

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, July 21, 2020 at 5:30 pm in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah following social distancing guidelines. The number of in-person attendees was limited based on social distancing of 6 feet which resulted in less than 50 people allowed in the Council Chambers. All guests were asked to sign in and it was strongly recommended that all those in attendance wear a mask. Overflow space was available with appropriate social distancing and video access. Logan Municipal Council Meetings are televised live as a public service on Channel 17, City of Logan Facebook page: <https://www.facebook.com/cityoflogan> and KSL live at <https://live.ksl.com/>.

Councilmember's present at the beginning of the meeting: Chair Amy Z. Anderson, Vice Chair Tom Jensen, Councilmember Mark A. Anderson Councilmember Jess W. Bradfield and Councilmember Jeannie F. Simmonds. Administration present: Mayor Holly H. Daines, City Attorney Kymber Housley, Finance Director Richard Anderson and City Recorder Teresa Harris.

Chair A. Anderson welcomed those present. There were approximately 15 in attendance at the beginning of the meeting.

### **OPENING CEREMONY:**

Chair A. Anderson gave the opening thought and led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting held on July 7, 2020 were reviewed and approved with no changes.

**Meeting Agenda.** Chair A. Anderson announced there are six public hearings scheduled for tonight's Council meeting.

**ACTION. Motion by Councilmember Bradfield seconded by Councilmember Simmonds to approve the July 7, 2020 minutes as presented and approve tonight's agenda. Motion carried unanimously.**

**Meeting Schedule.** Chair A. Anderson announced that regular Council meetings are held the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, August 4, 2020 and will be a public meeting.

### **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:**

Chair A. Anderson explained that the Questions and Comments portion of the agenda is suspended at this time. She indicated that comments or questions can be emailed to: [teresa.harris@loganutah.org](mailto:teresa.harris@loganutah.org), who will distribute to the Mayor and Councilmembers. She stated that under Other Considerations on tonight's agenda the Council will be taking the

time at the end of the meeting the Council will address any comments or questions that come to them during the open comment and question period as well as address any emails that are received. This is being done in order to better connect with the appropriate person to answer those questions and so the Council can react and include all those that might be impacted or affected.

### **MAYOR/STAFF REPORTS:**

Mayor Daines addressed the Council and said the time is approaching that school will be starting at Utah State and in the Logan City School District. She spoke with Superintendent Schofield and if students are able to go back to school depends on the next month and how things go with the virus in our community. Based on that fact, Mayor Daines said she is considering making a request which has to go through the Bear River Health Department to the Governor's Task Force to see if the Governor will allow Logan to require the wearing of masks. She said that several of the big box retailers are requiring masks, the Church of Jesus Christ of Latter-Day Saints encouraged their members to wear masks as good citizens and we are seeing increased compliance with people wearing masks but there still isn't as much as there could be. She asked for the Council's feedback on her sending a request to the Governor's office which first would go the Bear River Health Department. She added that Utah State also supports a mask mandate and everyone on campus is currently required to wear a mask if they can't social distance. If Logan were to issue a mask requirement, she would adopt USU's guidelines so we would be consistent with what they are doing. She stated the Governor has also mandated that teachers and students K-12 should wear a mask so for Logan to require masks would create consistency and make it the same everywhere. Logan has a lot of food and other types of manufacturing and a lot of them work in close proximity to one another and as we have seen the cases can quickly go through the community. She stated there is some community spread happening and there was a spike after the 4<sup>th</sup> of July, and she is concerned that could happen again after the 24<sup>th</sup> of July holiday weekend. Our numbers are maintaining but now is a critical time with students going back to school and University students coming from out of state. She strongly feels having a mask mandate in place will help our community.

Chair A. Anderson commented that she works with at-risk people and personally she feels wearing a mask is an important thing to do. The idea of complying with the University's guidelines makes sense and if staff and students are wearing them at the University and at our schools, if we aren't continuing to wear a mask in the community it takes away the benefit of wearing a mask. She gave her support in sending the request to require masks.

Mayor Daines said at Utah State if you are in a building and in your own personal workspace which allows you to social distance, you do not have to wear a mask. If you go out into a common space, elevator or hallway, you are required to wear a mask. If going outside you should have one available in case, you come in contact with someone

and you cannot social distance and in University vehicles they are required to wear masks.

Vice Chair Jensen said he supports Mayor Daines sending a letter because he thinks it's critical that we all wear a mask. There are people who might not know they have the virus and are spreading it to others.

Councilmember Simmonds said she also supports Mayor Daines sending the letter. She would also like clarification that the Cache Valley Transit District must also comply with a mask mandate.

Mayor Daines said she's received emails from citizens who have stopped riding the bus because there are people who will not wear a mask. She stated if there is a mandate and they are riding a bus in Logan City they would be required to wear a mask.

Councilmember Simmonds said she knows there have been several people that are very upset that masks are not worn while riding the bus.

Councilmember Bradfield commented that he has always thought that if we could just go to green level that you could put him in a strait jacket, he would just like to be with people again in larger crowds. He asked if a mandatory mask is granted could it be coupled with a request for more freedoms that a larger number of gatherings be allowed.

Mayor Daines said there are guidelines in place for yellow level and we are trying to be proactive and get ahead when school starts and get our students back into school.

Chair A. Anderson said she feels the teachers would also appreciate a mask mandate because if you are trying to convince a child to keep their mask on and yet they know that when they go home or they are out somewhere in public they don't need to wear one, she thinks it will send a confusing message especially for younger children. This is something we can do for our community that will make our teachers job easier, it will help keep our kids in school and help them keep learning. The schools have until August 1 to submit their plan to return to school.

Councilmember M. Anderson said he has always felt that it does not matter what he feels personally, the Governor has asked us to wear a mask, the Mayor has asked us to wear a mask and he has complied because of that whether he has agreed or not.

Mayor Daines said in Salt Lake County and Salt Lake City where they have a mask mandate, they are not giving tickets. They are having educational conversations with people if there is a non-compliance issue.

Vice Chair Jensen asked can we encourage our adjoining cities to also join with us in a mask mandate.

Mayor Daines said she will make the request to other cities, but it will be up to each individual city to decide if they want to request a mask requirement.

Chair A. Anderson commented that many Logan businesses are currently or soon will be mandating masks in their businesses.

Mayor Daines stated that she will draft a letter that she will first send to the Bear River Health Department who will then send to the Governor's Office for approval.

No further Mayor/Staff Reports were presented.

### **COUNCIL BUSINESS:**

#### **Planning Commission Update – Councilmember Bradfield**

Councilmember Bradfield reported on the Planning Commission meeting held on July 9, 2020. The Commission discussed the Deer Pen Design Review and Conditional Use Permit Review. There were a lot of residents in attendance that spoke against the project proposal of installing a substation up above the Hillcrest Neighborhood. The residents proposed that the substation be build next to the current USU substation so that it would not create another standalone substation and it would be paired next to an existing substation.

Mayor Daines added that the University has reengaged in a conversation about two locations and we are looking at some possible accommodations that the City can make for USU. The City is searching for a better solution and will update the Council when more information is available.

#### **Other Committee Updates – Council**

Councilmember Simmonds reported that the Voter Redistricting Committee met recently. The committee invited Professor of Political Science Damon Cann to attend the next committee meeting and speak to the group on the different ways of voting. The committee will prepare a report in the coming months and will bring to the Council for their review.

Councilmember Simmonds also stated that she attended the Carbon Free Power Project roundtable meeting and she will report more on this at a later time.

Vice Chair Jensen said he recently attended a Water/Wastewater Advisory meeting and those attending saw a process that is used to repair sewage lines throughout the City. He also reported that Cache Arts is open for business. They have performers and are allowing limited attendance of 100 with masks to allow for social distancing. He encouraged people to attend the performances to help keep the arts alive.

Chair A. Anderson reported that the CCEMS meeting was postponed. She also reported that the first CARES Act meeting was held. They will be meeting weekly as they work to identify the needed and appropriate ways the City can invest the CARES funding that we have received from the State of Utah.

Councilmember Bradfield said he voted against the funding of the CARES funding, but he would approve mandatory masks if the City would be able to use some of the CARES funds to provide masks for free.

Councilmember Simmonds commented the State of Utah provided millions of free masks to residents throughout the State of Utah.

