed F. Willets
Project Address: 1360 North 200 West
Request: Rezone from MR-12 to Mr-20
Current Zoning: MR-12
Date of Hearing: April 14, 2016
Type of Action: Legislative
Submitted By: Russ Holley, Senior Planner

RECOMMENDATION

Staff and the Planning Commission recommend approval to the Municipal Council for a Rezone of the property located at 1360 North 200 West.

Background

In 1992 the Logan City Planning Commission approved the six (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, 1.80 acres, is the property requesting a rezone. In 1992 the zoning was R4, which allowed multi-family structures at a rate of one unit per every 6,000 square feet (SF) and an additional 1,000 SF for each subsequent unit (4-plexes would require 9,000 SF). With 1.80 acres, eight four-plexes could have been built in the 1990's. Seven four-plexes were built between 1993 and 1995. Subsequent to the multi-family construction, lot #6 was divided into eight separate lots (one vacant) at the County Recorder's office and without formal City subdivision approval between 1993-1996. The City has never recognized these additional TIN boundaries. The original Lot #6 under the R4 zoning ordinance could have allowed for additional units, but nothing was constructed.

In 2000 the zoning designations and densities changed to "Multi Family High" with a density of 14 units per acre. With seven four-plexes (28 units) on the original recognized 1.80 acre lot, the density is 15.5 units per acre and the project became "legally-existing nonconforming". Furthermore, in 2012 the area was down-zoned again to its current density of MR-12 (12 units per acre). This legally existing nonconformity renders the vacant lot created at the county undevelopable because the city only recognizes the overall 1.80 acre lot #6. Because of city GIS coordination process and insufficient red-flagging of illegal subdivisions, the applicant was verbally told over the counter by staff in 2011 that his 0.24 acre property would support a duplex based on size and current zoning. Later and only after the applicant submitted a proposal for a duplex, the illegal subdivision was then discovered resulting in a useless 0.24 acre of vacant land. The title company and property seller did not alert the applicant of the illegal subdivision either. The applicant proposed a rezone in 2011 to MR-20, that proposal was denied by the City Council. The Council did ask staff to work with the applicant on alternatives that may remedy his predicament as he was under the impression that this lot was created legally and capable of a duplex under current MR-12 zoning. Over the past several years, no agreements have been reached with the applicant.

Request

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 and allow for a Logan City approved subdivision to occur creating recognized building lots and allowing the applicants property (vacant piece) to be developed. If rezoned to MR-20, a 0.24 acre property could be developed as four (4) units. If the entire lot #6 were to be rezoned to MR-20, at 1.80 total acres, 36 units would be the density. For each of the existing four-plexes to be legally subdivided under the MR-20 zone, minimum lots sizes would be 0.20 acres. Currently lot #6 is divided into properties ranging from 0.13 – 0.33 acres.

General Plan

The Future Land Use Plan (FLUP) identifies this area as Mixed Residential. It does not distinguish between medium and high. In Chapter 5 "Growth vs. Land Availability" it states the problem being that the per capita land consumption is increasing while available quality developable land is decreasing. The solutions identified are compact growth, infill and redevelopment. Reasons for zoning the area MRM rather than MRH as part of the revised Land Development Code (LDC) and Zoning Map in February of 2011, were that the northwest area of town has been historically over saturated with multi-family structures, disrupting the balance of housing options that create diversity and strength within a neighborhood. Consistent efforts have been made in the past decade by the City Council to reduce multi-family densities in Bridger neighborhood and to help initiate new single family development to restore housing balance.

Staff Analysis

This proposal has the potential to possibly set precedence for compromising zoning intent and regulation, because with a city so diverse in its history, there are enormous amounts of non-conforming properties, land uses and structures throughout. In this case, however processed improperly by only going to the county, it could have been legally subdivided in 1993-95 when these structures were built and divided.

If a down-zone application back to MR-12 was to be immediately be submitted by the Community Development Department, it would allow the subdivision to be platted and result in a 0.24 acre property that is zoned MR-12 and capable of two (2) units and a neighborhood that is zoned the same way as it is today. That would be exactly what the proponent thought he had purchased and what city staff originally told him he had. The Planning Commission unanimously agreed with this concept, on the condition that somehow only a duplex could be built, not a four-plex, which the MR-20 would allow.

PUBLIC COMMENTS

As of the time the staff report was prepared, no comments have been received.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. The Logan City Future Land Use Plan (FLUP) indicates the area as MR, which the MR-20 zone is consistent with.
2. The area was laid-out with parking and open areas with the intent or at least the capability to support additional residential dwelling units.
3. Although the City Council has consistently chosen the lower MR zoning designation for the Bridger Neighborhood, with the proponent's intentions to only build a duplex and city staff's plan for a future down-zone, the area will be consistent with surrounding uses.
4. The process of platting and gaining city approval for a new subdivision will create recognized properties and prevent future adversity on subsequent property owners.

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.

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 Wet 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 had 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: