

CITY OF LOGAN, UTAH
ORDINANCE NO. 20-06

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 "Official Zoning Map of Logan City, Utah" is hereby amended and the following properties in the Hillcrest Neighborhood and as specifically identified in Exhibit A, as attached, are hereby zoned from Suburban Neighborhood Residential (NR-4) to Traditional Neighborhood Residential (NR-6).

SECTION 3: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2020.

AYES:

NAYS:

ABSENT:

Amy Z. Anderson, 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 _____, 2020.

Amy Z. Anderson, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby _____ this ____ day of _____,
2020.

Holly H. Daines, Mayor

EXHIBIT A





MEMORANDUM TO MUNICIPAL COUNCIL

DATE: March 9, 2020
FROM: Russ Holley, Senior Planner
SUBJECT: **Ordinance #20-06 Foothill Residential Rezone**

Summary of Planning Commission Proceedings

Project Name: Foothill Residential Rezone
Request: Rezone from NR-4 to NR-6
Project Address: 1250 North 1300 East
Recommendation of the Planning Commission: **Deny**

On February 27, 2020, the Planning Commission recommended that the Municipal Council **deny** a rezone from NR-6 to NR-4 at approximately 1250 North 1300 East.

Planning Commissioners vote (5-1):

Motion: D. Newman
Second: R. Crowshaw

Vote to recommend denial to City Council:

Yea: Croshaw, Lucero, Newman, Nielson, Ortiz
Nay: Dickinson
Abstain: none

Attachments:

Planning Commission Meeting Minutes
Staff Report
Ordinance #20-06
Project Slides

PC 20-011 Foothill Residential Subdivision & Rezone [Subdivision Permit & Zone Change]

Nic Porter/Foothill Lofts Residential, authorized agent/owner, request a 46-lot subdivision and rezone from Neighborhood Residential (NR-4) to Neighborhood Residential (NR-6) on 8.37 acres located at approximately 1250 North 1200 East; TIN 05-011-0005.

STAFF: Mr. Holley reviewed the request to rezone approximately 8.37 acres at approximately 1250 North 1300 East from the current zone of NR-4 to NR-6. The square-shaped property slopes slightly downward from east to west and sits between older single-family homes to the east and the currently under-construction Foothill Lofts Apartments to the west. There are two (2) churches to the south and the land is vacant to the north. The applicant is also requesting a 46-lot single family subdivision with lot sizes ranging from 6,002 SF to 6,508 SF. The layout creates two new small blocks and an outer perimeter of lots with 35' wide roads throughout the proposed subdivision.

The proposed subdivision includes private streets that connect in two locations to the new 1300 East street with additional streets of 1220 North, 1280 North, 1335 East and 1370 East. All the proposed private streets have 35' cross-sections based on the Private Street Cross Section found in the Logan City Engineering Standards. The proposed street has a 20' pavement width, a 2.5' mountable curb on both sides, and a 5' park strip and 5' sidewalk on one side.

While the LDC permits private roads, the Code specifies that privately-owned streets be designed, built, and maintained to the same standard as public streets. Staff finds that the proposed private street cross-section is inadequate for the development. The proposed street cross-section is intended to be used for small subdivisions, such as flag lots, that have only one street connection and 8 or less units. The proposed street cross-section lacks amenities that are expected for residential streets in a subdivision of this size, such as on-street parking and sidewalks along both sides of the street. For residential blocks, as proposed in this subdivision, the Logan City Engineering Standards and Transportation Master Plan specifies 60' street cross-sections. The residential cross-section standard includes two 11.5' traffic lanes, on-street parking, and an 8' park strip and 4' sidewalk on both sides of the road.

The LDC requires 3 points of connection for subdivisions greater than 20 lots. The subdivision proposes 2 points of connection onto 1300 East and two street-stubs on the north and south side. These stubs are located in areas that would be considered impracticable for future street connections. A subdivision can be approved with less than 3 connections where physical conditions of the site or abutting properties preclude street connection. In this case with extreme topography to the north and existing development in the surrounding locations an exception could be considered. A possible future street stub is located at the northeast corner that could eventually connect through vacant land to 1400 East to the single-family neighborhoods located to the east.