No further Council Business items were presented.

**ACTION ITEMS: Chair A. Anderson explained that those wishing to speak during the public hearing portion of the meeting must sign in and queue up with social distancing maintained. Masks are strongly encouraged.**

**PUBLIC HEARING - Budget Adjustment FY 2020-2021 appropriating: \$922,500 a grant the Fire Department received from the State of Utah (pass thru federal funds). The funds will be used to replace three fire truck engines; \$148,400 a grant Parks & Recreation received from the State of Utah. These funds will be used for the Logan River Blue Trail Project – Resolution 20-26**

At the July 7, 2020 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chair A. Anderson opened the meeting to a public hearing.

There were no comments and Chair A. Anderson closed the public hearing.

**ACTION. Motion by Vice Chair Jensen seconded by Councilmember Bradfield to approve Resolution 20-26 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Consideration of a proposed resolution adopting Revised Water Rates – Resolution 20-29**

At the July 7, 2020 Council meeting, Public Works Paul Lindhardt addressed the Council regarding the proposed resolution. He explained that in preparing resolution 19-28 for revised Water Classifications and Rates, the ‘USU Other – 1<sup>st</sup> 24 Mgal’ fees were calculated incorrectly for years 2020, 2021, and 2022. This rate can be found in the USU CONSUMPTIVE RATE CHARGES TABLE. The proposed resolution only changes the calculated rate while the proposed percentage change (3%) in Resolution 19-28 stays the same. Thus, fixing the mathematical error made in the previous resolution. Every other rate remains identical to Resolution 19-28.

Chair A. Anderson opened the meeting to a public hearing.

There were no comments and Chair A. Anderson closed the public hearing.

**ACTION. Motion by Councilmember Bradfield seconded by Councilmember Simmonds to approve Resolution 20-29 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Consideration of a proposed ordinance amending Logan Municipal Code 12.24.010 of the Logan Municipal Code Regulating : Trespass – Ordinance 20-16**

At the July 7, 2020 Council meeting, Parks & Recreation Director Russ Akina addressed the Council regarding the proposed amendment:

**Section 1. Sections 12.24.010 of the Logan Municipal Code are hereby amended as follows:**

**12.24.010: TRESPASS:**

It is unlawful for any person to enter or be upon or to drive any vehicle upon or to be within any vehicle upon any city park or city cemetery between sunset 10:00 p.m. and sunrise 5:00 a.m. of any day, except when participating in or attending an activity sponsored by the city or allowed under a permit issued by the city, and except for pedestrians crossing a park on a regularly established walkway. ~~It is unlawful for any person to enter or be upon or to drive a vehicle upon or be within a vehicle upon the city cemetery between sunset and sunrise of any day, except on the day before Memorial Day and Memorial Day when no person shall enter or be upon the city cemetery shall be between ten o'clock (10:00) p.m. and four o'clock (4:00)a.m.~~

This amendment was discussed and approved by the Parks and Recreation Advisory Board.

Chair A. Anderson opened the meeting to a public hearing.

There were no comments and Chair A. Anderson closed the public hearing.

**ACTION. Motion by Councilmember Bradfield seconded by Councilmember M. Anderson to adopt Ordinance 20-16 as presented. Motion carried unanimously.**

**Consideration of a proposed resolution authorizing the formal request of withdrawal by the City of Logan from the Northern Utah Environmental Resource Agency (NUERA) – Resolution 20-25**

At the July 7, 2020 Council meeting, City Attorney Kymber Housley addressed the Council regarding the proposed resolution. He explained that the City of Logan used to be a member of the Northern Utah Environmental Resource Agency (NUERA). The City of Logan has determined that its membership with NUERA is no longer useful or

necessary and desires to withdraw its membership. The current members know that the City of Logan would like to withdraw and have no concerns. We have no activities in the landfills that they own.

Chair A. Anderson opened the meeting to a public hearing.

There were no comments and Chair A. Anderson closed the public hearing.

**ACTION. Motion by Councilmember Bradfield seconded by Vice Chair Jensen to approve Resolution 20-25 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Westfield Warehouse Rezone – Consideration of a proposed rezone of approximately 10.5 acres of property located at 130 South 1200 West from Commercial Services (CS) to Commercial (COM) – Ordinance 20-15**

At the July 7, 2020 Council meeting, Planner Russ Holley addressed the Council regarding the proposed rezone.

#### **REQUEST**

The proponent is requesting to rezone approximately 10.5 acres from CS to COM. This request is being made to permit live/work units in the approved development. The property is located along 200 S and is adjacent to single family homes to the south and commercial service development in the immediate area and to the east, including light manufacturing, warehousing, auto repair, and contractor businesses. To the west is undeveloped land and the landfill. The proposed rezone is outside of the landfill overlay, which would have restricted residential use at the site. The site is generally flat with wetlands to the north and west.

#### **PROJECT HISTORY**

The property was approved for a Design Review Permit by the Planning Commission for 12 new buildings with 73 commercial units on August 8, 2019. The approved buildings are designed as a first-story warehouse/shop space with an office space on the second floor. The approved project is currently located in the CS zone, which does not permit residential development. A rezone to COM would allow the second floor to be developed as a residential unit.

In spring 2019, the proponent requested a code amendment to permit live/work residential use in the CS zone. That request was heard by the Planning Commission on April 23, 2020. The Planning Commission recommended denial of the request to the Municipal Council. The primary issue with the code amendment was the potential for non-compatible uses in the CS zone, as the CS zone permits a wide arrange of light industrial uses that would not be compatible with residential development. Following discussions between staff and the proponents, the code amendment application was withdrawn after the staff workshop with the Municipal Council.

The applicant discussed with staff the possibility of a COM rezone as means to achieve the live/work use, as the COM zone permits live/work development with ground floor commercial and residential above. The COM zone does not permit standalone residential development. The COM zone is also more compatible with mixed-use development, as it has a narrower set of allowed uses in regard to light industrial uses.

### **GENERAL PLAN**

The property is currently identified as the Commercial Services land use designation in the Future Land Use Plan (FLUP). The Commercial Services FLUP designation fills the need between industrial and commercial land uses. These are alternative locations for light manufacturing, wholesale, and warehousing, and uses that support the construction and manufacturing trades. The Commercial Services designation is not intended for residential use.

### **ZONING**

CS – Current Zone: The CS zone fills a need between industrial and commercial land uses. CS areas provide alternative locations for light manufacturing, warehousing, wholesaling, or other uses that support construction and manufacturing trades that are typically service oriented. The CS zone does not allow for residential uses. Generally, the CS zone is less restrictive than the COM zone in regard to permitted uses, especially industrial uses.

COM - Proposed Zone: The COM zone is intended for retail, service, and hospitality businesses that serve city-wide or regional populations. Residential development is allowed in the zone; however, free standing residential buildings are not permitted. In addition to uses, some development standards would change as well. The maximum building height for the CS is 38’, while COM is 40’ or up to 55’ with additional setbacks. Minimum building setback are similar between to the two zones. Building fenestration and open space are the same between the two zones. The COM zone does allow for some front yard parking with a Conditional Use Permit.

### **STAFF REVIEW**

The primary concerns with the previous proposal to amend the CS zone to allow residential use was that it would create compatibility issues between residential and light industrial uses, and that the amendment was too broad and affected all CS zoned area. In contrast, the request to rezone the property would reduce the potential for non-compatible use within the development, reduce the impact on the single-family development to the south, and limit the change to only the applicant’s property.

There remain concerns regarding this rezone request. One issue it is difficult for staff to enforce the main floor commercial/second floor residential requirement of the COM zone as the uses will be integrated within the live/work unit. It is also reasonable to consider the appropriateness of residential uses at this location as the development is away from the core of Logan, adjacent to existing commercial service development, and does not align with the existing FLUP land use designation for the area. Also, while a Design



Review Permit has been issued for this property, the property development plans could change in the future and a more dense or intense commercial use could be developed at the location. It is worth noting that if the approved project developed as proposed, and all previously approved units converted to live/work units, the density for the development would be 7 units per acre. Also, and significant change to the approved site plan or building elevations would require the project to return to the Planning Commission. As the rezone would permit residential development, changes to the project, such as the parking for residential units and building codes, will be reviewed by staff during building permit application.

