

**CITY OF LOGAN, UTAH  
ORDINANCE NO. 16-018**

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" are hereby amended and the following properties identified in Exhibit A, as attached, are hereby rezoned from Traditional Neighborhood Residential (NR-6) to Mixed Residential Transitional (MR-9).

TIN# 03-005-0051 and TIN#03-005-0047

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

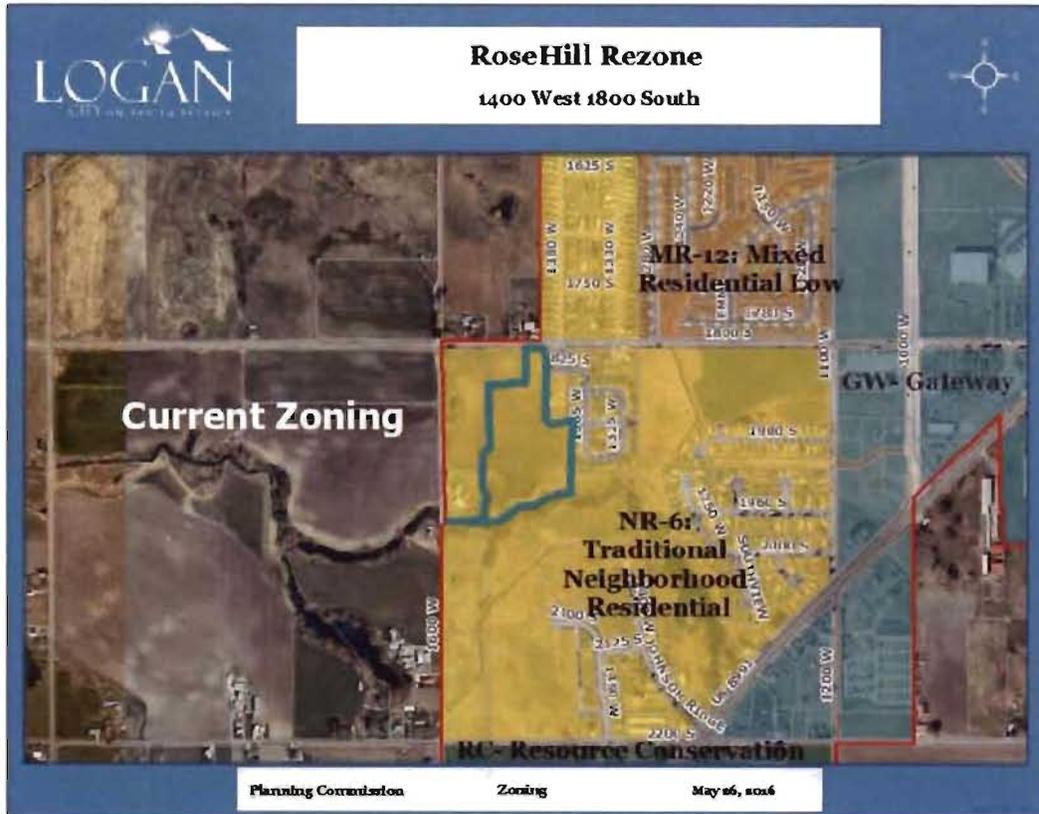
**MAYOR'S APPROVAL OR DISAPPROVAL**

The foregoing ordinance is hereby \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
H. Craig Petersen, Mayor

# EXHIBIT A

CURRENT ZONING:



PROPOSED ZONING:



# EXHIBIT B

**TIN# 03-005-0047**

Legal Description  
----- 2016 -----

PT OF NW/4 SEC 17 T 11N R 1E AS FOLLOWS: BEG N 89\*18'16" E 5277.55 FT & S 0\*41'44" E 33.0 FT FROM NW COR SEC 18 T 11N R 1E & BEING S LN OF YOUNG WARD ROAD & TH N 89\*33'15" E 551.68 FT TO TRUE POB TH S 0\*32'52" E 107 FT TH S 10\*04'11" E 60.89 FT TH S 0\*26'45" E 73.24 FT TH S 89\*23'09" W 257.5 FT TH S 0\*41'44" E 409.97 FT TH S 33\*24'38" W 71.37 FT TH S 0\*46'53" E 100 FT TH S 0\*41'44" E 95.25 FT TH S 20\*03'53" E 114.63 FT TH S 74\*35'05" W 39.31 FT TH S 0\*41'44" E 120.74 FT TH S 87\*34'06" W 237.23 FT TH N 83\*59'55" W 26.69 FT TO W LN OF NW/4 SEC 17 TH S TO CL OF SPRING CREEK TH NE'LY ALG CREEK 80 RDS TO PT 200 FT N OF SE COR NW/4 NW/4 OF SD SEC TH N 934 FT TO PT 186 FT S OF PT 80 RDS E OF NW COR SD SEC 17 TH W 235 FT TH N 186 FT TH W 533.32 FT M/L TO BEG CONT 23.98 AC M/L LESS: BEG N89\*50'32"W 2089.68 FT & S 33 FT OF N/4 COR SEC 17 T 11N R 1E & TH S0\*32'52"E 107 FT TH S10\*04'11"E 58.49 FT TH S0\*45'E 75.61 FT TH S89\*23'09"W 257.5 FT TH S0\*41'44"E 235 FT TH N89\*18'26"E 101.5 FT TH S0\*41'44"E 2.29 FT TH N89\*18'16"E 104.4 FT TH N6\*16'58"W 29.81 FT TH N87\*08'33"E 193.75 FT TH N0\*03'57"W 37.25 FT TH E 264.6 FT TH N 12.18 FT TH E 248.5 FT TH S 24 FT TH E 101.5 FT TH N 227 FT TO PT BR S 186.0 FT OF PT S 2 RDS & E 80 RDS OF NW COR SEC 17 TH W 235 FT TH N 186 FT TH W 533.32 FT TO BEG CONT 7.44 AC M/B (0051 & PUD PH 1) NET 16.54 AC M/L LESS: BEG N 89\*18'16" E 5277.55 FT & S 0\*41'44" E 33.0 FT & N 89\*33'15" E 551.68 FT FROM NW COR SEC 18 T 11N R 1E & BEING S LN OF YOUNG WARD ROAD & TH E 533.23 FT TH S 186.0 FT TH E 235.0 FT TH S ALG FENCE 227.0 FT TO TRUE POB TH S 533.19 FT TO CENTER OF SPRING CREEK TH ALG CL OF CREEK IN 5 COURSES: N72\*57'37"W 81.8 FT S75\*34'59"W 123.57 FT S63\*58'26"W 125.17 FT N60\*52'35"W 35.11 FT N89\*29'49"W 118.97 FT TH N 588.6 FT TH E 110 FT TH N 12.18 FT TH E 248.5 FT TH S 24 FT TH E 101.5 FT TO TRUE POB CONT 6.00 AC M/B (0052) NET 10.54 AC M/L

**TIN# 03-005-0051**

Legal Description  
----- 2016 -----

BEG N89\*50'32"W 2089.68 FT & S 33 FT OF N/4 COR SEC 17 T 11N R 1E & TH S0\*32'52"E 107 FT TH S10\*04'11"E 58.49 FT TH S0\*45'E 75.61 FT TH S89\*23'09"W 257.5 FT TH S0\*41'44"E 235 FT TH N89\*18'26"E 101.5 FT TH S0\*41'44"E 2.29 FT TH N89\*18'16"E 104.4 FT TH N6\*16'58"W 29.81 FT TH N87\*08'33"E 193.75 FT TH N0\*03'57"W 37.25 FT TH E 264.6 FT TH N 12.18 FT TH E 248.5 FT TH S 24 FT TH E 101.5 FT TH N 227 FT TO PT BR S 186.0 FT OF PT S 2 RDS & E 80 RDS OF NW COR SEC 17 TH W 235 FT TH N 186 FT TH W 533.32 FT TO BEG CONT 7.44 AC M/B LESS: ROSE HILL PUD PH 1 CONT 4.95 AC (2004-1804) NET 2.49 AC M/L