Staff recommends denial to the Municipal Council because of all the time, effort and energy put into the compromising agreements made on this property within the last three years by numerous stakeholders that included a large portion of the surrounding neighbors, previous property owners and Logan City elected officials, to reach the current result. Staff considers this rezone request inappropriate. An expectation was established with these agreements and this request compromises that. The applicant purchased the property knowing that the NR-4 zoning was established and the 19-lot subdivision was permitted and approved.

PROPONENT: Nic Porter understands there has been quite a bit of history with this property. This area is an aging community, there are many people who live nearby that would like this type of project. He has sent out thousands of flyers and knocked on many doors trying to gain the perspective of nearby residents; 30 responses were received with 13 in favor of this proposal. Changes and new development can often be difficult; however, he thinks this is a great location for this type of 55+ housing. Leaving the zone at NR-4 will not guarantee young families, as many cannot afford it. Rezoning the property to NR-6 makes sense.

PUBLIC: Emails expressing concerns from Bracken Atkinson, Marc & Gail Leager, Tom Lee, Craig Petersen, Zane & Jann Atkinson and Morris Poole were received and distributed to the Commission prior to the meeting and are included in the project file.

Marc Leager pointed out that there are many residents in attendance. The density and compatibility of this proposed project do not match the area. Density is a real concern and they have been through a lot of work to maintain the NR-4 zone, which would be a great use of this property. He urged the Commission to deny the zone change.

Zane Atkinson, an adjoining property owner, loves the neighborhood. The process to reach a compromise was completed and now a new developer wants the change the density. He would like to see the property remain as NR-4.

Craig Petersen provided the Commission with a copy of the website included in the distributed survey and noted the fact that there was only a place to mark for agreement. 30 responses out of over 3,000 surveys does not indicate an overwhelming desire for the project. Initially the division was 12 acres of residential and 8 acres for multi-family, two years ago, they asked for another acre for multi-family in return for low-density housing on the east side of the property, which was agreed to. The City rezoned the property to NR-4, so that a new developer or property owner could not change the established agreement, which is exactly what is being proposed tonight. The negotiated agreement was done in good faith and was a compromise of all parties involved.

Michelle Parry has lived in the area for 25 years and is offended that the community was characterized as "aging" because it is still a vibrant area. A new Hillcrest school is being built and she is in favor of NR-4 remaining in place.

Brent Carruth appreciates the Commission's involvement with this property for the past 8-9 years. He recommended that the zone remain NR-4.

Dixie Poole said Logan has lost students for the past seven years; there is a need for more families and she would like to see this remain NR-4. Budget and financing for schools is based on the number of students and Logan cannot afford more loss of students. Changing the zone on this property is disrespectful to all those who spent a great deal of time working on the previous agreement.

Bracken Atkinson, from Wasatch Development, is part of the history of this property. He spent a lot of time and money to design a project that would meet the agreement. The requirement for three accesses forced the project to go to 19 lots. A CCR is in place that limits the amount of buildings that can be put in regardless of the zone. Due to these circumstances, the property was sold. He would like to see a transition that benefits a development and the neighborhood. This is valuable piece of property.

James Robinson said Hillcrest is an older neighborhood with homes built in the 50-60's. Young families often get outbid on the purchase of homes and many turn into rentals. The population is aging. High-density housing, by its nature, is quite transient, which will not bring families into the Hillcrest area, and a senior housing development also exacerbates the problem of not having long-term families. The property was purchased as NR-4 and the good faith negotiations over the past several years validates the decision to remain zoned as NR-4.

