

**CITY OF LOGAN, UTAH
ORDINANCE NO. 16-32**

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 properties identified in Exhibit A, as attached, are hereby zoned from
Mixed Residential Low (MR-12) to Community Commercial (CC).

SECTION 3: 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

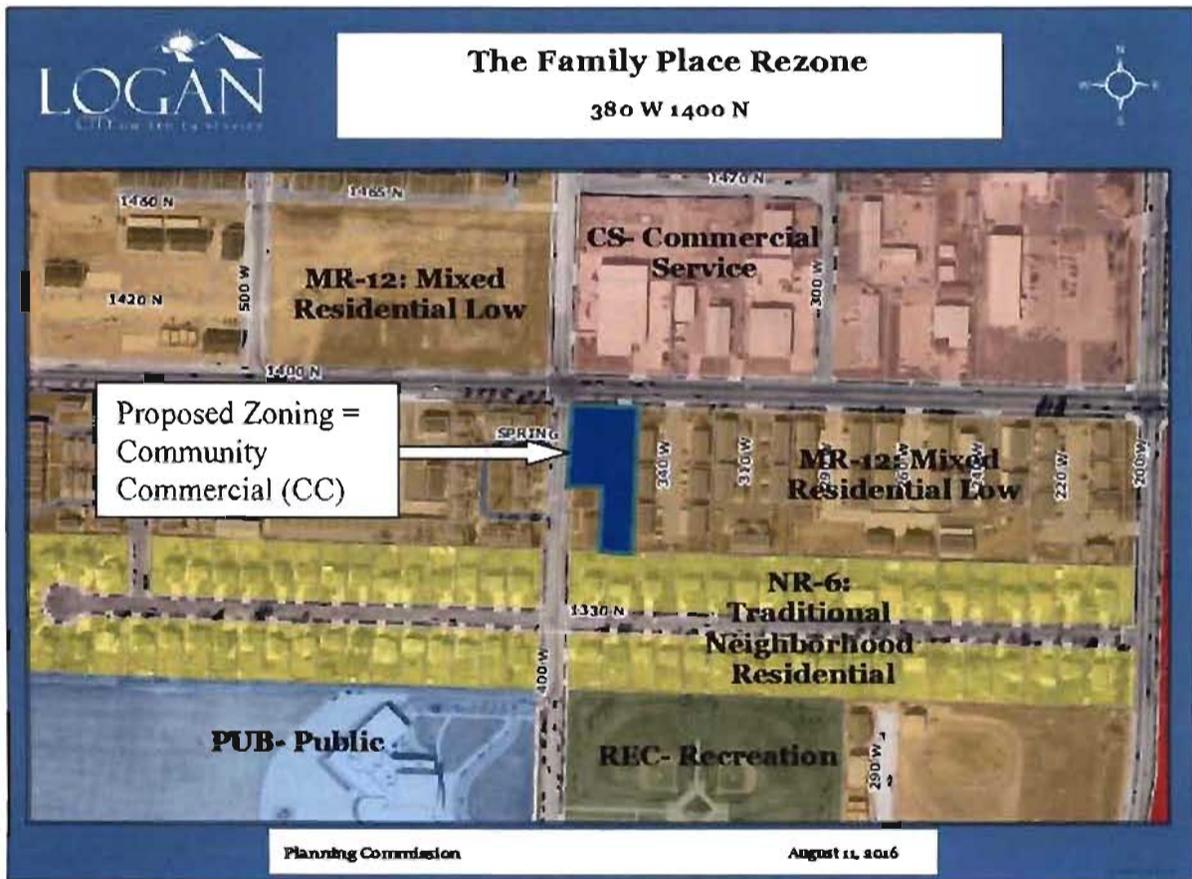
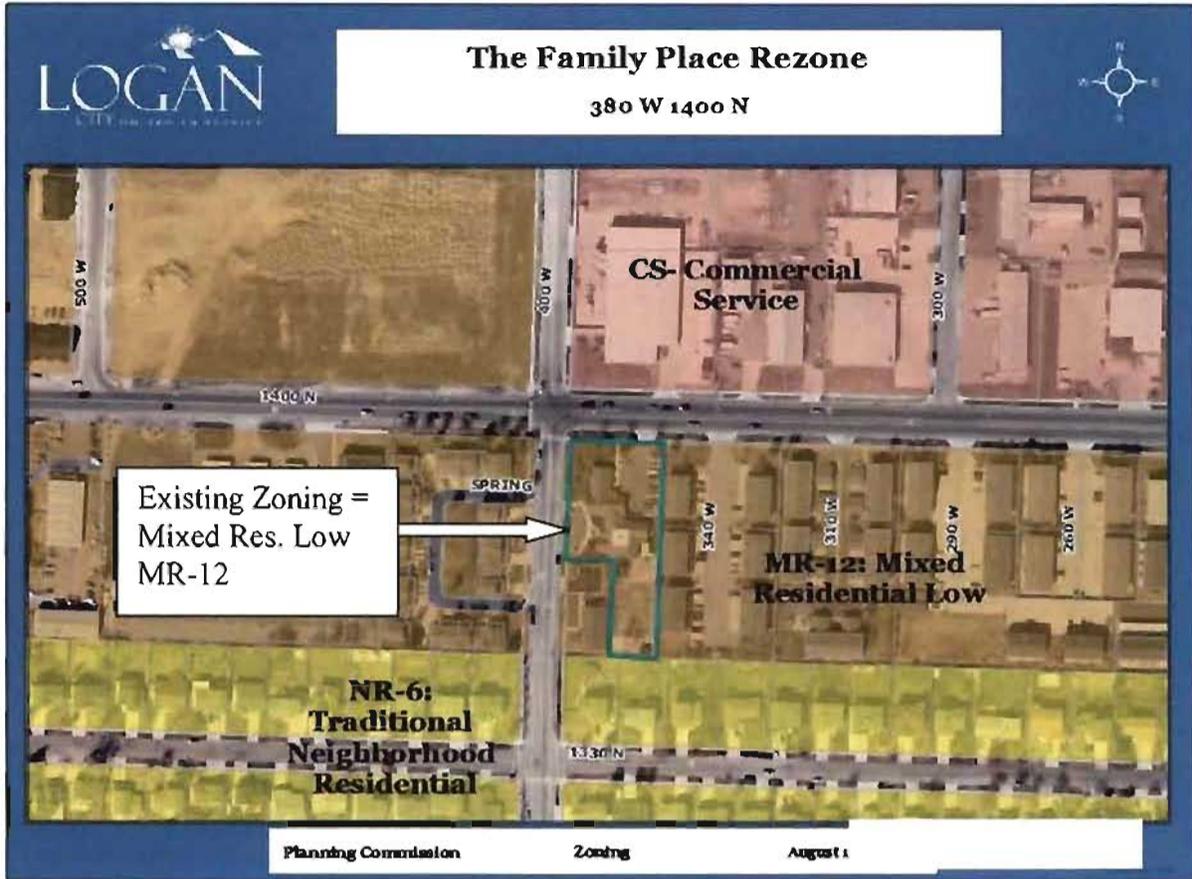
MAYOR'S APPROVAL OR DISAPPROVAL