Overall, staff's assessment is that this rezone presents an opportunity for a type of mixed use housing product that would be beneficial to the housing market in Logan by providing alternative Project #20-028 Westfield Warehouse Rezone Staff Report for the Planning Commission meeting of June 11, 2020 housing types that are not typically available. This location, adjacent to an existing single-family development creates a natural transition that will reduce the impact of CS development in the area.

### **PUBLIC COMMENTS**

Notices were mailed to property owners within 300' of the subject property. As of the time of this report, no comments have been received.

### **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on 5/30/2020, posted on the City's website and the Utah Public Meeting website on 6/3/2020, and noticed in a quarter page ad on 5/23/2020, and a Public Notice mailed to property owners within 300' we sent on 5/22/2020.

### **RECOMMENDED FINDINGS FOR APPROVAL**

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

1. The proposed rezone is consistent with the existing neighborhood development pattern.
2. The subject property is in an area and surrounded by streets and infrastructure that can handle and appropriately serve Commercial developments.
3. The proposed rezone will ensure new development is done in a more compatible manner to that of the surrounding area.
4. The COM rezone will help buffer the adjacent single-family development from light industrial uses of the CS zone.

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval to the Municipal Council for a Rezone of approximately 10.5 acres of property located at 130 S 1200 W (TIN 05-107-0005;-0014-0021;0023-0028;-0031-0033.) from Commercial Services (CS) to Commercial (COM).

On June 11, 2020, the Planning Commission voted in a tie regarding the recommendation to the Municipal Council to approve the rezone from CS to COM at approx. 130 S 1200 W. Planning Commissioners vote (3-3): Motion: Lucero Second: Eduardo.

Chair A. Anderson opened the meeting to a public hearing.

Bo Johnson representative of the project addressed the Council. Mr. Johnson stated that Westfield Warehouses has done research and they really feel this project makes sense for the community. He said there is also the potential for increased sales tax and property tax with the project that is being proposed. This project also creates a buffer between the existing zones.

Councilmember M. Anderson asked are these being occupied by those who are recently graduated from college and who are maybe starting an online business. He said the concept is intriguing to him because a young graduate who may want to start a new business and having a place where they can live and a place nearby to work/start a new business would be perfect.

Mr. Johnson responded this is how these spaces are being used and are people that have just graduated and are doing online sales/businesses. There is 10-20% that have expressed an interest in utilizing the residential space and the remainder would be for business use.

There were no further comments and Chair A. Anderson closed the public hearing.

Councilmember Simmonds said she attended the Planning Commission when this project was discussed and approved. She has concerns that a project is approved and then a proponent finds a zone for what they want to do. The project was approved to be a warehouse project with offices above and it was not approved to be residential but now they are trying to find a zone to allow residential. Doing this also opens it up to allow for a taller building, a larger footprint and other differences that could happen if the project were not built because the zoning could potentially already be approved. The Council needs to decide if this is an appropriate place for live/work and is it an appropriate use based on our long-range plan and how much faith and guarantee do we have that the project will be built the way it has been approved.

Mr. DeSimone commented that when the proponent applied for the project, they also had a code amendment with it, and it came before the Council to allow live/work in the Commercial Service Zone. The Council sent it back and said look at the Commercial Zone instead. If you want to do live/work, then Commercial allows for that and is the zone that is appropriate. The question would be, is this site appropriate for Commercial. If the Council approves the rezone tonight the proponent will still have to come back to the Planning Commission and have them reevaluate the project based on the Commercial standards because the conditions of approval on the original project said no residential and there would have to be an amendment to their original permit.

Vice Chair Jensen said he likes the idea of live/work and the Council is not approving the design, they are only approving the rezone request. He feels we need growth in our industrial area and startup businesses.

**ACTION. Motion by Vice Chair Jensen seconded by Councilmember M. Anderson to adopt Ordinance 20-15 as presented. Motion carried 3-2 (Simmonds and Bradfield voted nay).**

**PUBLIC HEARING - Consideration of a proposed amendment to the Future Land Use Plan (FLUP) Map for multiple properties located in and around the City of Logan – Ordinance 20-04**

At the April 7, 2020 Council meeting, Planner Russ Holley introduced the proposed amendment to the Future Land Use Plan.

At tonight's Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed amendment to the Future Land Use Plan.

**REQUEST**

The City is requesting a Map Amendment to the current Future Land Use Plan (FLUP) for several areas in and around the City. Some of the proposed changes anticipate future residential, commercial, and industrial growth areas that are currently located in unincorporated areas outside the perimeter of the city and other changes represent boundary changes with North Logan City. This proposal also amends areas that have recently been rezoned to conflicting zoning districts and changes the designation on properties that have been purchased by Utah State University near campus.

**GENERAL PLAN**

Chapter Three in the General Plan describes the reasons why a Future Land Use Plan is key to future growth and development in the City. A FLUP shows the needed areas to accommodate long range growth. The FLUP is accompanied with conceptual descriptions of each land use category. Sample pictures and graphics help to visualize the goals and objectives of each land use. Commercial, Industrial, Mixed Use Center, Gateway and Residential areas are all described.

Mr. DeSimone reviewed several areas in and around the City. Some of the proposed changes anticipate future residential, commercial, and industrial growth areas that are currently located in unincorporated areas outside the perimeter of the city and other changes represent boundary changes with North Logan City. This proposal also amends areas that have recently been rezoned to conflicting zoning districts and changes the designation of properties that have been purchased by Utah State University near campus. He advised the FLUP is a policy document, this proposed amendment is not a rezone. The FLUP helps steer development based on land use. It is a long-range plan that can determine how the City should grow.

## OVERVIEW

Mr. DeSimone stated there are seven different FLUP areas for the Council to consider:

1. North area near the airport, the changes reflect the City boundary adjustment with North Logan. The gateway area is proposed to be changed to the Industrial Park (IP) zone and the area to the south (near Gossner's) is planned for future growth to the west. The area from 600 North to 2200 North and from 1400 West to 1900 West is proposed to change from Resource Conservation (RCA) to Industrial Park Overlay (IP-DX). DX means "development with exemption" – some of these lands are sensitive lands, which without some action to modify, may be undevelopable. Other portions could potentially be developed with proper care (i.e. mitigating environmental impacts).
2. The 1400 North 1000 West area is currently identified as Mixed-Use and Multi Family housing (adopted in 2008), the proposal is to change to Industrial and Commercial Services to be more compatible in the area to line up with other uses nearby.

Councilmember Simmonds said when the original Commercial Services piece was done, the Cache Valley Mall was at one time in the FLUP to be Mixed Use. The thought was that eventually as property changed hands and revitalized that we would like to see it as part of the growth pattern of Logan to move to Mixed Use. She does not understand why we are just changing the FLUP to just what is on the ground. She thought the FLUP was supposed to be a visionary look at where we wanted to go.

Mr. DeSimone responded that the General Plan is really only valid for 10 to 20 years and the way that its written we've talked about a 50 year horizon and that is nearly impossible given the conditions that we live in because you don't build buildings that last more than 50 years. It's more realistic to say on a 10-year horizon we will reevaluate every 5-10 years.

Councilmember Simmonds referred to the project on 100 East and the "Future Land Use Plan" was constantly referenced. She wants to make sure that the Council wants it to be a certain way because in the next 10 years, someone could come along and say it should be something different.

Mr. DeSimone stated that in this area there are several different ownerships and several small parcels so to do a Mixed-Use project in this area would require someone to consolidate a lot of parcels. Realistically over the next decade, it's going to be a rare consideration for someone to have a lot of investment in this area and turn this into a Mixed-Use project. There is just too much land available elsewhere and this coincides with the zoning that is there now.

3. The area on Canyon Road (landslide area the City owns). The existing FLUP shows the area as Residential and the proposal is to go to Recreation. There is also an area of the Garff Gardens Park site that is currently planned for Recreation and is in the process of possibly becoming Multi Family and is proposed to go to Town Center.

4. The area of 2200 South; the Wesley Nelson farms has recently de-annexed into Nibley City so that area will be removed. There is a new annexation and it will be zoned Mixed-Residential. There is a rezone before the Council tonight for consideration (Brown Warehouse). Staff recommended that it go from Recreation to Commercial because in the long term it makes more sense assuming they can overcome the environmental constraints such as flooding, wetlands and two streams. In terms of the Brown Warehouse Rezone, the Planning Commission recommended denial and to leave as Recreation. Also, in the Citywide Rezone, staff recommended that it go to Commercial and they took that off the table and it remains Recreation at this time. He stated the Council might want to take it off the table all together as they deliberate on #4 of the FLUP.