Jack Peterson has been involved in the negotiations with this property for several years. He supports staff's recommendation for denial of the rezone. There is a need for more homes for families for both the community and the schools to thrive and NR-4 provides a good opportunity for this to happen. In the report proved by staff, it states "*The rezone request is inappropriate and violates the compromising agreements forged by the previous property owners and the surrounding neighborhood*

citizens. The rezone request would result in incompatible lot sizes as compared to the immediately adjacent existing homes in the Hillcrest Neighborhood. The applicant purchased the property knowing the NR-4 zoning was established and the 19-lot subdivision was permitted and approved.” The submitted preliminary plat lacks appropriate lot sizes, road cross-sections and shows impossible street connections. He urged the Commission to preserve what Logan City needs by keeping the property NR-4.

COMMISSION: Mr. DeSimone confirmed for Commissioner Newman that Logan has a large percentage of affordable housing within the County. Commissioner Newman said rather than a 55+ community, it would be nice to have more single-family housing and he thinks this should remain as an NR-4 zone. Commissioner Dickinson said NR-6 could meet that same need.

Mr. Housley explained for Commissioner Newman that a 55+ community has an 80% rule, meaning that there is some discretion for 20% under the age requirement to qualify if approved by the HOA.

Mr. Holley said the CCR’s involved a height restriction on the apartment complex development, but CCR’s are not enforced by the City and he is unaware of a unit count restriction. Mr. Porter said there is no restriction recorded on the deed. Mr. Housley pointed out that this would not be relevant to the request for a rezone.

Commissioner Croshaw respects the decision that has been worked out and agreed to, and thinks it is a travesty to be revisiting this issue yet again. There is honor in respecting the decision that was previously agreed to and he thinks it should remain NR-4. Chairman Nielson agreed.

Commissioner Dickinson said NR-6 in this area could provide a nice transition zone and there are families who will move into an NR-6 area. Properties are constantly rezoned within the City, so a request for a zone change is not inappropriate.

Commissioner Lucero said the Commission needs to be mindful when prescribing a certain type of family to a certain type of housing as it can be a false dichotomy that can be played into. She appreciates the good faith negotiations and the hard work that has been put into this property in the past and is in favor of keeping the property NR-4.

Commissioner Ortiz would like to be consistent with the decision that has been made, which was part of a long process. He is in favor of the property remaining NR-4.

Commissioner Newman said young families are often outbid on homes. Rental properties are stripping schools and communities from established families. Young families are a valuable asset within any community, but they can often be transient as they grow and move to larger homes. Homes within an NR-4 zone are usually large enough that they are less likely to turn into rentals. There have been hundreds of hours put into the decision for NR-4 and he feels that this decision should be protected and honored.

MOTION: Commissioner Newman moved to **recommend denial** to the City Council for a zone change from NR-4 to NR-6 as outlined in PC 20-011 with the findings for denial as listed below. Commissioner Croshaw seconded the motion.

FINDINGS FOR DENIAL OF THE REZONE

1. The rezone request is inappropriate and violates the compromising agreements forged by the previous property owners and the surrounding neighborhood citizens.
2. The rezone request would result in incompatible lots sizes as compared to the immediately adjacent existing homes in the Hillcrest Neighborhood.
3. The Logan FLUP indicates the area as Detached Residential (DR), which could mean either NR-4 or NR-6, based on site-specific conditions or surrounding neighborhood composition.

Moved: D. Newman **Seconded:** R. Croshaw **Approved:** 5-1
Yea: Croshaw, Lucero, Newman, Nielson, Ortiz **Nay:** Dickinson **Abstain:**



Project #20-011
Foothill Residential Subdivision & Rezone
Located at approx. 1250 N. 1300 E.

REPORT SUMMARY...