## MEMORANDUM TO MUNICIPAL COUNCIL

DATE: June 2, 2016  
FROM: Amber Pollan, Planner II  
SUBJECT: Ordinance 16-018, RoseHill Rezone – Traditional Neighborhood Residential (NR-6) to Mixed Residential Transitional (MR-9)

---

### **Summary of Planning Commission Proceedings**

*Project Name:* RoseHill Rezone  
*Request:* Zoning Map Amendment  
*Project Address:* 1400 W 1800 S  
*Recommendation of the Planning Commission:* Approval

On May 26, 2016, the Planning Commission recommended that the Municipal Council **approve** the Rezone of 13.03 acres of property located at 1400 West 1800 South from Traditional Neighborhood Residential (NR-6) to Mixed Residential Transitional (MR-9).

### **Planning Commissioners vote (7 - 0):**

Motion for Recommendation: D. Butterfield

Second: E. Ortiz

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

### **Attachments:**

*Staff Report (PC16-023)*

*Ordinance 16-018*

*Draft Planning Commission Meeting Minutes from May 26, 2016*



**Project #16-023  
RoseHill Zone Change  
Located at 1400 West 1800 South**

**REPORT SUMMARY...**

*Project Name:* RoseHill Rezone  
*Proponent/Owner:* Rosehill LLC/Troy Kartchner and Dan Larsen  
*Project Address:* 1400 West 1800 South  
*Request:* Rezone to MR-9  
*Current Zoning:* NR-6  
*Date of Hearing:* May 26, 2016  
*Type of Action:* Quasi-Judicial  
*Submitted By:* Amber Pollan, Planner II

**RECOMMENDATION**

Staff recommends that the Planning Commission continue this zone change request to allow for a boundary line adjustment or subdivision to establish the boundaries of rezone and allow for further discussion of development issues.

**Request**

The applicants are requesting a zone change of 13.03 acres from Neighborhood Residential (NR-6) to Mixed Residential (MR-9) at 1400 West 1800 South; TIN 03-005-0051;-0047. The applicants would like to continue with Phases 3 and 4 of the RoseHill subdivision. The previous phases of the subdivision were developed under a Planned Development which allowed for lot sizes less than 6,000 sf. They are requesting the MR-9 zoning as it allows for lots sizes of a minimum of 4,000 sf.

**Background**

The subject property is part of the proposed RoseHill development. The property started as a larger parcel of 23.98 acres. The property was part of an annexation from the County into Logan City in July 1999. The property was zoned AG- Agricultural and used agriculturally. In 2002, it was part of a request for a rezone from AG to SFR- Single Family Residential with an additional 6 acres of property to the west. There were concerns about sensitive areas, water tables, and 1800 South at the time. A request was resubmitted to rezone from AG to SFT-PD, the Single Family Traditional Planned Development zoning. This was recommended for denial as there were still concerns regarding the development constraints and remoteness of the site to other development.

The request was reduced to the 23.98 acre parcel, proposed for rezone from AG to SFT-PD and approved in 2003. A Design Review Permit and Subdivision Permit was approved December 18, 2003. The project was approved for four (4) phases and required to come back to the Commission if there was more than a year between phases and extensions were not requested or granted. The development was approved with a total of 83 single family lots at an average lot size of 5100 sf and three open space areas: a 5.29 acre common open space on the wetland area on the south side of the site, a 1.11 acre private park, and 20' landscape buffer along 1800 South. Setbacks were approved at a 10' minimum front and rear building setback and 5' minimum side yard setbacks. The Planned Development modifications to minimum lot sizes and setbacks allowed for the preservation of sensitive open space and provision of recreation amenities to the development.

Phase 1 was recorded in May 2004 and included 19 single family lots, the park and 1800 South buffer. Phase 2 was recorded in May of 2007 and included 25 single family residential lots. The lot sizes range from 4300 sf to 8500 sf with an average size of 5362 sf. Home construction

started in 2005 and the last homes receiving occupancy in January 2014. Nine years have lapsed since the last subdivision phase was recorded and two years since there was active work in the subdivision, which means the subdivision has expired. The Land Development Code rezone took place in 2011 and changed the SFT zoning to NRW- Neighborhood Residential Westside. This classification was renamed NR-6 in 2013. The NR-6 zoning requires a 6,000 sf minimum lot size, average lot widths of 50', and a maximum density of 6 units per acre.