5. This is the boundary by the Kunzler Annexation, which was recently finalized. The area around 800-1300 South and 1580 West currently identified as Resource Conservation is proposed to change to Detached Residential.

6. The area around the County Jail along Hwy 30 and 1000 West is currently Mixed-Use, the proposal is to change it to align with the uses that are currently there such as Commercial and Commercial Services. The public areas were updated to reflect public property owned by UDOT, the County and Logan City. The area around the landfill is not changing. This area does not follow current City boundaries and is mainly vacant land.

7. This the Northwest area of Logan and specifically the Western boundary of Logan. The existing FLUP along 1200 West is Mixed Use, Multi Family and is surrounded by Industrial. The proposed FLUP is Industrial with a Commercial Overlay.

Mr. DeSimone stated that some of the proposed changes are based on long-range planning and others are because of City jurisdictional boundary changes, street alignment changes and public ownership changes.

#### **RECOMMENDED FINDINGS FOR APPROVAL**

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

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Map Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Map Amendment resolves issues created by city boundary adjustments.
4. The proposed Map Amendments will facilitate future growth in a manner consistent with the General Plan.
5. No public comment has been received regarding the proposed amendments.

On February 13, 2020, the Planning Commission recommended that the Municipal Council approve amendments to the Future Land Use Plan (5-0).

Chair A. Anderson opened the meeting to a public hearing.

Logan resident Gail Yost addressed the Council. She referred to the area of 200 South-300 South and asked wasn't this area changed back to Residential because originally it had been zoned Commercial and had been done without notification to the neighborhood and therefore it was required to go back to Residential. Ms. Yost said she lives in this neighborhood and the area facing 100 East is zoned Residential and the area to the West along Main Street is zoned Commercial. She asked is it necessary to keep an entire block in one zone just because of the streets. She also asked about the church on 200 South and asked if it was zoned appropriately.

Mr. DeSimone responded that the proposed zoning for the church is Town Center, but it is currently zoned Single Family.

Ms. Yost stated that the church cannot be Town Center because it has been there a long time and it is going to stay there. She also feels that her neighborhood on 100 East on the West side should be Neighborhood Residential and having it zoned anything else would mean that the City is planning to eventually change the housing and take it away. She lives in one of the oldest neighborhoods in Logan and she plans to live in this neighborhood for a very long time. She asked the Council to keep her area zoned as Neighborhood Residential.

Mr. DeSimone said when we adopted the Future Land Use Plan Map, we've shown those blocks as Commercial at some point. The question is how to plan long term and eventually redevelopment will take place. He said Ms. Yost's neighborhood block is not being proposed for a change on the FLUP map. We have modified the zoning in 2013 to take away some of the Commercial along the edges. Along the West side of 100 East it is zoned Single Family but the FLUP map shows that sometime in the future it will become Commercial.

Tami Pyfer addressed the Council and said she owns a home in the Country Manor neighborhood. She referred to Area #4 of the FLUP (Legrand Street). It is her understanding that when the FLUP was done in 2019 she was on the City Council at the time and it was planned for the area to be Recreation at some point, it was Resource Conservation previously and the Council moved it to Recreation. She asked that it remain Recreation.

There were no further comments and Chair A. Anderson closed the public hearing.

The Council made the following amendments to the FLUP areas:

1. No amendment to the proposed FLUP.
2. No amendment to the proposed FLUP, leave as Mixed-Use.
3. The area on Canyon Road (landslide area the City owns). The existing FLUP shows the area as Residential and the proposal is to go to Recreation. There is also an area of the Garff Gardens Park site that is currently planned out for Recreation and is in the process of becoming Multi Family possibly and is proposed to go to Town Center
4. No amendment to the proposed FLUP, leave as Recreation.
5. Council agreed to amend the FLUP. This is the boundary by the Kunzler Annexation, which was recently finalized. The area around 800-1300 South and 1580 West currently identified as Resource Conservation is proposed to change to Detached Residential.
6. Leave as Mixed-Use, take out UDOT piece as Public. Block to the North leave as proposed.
7. Council agreed to amend the FLUP as proposed (Industrial with a Commercial Overlay).

**ACTION. Motion by Councilmember M. Anderson seconded by Vice Chair Jensen to adopt Ordinance 20-04 as amended. Motion carried unanimously.**

**WORKSHOP ITEMS:**

**Budget Adjustments FY 2020-2021 appropriating: \$150,000 additional funding the City of Logan is receiving from Cache County for the Kunzler property conservation easement purchase. To appropriate the following awarded RAPZ grants for 2021: \$150,000 Kunzler property conservation easement grant match request; \$20,000 Willow Park Sports Complex Field No. 2 improvements; \$100,000 Logan River Blue (water) Trail and Ground Trail extension; \$60,000 Logan Middle Canal Trail 800 East to 1400 North; \$45,000 Logan 1800 South Spring Creek Trail Construction Phase I, \$39,500 Logan River Flood Wall at 1000 West Underpass; \$106,300 RAPZ Tax Municipal Population Allocation; \$424,981 funds for the North Logan Sewer Trunk Line at located at 1400 North 600 West; \$322,168 funds for the 1400 North 600 West Emergency Sewer Lining Project; \$2,400,000 funds Public Works was awarded from the Cache County Council of Governments for the following two projects: 1000 North Corridor and Intersection Improvement project; \$900,000 for the 400 North right-of-way acquisition project - Resolution 20-30 – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

The proposed resolution will be an action item and public hearing at the August 4, 2020 Council meeting.

**Brown Warehouse LLC Mixed-Use Project Rezone – Consideration of a proposed ordinance. Brown Warehouse LLC/Lance Zollinger, authorized agent/owner requests a rezone of 9.12 acres from Resource Conservation (RC) to Mixed-Use (MU) located at 1400 South Legrand Street (Woodruff Neighborhood) – Ordinance 20-18 – Mike DeSimone, Community Development Director**

Community Development Director Mike DeSimone addressed the Council regarding the proposed rezone.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **denial** to the Municipal Council for a Rezone of approximately 9.12 acres of property located at approx. 1400 South Legrand Street (TIN# 02-084-0018; -0019) from Resource Conservation (RC) to Mixed Use (MU).

*Land use adjoining the subject property*

<i>North:</i>	REC: Golf Course	<i>East:</i>	COM: Commercial Uses
<i>South:</i>	REC: Park	<i>West:</i>	REC: Golf Course

**PROJECT**

The original request submitted in March included a Design Review Permit request for 192 apartment units and 4,500 SF of commercial but has since been requested in writing, to separate these actions and continue the Design Review to a later date. The proponent is requesting action on the rezone request of two parcels that total approximately 9.12 acres at approximately 1400 South Legrand Street from RC to MU. The irregular shaped parcels are bound by HWY 89/91 and Spring Creek to the northwest with Legrand Street positioned along the southeast border. Logan City owns a vacant parcel to the west used as a native park and Autocare LLC (Vehicle Towing and Repair) owns a partially developed parcel to the east. Currently, the subject land is vacant from structures and has historically been used as agricultural fields/crops.

**GENERAL PLAN**

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as Recreation (REC). Project #20-003 FLUP Amendments, submitted in December 2019, proposes this property to be designated COM in the FLUP. Currently, that project is still pending City Council vote. The General Plan, a nonregulatory visioning plan, describes REC areas as being intended for recreational facilities such as campgrounds, golf courses, RV Parks, Trails, and parks.

Mixed Use Center (MUC) FLUP designations are described in the General Plan as having concentrations of commercial and office uses with residential uses integrated. MUC developments are required to have both residential and commercial components. MUCs



are required to be designed in a compact dense form for people to live, work, and play within a walkable center.

### **LAND DEVELOPMENT CODE**

The Land Development Code (LDC) regulates land uses and entitles properties with specific development allowances. The REC zone allows a limited range of recreational uses, with residential and commercial uses prohibited. Building heights are limited to 35' and lot coverage rates capped at 50%.

