



PLANNING COMMISSION MINUTES

Meeting of October 22, 2020

Logan City Council Chambers (290 N 100 W Logan, UT 84321) www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, October 22, 2020. Chairman Nielson called the meeting to order at 5:30 p.m.

Commissioners Present: Roylan Croshaw, Sandi Goodlander, Jessica Lucero, Dave Newman, Tony Nielson, Eduardo Ortiz

Commissioners Excused: Regina Dickinson

Staff Present: Mike DeSimone, Russ Holley, Tanya Rice, Kymber Housley, Paul Taylor

Commissioner Lucero moved to approve the minutes from the October 8, 2020 meeting as submitted. Motion seconded by Commissioner Croshaw. The motion was approved unanimously.

PUBLIC HEARING

PC 20-040 A-OK RV Park – requesting continuance to the December 10, 2020 meeting
[Design Review & Conditional Use Permit] Danny MacFarlane/Stam Checketts Properties LLC, authorized agent/owner, request an RV park with 86 sites, 10 cabins and a 3,500 SF office/administrative building located on a 7.87-acre property located at 800 West 2000 South; TIN 03-006-0006.

MOTION: Commissioner Goodlander moved to **continue** PC 20-040 to the December 10, 2020 meeting as requested. Commissioner Ortiz seconded the motion.

Moved: S. Goodlander **Seconded:** E. Ortiz **Approved:** 6-0

Yea: Croshaw, Goodlander, Lucero, Ortiz, Newman, Nielson **Nay:** **Abstain:**

PC 20-051 100 West Apartments – continued from October 8, 2020 [Design Review Permit]
Justin Campbell-Cartwright/Gene Needham, authorized agent/owner, request to construct a 55,460 SF 4-story apartment building with 37 2-bedroom units over a 42,480 SF 2-story parking structure with 74 parking stalls located on .60 acres at 162 South 100 West in the Town Center (TC) zone; TIN 02-046-0019.

STAFF: Ms. Rice outlined the new site plan and elevations as requested by the Commission at the last meeting. The updates include:

- Refuse storage located on the south side of the property as shown.
- Designated bike parking to accommodate 37 bikes in the southeast corner of both levels of the parking structure as shown.
- Revised setbacks to 5' around the perimeter of the building except the front (west), showing 4' from the property line (3' in front of architectural metal panels).
- Architectural concrete detail identified as tilt-up concrete panel (precedent image shown).
- Delineation of the three levels of the building to break up the bland wall flatness with vertical architectural detail and bump-outs, added vertical windows, and material variation.
- The number of resident parking stalls remains at 74 to reflect the 37 2-bedroom units.
- Covered pedestrian entrances.
- Parking structure entry gates with keypad locations.

PROPONENT: Justin Campbell, the project architect, said the fenestration requirements have been met. The parking structure will have finished concrete. Commissioner Newman asked about the screening requirements. Mr. DeSimone said it is being required on the west side, the minimum wall height will be 42" which will screen vehicle lights. Mr. Campbell said he has maximized the parking within the constraints of the site. The Code allows for more density, but that cannot be reached because appropriate parking cannot be achieved. He feels there is adequate parking for the number of units proposed. Commissioner Newman said, because this is the first project like this in the Town Center (TC) zone, he wants to ensure that the parking requirement is met so there is no precedent set for future projects.

PUBLIC: Debbie Treasure is in favor of the goal to revitalize downtown. She did not have many concerns with the Millcreek development, however, that development added to this development will create many new homes in a small area and traffic will greatly increase. She is concerned with safety. The footprint of the building seems quite large. Parking will be an issue, especially during high school events. She asked if this will be low-income housing. She lives in the Woodruff Neighborhood, which is mostly rental homes. She is concerned about the type of people who could live near a high school and asked how this might affect property values in the area. She would like to see how Millcreek does before this project begins. She appreciates the blighted area being cleaned up.