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

H. Craig Petersen, Mayor

EXHIBIT A

Zoning Map





MEMORANDUM TO MUNICIPAL COUNCIL

DATE: August 22, 2016
FROM: Russ Holley, Senior Planner
SUBJECT: Ordinance #16-32, The Family Place Rezone

Summary of Planning Commission Proceedings

Project Name: ORD# 16-32 The Family Place Rezone
Request: Zoning Map Amendment
Project Address: 380 West 1400 North
Recommendation of the Planning Commission: **Approve**

On August 11, the Planning Commission recommended that the Municipal Council **approve** a Rezone of approximately .82 acres from MR-12 to Community Commercial (CC).

Planning Commissioners vote (6 - 0):

Motion: T. Nielson

Second: E. Ortiz

Yea: T. Nielson, E. Ortiz, R. Price, A. Davis, D. Newman, S. Sinclair Nay: none

Attachments:

Staff Report

Ordinance #16-32

Planning Commission Meeting Minutes from Aug. 11, 2016



**Project #16-035
The Family Place Rezone
Located at 380 West 1400 North**

REPORT SUMMARY...

Project Name: The Family Place Rezone
Proponent/Owner: Lance Parker / Child and Family Support of Cache Valley Inc.
Project Address: 380 West 1400 North
Request: Rezone from MR-12 to CC
Current Zoning: MR-12
Date of Hearing: Aug. 11, 2016
Type of Action: Legislative
Submitted By: Russ Holley, Senior Planner

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the Municipal Council for a rezone from MR-12 to CC, The Family Place Rezone, for the property located at 380 West 1400 North; TIN #05-041-0042.

Land use adjoining the subject property

| | | | |
|---------------|------------------------|--------------|------------------------|
| <i>North:</i> | CS- Commercial Uses | <i>East:</i> | MR-12 Residential Uses |
| <i>South:</i> | MR-12 Residential Uses | <i>West:</i> | MR-12 Residential Uses |

Request

The request is to rezone a 0.82 acre parcel from Mixed Residential Low (MR-12) to Community Commercial (CC) with the applicant's intent of broadening the range of permitted land uses for the purposes of selling the property to a future user. A commercial daycare (17 or more clients) is indicated as the proposed future land use.

Existing Conditions

The building was originally constructed in 1987 and a substantial building addition was constructed in 2004 on the north side. A conditional use permit was also issued for community services (The Family Place) in 2004. The site contains a 6,000 SF one-story brick building, a 16 stall parking lot, circular driveway drop-off area, a playground and full landscaping. The parking lot is accessed via 1400 North and the drop-off area is accessed via 400 West.

Zoning History

The City of Logan adopted Zoning regulations in August of 1950. The zoning history of the area is as follows:

| Year | Zone | Use/Structure Permitted |
|------|-------|---|
| 1983 | R-4 | Single to Multi-Dwelling Units with 6,000 SF min base lot size plus 1000 SF per additional unit |
| 2000 | MFH | Multi-Family Residential Uses up to 14 units per acre. |
| 2011 | MRH | Multi-Family Residential Uses up to 14 units per acre. |
| 2012 | MR-12 | Multi-Family Residential Uses up to 12 units per acre. |

Allowed Land Use in CC Zoning District

| | CC |
|---|----------------|
| Assisted Living Center | C |
| Nursing Home, Convalescent Home | C |
| Caregiver, Certified NA or CA | P |
| Group Home where care, training, or treatment IS provided on-site. | C |
| Residential occupancy of a dwelling unit by a family, or no more than three unrelated individuals. *One caretaker or security guard may be permitted to live on-site as an accessory use with a Conditional Use Permit. | P ¹ |
| Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community | C |
| Family Day Care/Preschool (1-8 Clients) Family Group Day Care/Preschool (9-16 Clients) | P |
| Commercial Day Care (17 or more clients) | C |
| Parks and Open Space | C |
| Religious Institutions | C |
| Clubs, Lodges, similar uses | C |
| Libraries, Museums, Community Centers | C |
| Public Safety Services | C |
| Public School (K-12) | C |
| Private Schools (K-12) | C |
| Utilities, basic service delivery and laterals | P |
| Utilities, structures, physical facilities (Regional Facilities) | C |
| Office – General business, government, professional, medical, or financial | C |
| Bank, savings and loans, or credit union | C |
| Clinic, medical, dental, or optical | C |
| Bed and breakfast | C |
| Firms involved in the sale, lease or rent of new or used products to the general public. These firms may also provide personal services or entertainment, or provide product repair or services for consumer and business goods | C |
| Animal clinic or pet hospital, No outdoor pens | C |
| Antique or collectible shop | C |
| Art supply store | C |
| Barber or beauty shop | C |
| Bakery or confectionery shop, retail sales | C |
| Camera shop | C |
| Clothing | C |
| Convenience Market (no gasoline) | C |
| Copy Center | C |
| Dairy products or ice cream | C |
| Drug store or pharmacy | C |
| Dry cleaner | C |
| Florist shop | C |
| Garden shop, plant sales, nursery | C |
| Grocery store | C |

| | CC |
|--|----------------|
| Handicraft and art object sale | C |
| Hardware store | C |
| Hobby shop | C |
| Laundromat | C |
| Locksmith or key shop | C |
| Music store | C |
| Personal services such as milliner, tailor, etc. | C |
| Pet shop for small animals, bird, fish | C |
| Provisioning and recreational sporting goods sales | C |
| Restaurant, Fast Food | C |
| Restaurant, General | C |
| Shoe, boot, or other leather goods sale and repair | C |
| Studio, health & fitness | C |
| Studio, photographer, artist, music, dance, and drama | C |
| Electric fueling facilities for vehicles (not petroleum) in conjunction with a primary use | C |
| Detention Facilities | N ² |
| Residential Programs for Drug & Alcohol Treatment | N ² |
| Alternative or Post Incarceration Facilities | N ² |
| Railroad tracks and lines for the movement of trains | C |