The Mixed Use (MU) zoning district permits a maximum density of 30 units per acre (density bonus's available) and building heights up to 58'. Setbacks are 0'-10' (min-max) in the front yard and lot coverage is capped at 60%. Street frontage, a building width to property width ratio requirement, is set at a minimum of 60%. 20% of project sites are required to be improved with open space and usable outdoor space. Studio/one-bedroom residential units require 1.5 parking stalls; two bedroom or larger units require 2 parking stalls. Commercial parking is based on land use and square footage. MU standards set minimum commercial building areas based on overall project acreage.

### **NEIGHBORHOOD COMPATIBILITY**

This area, along HWY 89/91, is considered a gateway entrance to Logan City. Numerous visitors and residents enter Cache Valley and Logan City via HWY 89/91. The area surrounding this land has a diverse mix of land uses and structures. Several rivers and streams converge in this area creating unique riparian environments and the potential for seasonal flooding. According to Logan City floodplain data, these properties are entirely located in the FEMA 100 year floodplain. To the south a single-family residential neighborhood (Country Manor) was developed in the 1980's and a multi-family townhome community (Blackhawk) was established in the 1990's. The Logan City Soccer Park Complex was developed in the early 2000's and is directly adjacent to the south. Across HWY 89/91 to the north, the Logan City Golf Course covers nearly 170 acres of riparian lands. To the east, multiple commercial buildings sit on the large irregular block including the adjacent vehicle towing and repair business.

Commercial and Multi-Family land uses could be considered compatible for this area, but density and site layout would be critical to fit into the existing suburban character of the neighborhood. Aside from Downtown Logan where HWY 89/91 speed limits are lowered and traffic is calmed, residential development directly adjacent to the HWY is extremely challenging. Safety and noise pose challenges to residential development in these high-volume, high-speed HWY corridors. Along HWY 89/91, south of town, new residential homes have not been built in decades. To the contrary, older single-family homes built generations ago along the HWY, see residents move away and often remain vacant. The South Gateway Corridor, which applies to areas south of this location, explicitly prohibit new single-family homes adjacent to the HWY.

## **SUMMARY**

The dense, urban form the MU zone requires is simply out of character for this HWY suburban site. With the sprawled-out HWY development adjacent and high-speed vehicular traffic, the maximum setbacks of 10 feet and building frontage of 60% would compromise compatibility. The meandering natural spring creek would conflict with the dense and rigid MU development patterns and making natural riparian preservation of these sensitive lands difficult. Living conditions 10 feet from the HWY with cars traveling at high speeds would not be ideal and challenging for safety.

A COM development pattern would allow larger setbacks and flexibly to work around the stream alignments and sensitive lands. A project with higher amounts of commercial and lower amounts of residential would provide better commercial services to area residents and travelers along the HWY. If designed in a sensitive way, the stream could be enhanced and become a real outdoor amenity for commercial patrons and business owners with employees. The properties may be large enough to support commercial along the HWY frontage and separate residential near Legrand and areas along the east border. Residential development in the area should be similar in nature and density to the surrounding residential projects for neighborhood compatibility. Staff finds that this area is inappropriate for the MU zoning district.

## **AGENCY AND CITY DEPARTMENT COMMENTS**

No comments have been received.

## **PUBLIC COMMENTS**

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, three comments had been received expressing concerns for this rezone.

## **PUBLIC NOTIFICATION**

Legal notices were posted on the City's website and the Utah Public Meeting website on 6/16/20, and noticed in a quarter page ad on 6/18/2020, and a Public Notice mailed to property owners within 300' were sent on 6/16/2020.

## **RECOMMENDED FINDINGS FOR DENIAL**

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

1. The MU zone has maximum setbacks and building frontages that do not match the character of the area and speed limits of HWY 89/91 in this area.
2. The dense urban form associated with the MU zone would conflict with the native meandering spring creek and make developing around this sensitive feature difficult.
3. The FLUP does not identify MU for this area.

On June 25, 2020, the Planning Commission recommended that the Municipal Council deny a rezone from RC to MY for 9.12 acres located at approximately 1400 South Legrand Street (7-0).

The proposed ordinance will be an action item and public hearing at the August 4, 2020 Council meeting.

**Global Property Town Home Rezone- Consideration of a proposed ordinance. Global Property 2000 LLC/Lance Zollinger, authorized agent/owner requests to rezone 2.72 acres from Neighborhood Residential (NR-6) to Mixed residential (MR-9) located at 295 West 500 North (Ellis Neighborhood) – Ordinance 20-19 – Mike DeSimone**

Community Development Director Mike DeSimone addressed the Council regarding the proposed rezone.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **denial** to the Municipal Council for a Rezone of approximately 2.72 acres of property located at 295 West 500 North (TIN# 05-076-0004; -0026.) from Traditional Neighborhood Residential (NR-6) to Mixed Residential Transitional (MR-9).

*Land use adjoining the subject property*

<i>North:</i>	NR-6: Residential Uses	<i>East:</i>	NR-6: Residential Uses
<i>South:</i>	NR-6: Residential Uses	<i>West:</i>	NR-6: Residential Uses

**PROJECT**

The proponent is requesting to rezone two parcels that total approximately 2.72 acres at 295 West 500 North from NR-6 to MR-9. The irregular shaped parcels extend into the middle of the block between 500 North and 600 North. The vacant and relatively flat area have a mix of single-family homes and multi-family structures in the adjacent areas. The land has only one street frontage along 500 North and narrows in that area to approximately 115 feet wide. The original request included a Design Review Permit for 15 townhome units but has since been requested in writing, to separate these actions and continue the Design Review Permit to a later date.

**GENERAL PLAN**

The Future Land Use Plan (FLUP) adopted in 2008 identifies this property as Detached Residential (DR). The FLUP does not distinguish between the different DR zoning districts in the General Plan. DR is described as a district that will be developed with detached single-family homes. While flexibility and variety of housing is described as important in this district, the General Plan states that all new residential developments must create a traditional neighborhood character with entrances of homes oriented towards public streets. Densities may range from 4-6 dwelling units per acre. MR areas are identified as area appropriate for multi-family housing types developed at densities up to 30 units per acre.

**ZONING**

The current zone, NR-6, allows single family detached homes with a minimum lot size of 6,000 SF and a maximum of 6 homes per acre of land. The proposed MR-9 zone is

described in the Land Development Code (LDC) as providing transitional areas between higher intensity commercial and lower intensity residential. A variety of housing types and designs are encouraged to promote neighborhood stability and a sense of community. This zone allows for up to 9 units per acre of land and permits residential uses with a maximum occupancy of one family or no more than three (3) unrelated people within each dwelling unit.

This project is located within the Bridger Neighborhood. Housing in this neighborhood is varied, with large amounts of townhomes and multi-family developments. The housing portfolio in the area around this project reflects the diverse housing in the area. According to the American Community Survey (ACS) 2017 estimates, only 22.5% of the housing in the proximity of the project site (between 500 N and 1400 N and between Main Street and 600 W) are single family detached homes. This is nearly half the rate for single family homes in Logan City (40%). Also, the area features an above average concentration of attached housing apartments.

### **SUMMARY**

Logan City's housing goal for the Bridger Neighborhood has been to increase the number of owner-occupied single family homes in the area to help provide a more balanced housing portfolio. Much of the remaining undeveloped land, including this parcel, has been rezoned to NR-6 and designated as DR on the FLUP to help achieve this goal. Balance to the housing in the area will help to increase long term home ownership, lessen student turn-over in local schools, and provide more housing options for residents. With the project site being adjacent to some existing single family homes and the FLUP designation of the area as DR along with the need for more single family detached housing in the area, staff recommends that the rezone request from NR-6 to MR-9 be denied to preserve one of the last remaining locations for single family detached homes in the neighborhood.

### **AGENCY AND CITY DEPARTMENT COMMENTS**

No comments have been received.

### **PUBLIC COMMENTS**

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, two comments had been received expressing concerns for this rezone.

### **PUBLIC NOTIFICATION**

Legal notices were posted on the City's website and the Utah Public Meeting website on 4/11/2020, and noticed in a quarter page ad on 6/18/2020, and a Public Notice mailed to property owners within 300' were sent on 6/16/2020.

### **RECOMMENDED FINDINGS FOR DENIAL**

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

1. The Logan City FLUP identifies the area as DR
2. This area is one of the few remaining vacant DR areas in the Ellis Neighborhood.