Nyla Adams travels the area every day and says it is already busy and this seems like too much in such a small space. Developers generally do not live where they develop so they do not have to live with the consequences. The idea of revitalizing Logan is a good, but she is concerned with this specific site. The amount of visitor parking seems too low.

COMMISSION: Commissioner Ortiz asked about the bicycle parking locations. Mr. Campbell said the areas where the bike parking is located make sense.

Mr. Campbell confirmed for Commissioner Goodlander that it will be a gray brick. Buildings with lighter toned colors feel less oppressive.

Mr. Campbell clarified for Commissioner Croshaw that there will be 37 2-bedroom units with no studio apartments.

Commissioner Lucero asked how this project relates to the cultural connection to bolster downtown as a hub. Mr. Campbell said density plays a big part in bringing people downtown. The elevated outdoor terraces provide a nice atmosphere, as well as other amenities which encourage people to socialize.

Chairman Nielson thanked Mr. Campbell for moving the building back from the sidewalk.

Mr. DeSimone said he can approve up to a 15% variation to parking with a submitted Alternative Parking Plan.

Mr. Campbell requested the condition "*Screen parking structure openings on the north and south elevations with architectural metal panels, louvers, or remove windows*" be deleted because of the height of the openings which will screen vehicle headlights.

Chairman Nielson asked about a possible street median for right-in/right-out access. Mr. DeSimone said it can be discussed with the Engineering Division.

Chairman Nielson appreciated the public comments. He reminded citizens that it is often difficult for the Commission to review these projects and make appropriate conditions.

Commissioner Newman lives on this street and appreciates the idea of a possible median or other traffic control measure. Mr. DeSimone noted that traffic will increase. 100 West will eventually go south, across the river and connect to where McDonald's is. The focus for traffic and parking should be for this project and what can be done to mitigate and/or offset some of the potential. The Commission discussed TC areas for quite some time because these areas feed into downtown, there is a recognition of the balance between higher density land uses relative to what adjoins it. The focus should be on what the Code allows. The discussion should be narrowed down to specific issues for this project.

MOTION: Commissioner Goodlander moved to **conditionally approve** a Design Review Permit as outlined in PC 20-051 with the amended conditions for approval as listed below. Commissioner Ortiz seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval will be recorded with the Design Review and are available in the Community Development Department.
2. One (1) residential structure with thirty-seven (37) dwelling units is approved with this permit.
3. Final floor plans of all residential units shall be provided to Community Development to verify the unit count and configuration.
4. The Commission permits the setback along 100 West to be 4' except for the space in front of the architectural panels.
5. The Commission permits the 5' setback along the north, south and east property lines.
6. The project shall provide 78 parking stalls (proposed 74). Four (4) additional parking stalls shall be provided for visitors and constructed in accordance with LDC dimensional size standards and specifications or submit an Alternative Parking Plan for approval.
7. Bike parking is provided for thirty-seven (37) bikes.
8. A Performance Landscaping Plan for park-strip design and landscape design along 100 West, to soften the front building edge, shall be submitted for approval to the Community Development Department prior to the issuance of the building permit.
9. Street trees shall be planted along 100 West at 30' on center.
10. Building fenestration, as proposed, is approved.
11. Dumpster and garbage collection areas shall be screened with landscaping and/or walls from public view.
12. Exterior lighting shall be concealed source, down-cast and reviewed and approved prior to the issuance of a building permit and shall comply with current LDC regulations.
13. No signs are approved with this permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
14. No fences are approved with this permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.
15. Rooftop mechanical and/or building wall mechanical equipment shall be placed out of view from the street or screen from view from the street.
16. Weather protection shall be provided above all pedestrian entrances.
17. Prior to issuance of a building permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. Fire
 - i. Fire sprinklers, fire alarms, fire hydrants, aerial apparatus access and standpipes required.
 - ii. At least one side shall be established as an Aerial Fire Apparatus Lane. This side shall be free of an aerial obstruction (trees, power lines etc.)
 - iii. A fire hydrant is required within 400' of all points around the exterior of the building and a fire hydrant is required within 100' of the fire department connection.

