

**CITY OF LOGAN, UTAH
ORDINANCE NO. 16-42**

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
Traditional Neighborhood Residential (NR-6) to Suburban Neighborhood Residential (NR-4).

SECTION 3: This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, _____
THIS DAY OF _____, 2017.

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 _____, 2017.

Herm Olsen, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

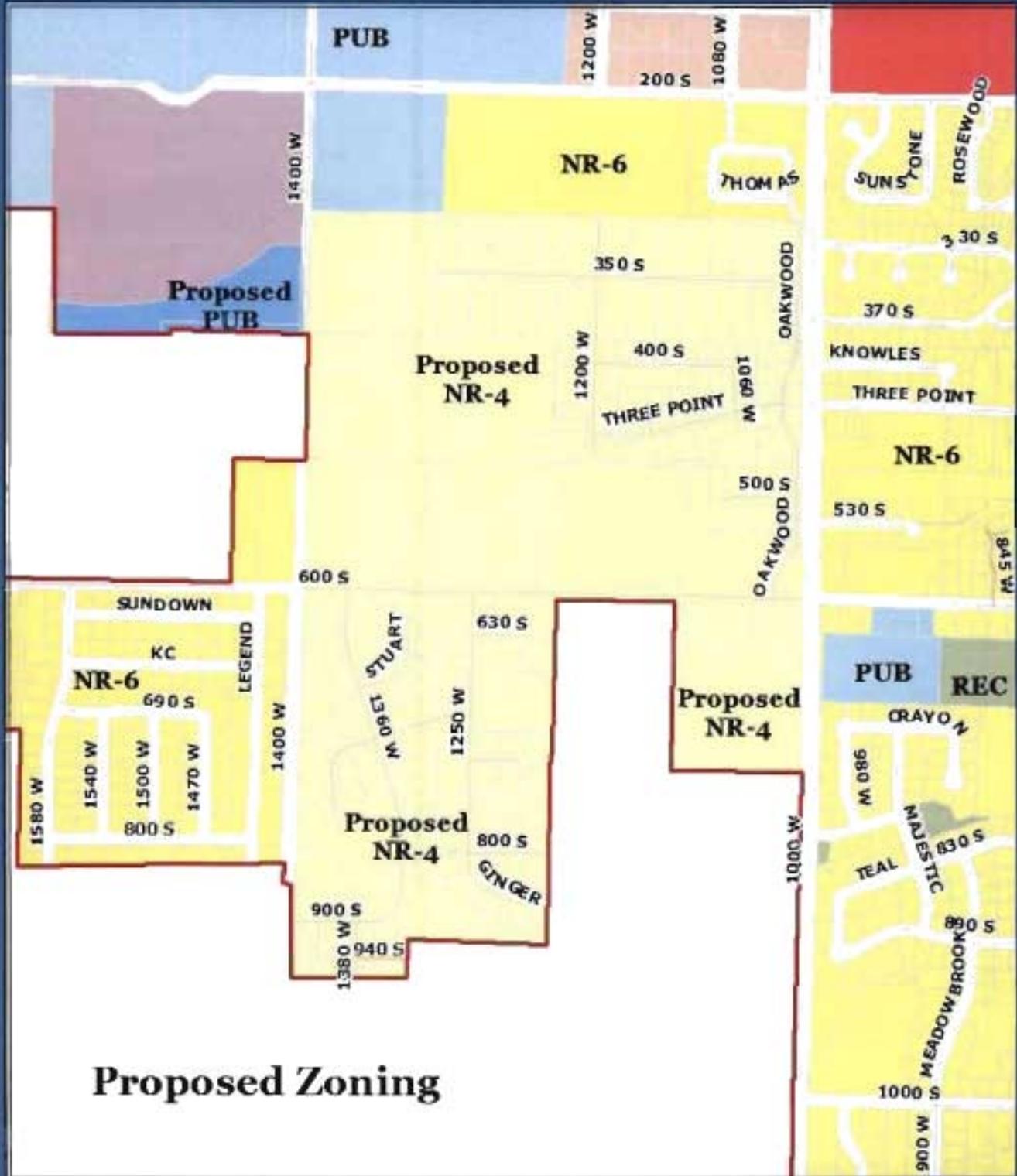
The foregoing ordinance is hereby _____ this ____ day of
_____, 2017.