Project Name: Foothill Residential Subdivision & Rezone
Proponent/Owner: Nic Porter / Foothill Lofts Residential
Project Address: 1250 N. 1300 E.
Request: Rezone from NR-4 to NR-6 & 46-lot subdivision
Current Zoning: NR-4
Date of Hearing: Feb. 27, 2020
Type of Action: Legislative & Quasi-Judicial
Submitted By: Russ Holley, Senior Planner

RECOMMENDATION

Staff recommends that the Planning Commission recommend **denial** to the Municipal Council for a Rezone of approximately 8.37 acres of property located at approximately 1250 N. 1300 E. (TIN# 05-011-0005) from Suburban Neighborhood Residential (NR-4) to Traditional Neighborhood Residential (NR-6). Contingent on the outcome of the rezone, Staff recommends that the Planning Commission require a resubmittal of the Preliminary Plat that substantially complies with the recommended Conditions of Approval for final review and approval.

Land use adjoining the subject property

<i>North:</i>	NR-4: Vacant	<i>East:</i>	NR-4: Residential Uses
<i>South:</i>	NR-4: Religious Uses	<i>West:</i>	MR-20: Multi-Fam. Residential Uses

PROJECT INTRODUCTION

The proponent is requesting to rezone approximately 8.37 acres at approximately 1250 N. 1300 E. from the current zone of NR-4 to NR-6. The square-shaped property slopes slightly downward from east to west and sits between older single-family homes to the east and the currently under-construction foothill lofts apartments to the west. To the south, sits two churches and the land is vacant to the north. The applicant is also requesting a 46-lot single family subdivision with lot sizes ranging from 6,002 SF to 6,508 SF. The layout creates two new small blocks and an outer perimeter of lots with 35' wide roads throughout the proposed subdivision.

BACKGROUND INFORMATION

This 8.37-acre piece was part of the 19.36-acre property that was historically used for gravel extraction in association with the Legrand Johnson Construction Company. Approximately three years ago, the business ceased operations on the site. The split zoning designations of Mixed Residential Medium (MR-20) and Suburban Neighborhood Residential (NR-4) was established in July of 2017 with the Logan City Council ORD# 17-17, approving 9.0 acres of MR-20 (180 dwelling units) and the remaining ~10 acres as NR-4 single-family residential zoning. With the construction of the foothill lofts apartment complex on the 9 acres and the street dedication of 1300 East, the remaining NR-4 area became 8.37 acres in size. To reach this agreement of 9 acres of MR-20 and the remaining areas to be NR-4, which was codified with the ordinance adoption, it took numerous months of engaging well-attended public meetings and debates. Both sides of the debate, one being the need for more multi-family housing near the University and the other being a desire for more opportunities for larger single-family homes that would result in more families moving into the neighborhood, eventually resulted in both positions compromising and agreeing on splitting the property into two zones. Subsequent to the multi-family project, the NR-4 area was approved for a 19-lot single-family subdivision with 60' streets and 10,000 SF minimum lots sizes. This subdivision was not opposed by the surrounding neighborhood because it aligned with the agreement. Prior to final plat recordation of the 19-lot subdivision, the property was sold to a different party and the final plat was never recorded. The new property owner is the applicant for this request.

GENERAL PLAN / PROPERTY HISTORY

The Future Land Use Plan (FLUP), within the Logan City General Plan, identifies this property as Detached Residential (DR). DR areas are described as single-family home developments with a range of density listed as 4 to 6 dwelling units per acre. The General Plan is not a regulatory document, just a guiding and visioning document. Regulations associated with land use and specific development standards are found in the Logan City Land Development Code and the Logan City Official Zoning Map. These documents specify development standards. In 2017, the Community Development Department under the direction of the City Council conducted a citywide downzone that included several single-family areas within the city being zoned from NR-6 to NR-4. These neighborhoods were either developed at approximately four dwellings per acre or vacant areas intended to be developed at four units per acre. They included areas of Hillcrest, Cliffside and Woodruff Neighborhood.

DENSITY

The NR-4 zoning district allows up to four (4) units per acre and a 10,000 SF minimum lot size and a 90-foot minimum lot width. The NR-6 zoning district allows up to six (6) units per acre, a minimum lot size of 6,000 SF and a minimum lot width of 50'. The proposed subdivision has a gross density of 5.49 units per acre and lot sizes in the subdivision range from 6,002 SF to 6,508 SF.