3. Logan City has made numerous concerted efforts to try and get less multi-family and more single-family in this neighborhood. Downzones from MR to NR in 2007 for these areas are evidence of that.
4. As proposed the MR-9 zone does not act as a transition zone as described in the LDC.
5. The DR designation is intended for single-family detached developments.

At the June 25, 2020, the Planning Commission recommended that the Municipal Council deny a rezone from NR-6 to MR-9 for 9.72 acres located at 295 West 500 North (7-0).

The proposed ordinance will be an action item and public hearing at the August 4, 2020 Council meeting.

**Citywide Zoning Map Amendment – Consideration of a proposed ordinance. Logan City Community Development is proposing a zoning map amendment that includes approximately 64 acres in various areas around the City that better reflect the recent changes to the Future Land Use Plan (FLUP) – Ordinance 20-20 – Mike DeSimone**

Community Development Director Mike DeSimone Mike DeSimone addressed the Council regarding the proposed amendments.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for an Official Zoning Map Amendment for multiple properties located around Logan City.

**REQUEST**

The proponent is requesting an Official Zoning Map Amendment for approximately 64 acres in seven different areas around Logan City in response to the recent Future Land Use Map (FLUP) amendments. These seven areas include two areas near Utah State University where recent public property acquisition has occurred, one area along Canyon Road where recent park development happened, two areas along south Highway 89/91 with future growth potential and two areas on the west side of the city near Highway 30 that better reflect current land use and development patterns. The proposed zoning district changes include Campus Residential to Public, Neighborhood Residential Six to Recreation, Resource Conservation to Commercial, Commercial to Industrial and Commercial Service.

There are seven different areas:

Area 1 and 2 are properties purchased by USU. The existing zone is Campus Residential (CR) and the proposal reflects public ownership with a Public (PUB) zoning designation.

Area 3 shows the new Canyon Road park area. It was previously developed for residential homes, the proposal to Recreation (REC) reflects the current land use.

Area 4 shows a perimeter growth area for Logan City. Historically used as agriculture, this property will likely experience development pressure. The existing zone is Resource Conservation (RC) and the proposed zoning is Commercial (COM). This is an area along Legrand Street and US 89/91.

Councilmember Bradfield requested that Area 4 be left as the existing zone of Resource Conservation (RC).

Area 5 shows a perimeter growth area for Logan City. Historically used as single-family and agriculture, this property will likely experience development pressure. The existing zone is Resource Conservation (RC) and the proposed zoning is Commercial (COM). The location is 2200 South/Hwy 89/91. The Planning Commission recommended to keep the zoning Resource Conservation.

Area 6 shows a remnant railroad ROW now owned by Logan City Public (PUB) and a storage unit property proposed to better match existing land use Industrial Park (IP). The Planning Commission stated they want to keep Commercial because its across the street from Residential units even though its Industrial in nature. They agreed to the location of 800 West from COM to PUB but denied the location at 525 North 600 West.

Area 7 shows areas with a rezone proposal to better match the existing land use of Commercial Services (CS) rather than Commercial. It also shows a small area purchased by the State of Utah that should be changed from Commercial (COM) to Public (PUB). This is in the area of 1300 West 200 North.

Councilmember Simmonds said the FLUP was just reviewed for the piece North of 400 North and it was changed to Industrial on the FLUP.

Mr. DeSimone said staff will review Area 7 and it will come back to Council on August 4 with a possible different proposed zone.

## **GENERAL PLAN**

Chapter three in the General Plan describes all the different land use categories and defines certain development patterns, appropriate locations and intensities for each land use designation. The Future Land Use Plan is an important tool to guide future growth and development in the City. The FLUP and the General Plan are visioning documents that set a general direction and guidance for the City. The FLUP and General Plan are not specific regulatory ordinance or code like the Municipal and Land Development Code. The Official Zoning Map for Logan City, which is considered a regulatory document, is housed within the Land Development Code.

## **AGENCY AND CITY DEPARTMENT COMMENTS**

No comments.

## **PUBLIC COMMENTS**

As of the time of this report, one comment has been received expressing a desire to rezone the south Highway 89/91 property near the intersection of Legrand Street to Mixed Use rather than the proposed Commercial.

## **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on 4/14/20, posted on the City's website and the Utah Public Meeting website on 4/15/20, and mailed to property owners within 300 feet on 3/30/20.

## **RECOMMENDED FINDINGS FOR APPROVAL**

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

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Official Zoning Map Amendment is done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed amendment responds to recent city boundary adjustments on the south end of the city.
4. The proposed amendments will facilitate future growth in a manner consistent with the General Plan.

On June 25, 2020, the Planning Commission recommended that the Municipal Council deny a rezone from NR-6 to MR-9 for 2.72 acres located at 295 West 500 North (multiple votes see Planning Commission Minutes dated June 25, 2020).

The proposed ordinance will be an action item and public hearing at the August 4, 2020 Council meeting.

## **Land Development Code Amendment - Consideration of a proposed ordinance amending Chapters 17.39 "Permit Authority" to include Section on Accommodating ADA; 17.40 "Subdivisions" to clarify preliminary plat reviews; and 17.43 "Design Review Permits" to clarify wording – Ordinance 20-21 – Mike DeSimone**

Community Development Director Mike DeSimone addressed the Council regarding the proposed Code Amendment.

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval to the Municipal Council of these minor amendments to the Land Development Code.

## **REQUEST**

This is a proposal for several minor amendments to the Land Development Code (LDC) including adding ADA reasonable accommodation language, cleaning up the Subdivision

Chapter, and cleaning up the procedural language for Track 1 vs Track 2 design review applications.

The proposed "general" amendments or changes to individual LDC Chapters are attached and are summarized below:

**American with Disabilities Act (ADA) Accommodations -17.39.060:** Added language defining the application and review process for establishing a reasonable accommodation due to a specific physical and/or mental disability of an individual. This is consistent with both the ADA and the Federal Fair Housing Act and ensures an individual has an equal opportunity to enjoy housing opportunities of their choice without compromising the integrity of the underlying zoning regulations. An example of a "reasonable accommodation" is allowing the placement of a wheelchair ramp within a setback area with the condition that when the individual needing said ramp is no longer at that household, the ramp is removed.

**Subdivisions -17.40:** Minor clean-up work of wording and document structure. The Final Plat Map Waiver for two lot subdivisions was in the wrong subsection and we clarified some other language throughout this Chapter.

**Design Review Procedures -17.43:** Minor clean-up work of wording and clarifying the references to the correct review process for either a Track 1 or Track 2 permit.

#### **STAFF RECOMMENDATION AND SUMMARY**

The proposed changes to the Land Development Code are minor in nature, help to clarify certain substantive and procedural issues. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

#### **GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments are minor in nature and are consistent with the General Plan.

#### **PUBLIC COMMENTS**

As of the time the staff report was prepared, no public comments had been received.

#### **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on 6/13/20, posted on the City's website and the Utah Public Meeting website on 6/16/20, and noticed in a quarter page ad on 6/4/20.

#### **AGENCY AND CITY DEPARTMENT COMMENTS**

As of the time the staff report was prepared, no comments have been received.



## **RECOMMENDED FINDINGS FOR APPROVAL**

The Planning Commission based its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments will provide a process to ensure a reasonable accommodation request is met in compliance with the American with Disabilities Act, clarifies the subdivision process, and clarifies the procedural requirements for a Track 1 and Track 2 permit.
5. No public comment has been received regarding the proposed amendments.

On July 9, 2020, the Planning Commission recommended the Municipal Council approve the following Land Development Code Amendments: Land Development Code (LDC) Chapters 17.39.060 Americans with Disabilities Act (ADA) and Federal Fair Housing Accommodations (FFHA); 17.40 Subdivisions; and 17.43 Design Review Process (6-0).

The proposed ordinance will be an action item and public hearing at the August 4, 2020 Council meeting.

**Land Development Code Amendment - Consideration of a proposed ordinance amending Chapters 17.29 “Standards, Specifications, and Improvements” and 17.30 “Supplemental Development Standards” of the Land Development Code to adopt the City of Logan Public Works Design Standards for Sanitary Sewer Systems, Culinary Water Systems, Storm Drain Systems, and Street Systems, amend 17.29.170 to clarify location, design, placements and landscaping of stormwater management systems – Ordinance 20-22 – Mike DeSimone**

Community Development Director Mike DeSimone addressed the Council regarding the proposed Code Amendment.

