



**Project #16-041
MR-9 Rezone
Located at 1400 North 1200 East**

REPORT SUMMARY...

Project Name: MR-9 Rezone
Proponent/Owner: Community Dev. Dept. / Bernston LLC
Project Address: 1400 N. 1200 E.
Request: Rezone from COM to MR-9
Current Zoning: COM
Date of Hearing: Oct. 13, 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 COM to MR-9, The MR-9 Rezone, for the property located at 1400 N 1200 E; TIN #05-011-0006.

Land use adjoining the subject property

<i>North:</i>	Outside Logan City Boundary	<i>East:</i>	NR-6: Residential Uses
<i>South:</i>	NR-6: Vacant Land	<i>West:</i>	COM: Commercial Uses

Request

The request is to rezone a 3.42 acre parcel from Commercial (COM) to Mixed Residential Transitional (MR-9) with the intent of developing lower density (9 units per acre) residential townhomes. The developer feels the COM designation is inappropriate for the area given the proximity to single family neighborhoods eastward and the larger commercial shopping centers a few blocks west.

Existing Conditions

The 3.42 acre site is vacant of any structures and is triangular in shape with the existing Hillside Gas Station, Convenience Store and Carwash located directly adjacent to the southwest. The site slopes east to west and several stands of native trees and vegetation exist with wetland/low water table areas located at the northwest corner. An official wetland delineation has not been completed at this time. The site is encircled by streets, including 1400 North, 1200 East and small residential access road to the north that is located in the city of North Logan. The Logan City boundary runs along the north property line of the site.

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
1976	R-1	Single Family Residential with 8,000 SF min. base lot size
1983	C-1	Neighborhood Commercial with limited commercial uses permitted
2000	CN	Commercial Neighborhood with MFM Residential densities permitted
2012	COM	Commercial Uses with secondary residential at 30 units per acre

Allowed Land Use in COM Zoning District

Land Use	COM
Residential Uses	
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
Dormitories, Fraternities, Sororities	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
Public/Institutional Uses	
Colleges, University or Technical College	C
Trade, vocational, or commercial schools	C
Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community	P
Family Day Care/Preschool (1-8 Clients) Family Group Day Care/Preschool (9-16 Clients)	P
Commercial Day Care (17 or more clients)	C
Hospital	P
Parks and Open Space	P
Religious Institutions	C
Clubs, Lodges, similar uses	C
Libraries, Museums, Community Centers	C
Public Safety Services	P
Public School (K-12)	State law supersedes local zoning regulations.
Private Schools (K-12)	C
Utility Uses	
Wireless Telecommunication Facilities	P
Radio, television, or microwave towers	C
Amateur radio towers	C
Utilities, basic service delivery and laterals	P
Utilities, structures, physical facilities (Regional Facilities)	P
Municipal water well, reservoir, or storage tank	C
Commercial Uses	
Entertainment Event (Major)	C
Office – General business, government, professional, medical, or financial	P
Bank, savings and loans, or credit union	P
Clinic, medical, dental, or optical	P
Laboratory, scientific or research	P
Wholesale Office	P
Bed and breakfast	P
Hotel, Motel	P

Land Use	COM
Commercial Parking	P
Recreation and Entertainment (Outdoor Facility)	P
Miniature Golf Course	P
Indoor Commercial Shooting Range	C
Sales and Service	
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	P
Sales and Service Large Footprint 100,000 SF	P
Indoor Commercial Amusement	P
Animal Clinic Per Hospital	P
Antique or collectible shop	P
Art supply store	P
Barber or beauty shop	P
Bakery or confectionery shop, retail sales	P
Camera shop	P
Carpet, Retail	P
Carwash	P
Clothing	P
Convenience Market (no gasoline)	P
Copy Center	P
Dairy products or ice cream	P
Dancehall or nightclub	P
Department or discount store	P
Drug store or pharmacy	P
Dry cleaner	P
Florist shop	P
Furniture or appliance store	P
Garden shop, plant sales, nursery	P
Grocery store	P
Handicraft and art object sale	P
Hardware store	P
Hobby shop	P
Laundromat	P
Locksmith or key shop	P
Music store	P
Maintenance Repair for Buildings	P
Mortuary	P
Medical Supply	P
Package liquor store	State law supersedes local zoning regulations
Paint Sales	P
Pawn Shop	P