b. Engineering

- i. Provide storm water detention/retention per Logan City Storm Water design standards and State requirements. This includes the on-site retention of the 80% storm event through use of Low Impact Design methods
- ii. Provide water shares or in-lieu-of fee for all increased water demand to City System for this development
- iii. Access to the development shall align with parking lot access to Logan High across 100 West. If alignment cannot be achieved, the City reserves the right to require right-in/right-out turning movements for ingress/egress on 100 West in the future.
- iv. Any unused existing services not used for new development shall be capped at the City main lines
- v. New sidewalk shall be a minimum of 5' along 100 West.

c. Water/Cross Connection

- i. The building's water main must have a DC (ASSE1015) installed and tested as it enters the building before any branch offs or possible connections. Unless further plan review shows an RP (ASSE1013) needed.
- ii. Any landscape irrigation connected to Logan City Water must have high hazard rated backflow protection and all assemblies must be tested within 10 days of turning on water to them.
- iii. Fire suppression systems connected to Logan City Water (with no added chemicals) must have a minimum DC (ASSE1015) installed and tested.
- iv. All points of use of water must comply with the current 2018 IPC and Utah State Amendments and Logan City Ordinance.

d. Environmental

- i. No garbage service was indicated on plans.
- ii. Minimum 60' straight on access required. The approach must be level, no down or uphill slopes.
- iii. Minimum inside measurement for a double enclosure is 24' wide x 10' deep. Minimum inside measurement for a single enclosure is 12' wide x 10' deep.
- iv. Place bollards in the back of enclosure to protect walls.
- v. Gates are not required, however, if desired, they must be designed to stay open during the collection process.
- vi. Barrel hinges are suggested for the gates. Need full 12' clearance so gates must be designed to open completely.

FINDINGS FOR APPROVAL

1. The project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of building design, site layout, materials, landscaping, and setbacks.
2. Reduced residential setbacks are consistent with the design and placement of the building, the use of landscape buffers, and setbacks for other buildings in the area.
3. The project conforms to the requirements of Title 17 of the Logan Municipal Code.
4. The project meets the goals and objectives of the TC-1 designation within the Logan General Plan by providing services near high-capacity roadways and is designed in a way for easy circulation for both pedestrian and vehicles.
5. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
6. 100 West provides access and is adequate in size and design to sufficiently handle all traffic modes and infrastructure related to the land use.

Moved: S. Goodlander **Seconded:** E. Ortiz **Approved:** 6-0

Yea: Croshaw, Goodlander, Lucero, Ortiz, Newman, Nielson **Nay:** **Abstain:**

PC 20-052 Foothill Subdivision [Subdivision Permit] Nic Porter/Foothill Lofts Residential LLC, authorized agent/owner, request a 25-lot single-family subdivision located on 8.37 acres at approximately 1300 East 1300 North in the Neighborhood Residential (NR-4) zone; TIN 05-011-0005.

STAFF: Mr. Holley reviewed the request for a 25-lot single-family subdivision. The square-shaped property slopes slightly downward from east to west and sits between older single-family homes to the east and the Foothill Lofts Apartments to the west. To the south, sits two churches and partially vacant land is to the north. The proposal has lot sizes ranging from 10,004 SF to 14,680 SF. The layout creates an inner block with an outer perimeter of lots accessed by a looping 60' wide road. The proposed layout shows two street connections onto 1300 East.

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. The split zoning designations of Mixed Residential Medium (MR-20) and Suburban Neighborhood Residential (NR-4) was established in July of 2017 by Logan City Council Ordinance 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 10-acre NR-4 area became 8.37 acres in size. This area was approved for a 19-lot single-family subdivision with 60' streets and 10,000 SF minimum lots sizes in September of 2018 and has since expired. Most recently, the Logan City Council denied a rezone request from this applicant from NR-4 to NR-6 on July 7, 2020. The Future Land Use Plan (FLUP), within the Logan City General Plan, identifies this property as Detached Residential (DR) which are described as single-family home developments.