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval to the Municipal Council to (1) amend Land Development Code Chapter 17.29 to adopt the City of Logan Public Works Design Standards for sanitary sewer systems, culinary water systems, storm drain systems, and street systems; and (2) amend Chapters 17.29 & 17.30 containing minor text amendments.

## **REQUEST**

This is a proposal to adopt by reference the City of Logan Public Works Design Standards for sewer, water, stormwater and roads as well as two other minor amendments, one clarifying the placement of stormwater systems and the other clarifying the residential infill subdivision standards.

### **Public Works Design Standards**

The LDC references the Public Works Design Standards in Chapters 17.29 & 17.30, therefore, the City needs to formally adopt these standards. The Logan City Public Works Design Manual establishes minimum City engineering and design standards for the installation of typical infrastructure associated with new development, sewer, water, stormwaters systems, and roadways. These specific design standards are based on the 2007 American Public Works Association (APWA) standard specifications and the City's amendments to those standard specifications. The primary benefit of the Public Works Design Standards is to ensure the uniformity in the installation and construction of public and private utilities. This will also eliminate any guesswork or debate on which specific road standard applies to a project. The proposed document for adoption includes only the road standards and the other standards will follow.

The road standards include cross sections and design standards for the local residential streets (< 2,000 vehicles per day), gridded residential collector streets (< 6,000 vehicles per day), collector streets (< 12,000 vehicles per day), minor arterial streets (12,000-25,000 vehicles per day) and major arterial streets (12,000 - 38,500 vehicles per day). The design standards specific minimum right of way and pavement widths, number of lanes, design speeds, lane and parking widths, and sidewalk park strip widths. The attached document details this information for each of the distinct road type.

#### **17.29.170 Stormwater, Stormwater Detention, Stormwater Retention**

The proposed amendments to this Section require that stormwater facilities be integrated into the overall landscaping of a site, and that the stormwater facilities are to be located either in the side or rear yards of a project rather than the front yard. The purpose of these changes is to help ensure the stormwater detention/retention pond are not an afterthought but rather integrated into the overall site design. If a project is unable to integrate a stormwater detention or retention facility into the overall landscaping, they can explore other on-site subsurface options.

#### **17.30.180 Residential Infill and Flag Lot Development Standards**

The proposed amendment eliminates the infill standards for subdivisions greater than 9 lots in order to minimize the confusion on which standards apply to a larger subdivision. The infill standards were adopted to regulate small projects or individual lots going into the center of a block behind rows of existing homes. A subdivision larger than 9 lots should be evaluated as a subdivision according to Chapter 17.40 Subdivisions.

### **STAFF RECOMMENDATION AND SUMMARY**

These specific amendments add clarity to the Land Development Code and the expectations of the City during the design review process.

### **GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments continue to implement the

vision of the General Plan by further clarifying development standards for mixed-use projects. These proposed amendments are consistent with the General Plan.

### **PUBLIC COMMENTS**

As of the time the staff report was prepared, no public comments had been received.

### **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on 6/13/20, posted on the City's website and the Utah Public Meeting website on 6/16/20, and noticed in a quarter page ad on 6/4/20.

### **AGENCY AND CITY DEPARTMENT COMMENTS**

As of the time the staff report was prepared, no comments have been received.

### **RECOMMENDED FINDINGS FOR APPROVAL**

The Planning Commission based its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments will clarify the minimum design standards acceptable for typical infrastructure associated with new development in Logan City.
5. No public comment has been received regarding the proposed amendments.

On July 9, 2020, the Planning Commission recommended the Municipal Council approve the following Land Development Code Amendments: Land Development Code (LDC) Chapters 17.29 Standards, Specifications, and Improvements; and 17.30 Supplemental Development Standards (6-0).

The proposed ordinance will be an action item and public hearing at the August 4, 2020 Council meeting.

**Land Development Code Amendment - Consideration of a proposed ordinance amending Chapters 17.09 “General Development Standards; Residential Zones” to clarify Carport Standards; 17.12 “General Development Standards; Districts and Corridor Zones” to clarify the use of Architectural/Decorative Concrete; and 17.20 “Historic District Overlay Zone” to clarify Sign Reviews and Appeal Period – Ordinance 20-23 – Mike DeSimone, Community Development Director**

Community Development Director Mike DeSimone addressed the Council regarding the proposed Code Amendment.

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval to the Municipal Council of the proposed amendments to Chapters 17.09, 17.12 and 17.20 of the Land Development Code.

## **REQUEST**

This is a proposal for several minor amendments to the residential, commercial, and historic preservation chapters. These are generally minor amendments. The proposed changes are summarized below:

**Garages, Parking, and Accessory Structures -17.09.030:** Generally cleanup work to clarify that a building permit is required for accessory structures larger than 200 square feet along with other minor text changes.

**Building Design Standards-17.12.020 & 030:** Cleaned up some of the text and added a reference to architectural concrete and decorative concrete as acceptable building materials and finishes. The Planning Commission had some discussions about the use of concrete as a building material and as a finish material, and whether it was or should be acceptable. This discussion originated during the Mill Creek residential project at 1st West and 1st South and the consideration of a large amount of exposed concrete due to the nature of the project's design. Below are a couple of references to both architectural concrete and decorative concrete (compliments of Google). I have added language into the Code that treats concrete, whether architectural or decorative, as a suitable and acceptable exterior finish.

Architectural concrete refers to concrete that while providing an aesthetic finish to a building also serves a structural function. Decorative concrete typically refers to concrete flatwork or building elements such as panels, that while enhanced with texture or color, are not structural building members. (Portland Cement Association/cement.org)

Architectural concrete is concrete that will be permanently exposed to view and therefore requires special care in selection of the concrete materials, forming, placing, and finishing to obtain the desired architectural appearance. (American Concrete Institute).

**Historic District Overlay - 17.20:** Corrected the exterior sign review process (signs are reviewed at staff level) and corrected the appeal period from 10-day to the 30-day appeal period as required in the State Code.

## **STAFF RECOMMENDATION AND SUMMARY**

The proposed changes to the Land Development Code are minor in nature, help to clarify certain substantive and procedural issues. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

## **GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments are minor in nature and are consistent with the General Plan.

## **PUBLIC COMMENTS**

As of the time the staff report was prepared, no public comments had been received.

## **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on 6/27/20, posted on the City's website and the Utah Public Meeting website on 6/25/20, and noticed in a quarter page ad on 6/20/20.

## **AGENCY AND CITY DEPARTMENT COMMENTS**

As of the time the staff report was prepared, no comments have been received.

## **RECOMMENDED FINDINGS FOR APPROVAL**

The Planning Commission based its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments are minor in nature and clarify residential and commercial design standards.
5. No public comment has been received regarding the proposed amendments.

On July 9, 2020, the Planning Commission recommended the Municipal Council approve the following Land Development Code Amendments: Land Development Code (LDC) Chapters 17.09 General Development Standards; Residential Zones; 17.12 General Development Standards: District and Corridor Zones; and 17.20 Historic District Overlay Zone (6-0).

The proposed ordinance will be an action item and public hearing at the August 4, 2020 Council meeting.

## **Land Development Code Amendment - Consideration of a proposed ordinance amending Chapters 17.38 “Wireless Telecommunication Facilities” and 17.62 “Definitions” to Update the Placement and Design Standards for Wireless Telecommunication Facilities – Ordinance 20-24 – Mike DeSimone**

Community Development Director Mike DeSimone addressed the Council regarding the proposed Code Amendment.

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval to the Municipal Council of the proposed amendments to Chapters 17.38 and 17.62 of the Land Development Code.

## **REQUEST**

This is a proposal for several amendments to the Wireless Telecommunications Facilities Chapter stemming from the last cell tower decision made by the Planning Commission. This is a proposal to firm up the placement, design and co-location standards along with some minor cleanup work on the graphics and text.