Allowed Land Uses in MR-12 Zoning District

| | MR-12 |
|--|----------------|
| Assisted Living Center | P |
| Nursing Home, Convalescent Home | P |
| Group Home where care, training, or treatment IS provided on site. | N ² |
| Group Home where care, training, or treatment IS NOT provided on site. | C |
| Residential occupancy of a dwelling unit by a family, or no more than three (3) unrelated individuals. | P |
| Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community | C |
| Family Day Care/ Preschool (1-8 Clients) | P |
| Family Group Day Care/ Preschool (9-16 clients) | C |
| Neighborhood Parks and Open Areas | P |
| Community/Regional Parks | C |
| Religious Institutions | P |
| Clubs, Lodges, similar uses | C |
| Libraries, Museums, Community Centers | C |

| | MR-12 |
|---|----------------|
| Cemetery, Mausoleum | C |
| Public Safety Services (fire, police) | C |
| Public Private Schools (K-12) | C |
| Wireless Telecommunication Facilities | C |
| Radio, television, microwave towers or other telecommunication towers | C |
| Amateur radio towers of 50' or less in height above the average elevation of the subject property | C |
| Utilities, basic service delivery and laterals | P |
| Utilities, distribution network | C |
| Utilities, structures, physical facilities, (Regional Facilities) | C |
| Municipal water well, reservoir, or storage tank | C |
| Residential Programs for Drug & Alcohol Treatment | N ² |
| Alternative or Post Incarceration Facilities | N ² |

Neighborhood Compatibility

This area is quite diverse with commercial/industrial business across the street to the north and farther west. Some single family residential is south of the site, but the majority of the surrounding residential is multi-family structures. The site is already developed in a manner close to the CC zoning district requirements, with the building oriented to the street, low building heights, small parking lots areas and front yard landscaping.

Based on the use tables above for both zones, impacts to the area would be similar. Although there are numerous larger commercial options 2-4 blocks east, some small scale, walk-able neighborhood serving commercial uses could be beneficial to area residents. A commercial daycare is indicated by the applicant as the proposed first use, and this property, with the drop-off up front and playground out back is configured nicely for that.

General Plan

The Future Land Use Plan (FLUP) adopted in 2008, identifies this area as Mixed Residential (MR). The CC zoning district did not exist when the General Plan was adopted, but could be considered similar to the Neighborhood Commercial (NC) zoning district. The General Plan encourages small scale NC dispersed throughout the city with strict design standards to mitigate impacts to the adjacent neighbors while providing walk-able commercial services for residents.

Land Development Code (LDC)

The Land Development Code (LDC) §17.12.080 describes the MR-12 zone as a district providing a mix of housing options for all stages of life. MR-12 zones are typically located near employment centers and commercial services. LDC §17.16.040 describes the CC zone as a district that encourages small scale commercial and neighborhood compatibility. This zone encourages the preservation of existing structures through adaptive reuse. To ensure compatibility and proper mitigation the majority of the uses allowed in the CC zoning require a Conditional Use Permit.

Summary & Recommendation

This building was constructed as a commercial structure and to convert it to a residential structure in conformance with the MR-12 zone is impractical. The allowed commercial uses on the MR-12 are very limited. The property is already developed in a manner that is sensitive to the adjacent residents and with Conditional Use Permits required for most CC land uses, further opportunities to control impacts will be reviewed case by case. Staff considers the rezone request and the opportunity for additional small-scale walk-able neighborhood serving commercial beneficial to the area.

PUBLIC COMMENTS

As of the time the staff report was prepared, no written 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 proposed re-zone is consistent with the site layout and property configuration as currently developed.
- 2. The proposed rezone, if considered similar to that of the Neighborhood Commercial, is consistent with the Logan City General Plan.
- 3. The proposed rezone is limited enough to ensure neighborhood compatibility with the current character of the area.
- 4. The streets and infrastructure services in the property are sufficient in size and capacity to handle all allowed uses in the CC zoning district.