### **Zoning**

The MR-9 zoning designation was added to the Land Development Code in 2013 as an option between a single family residential and multi-family zone. It allows for single family detached, single family attached, and duplex dwellings as permitted uses. Town houses can be permitted by Conditional Use Permit. There is a maximum density of nine (9) units per acre with a minimum lot size of 4,000 sf. The lot width requires a minimum average of 40' per block. Setbacks are also reduced from the NR-6 standard; a front setback of 15', side setback of 5', and rear setback of 10' are permitted.

The Rosehill Planned Development, as proposed in its entirety in 2003, included 24 acres of land and 83 single family residential lots. The overall density of the development was 3.8 units per acre. The eastern half of the project that is developed is approximately 11 acres and has 44 existing homes, which equates to 4 units per acre.

The 13 acres that are part of this request are intended to finish out the Rosehill development with the remaining 39 single family residential lots and common open space on the southern portion, as proposed in 2003. The MR-9 zoning would allow for the proponents to continue the lot sizes and widths consistent with the existing development. However, if rezoned the MR-9 designation does allow for up to 9 units per acre and so a 13 acre site could potentially yield 117 units. The sensitive lands included in this area would limit development of the entire site but there is not the ability to ensure that the common area on the southern portion is preserved and maintained as originally proposed. Duplexes could be proposed, which may not be appropriate for the single family nature of the area. Other attached housing and townhouses could also be proposed as part of a subdivision of the area. While the intent is for single family development, the zoning allows for a broader range of use and impact.

### **General Plan**

The Future Land Use Plan (FLUP) contained in the Logan General Plan designates the property as Detached Residential (DR). The intent of the DR designation is for detached single family development. It does encourage compact lot design, within the allowed density range, when used to preserve open space, critical lands, and to avoid natural hazards.

The MR-9 zone does not fit precisely in the DR or MR- Mixed Residential Future Land Use Plan designation. The MR area is described in the General Plan as encouraging a range of structure types and is typically for areas with residential densities of 15-30 units per acre. The MR-9 zoning designation is appropriate for the MR areas as it is a Mixed Residential zone but may be consistent with DR designation as the range of residential building types is limited and the density is closer to the DR ranges.

### **Summary**

The Rosehill Planned Development plan was approved in 2003 as a subdivision that would provide for protection of sensitive natural areas, provide recreation amenities, and a diverse mix of single family residences at an overall density that was consistent with a single family zone in the more rural areas at the edge of the City. The Rosehill development may still be a compatible concept but the current NR-6 zoning does not allow for the lot sizes as proposed

and the MR-9 zoning allows for uses and intensity of development that is not compatible with the area or General Plan.

The Planning Commission should consider the appropriateness and compatibility of additional development of lots primarily in the 4000-5000 sf range. If the continuation of the Rosehill development is appropriate, there may be some ways to provide for a rezone but not open up the area to incompatible development. Staff is recommending the Planning Commission continue the request so that some of these issues can be considered and discussed further with the proponents.

One of the options is the common area proposed on the south side of the development could be separate from the request or rezoned as Resource Conservation (RC) or Recreation (REC) to ensure that it is maintained as an open space and water retention area. It appears that there were some parcels created with the common area or as remainders from the subdivision phases that are not considered legal lots by Logan City. The parcel issues may be able to be resolved by a boundary line adjustment or subdivision. This would also allow for the bounds of a rezone to be provided more accurately to limit the area included in a rezone to MR-20. The proponent may be willing to record a deed restriction regarding the density and unit type for the build-out of the project.

#### **PUBLIC NOTICE**

Public notice regarding this zone change request was mailed to property owners within 300' of the subject property on May 9, 2016. A quarter page ad was published in the Herald Journal on May 8, 2016 and legal notice published on May 12, 2016. The public notice was posted on the Utah Public Meeting Notice Website on May 16, 2016.