Land Use	COM
Personal services such as milliner, tailor, etc.	P
Pet shop for small animals, bird, fish	P
Plumbing Shop	P
Provisioning and recreational sporting goods sales	P
Radio Station	P
Railroad or bus passenger station	P
Repair of appliances, TV, Radio	P
Restaurant, Fast Food	P
Restaurant, General	P
Shoe, boot, or other leather goods sale and repair	P
Studio, health& fitness	P
Studio, photographer, artist, music, dance, and drama	P
Tavern	P
Tennis, Swim or other recreation club	P
Theaters	P
Vehicle Parts Sales	P
Gasoline Service Station	P
Gasoline Storage Uniform Fire Code 7902	P
Enclosed Wrecking/Salvage Yard	C

Allowed Land Uses in MR-9 Zoning District

LAND USE	MR-9
Assisted Living Center	N ²
Nursing Home, Convalescent Home	N ²
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
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
Libraries, Museums, Community Centers	C
Cemetery, Mausoleum	C

LAND USE	MR-9
Public Safety Services (fire, police)	C
Public Schools (K-12)	State Law Supersedes
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

² Use may be allowed where state or federal law preempts local zoning

Neighborhood Compatibility

This area is sandwiched in between a different municipality to the north, some older gas station and carwash buildings, Utah State University to the west and detached single family neighborhoods to the east. Because of the block misalignment between 1500 North and 1400 North this area was bisected in the late 1970's with a curvilinear diagonal street connecting those blocks. This particular bisected site was part of the gravel pit property to the south (Hancey) but was never used for gravel extraction and has remained relatively undisturbed over the years.

Based on the use tables above for both zones, the COM zone has substantially more impactful permitted land uses and building developments that could be far more disruptive to the current neighborhood character than the fewer permitted land uses, including lower density townhouses, allowed in the MR-9 zone.

General Plan

The Future Land Use Plan (FLUP) adopted in 2008, identifies this area as Mixed Use Center (MUC). This land use designation encourages compact commercial and residential developments designed for people to live, work and play all within a walk-able distance.

Land Development Code (LDC)

The Land Development Code §17.16.040 describes the COM zone as one that has retail, commercial services and hospitality businesses that serve the entire city or regional populations. These developments are located on high-capacity roads and serviced by transit. (LDC) §17.12.070 describes the MR-9 zone as a district providing housing options for all stages of life. MR-9 zones are typically located near employment centers and may provide a transition from commercial areas to single family neighborhoods.

Summary & Recommendation

The logic in the General Plan encourages neighborhood walk-able commercial services and compact residential throughout the city to give residents more transportation options and reduce the impacts of inefficient sprawling growth. This along with the proximity of the site to USU and their student and faculty populations in need of quality and stable housing options, the MUC designation seemed logical in 2008. With newer mixed use developments evolving in Logan City the last few years into bigger and separated commercial/residential projects oriented towards the automobile and regional populations, it's evident that these types of developments would negatively impacts this established neighborhood character. The current COM zone allowances and development patterns are very similar to that of the MUC, with large commercial buildings and higher density multi-family housing above or behind.

With the smaller existing convenience store, some walk-able commercial services can exist with some pedestrians improvements to the streetscape and intersections. Given the MR-9 zoning description in the LDC of being a transition area that provides quality housing options, the MR-9 zoning designation should be more compatible than the current COM zone. The COM zone allows bigger structures and higher density (30 units per acre) multi-family housing that could be built in an incompatible manner and negatively impact the neighborhood. With COM developments designed for regional populations and oriented for regional automobile traffic, negative transportation impacts would be felt by area residents. For those reasons mentioned above, staff is recommending approval of the rezone request.

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 current neighborhood character.
2. The proposed rezone will have less of a negative transportation impact than that of the current designation of COM zoning.
3. The proposed MR-9 zone is limited enough in density, height and bulk 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 MR-9 zoning district.
5. The site with proper preparation is suitable to handle developments associated with MR-9 zoning.