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.

PLANNING COMMISSION MINUTES

Meeting of August 11, 2016

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 on Thursday, August 11, 2016. Chairman Davis called the meeting to order at 5:30 p.m.

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

Planning Commissioners Excused: David Butterfield

Staff Present: Mike DeSimone, Russ Holley, Amber Pollan, Kymber Housley, Lance Houser, Paul Taylor, Debbie Zilles

Minutes as written and recorded from the July 28, 2016 meeting were reviewed. Commissioner Sinclair moved that the minutes be approved as submitted. Commissioner Price seconded the motion. The motion was unanimously approved.

PUBLIC HEARING

PC 16-035 The Family Place Rezone [Zone Change] Lance Parker/Child & Family Support Center of Cache Valley, authorized agent/owner, request a rezone of .82 acres from Mixed Residential (MR-12) to Community Commercial (CC) on the property located at 380 West 1400 North; TIN 05-041-0042.

STAFF: Mr. Holley reviewed the request to rezone a 0.82 acre parcel from Mixed Residential Low (MR-12) to Community Commercial (CC) with the intent of broadening the range of permitted land uses for the purposes of selling the property to a future user.

The building was originally constructed in 1987 and a substantial building addition was constructed in 2004 on the north side. A conditional use permit was issued for community services (The Family Place) in 2004. The site contains a 6,000 SF one-story brick building, a 16-stall parking lot, circular driveway drop-off area, playground and full landscaping. The parking lot is accessed via 1400 North and the drop-off area is accessed via 400 West.

This building was constructed as a commercial structure and to convert it to a residential structure in conformance with the MR-12 zone is impractical. The allowed commercial uses on the MR-12 are very limited. The property is already developed in a manner that is sensitive to the adjacent residents and with conditional use permits required for most Community Commercial (CC) land uses, further opportunities to control impacts will be reviewed on a case-by-case basis. Staff considers the rezone request and the opportunity for additional small-scale, walk-able, neighborhood-serving commercial that is beneficial to the area.

PROPONENT: Lance Parker, the listing agent, explained that the Family Place has opened their new building and this property is being marketed for sale. Most of the interest has been for use as a daycare and the current zone only allows up to 16 clients. Due to the size, value, and

cost of the building having 16 or less does not make sense. He believes this change will be a good fit for the area.

PUBLIC: Jack W. Peterson wanted to ensure that residents of the area were notified and that due diligence was applied. Mr. Holley explained that all the minimum legal and public notices were met as required by state law.

COMMISSION: Mr. Holley clarified for Chairman Davis that the Future Land Use Plan (FLUP) identifies this property as Mixed Residential (MR). If a non-permitted use for the property were to be requested, it would have to come before the Commission for review for a Conditional Use Permit.

Chairman Davis asked if there would be a maximum number of clients permitted. Mr. Holley said the facility would have to conform to the state requirement, which is based upon the square footage of the building.

Chairman Davis asked the Commission to review the list of permitted uses (provided in the report). Mr. Holley reminded the Commission that permitted uses cannot be denied, however, conditions can be placed on a specific project to mitigate any potential negative impacts.

Commissioner Price asked about detention facilities (indicated on the list with a footnote). Mr. Holley explained that this not an allowed use unless state and/or federal law preempts local zoning.

Chairman Davis asked if there would be any specific requirements due to this parcel being located next to residential zoning. Mr. Holley explained that any building additions would need to meet setback requirements. Specific conditions can be addressed during the Conditional Use Permit process. This proposal is only requesting a zone change.

MOTION: Commissioner Nielson moved to **recommend approval** to the Municipal Council for a zone change as outlined in PC 16-035 with the findings for approval as listed below. Commissioner Ortiz seconded the motion.

FINDINGS FOR APPROVAL

1. The rezone is consistent with the site layout and property configuration as currently developed.
2. The rezone, if considered similar to that of the Neighborhood Commercial, is consistent with the Logan City General Plan.
3. The rezone is limited enough to ensure neighborhood compatibility with the current character of the area.
4. The streets and infrastructure services are sufficient in size and capacity to handle all allowed uses in the CC zoning district.

Moved: Commissioner Nielson Seconded: Commissioner Ortiz **Passed:** 6-0

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