PROPONENT: Nic Porter thanked staff for all their help. Originally the idea was for student housing due to the proximity to USU, however, when that was not an option, a rezone to NR-6 was submitted and subsequently denied by City Council, so this plan has been developed. The spirit of three (3) connections has been provided as proposed. A connection on the northeast corner makes sense, but the adjacent neighborhood opposed that idea. This design seems to work with all the site challenges. Density is not being maximized, but the lots and area are very nice. He disagrees with the sidewalk. Traffic will not be an issue because of the number of lots.

PUBLIC: Marc Leager lives just over the fence. He provided a brief history of the parcel. He is disappointed with the proposal. He would like the Commission to consider the five lots in question, and which way they will face. He thanked the Commission and staff for all the work.

Jack Peterson appreciates the Commission considering how this project impacts the area. This is yet another attempt to alter the rules and set a precedent for. It appears that staff has shifted a critical decision from their responsibility to the Planning Commission, rather than follow Logan's own rules, standards and specifications. On page 3 of the Staff Report the issue is outlined "*The Planning Commission will need to determine if the proposal of five lots along the west side are serviced from 1300th and should be considered separately from the other 20 lots along the looping street*". Table 2 on page 2 of the report indicates that the minimum number of street connections by the size of a development greater than 20 should be three (3) connection points. The proposed 25 units require three connections, if this is changed, a precedent will be set. He spoke with Bracken Atkinson, the prior owner of the property, who wanted additional lots but was unable to make it work because of the access points and subsequently sold the property. Now, the new owner is applying for something not allowed. Decisions should be consistent. He encouraged the recommendation that there should only be 20 units with two (2) street connections.

COMMISSION: Commissioner Lucero asked for clarification on the Code section relative to condition #3 “... *determine if the proposed five (5) lots along 1300 East are being served by 1300 East street or not.*” Mr. Holley said it is covered by:

Table 17.30.170.E.2: Minimum Number of Street Connections by Size of Residential Development

Number of Dwelling Units Served	Number of Connections
Greater than 20	3
9-20	2
1-8	1

Figure 2 shows the LDC Street Connection Requirements for Residential Developments

Commissioner Goodlander asked if there are any structures on the other side of 1300 East. Mr. Holley said it is planned for open space.

Mr. Holley confirmed for Commissioner Croshaw that lots 7 and 8 are corner lots. The lots are large enough to accommodate quite a few different house plans. Commissioner Croshaw asked how the lots will be addressed. Mr. Holley said the addresses will be assigned based on the front of the home.

Chairman Nielson asked if this will be senior housing. Mr. Porter said that is still undecided, but he thinks it may not be appropriate due to the larger lots.

Chairman Nielson said there are challenges with getting another access through the area. If 20 units is the cut-off; that is how it should be approved. He does not want to see an exception made.

Commissioner Croshaw would like three of the lots (except for the corner lots) oriented to 1300 East.

Commissioner Goodlander noted that there have been several different projects proposed on this site. When it was rezoned previously, a 19-lot layout was presented, which seemed to be a good compromise.

Commissioner Ortiz said the five lots in question should not be separated from the entire project (25 lots proposed). He would like street connections better defined, but that is for a future discussion.

MOTION: Commissioner Croshaw moved to **conditionally approve** a 20-lot Subdivision Permit as outlined in PC 20-052 and as conditioned by staff. **The motion died for lack of a second.**

Commissioner Lucero said the idea that this is below the potential density does not justify the reduction for street connections. She has a difficult time imagining homes facing either way as they are both undesirable options. The Commission needs to determine if the proposal meets the Code requirements. 1300 East should not serve only five homes.