SETBACKS

The LDC requirements for building setbacks in both the NR-6 and NR-4 zones are as follows (as measured from property lines):

Front:	25'
Corner	20'
Side:	8'
Rear:	10'

As new homes are proposed on individual lots, setbacks will be reviewed and approved by City staff prior to issuing a building permit. The existing single-family home lot complies with setback standards. Pending the outcome of the rezone request, density, lot size and lot width will comply with the zoning requirements of the LDC.

STREETS

The proposed subdivision includes private streets that connect in two locations to the new 1300 East street. The subdivision includes additional streets of 1220 N., 1280 N., 1335 E. and 1370 E. All of the proposed private streets have 35' cross-sections based on the Private Street Cross Section found in the Logan City engineering standards. The proposed street has a 20' pavement width, a 2.5' mountable curb on both sides, and a 5' park-strip and 5' sidewalk on one side.

While the LDC does permit private roads, the code specifies that all privately owned streets shall be designed, built, and maintained to the same standard as public streets. Staff finds that the proposed private street cross-section is inadequate for the proposed development. The proposed street cross-section, while found in the City's engineer standards, is intended to be used for small subdivision, such as flag lots, that have only one street connection and 8 or less units. The proposed street cross-section lacks amenities that are expected for residential street in a subdivision of this size, such as on-street parking and sidewalks along both sides of the street. For residential blocks, as proposed in this subdivision, the Logan City engineering standards and Transportation Master Plan specify a 60' street cross-sections. The residential cross-section standard includes two 11.5' traffic lanes, on-street parking, and an 8' park-strip and 4' sidewalk on both sides of the road.

The LDC requires 3 points of connection for subdivisions greater than 20 lots. The subdivision proposes 2 points of connection onto 1300 East and two street-stubs on the north and south side. These stubs are located in areas that would be considered impracticable future street connections. One leads to the back yard of an existing home and the other leads to the middle of the church

property to the south. A subdivision can be approved with less than 3 connections where physical conditions of the site or abutting properties preclude street connection. In this case with extreme topography to the north and existing development in the surrounding locations an exception could be considered. A possible future street stub is located at the northeast corner that could eventually connect through vacant land to 1400 E and to the single-family neighborhoods located to the east. As conditioned, with appropriate street cross-section widths and street grid connectivity, the access and streets meeting the requirements in the LDC.

SUMMARY

Because of all the time effort and energy put into the compromising agreements made on this property within the last three years by numerous stake holders that included a large portion of the surrounding neighbors, previous property owners and Logan City elected officials to reach the current result, staff considers this rezone request inappropriate. An expectation was established with these agreements and this request compromises that. The applicant purchased the property knowing that the NR-4 zoning was established, and the 19-lot subdivision was permitted and approved.

AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from the following departments or agencies:

• Fire	• Water/Cross Connection
• Engineering	

PUBLIC COMMENTS

Three written comments opposing this rezone request have been received at this time. They are attached for review.

PUBLIC NOTIFICATION

Legal notices were posted on the City's website and the Utah Public Meeting website on 2/10/20, and noticed in a quarter page ad on 2/15/20, and a Public Notice mailed to property owners within 300' were sent on 2/10/20.

RECOMMENDED FINDINGS FOR DENIAL OF THE REZONE

The Planning Commission bases its decision on the following findings supported in the administrative record for this project:

1. The rezone request is inappropriate and violates the compromising agreements forged by the previous property owners and the surrounding neighborhood citizens.
2. The rezone request would result in incompatible lots sizes as compared to the immediately adjacent existing homes in the Hillcrest Neighborhood.
3. The Logan City FLUP indicates the area as DR, which could mean either NR-4 or NR-6 based on the site-specific conditions or surrounding neighborhood composition.

RECOMMENDED CONDITIONS OF APPROVAL PENDING THE OUTCOME OF THE REZONE

This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.