H. Craig Petersen, Mayor

NR-4 Rezone

Community Development Dept.

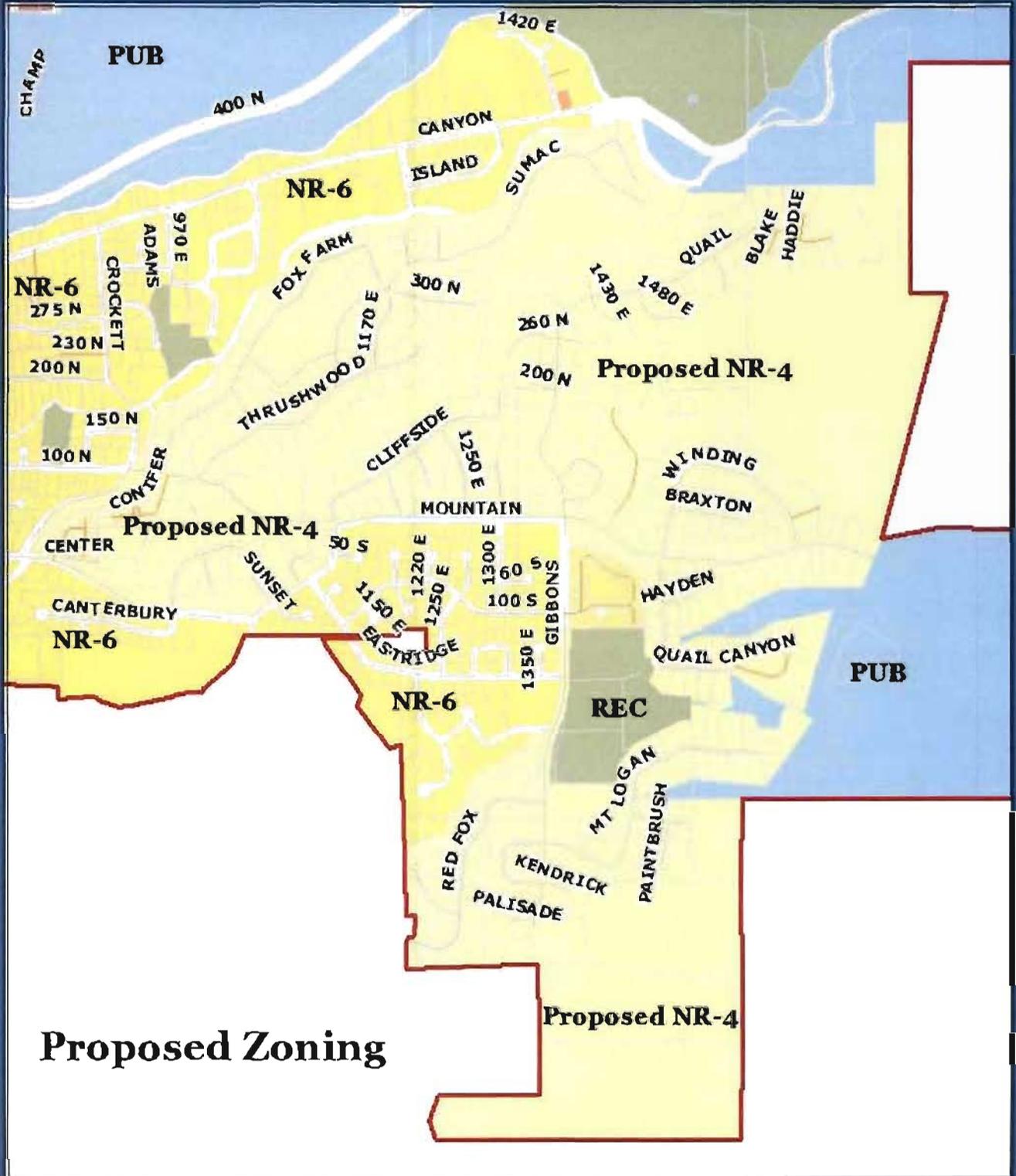
Sept. 2016



NR-4 Rezone

Community Development Dept.