#### **PUBLIC COMMENTS**

As of the time the staff report was prepared, there have been three (3) inquiries into the project and property owners within the Rosehill existing development have expressed opposition to the rezone request.

#### **AGENCY AND CITY DEPARTMENT COMMENTS**

The project was reviewed by Logan City Departments and other local agencies. There were not any comments regarding the rezone but some general development matters to be addressed prior to future development on the property.

#### **RECOMMENDED FINDINGS**

The Commission may recommend that the Municipal Council approve an amendment to the Official Zoning Map if it substantiates findings. Failure to find facts supporting the petition, or finding facts that are contrary to the petition, are grounds for a recommendation that the Council deny the zoning amendment. The following are the LDC findings required for a zoning change:

1. The location of the subject property is compatible with the purpose of the new zoning district.
2. The subject property, as proposed and restricted for phases III and IV of the RoseHill single family residential subdivision, is suitable for all development within the new zoning district without increasing the need for variances or special exceptions.
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 new zoning district.
4. The subject property, when used for the permitted uses in the new zoning district, will not be incompatible with adjoining land uses or the purpose of the adjoining zoning districts.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



# APPLICATION FOR PROJECT REVIEW

Planning Commission    Land Use Appeal Board    Administrative Review

Date Received 4/25/14	Received By DJA	Receipt Number	Zone NR-6	Application Number PC 16-023
Type of Application (Check all that apply): <input type="checkbox"/> Design Review <input type="checkbox"/> Conditional Use <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Zone Change <input type="checkbox"/> Administrative Design Review <input type="checkbox"/> Code Amendment <input type="checkbox"/> Appeal <input type="checkbox"/> Variance <input type="checkbox"/> 4950' Design Review <input type="checkbox"/> Other _____				
PROJECT NAME Rose Hill Rezone				
PROJECT ADDRESS 1400 west 1800 south			COUNTY PLAT TAX ID # 03 - 005 - 0051 03 - 005 - 0047	
AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete) Troy Kartchner - Dan Larsen			MAIN PHONE # 755-7080	
MAILING ADDRESS 601 west 1700 south		CITY Logan	STATE UT	ZIP 84321
EMAIL ADDRESS Troy@Kartchnerinc.com - Dan@Kartchnerinc.com				
PROPERTY OWNER OF RECORD (Must be listed) Rose Hill LLC			MAIN PHONE # 755-7080	
MAILING ADDRESS 601 west 1700 south		CITY Logan	STATE UT	ZIP 84321
EMAIL ADDRESS Dan@Kartchnerinc.com				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) Request MR-9 (REZONE) From NR-6 to MR-9			Total Lot Size (acres) 13.03 acres	
			Size of Proposed New Building (square feet)	
			Number of Proposed New Units/Lots	
<b>- NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -</b>				
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.			Signature of Property Owner's Authorized Agent 	
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.			Signature of Property Owner 	

To the City of Logan

It is the desire of Rose Hill LLC, to continue the development of our property. We'd like to finish the project as it was originally designed. When we started the project it was approved as a planned unit development (PUD). Due to the economic past the project was stalled. Now that the economics appear to be favorable, we are seeking to complete it. We have been told by staff that the prior approval has expired and that the best route to take to finish the project is to request the MR-9 zone. It is not our desire to build multifamily residences, only continue single-family homes similar to the existing homes in the prior two phases. We project building the project in phases, the same phases as originally set, included the dedication of common area.

The new phases will be annexed into the existing Home Owners Association. The common areas in phases one and two will be available to the future phases and the common areas in phase three and four will be available to existing owners.