1. All standard conditions of approval will be recorded with the Subdivision Permit and are available in the Community Development Department.
2. Forty-six (46) new single-family lots and two open space areas are approved with this subdivision permit.
3. All street cross-sections must provide two travel lanes, on-street parking on at least one side of the street, and a sidewalk and parkstrip on both sides of the street.
4. Street trees shall be provided on both sides of all streets every 30' on center.
5. Three (3) street connections shall be provided. The third connection shall be provided at the northeast corner of this property for future connection to 1400 E.

6. If it is determined by the Planning Commission that the third street connection is not required, a sidewalk stub shall be provided that leads to the northeast corner of the subdivision creating the opportunity for a pedestrian connection to 1400 East and from this neighborhood to the neighborhoods to the east.
7. The open spaces shall be designated as not buildable on the final plat.
8. The final plat shall be recorded within one (1) year of this action or comply with LDC 17.58 Expirations and Extensions of Time.
9. Prior to recording of a Final Plat or issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from the following departments indicating that their requirement has been satisfied:
 - a. **Fire—contact 716-9515**
 - Place hydrants within 600 feet of all buildable area of all lots.
 - b. **Engineering—contact 716-9153**
 - Roads between 1300 East and 1335 East shall be a public road and shall be 66' in width. All other roads shall be a minimum of 60' unless approved otherwise by planning commission.
 - Provide water shares or an in-leu fee for increase water demand on City system.
 - Provide storm water detention/retention per Logan City storm water design standards. This shall include the full retention of the 90% storm event on site and the use low impact design methods for the retention of the 90% storm event.
 - The minimum pavement section for this development shall be 3" of asphalt, 4" untreated base, and 12" of granular borrow. Provide a geotechnical report with the California Bearing ratio at subgrade of the pavement section, if less than 5 provide a engineered pavement section.
 - Provide CC&R's for HOA maintenance of storm water pond, swales, utility lines, roads, and any other items which are private.
 - Provide a storm water maintenance agreement.
 - Provide all private utility agreements required for all private utility lines.
 - Provide landscaping irrigation meter(s) for detention/retention ponds and open spaces separate from individual lots. These to be assigned to Home Owners Association.
 - c. **Water/Cross Connection—contact 716-9627**
 - All landscape irrigation system's fed from Logan City water must have a high hazard backflow assembly installed and tested. No dual source feed systems allowed without Logan Cities prior approval and installation criteria (RP & swing joint) is met and inspection is passed.
All backflow assemblies must be tested within 10 days of turning in water to them and annually thereafter.
 - Water meter setters must meet City standards.
 - All points of use of water must comply with the 2018 IPC and State of Utah Amendments, during and after construction.