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	Received By	Receipt Number	Zone	Application Number 16-041
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 MR-9 Rezone				
PROJECT ADDRESS 1400 North 1200 East				COUNTY PLAT TAX ID # 05-011-00006
AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete) LOGAN CITY COMMUNITY DEVELOPMENT DEPT				MAIN PHONE # 716-9000
MAILING ADDRESS 290 N 100 W	CITY Logan	STATE Utah	ZIP 84321	
EMAIL ADDRESS russ.holley@loganutah.org				
PROPERTY OWNER OF RECORD (Must be listed) Bernston LLC				MAIN PHONE # NA
MAILING ADDRESS 1453 EAST 1140 NORTH	CITY LOGAN	STATE UTAH	ZIP 84341	
EMAIL ADDRESS NA				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) Rezone 3.42 acres north of 1400 North and east of 1200 East from COM to MR-9 - NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -				Total Lot Size (acres) 3.42 ac Size of Proposed New Building (square feet) NA Number of Proposed New Units/Lots NA
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	

Council workshop: Oct. 18
Council hearing: Nov. 1

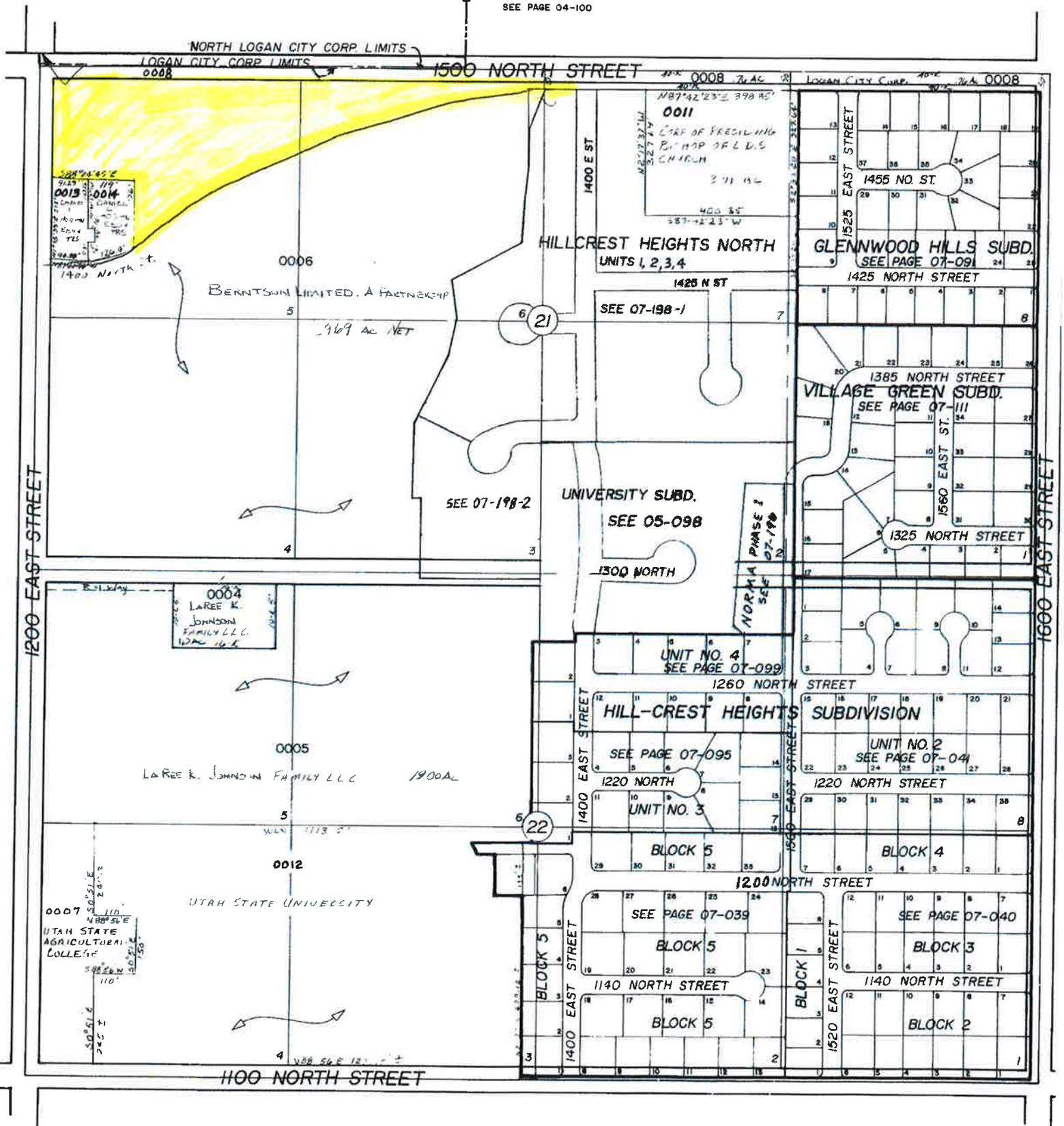
E.4 Section 26 Township 12 North Range 1 East