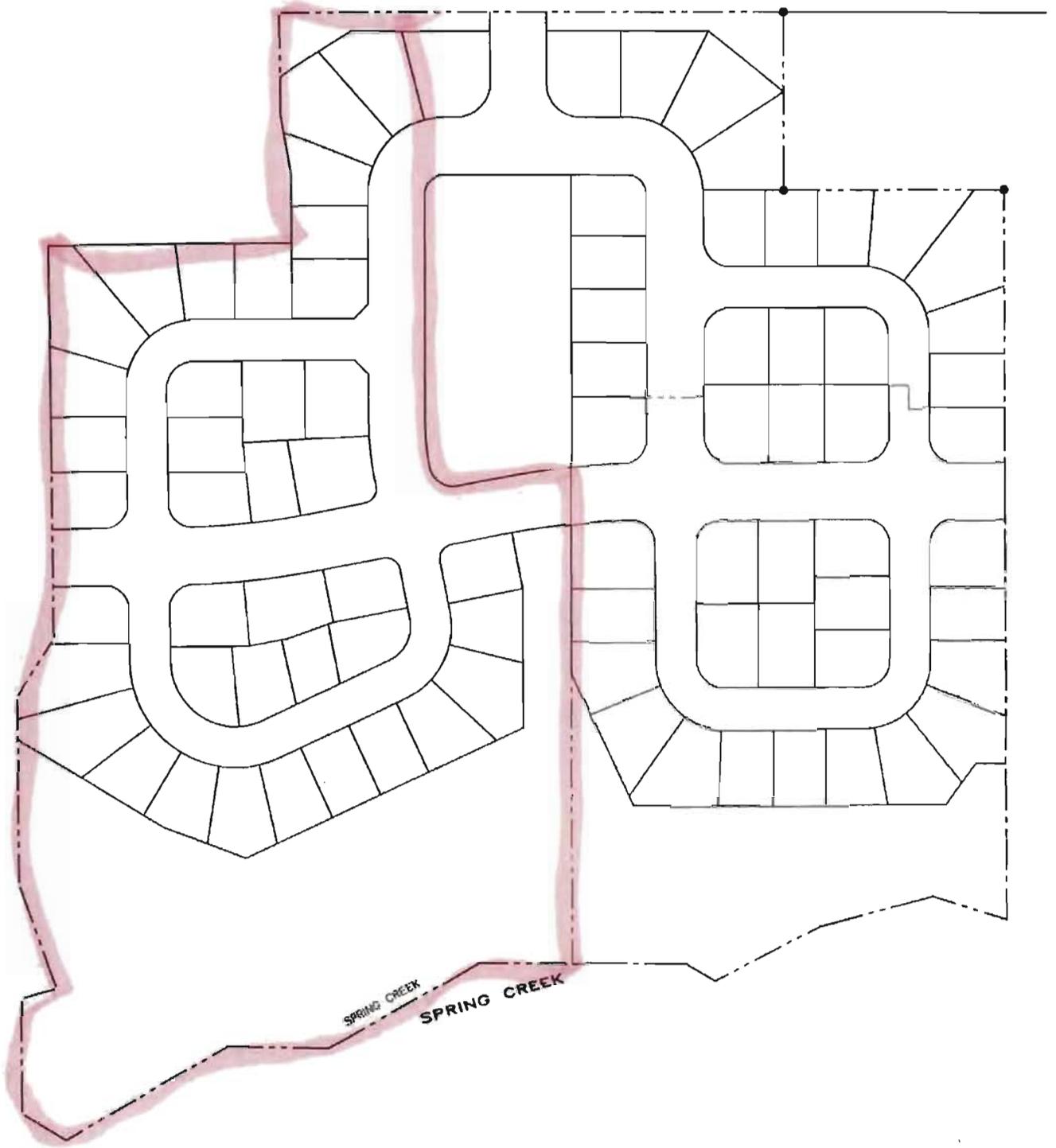
Part of our desire for keeping the project the same is that is we feel the existing owners were promised what their neighborhood was going to be like. We want to meet those expectations. The common areas were budgeted and set to be maintained by eighty three individual home owners. In good faith to the city and to current owners the park area is developed and operational. The park is maintained by the HOA. To stop the project short of the intended amount of owners will substantially increase the financial burden on existing owners.

We appreciate the City of Logan for its willingness to consider developments of all types and hope to continue this development. We invite the staff, council, and commission to visit the existing project. We feel the residences in this project provide a good addition to the city.