Sept. 2016





Proposed Zoning





MEMORANDUM TO MUNICIPAL COUNCIL

DATE: November 29, 2016
FROM: Russ Holley, Senior Planner
SUBJECT: Ordinance #16-42, NR-4 Rezone

Summary of Planning Commission Proceedings

Project Name: NR-4 Rezone
Request: Zoning Map Amendment
Project Address: Citywide (Woodruff, Wilson, Hillcrest)
Recommendation of the Planning Commission: **Approve**

On November 10, the Planning Commission recommended that the Municipal Council **approve** a Rezone of approximately 750 acres from NR-6 to NR-4

Planning Commissioners vote (6 - 0):

Motion: D. Butterfield

Second: S. Sinclair

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

Attachments:

Staff Report

Ordinance #16-42

Planning Commission Meeting Minutes from Oct, 27 & Nov. 10th 2016



Project #16-046
NR-4 Rezone
Located in Hillcrest, Wilson & Woodruff

REPORT SUMMARY...

Project Name: NR-4 Rezone
Proponent/Owner: Community Dev. Dept. / Varies
Project Address: Hillcrest, Wilson & Woodruff
Request: Rezone from NR-6 to NR-4
Current Zoning: NR-6
Date of Hearing: Oct. 27, 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 NR-6 to NR-4, The NR-4 Rezone, for numerous properties located in the Hillcrest, Wilson and Woodruff neighborhoods.

Request

The request is to rezone over 700 acres in the Hillcrest, Wilson and Woodruff neighborhoods from the current zoning designation of Traditional Neighborhood Residential (NR-6) to Suburban Neighborhood Residential (NR-4).

Existing Conditions

These areas are typically developed in a manner that better reflect the NR-4 zoning regulations or are areas that have not been developed and the NR-4 zoning regulations would result in a more compatible development pattern.

General Plan

The Future Land Use Plan (FLUP) adopted in 2008, identifies these areas as Detached Residential (DR) and explains that designation as being detached single-family homes developed at a density range of 4-6 units per acre of land.

Land Development Code (LDC)

The Land Development Code §17.12-15 describes the Neighborhood Residential (NR) zones as being neighborhoods appropriate from single-family homes, schools, parks and religious institutions. The NR-6 zone allows homes to be built at a maximum of six (6) homes per acre of land with a minimum lot size of 6,000 SF. The NR-4 zone allows for homes to be built at a maximum of four (4) homes per acre of land and a minimum lot size of 10,000 SF. Other than the density differences, the two zoning districts are very similar in land uses allowed and overall development requirements.

Summary

Based on recent neighborhood planning and feedback efforts, staff has received numerous requests to change some the few remaining open parcels in these areas and to review the existing lower density neighborhoods and assign a zoning district that best reflects the existing densities.

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 existing neighborhood development pattern.
2. The proposed rezone is compatible with the General Plan and the FLUP designation of NR.
3. The proposed rezone will ensure new development is done in a more compatible manner to that of the surrounding neighborhoods.
4. The streets and infrastructure servicing these areas are sufficient in size and capacity to support NR-4 land uses.

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.

OCT 27

PC 16-046 Neighborhood NR-4 Rezone Project [Zone Change] Logan City requests to rezone residential properties from NR-6 to NR-4 in a number of developed and undeveloped areas that are more conducive to the NR-4 zoning designation. This rezone includes approximately 80 acres in the Hillcrest neighborhood, approximately 480 acres in the Wilson neighborhood and approximately 190 acres in the Woodruff neighborhood.