RECOMMENDED FINDINGS FOR APPROVAL FOR THE SUBDIVISION PERMIT

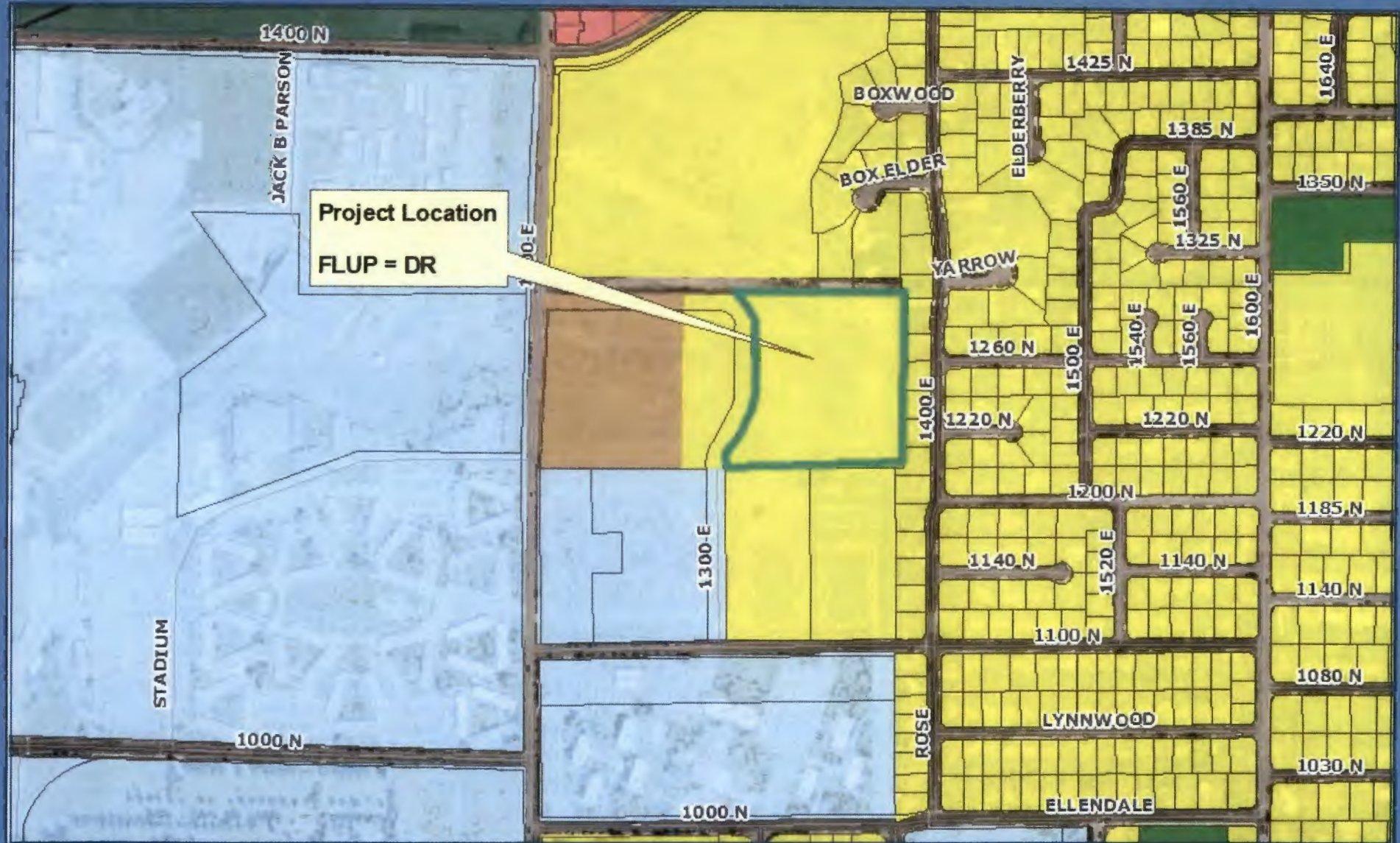
The Planning Commission bases its decisions on the following findings supported in the administrative record for this project:

1. Each lot conforms to the requirements of Title 17 of the Logan LDC in terms of lot size and development requirements for the zoning district in which it is located.
2. The Subdivision Permit conforms to the requirements of Title 17.47 concerning hearings, procedures, application requirements and plat preparations.
3. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
4. Infrastructure and utilities are adequate in size to handle anticipated traffic and use.