PC 16-023

1800 SOUTH STREET







---

## PLANNING COMMISSION MINUTES

### Meeting of May 26, 2016

---

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, May 26, 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 Pollan, Kymber Housley, Paul Taylor, Craig Humphreys, Bill Young, Debbie Zilles

### **PUBLIC HEARING**

**PC 16-023 Rose Hill Rezone** [Zone Change] Troy Kartchner & Dan Larsen/Rose Hill LLC, authorized agents/owner, request a zone change of 13.03 acres from Neighborhood Residential (NR-6) to Mixed Residential (MR-9) at 1400 West 1800 South; TIN 03-005-0051;-0047.

**STAFF:** Ms. Pollan reviewed the request and provided a background of the subject property. The applicant would like to continue with Phases 3 and 4 of the Rose Hill subdivision. The previous phases of the subdivision were developed under a Planned Unit Development (PUD) which allowed for lot sizes less than 6,000 SF. The proponent is requesting the MR-9 zoning as it allows for smaller lots sizes, which would be compatible with the existing development.

The Rose Hill Planned Development plan was approved in 2003 as a subdivision that would provide for protection of sensitive natural areas, recreation amenities, and a diverse mix of single-family residences at an overall density that was consistent with a single-family zone in more rural areas at the edge of the City. The Rose Hill development may still be a compatible concept but the current NR-6 zoning does not allow for the lot sizes as proposed and the MR-9 zoning allows for uses and intensity of development that is not compatible with the area or General Plan.

The appropriateness and compatibility of additional development of lots, primarily in the 4,000-5,000 SF range, should be carefully considered. If the continuation of Rose Hill development is appropriate, there may be ways to provide for a rezone but not open up the area to incompatible development. In the staff report, Staff recommended the Planning Commission continue the request so that some of these issues can be considered. Staff has met with the proponent and discussed options that may allow for RoseHill phases three and four. The proponent will discuss their proposal for limiting their development and the Commission may be able to make a recommendation tonight. One of the options is the common area proposed on the south side of the development could be separate from the request or rezoned as Resource Conservation (RC) or Recreation (REC) to ensure that it is maintained as an open space and water retention area. It appears that there were some parcels created with the common area, or as remainders from the subdivision phases, that are not considered legal lots by Logan City. The parcel issues may be able to be resolved by a boundary line adjustment or subdivision. This would also allow for the bounds of a rezone to be provided more accurately to limit the area included in a rezone to MR-20. The proponent may be willing to record a deed restriction regarding the density and unit type for the build-out of the project.

**PROPONENT:** Dan Larsen, Kartchner Homes, explained that when construction drawings were submitted, it was discovered that the original approval for the project had lapsed. In working with staff to come up with a solution to continue the project, the MR-9 zone seemed to be the answer. He said they are willing to place a deed restriction on the project, their intent is not to change the original plan, development has just taken longer than anticipated. The goal is to complete the project as initially approved.

**PUBLIC:** An email expressing opposition to the request for a zone change was received by Justin Shea and distributed to members prior to the meeting.

Stephen Douglas, 1354 West 1900 South – a resident of Phase II, expressed concerns with the lack of compatibility regarding an MR-9 zone and assurances regarding the intent of development. The neighborhood has many young children and he is concerned with the possibility of increased density.

Mr. Housley explained that a deed restriction would be recorded on the land and future owners would be bound by the restrictions. In this case, the restriction(s) would address single-family detached homes and lot sizes. Problems could be addressed during the building permit process. These types of agreements have worked in the past and he has no reason believe it would not work on this project.

Cody McClellan, 1328 West 1925 South, asked if a zone change was necessary to continue with development. Chairman Davis explained that the previous phases of the subdivision were developed under a Planned Development which allowed for lot sizes less than 6,000 SF; the current zone does not allow for those lot sizes, therefore, they are requesting an MR-9 zone, which allows for smaller lots. Mr. McClellan expressed concern with access, parking and sidewalks; more housing will only compound the problem.

John Knighton, 1377 West 1825 South, said he is in favor of a deed restriction. Increased density has been the biggest concern. He would like to ensure that the original plan for development is kept.