STAFF: Mr. Holley reviewed the request to rezone over 700 acres in the Hillcrest, Wilson and Woodruff neighborhoods from the current zoning of Traditional Neighborhood Residential (NR-6) to Suburban Neighborhood Residential (NR-4). These areas are typically developed in a manner that better reflect the NR-4 zoning regulations, or are areas that have not been developed and the NR-4 zoning regulations would result in a more compatible development pattern.

The Land Development Code §17.12-15 describes Neighborhood Residential (NR) zones being neighborhoods appropriate for single-family homes, schools, parks and religious institutions. The NR-6 zone allows homes to be built at a maximum of six (6) homes per acre of land with a minimum lot size of 6,000 SF. The NR-4 zone allows for homes to be built at a maximum of four (4) homes per acre of land and a minimum lot size of 10,000 SF. Other than the density differences, the zoning districts are very similar in land uses allowed and overall development requirements.

Based on recent neighborhood planning and feedback efforts, staff has received numerous requests to change some the few remaining open parcels in these areas and to review the existing lower-density neighborhoods and assign a zone that best reflects the existing densities.

PUBLIC: Eldon Peterson lives in the Equestrian Estates development, which is the only one in the City that has 2/3 and 1-acre lots and open fields. He would like to see it go back to the original R-2-A zone (agricultural); however, NR-4 is a good choice for the neighborhood.

Abhay Bajji said the public notice was not very clear. The reason for the change is not apparent. He asked how the change would impact property values. He has talked with many residents in his neighborhood who think there will be low-income apartments. This public notice was "out of the blue" and he has been told that this "has already been approved" and questioned if there was "some hidden agenda that we the people do not know about". He is opposed to the change because it will affect the entire neighborhood. The City has not given the right reason and seems to be "hiding something". This type of trend leads to major problems in the future. The City needs to explain why they are doing this. He spoke three years ago against piping the canal, now all the natural canals in the valley have been destroyed.

Mr. Carlston explained that this is a legislative action; the Planning Commission will be making a recommendation to the Municipal Council (elected officials representing the citizens of Logan) for a decision. Chairman Butterfield agreed and pointed out that this is not a "decided" issue, this is the first step in the process.

Mr. Holley apologized if the public notice seemed confusing. The motive for this rezone is quite simple, the General Plan outlines the fact that the City needs to grow in a more compact and efficient manner. There have been efforts to grow more compactly, which is one reason for the

NR-6 zone. Over the last several years there has been a lot of loud feedback from the community that there is a need for larger lots; this is a proactive downzone in response to those concerns.

Chairman Butterfield noted that the City is very transparent and this meeting is part of the process to review the proposal and receive public input. Some previous (and very contentious) meetings have led to this proposal; the City is listening to the concerns of residents and are trying to make appropriate changes.

Tom Proffitt lives in Wilson area and is looking at this issue as a responsibility for open space; there is one chance to develop property. Logan is anticipating an increase in population and it seems irresponsible not to maximize available open space and develop it more efficiently. Larger lots are not necessary and require more maintenance. He recommended denial of the proposal.

Eric Watterson, speaking for the Watterson family who own property on the south end of the City, said they are in opposition to the rezone to NR-4 because it creates an economic barrier for the land they own if they decide to develop the property. NR-6 does not prohibit large lots; however NR-4 inhibits the ability to develop that area in a compact way. It also creates disparity with the adjacent property which is NR-6; the property in Providence was recently rezoned to the equivalent of NR-6. He recommended that the area his family owns remain in the NR-6 zone.

Keith Checketts was concerned why the changes are being made. He lives in the Hillcrest area and questioned why the lots to the east of where he lives were not included in this proposal. The map that was mailed out with the public notification seemed to show that the Mixed Residential area in Hillcrest was included in the downzone. Mr. Holley explained that the colors on the map that was copied and mailed were not as distinguishable as the original. Mr. Checketts said he is in favor of the NR-4 designation as proposed; however, he is also in favor of taking out that Mixed Residential section in the Hillcrest area.