Mr. Housley, the City Attorney, clarified that the number of street connections is not tied to a subdivision, but to the “number of dwelling units served”. The Commission must determine what “units served” means (e.g. 20 units on the loop road and five units on 1300 East, and whether these should be considered different services). Every subdivision has an adjoining subdivision, so a perimeter needs to be defined. He believes it is based on where the access is taken. A home can be oriented one way with a driveway coming off another way.

Commissioner Newman said although this is a good proposal, it does not seem like the right way to go about it. He would like to better understand what the Commission is hoping to achieve before a decision is made. This seems to be a 25-unit subdivision with different lots being served by two different streets. Mr. DeSimone explained that 20 lots can be proposed (with the western section left open) which would meet the Code having two points of access. Five additional lots could then be proposed, fronting onto 1300 East and can technically be approved. The question and concern will be to ensure that those five lots will not impact future design. This can be done procedurally with one action or it can be done in multiple steps to get the same outcome.

Chairman Nielson understands the concept but is frustrated that the Code can seemingly be manipulated to get to the desired outcome. Mr. Holley explained that the difficulty with this project is dealing with the existing area and constraints. The goal of the Code is to essentially connect neighborhoods. In this instance, there is no way to add more connections.

Jack Peterson expressed frustration that a motion was about to be made and then was influenced by Staff who began discussing alternatives. He said the idea that the Hillcrest neighborhood was blamed for not putting in a stub is ludicrous. He gets upset when a peripheral group attacks, challenges and/or manipulates a situation.

Commissioner Croshaw said he appreciated staff's clarification of the issue.

Mr. Housley pointed out that the Fire Code requirements must be followed, after 30 units, additional accesses are required. Chairman Nielson asked why the minimum number of units does not match 30. Mr. Housley said it used to be 30 but was changed.

Commissioner Lucero asked for a better definition of "access" and "units served". She can envision a scenario where larger lots could be designed to fit within the "units served" definition. She cannot see how having frontage on 1300 East, or within the center of the block, makes any sense for all the reasons that have been discussed.

MOTION: Commissioner Newman moved to **deny** PC 20-052 as proposed. Commissioner Goodlander seconded the motion.

Moved: D. Newman **Seconded:** S. Goodlander **Approved:** 4-2
Yea: Goodlander, Ortiz, Newman, Nielson **Nay:** Croshaw, Lucero **Abstain:**

PC 20-053 Dominion Energy ILI Receiver Facility [Conditional Use Permit] Kevin Mulvey/Questar Gas Company dba Dominion Energy Utah, authorized agent/owner, request an in-line inspection facility that will be operated once every 6-7 years for a 1-2-week period to inspect the natural gas lines in the area on .91 acres located at 450 South 300 West in the Neighborhood Residential (NR-6) zone; TIN 02-057-0011.

STAFF: Ms. Rice reviewed the request for an unmanned in-line inspection (ILI) facility consisting of a 4' x 5' x 3' above ground pigging facility, mainline valve assembly and 12" x 16" receiver barrel. The facility operates 1-2 straight weeks every 6-7 years to inspect the natural gas lines in the area. A 24' drive lane will circle the facility to be used as an access road during inspections. The property will be fenced for security with locked double-swing gates at the entrance to 300 West. The proposed location of the facility is on a .91 vacant parcel on 300 West near the Cache Valley Fairgrounds in the NR-6 zone. The parcel abuts residential housing to the south and east and the fairgrounds to the west. The property is relatively flat. The proposed location for ILI facility is to the south of an existing small Questar Gas facility and shed

PROPONENT: Kevin Mulvey was present to answer questions

PUBLIC: Corey Hanson has property adjacent to the site, Kim Standard owns the adjacent building and there is a 6' fence to the property line with barbed wire on top which is an eyesore. He is not opposed to the proposed development; however, he has been using the property for the past few years for his horses. He questioned whether operations will be in the evening; Mr. Mulvey said it will not, it will only be operated once a year and confirmed that .91 acres was purchased (pointed out the area on the plat map).