Karen Stone, a real estate agent, said she is not opposed to the development growing sensibly. There is quite a concern with traffic in the area, especially 1800 South 1000 West. Residents are bound by covenants and she believes the developer should be bound by those same conditions and restrictions.

**COMMISSION:** Ms. Pollan clarified for Commissioner Price that the overall development (of all phases) was for 3.8 units per acre as initially proposed. Commissioner Price asked if there was any advantage to allow for an MR-9 zone. Ms. Pollan explained that Planned Unit Developments (PUD) are no longer allowed, therefore, in order for the project to move forward with the same type of development, a zone change would be necessary to allow for the continued type of density. Mr. DeSimone pointed out that the underlying issue is not density, it is lot size.

Commissioner Price asked about any buildability issues. Mr. Larsen explained that they are not planning on building homes with basements and they had all the appropriate tests done when the project began.

Chairman Davis asked about sidewalks and roads in Planned Unit Developments versus current requirements. Ms. Pollan explained that the majority of the roads meet City standards, part of the original plan did include sidewalk only on one side of the street. Current development would have to meeting current standards and would be addressed during the building stage.

Commissioner Butterfield said a deed restriction seems to be a good vehicle for the project to move forward as originally approved.

Commissioner Price said there still seems to be questions among residents regarding a restrictive covenant. In his opinion, if the project is continued or held back, it should be done so the residents have an opportunity to hear from the developer and feel more comfortable with the project. From a planning perspective, however, he would support the decision to change the zone to MR-9 with a deed restriction.

Mr. Housley pointed out that the City does not do "conditional zoning" however the applicant has volunteered a deed restriction. He reminded the Commission that they are a recommending body and there will be ample opportunity to review the details as it progresses through the Municipal Council process.

**MOTION:** Commissioner Butterfield moved to **recommend approval** to the Municipal Council for a zone change of 13.03 acres from Neighborhood Residential (NR-6) to Mixed Residential (MR-9) at 1400 West 1800 South with a deed restriction limiting development to single-family detached homes with lots no smaller than 4,000 SF and a 6 unit per acre density. Commissioner Ortiz seconded the motion.

Commissioner Price asked about the suggestion from staff (indicated in the Staff Report) regarding the common area proposed on the south side of the development be separate from the request or rezoned as Resource Conservation or Recreation to ensure that it is maintained as an open space and water retention area. Ms. Pollan said this issue can be handled through the process.

#### FINDINGS FOR APPROVAL

1. The location of the subject property is compatible with the purpose of the new zoning district.
2. The subject property, as proposed and restricted for phases III and IV of the RoseHill single family residential subdivision, is suitable for all development within the new zoning district without increasing the need for variances or special exceptions.
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 new zoning district.
4. The subject property, when used for the permitted uses in the new zoning district, will not be incompatible with adjoining land uses or the purpose of the adjoining zoning districts.

**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:**

**PC 16-024 Jones Park Ave Subdivision** [Subdivision Permit] Tara Jones, authorized agent/owner, requests a 2-lot subdivision on .217 acres located at 509 Park Avenue in the Neighborhood Residential (NR-6) zone; TIN 02-068-0026.

**STAFF:** Mr. Holley reviewed the request to subdivide the property into two (2) residential lots. The applicant lives on the property in an existing home. The proposed area to subdivide is located south of the home and is currently fenced off. The proposed lots would be 0.53 acres (23,086 SF) for Lot #1 and 0.21 acres (9,147 SF) for Lot #2. A canal runs along the southern boundary of the property located near the middle of the irregularly shaped block.

The proposed 2-lot subdivision is at 2.6 units per acre density and meets the minimum 6,000 SF lot size requirements in the Land Development Code (LDC) 17.15.070. Lot #1 is shown with a width of 115' and Lot #2 with a width of 98', meeting the street frontage and width requirements.

Residential access will be from Park Avenue. Lot #1 and #2 could both be separately accessed from the west side of Park Avenue. Residential driveways are limited to a 22' wide curb-cut for safety and