### **Placement and Design Requirements -17.38.050:**

**The Planning Commission shall consider the following factors when deciding to grant permit approvals for a wireless telecommunication facility:**

- A. Compatibility : compatibility of the facility with the height, mass and design of buildings, structures, and uses in the immediate vicinity;
- B. Screening: whether the proposal uses existing or proposed vegetation, topography, or structures in a manner that effectively screens the facility;
- C. Disguise: whether the facility is disguised in a manner that mitigates potential negative impacts on surrounding properties;
- D. Parcel Size: whether the facility is located on a parcel of sufficient size to adequately support the facility and meet minimum setbacks;
- E. Location on Parcel: whether the facility is situated on the parcel in a manner that can best protect the interests of surrounding property owners, but still accommodate other appropriate uses on the parcel;
- F. Location in General: whether location or co-location of the facility on other structures in the same vicinity is practical without significantly affecting the functionality of the facility;
- G. Future Co-location: the willingness of the applicant to allow co-location on its facility by other personal wireless services providers on such terms as are common in the industry; and
- H. Stealth Design: how well the applicant has incorporated stealth design, as defined in Chapter 17.62, into the overall design and location of the proposed facility.

**Existing Towers and Poles -17.38.060:** Clarified co-locating standards as they relate to the distance the face of the antenna can extend out from the pole (3'); the height of a proposed antenna above the existing tower; and a 25% height bonus for co-locating onto an existing tower or pole.

**Monopoles and Towers - 17.38.090:** Clarified the heights of just a poles or towers, and clarifies the additional height an antenna or similar elements may extend above the tower; clarifies the distance the face of the antenna can extend out from the pole (3'); and establishes that a pole or tower shall be located at least 150' away from the nearest existing residential structure.

**Definitions -17.62:** Replaced the definition "Stealth Telecommunication Facilities" with "Wireless Telecommunications Facility Stealth Design".

### **STAFF RECOMMENDATION AND SUMMARY**

The proposed changes to the Land Development Code are minor in nature and help clarify certain substantive and procedural issues. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

### **GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments clarify the wireless telecommunications facilities standards, are minor in nature, and are consistent with the General Plan.

### **PUBLIC COMMENTS**

As of the time the staff report was prepared, no public comments had been received.

### **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on 6/27/20, posted on the City's website and the Utah Public Meeting website on 6/25/20, and noticed in a quarter page ad on 6/2020.

### **AGENCY AND CITY DEPARTMENT COMMENTS**

As of the time the staff report was prepared, no comments have been received.

### **RECOMMENDED FINDINGS FOR APPROVAL**

The Planning Commission based its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments clarify the location, placement, and design standards for wireless telecommunication facilities.
5. No public comment has been received regarding the proposed amendments.

On July 9, 2020, the Planning Commission recommended the Municipal Council approve the following Land Development Code Amendments. Land Development Code (LDC) Chapters 17.38 Wireless Telecommunications Facilities and 17.62 Definitions (6-0).

The proposed ordinance will be an action item and public hearing at the August 4, 2020 Council meeting.

## **OTHER CONSIDERATIONS:**

Chair A. Anderson stated the Council received an email from Logan resident Brady Eames in regard to constitutional oaths of office. She stated the Council has reviewed the email and no further action is needed.

Vice Chair Jensen said he has received more letters from citizens regarding Officer Miguel Deras who came to Logan from the University of Utah. He asked for an update on the investigation.

Mayor Daines responded that rather than do an internal investigation which might be suspect, we asked an outside organization to do an investigation and its being conducted by Police Officer Standards and Training (POST) and they have subpoena power. They are doing a very in-depth investigation which takes time and is not yet completed and when it is, we will take appropriate action.

Councilmember Bradfield commented that some of the letters he received stated they want people fired prior to any outcome due to the allegations. His assumption is that we have a policy in place that allows people to be presumed innocent until proven guilty.

Mayor Daines responded that is correct.

There were no further items to be considered by the Council.

## **ADJOURN TO MEETING OF THE LOGAN REDEVELOPMENT AGENCY.**

Councilmember's present at the beginning of the Logan Redevelopment Agency meeting: Chair Amy Z. Anderson, Vice Chair Tom Jensen, Councilmember Mark A. Anderson Councilmember Jess W. Bradfield and Councilmember Jeannie F. Simmonds.  
Administration present: Mayor Holly H. Daines, City Attorney Kymber Housley, Finance Director Richard Anderson, Economic Development Director Kirk Jensen and City Recorder Teresa Harris.

Chair A. Anderson welcomed those present. There were approximately 8 in attendance at the beginning of the meeting.

**Chair A. Anderson explained that those wishing to speak during the public hearing portion of the meeting must sign in and queue up with social distancing maintained. Masks are strongly encouraged.**

## **ACTION ITEM:**

**PUBLIC HEARING - Budget Adjustment FY 2020-2021 appropriating: \$920,000 carry forward FY2020 RDA appropriations for building demolition to be used for property purchased on the downtown block – Resolution 20-27 RDA – Kirk Jensen**



## **Economic Development Director**

At the July 7, 2020 Council meeting, Economic Director Kirk Jensen addressed the Council regarding the proposed budget adjustment. He said the City is still working through what the future of the Emporium block might be and with demolition of the Emporium on hold for the time being, the request is that the demolition funds be carried forward from the 2020 budget into the current 2021 budget to allow the RDA to acquire property on the Emporium block which would be advantageous regardless of what might be done on that block in the future. The proposed properties to be acquired are 46 North 100 West, which is owned by Larsen Family Holdings and the negotiated purchase price is \$650,000 and is set to close at the end of July. The second property is owned by Mark and Ronnette Anderson and is still being negotiated between the RDA and the Anderson's. Both properties would include lease rights on a strip of property along 100 West.

Chair A. Anderson opened the meeting to a public hearing.

There were no comments and Chair A. Anderson closed the public hearing.

Councilmember M. Anderson recused himself due to him being a property owner.

Councilmember Bradfield commented that it's probably a good thing in the long term to get rid of some of these, but he would like to know the end result. He doesn't know where all of this is at the moment and he's not sure we can even demolish the building and we could still set the money aside. He said this is a big project and he hopes that it gets off the ground in some way because we have been discussing it for a long time. He feels that if we can't tear down the building then he would prefer not to carry out other aspects of the plan. If we can tear down the building and we have a plan in place, then he would be fine with purchasing the other properties for parking or other development.

**ACTION. Motion by Councilmember Simmonds seconded by Vice Chair Jensen to approve Resolution 20-27 RDA as presented. Motion carried 3-1 (Bradfield voted nay; M. Anderson recused himself).**

### **WORKSHOP ITEM:**

**Consideration of a proposed resolution approving Agency Assistance to Blue Spring Business Park, LLC for infrastructure improvements associated with its industrial business park project in the 600 West Economic Development Project Area (EDA) – Resolution 20-31 RDA**

Logan Economic Development Kirk Jensen addressed the Council regarding the proposed resolution. The Blue Spring Business Park, LLC's industrial business park development is located on approximately 37 acres bounded on the east, south and west by 600 West, 1000 North and 1000 West streets, respectively, in the 600 West Economic

Development Project Area (EDA). The development is over 500,000 square feet of industrial business and warehouse space, providing capacity for the expansion of existing, local businesses and new businesses alike; the expansion and enhancement of road and utilities infrastructure. The 600 West Economic Project Area Plan and Project area budget anticipated investment in road infrastructure, specifically 800 West. The Economic Development Committee has reviewed the proposed investment and recommends its approval of an incentive package consisting of up to \$500,000 for costs incurred for its construction of a northern extension of 800 West and associated infrastructure along the frontage of its project, further conditioned upon its completion of the first phase of its development project, to include the construction of two industrial business buildings, totaling approximately 150,000 square feet and of an architectural quality consistent with representations made by Blue Spring Business Park, LLC. All construction plans are to be approved by the City of Logan Planning Commission. Additionally, the Redevelopment Agency encourages Blue Spring Business Park, LLC to utilize local contractors and vendors whenever possible.

Mr. Jensen said in the fund there is currently \$1.8 million dollars.

Mayor Daines stated that we are going to take RDA funds from other areas for some of our downtown projects. If the Council approves funds for the Blue Spring Business Park, it will deplete resources for other RDA projects.

The proposed resolution will be an action item and public hearing at the August 4, 2020 Council meeting.

**ADJOURNED.** There being no further business to come before the Council, the Logan Redevelopment Agency meeting adjourned at 8:45 pm.

Teresa Harris, City Recorder