Lisa Hopkins, representing the Logan City School District Board of Education, read a letter that was distributed to the Commission, acknowledging the value of promoting community structures that encourage families to develop lasting roots in a community, neighborhood and school; recognizing the benefits of having a student population that includes ethnic, linguistic and economic diversity; and demonstrating correlation between Logan City zoning laws, family economic status and student mobility within the district. Families frequently moving in and out of the district create numerous challenges for Logan schools, including meeting the individual needs of all students. Non-owner occupied dwellings, medium and high-density dwellings, and lot sizes not conducive to single-family dwellings contribute to high neighborhood mobility. The Board of Education supports efforts to provide stable, diverse housing options for families; including rehabilitation of existing transient neighborhoods and creating zoning for future neighborhood developments that will help promote long-term community consistency. This proposal will help provide lots that will provide for more family stability.

Michael Purbaugh lives in the Cliffside area and is trying to understand the reason for the rezone. The area where he lives is already developed and people in that area are aging and are concerned about what the change will do to property valuation and the tax base.

Chairman Butterfield said he does not see this change affecting any existing home values, if anything, leaving it higher-density might create lower evaluations, however, the Commission cannot provide definitive answers to these questions. Mr. Holley said taxation is based on the market; both NR-4 and NR-6 are neighborhood residential zoning districts.

Kae Lynn Beecher explained that her family owns 60+ acres along 600 South, which are all fields. There have been several subdivisions proposed in this area over years, most of them wanted to put in small starter homes. She is happy about the NR-4 downzone, which will provide a more stable and healthier neighborhood and is supportive of this proposal.

Robert Hale lives in the Hillcrest area; he was excited because he thought the MR-20 zone in the Hillcrest area was being downzoned. After clarification that this area is not included in this proposal he said he would like to see it included in the change to NR-4.

Jim Robinson lives in the Hillcrest area and said he was also disappointed to learn that the MR-20 area would not be included in this downzone. In reference to some of the distrust from citizens, he explained that years ago the gravel pit area was rezoned from single-family residential to mixed use without any public input (including the property owner). There has been a history of this happening across the City and catching people by surprise. He asked about the Bernston project. Mr. Holly explained that the subdivision was approved for 76 lots (which fits within the NR-4 zone based on density, there are a few lots just less than 10,000 SF).

Kenneth Brooks from the Woodruff area asked why the area around 1360 West is being included in this proposal as there are no vacant lots. When a change from NR-6 to NR-4 is made, the lots have to be ¼ acre which will make it harder to afford and more difficult for low-income residents to be able to purchase homes and move out of apartments.

COMMISSION: Commissioner Ortiz and Chairman Butterfield declared that they live within one of the affected areas but neither has any financial gain or loss associated with the proposed rezone. Mr. Carlston said it was appropriate for them to participate in the discussion and recommendation without a conflict of interest.

Chairman Butterfield said he does not understand the reasons behind the proposed downzone. Mr. Holley explained that it is legislatively driven; there are a few areas that have vacant or open land. This rezone does not impact existing homes; it would only affect future development. The NR-4 zone is appropriate for larger lots to accommodate larger homes. The NR-4 zone allows 4 units per acre with a 10,000 SF minimum lot size. The NR-6 zone allows 6 units per acre with a 6,000 SF minimum lot size.

Commissioner Ortiz asked if this downzone would have any tax consequences. Mr. Holley said it should not have any impact on the appraisal of existing homes. Both the NR-4 and NR-6 zones are Neighborhood Residential areas.

Mr. Holley explained that the City used to have R-1, R-2 and R-3 zones. R-1 was the only true single-family zone. When the NR-system was developed, NR-6 was the closest to the R-1 zone, therefore, by default, everything that was R-1 became NR-6. This proposal is now taking a closer look at specific areas that may be better served as NR-4.