Scale 1 Inch = 200 Feet

TAX UNIT 27

PART OF BLK'S 21 and 22, PLAT "G" LOGAN FARM SURVEY

SEE PAGE 04-100



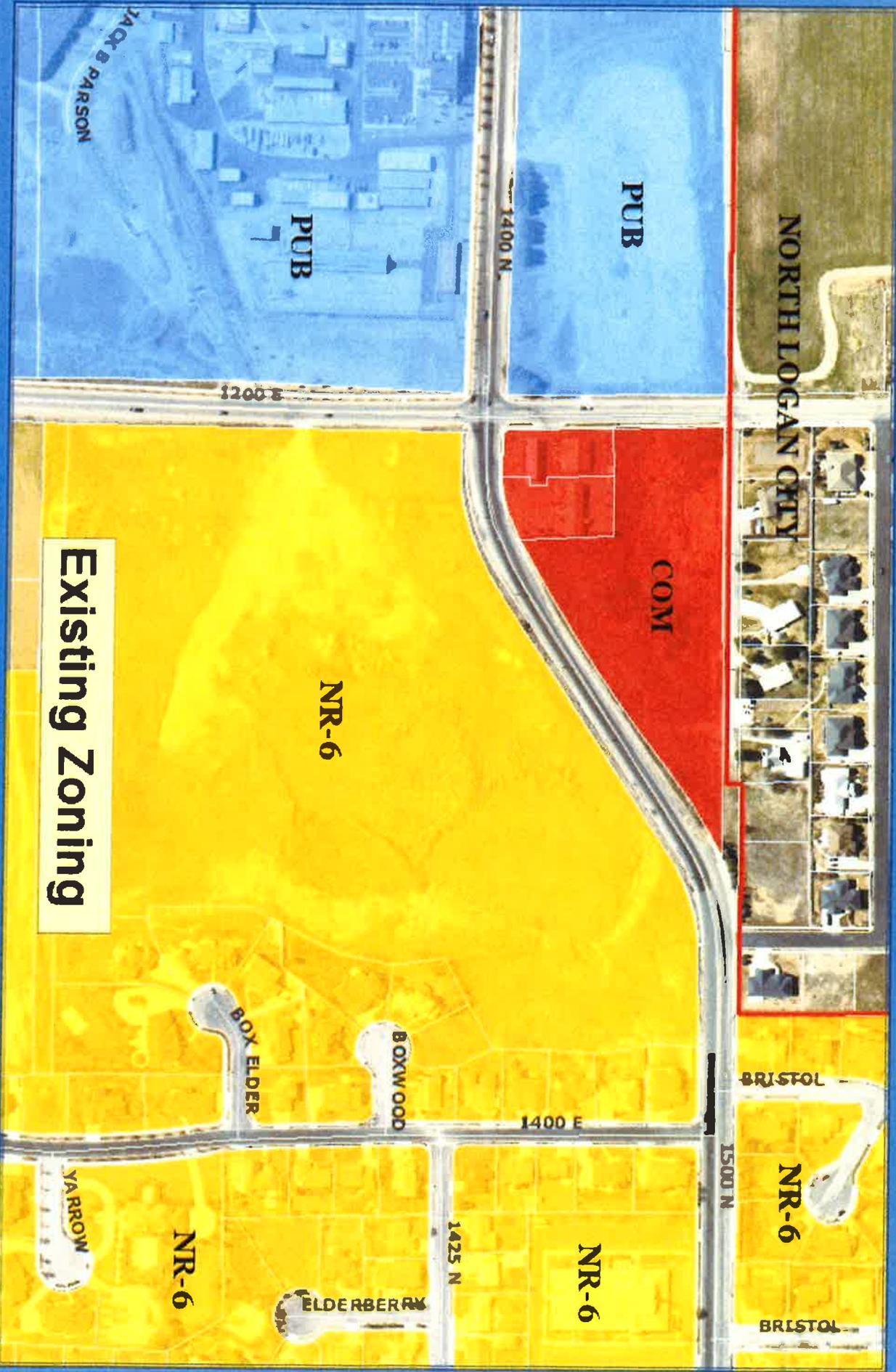
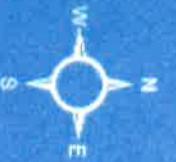
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MR-9 Rezone
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Existing Zoning

MR-9 Rezone
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Proposed Zoning