COMMISSION: Chairman Nielson asked about fencing. Mr. Mulvey said security has become more of a priority over the years, he is proposing a 7' fence and does not like the idea of barbed wire.

Commissioner Newman said a fence with slats, allowing a visual, might mitigate possible problems if someone were to enter the area. Mr. Mulvey said many sites have gates in the front for that reason, they are willing to comply with what the Commission deems appropriate.

Commissioner Lucero would like to see a solid surface fence with a gate.

MOTION: Commissioner Lucero moved to **conditionally approve** a Conditional Use Permit as outlined in PC 20-053 with the amended conditions for approval as listed below. Commissioner Croshaw seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. Double swing gates shall swing inward toward the property.
3. The fence along the front of the property shall not exceed 8' in height, be set back 5'-10' from the property line and buffered with landscaping.
4. Fence material along the front of the property shall be an alternative to chain link and barbed wire.
5. Specifications of alternative fence material shall be submitted for approval to the Community Development Department prior to the issuance of permits.
6. A Performance Landscaping Plan shall be submitted for approval to the Community Development Department prior to the issuance of permits. The plan shall include a plan for detailed park-strip and front fence buffering.
7. Prior to issuance of a permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. **Water / Cross Connection**
 - i. All landscape irrigation systems fed from Logan City water must have a high-hazard backflow assembly installed and tested. No dual source feed systems allowed without Logan City prior approval and installation criteria (tested RP & swing joint) is met and inspection is passed. All backflow assemblies must be tested within 10 days of turning on the water to them and annually thereafter.
 - ii. If there is a building, then the building's water main needs to have its own RP (ASSE1013) installed and tested on the water main as it enters the building before any branch offs or connections. Properly sized drain required. This is for containment protection only (City protection only). Points of use protection will also be needed (occupant's protection). Installation criteria of B/F assemblies must be as per 2018 IPC and Utah amendments.
 - iii. The project shall comply with all current plumbing codes, Utah State amendments, Utah Division of Drinking Water rules and regulations, including, but not limited to, those pertaining to backflow protection and cross connection prevention.

b. Engineering

- i. Provide storm water detention/retention per Logan City Design Standards; including the retention on-site of the 80% storm event (0,5") through use of Low Impact Design Methods. Provide calculations on construction drawings.
- ii. Construct curb, gutter park strip and sidewalk along the property frontage. Pavement section shall match existing, or comply with, City road design standards, whichever one provides the best pavement section – shall be constructed.
- iii. Provide water service to maintain park strip landscaping and landscaping requirements on the property.
- iv. Drawing sheet 1 of 3 indicates lot size to be 1-acre and the disturbed area to be about 0.67 acres. Sheet 2 calls for a gravel surface over what appears to be the entire site. If this is the case, a Stat NOI and Storm Water Pollution Prevention Plan must be submitted for review/approval. This will require a Storm Water Maintenance Agreement to be submitted for review, approval and recordation at the County Recorder's Office.
- v. Construct gates at access points, to swing into property, so not to block the City sidewalk and right-of-way.
- vi. Provide water shares or in-lieu-off fee for any new demand on the City system for this development.

FINDINGS FOR APPROVAL

1. The project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties.
2. The project conforms to the requirements of Title 17 of the Logan Municipal Code.
3. Plan by providing reliable and quality public service options.
4. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

Moved: J. Lucero **Seconded:** R. Croshaw **Approved:** 6-0

Yea: Croshaw, Goodlander, Lucero, Ortiz, Newman, Nielson **Nay:** **Abstain:**

WORKSHOP ITEMS for November 12, 2020:

- ✓ PC 20-054 In-N-Out Burger (Design Review) - 404 N. Main
- ✓ PC 20-055 Palatial Living (Conditional Use) - 410 W. 725 N.
- ✓ PC 20-056 De La Rue Building Addition (Design Review) - 1750 N. 730 W.
- ✓ PC 20-057 Stronghold Development (Design Review) – 200 S. 1000 W.

Meeting adjourned at 8:25 p.m.