Commissioner Nielson said he was concerned about how the boundary lines were determined (not saying they are right or wrong). The Hillcrest area seems simple. He is familiar with the Wilson area and there are quite a few large properties and he can see the potential for some of

that being sold and a smaller lot subdivision being put in. He questioned whether it might make sense to expand the current proposed area(s). Mr. Holley explained that individual lot sizes were considered within the GIS program and the boundary lines that are being proposed.

Commissioner Sinclair said much of the concern seems to be due to the fact that the change was not explained clearly. With everything that has happened in the Bernston area, this can be quite a contentious issue. Questions such as how big lots should be and how dense areas should be are difficult issues. Her personal opinion is that this proposal is a good thing.

Commissioner Ortiz agreed with some of the public comments, such as low-income families being able to afford homes in an NR-4 zone. There so many particular situations that this large area makes him uncomfortable. He asked about projects that have been planned within the NR-6 zone and how they will be affected by this change and how property values of open spaces will be impacted.

Chairman Butterfield agreed that the public notice could have been clearer. He is not convinced that this downzone is automatically a good thing, many residents are convinced otherwise, however, larger lots do not necessarily equate to more stability. He has lived in an NR-6 zone for many years that has served the community well and is one of the more stable areas in Logan. Affordability is an issue; the price of homes is continuing to dramatically climb. Many residents in Cache Valley have lower than average incomes and the City does not have much room to develop. His vote will likely be against a recommendation for approval.

Commissioner Nielson said that he can see good points on both sides. There may be some areas that may or may not be appropriate for this downzone. He believes this proposal is good and if there are unique situations where it would be more advantageous to have NR-6 rather than NR-4, those could be reviewed specifically. He reminded residents that this is only legislative discussion, at this point, after the Commission's recommendation will be forwarded to the Municipal Council for a decision.

Commission Ortiz said although there are enough members to constitute a quorum, there are three Commission members absent and because this is a very important decision, he recommended continuing the discussion. Commissioner Sinclair agreed.

Mr. Carlston said there is an option to continue the discussion. Mr. Holley advised that if there are specific issues the Commission would like the staff to research, they are happy to do so. Commissioner Sinclair suggested a list of pros/cons.

MOTION: Commissioner Sinclair moved to **continue** discussion of PC 16-046 to the November 10, 2016 meeting. Commissioner Nielson seconded the motion.

Moved: Commissioner Sinclair Seconded: Commissioner Nielson Passed: 4-0
Yea: D. Butterfield, T. Nielson, E. Ortiz, S. Sinclair Nay: Abstain:

NOV 10

PC 16-046 Neighborhood NR-4 Rezone Project – **continued from October 27, 2016** [Zone Change] Logan City requests to rezone residential properties from NR-6 to NR-4 in a number of developed and undeveloped areas that are more conducive to the NR-4 zoning designation.

This rezone includes approximately 80 acres in the Hillcrest neighborhood, approximately 480 acres in the Wilson neighborhood and approximately 190 acres in the Woodruff neighborhood.

STAFF: Mr. Holley reviewed the Staff Report including a list of pros/cons as directed by the Commission at the last meeting.

Pros: larger lots for larger home options; more open area; adjacent home values may rise (market driven); typically less neighborhood resistance; match scale/scope/character of adjacent neighborhoods; better match zoning with already built area and the desire of adjacent residents.

Cons: inefficient development (more roads and utilities); more automobile dependence; less affordable housing options; adjacent home values may drop (market driven); lot coverage is typically higher; few home plan options (limited to smaller footprint home plans); contrary to the General Plan and Envision Cache Valley Plan regarding intense compact development to preserve the fringe/agricultural and rural areas.

PUBLIC: Frank Schofield, Logan City School District Superintendent and former principal of Wilson Elementary, conveyed the district's position in favor of the proposal. Zoning and lot sizes have an impact on local schools. Many of the neighborhoods with older homes and smaller lots have young families in starter homes that move out of the area as family sizes increase; this has a series of effects in terms of character, relationships and success of schools and students. In areas where there are larger lots there is more stability which helps strengthen the community.