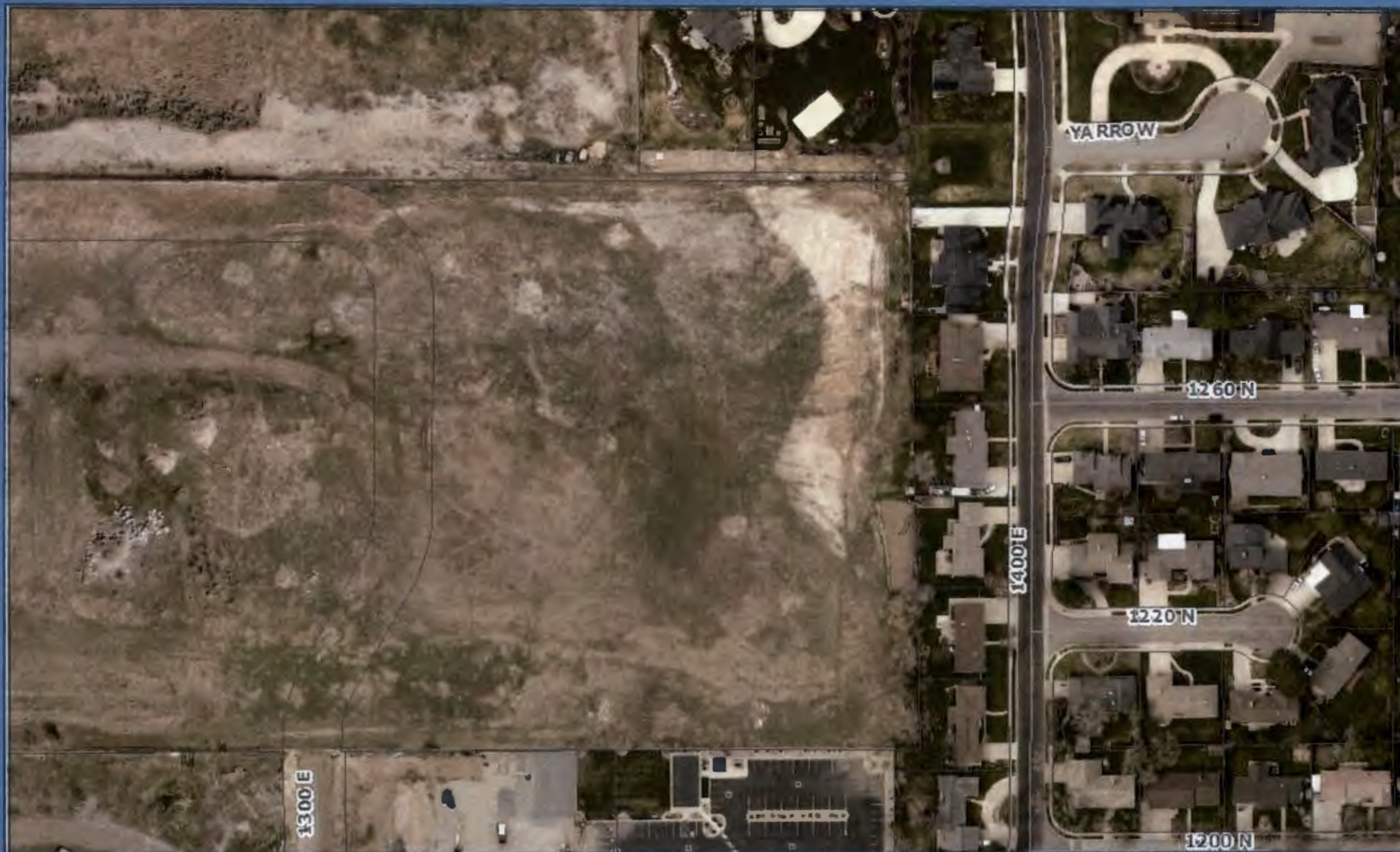
Foothill Residential Subdivision & Rezone ~1250 N. 1300 E.



Foothill Residential Subdivision & Rezone ~1250 N. 1300 E.



**Foothill Residential
Subdivision & Rezone**
~1250 N. 1300 E.



Foothill Residential Subdivision & Rezone ~1250 N. 1300 E.



Foothill Residential Subdivision & Rezone ~1250 N. 1300 E.

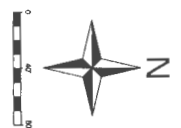


Foothill Residential Subdivision & Rezone ~1250 N. 1300 E.





THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



CONCEPT PLAN

1 OF 1

NO.	DATE	DESCRIPTION
1	10/1/2020	PRELIMINARY DESIGN
2	10/1/2020	CONCEPT PLAN
3	10/1/2020	CONCEPT PLAN
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37	10/1/2020	CONCEPT PLAN

FOOTHILL SENIOR LIVING

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