Morris Poole is in favor of this proposal. He commended the City and the Commission for being sensitive to the fact that Logan needs more areas to help provide homes for long-term families.

Arlene Clark asked if the development proposed for the gravel pit would remain the same in the event that the developer decides to sell. Mr. Housley advised that the property would have to be developed due to the zoning regulations that are in place.

Linda Hodges has lived in the Hillcrest area since 1974 and is glad to see this area down zoned and asked why 1500-1600 East is not included in the proposal.

Marilyn Griffin pointed out that when zoning was being addressed several years ago, every district expressed desire for larger lot sizes. This proposal is the result of the desire of citizens. There is a need for areas where larger homes can be built so that families can stay in Logan.

Jack Peterson supports this proposal, it is time for this to be done and this is a great opportunity to "set the record straight". He expressed appreciation for the list of pros/cons that was discussed and encouraged the Commission to recommend approval to the Municipal Council.

COMMISSION: Commissioner Newman asked about the average size of lots surrounding the proposed areas for rezone. Mr. Holley explained that most of the lots are close to 10,000 SF which is one factor that was considered when determining the boundary lines for this proposal.

Commissioner Ortiz asked for the definition of suburban areas. Mr. Holley said suburban can be difficult to define; however, the areas that have been proposed are on the outskirts of town and away from higher-density areas. Mr. DeSimone explained that the idea for this zone is to provide for larger lots, as opposed to urban-style density.

Commissioner Ortiz questioned the area in the Woodruff neighborhood. Mr. Holley pointed out Equestrian Estates (with one acre lots) located in the area. There are other areas that are more diverse.

Commissioner Sinclair thanked staff for sending out the second public notice to the residents of the Hillcrest area to help clear up some of the questions that were expressed at the last meeting.

Chairman Price asked about the recently approved subdivision adjacent to Canterbury in the Wilson area. Mr. Holley said the subdivision was approved at an NR-4 type of density.

Chairman Price asked about the development of properties adjacent to the Watterson property. Mr. Holley explained that when the subdivisions to the north were platted there was not an NR-4 zoning designation (it was formerly R1 to R3; R1 had a 7,000 SF minimum lot size). When the zoning was changed in 2012, those areas became NR-6. Chairman Price asked if the existing vacant property could be split, Mr. Holley said it would need to comply with the requirements of the zone.

In answer to Ms. Clark's question regarding boundary lines, Mr. DeSimone explained that the area of 1500-1600 East was considered in reference to lot size and the amount of frontage; the boundary line, although not perfect, approximates the threshold between larger and smaller lots. The lots to the east are smaller and generally do not meet the standards of the NR-4 zone. In developed areas, this proposal does not make much difference. Ms Pollan noted that the boundary line serves as an effort to minimize the number of legally existing nonconforming lots that might be created if the boundary was expanded.

MOTION: Commissioner Butterfield moved to **recommend approval** to the Municipal Council for a rezone of residential properties from NR-6 to NR-4 in a number of developed and undeveloped areas that are more conducive to the NR-4 zoning designation as outlined in PC 16-046 with the findings for approval as listed below. Commissioner Sinclair seconded the motion.

FINDINGS FOR APPROVAL

1. The rezone is consistent with the existing neighborhood development pattern.
2. The rezone is compatible with the General Plan and the Future Land Use Plan (FLUP) designation of Neighborhood Residential (NR).
3. The rezone will ensure new development is done in a more compatible manner to that of the surrounding neighborhoods.
4. The streets and infrastructure servicing these areas are sufficient in size and capacity to support NR-4 land uses.

Moved: Commissioner Butterfield **Seconded:** Commissioner Sinclair **Passed:** 6-0
Yea: D. Butterfield, D. Newman, T. Nielson, E. Ortiz, R. Price, S. Sinclair **Nay:** **Abstain:**