

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, December 6, 2022, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at: [https://www.youtube.com/channel/UCFLPAOK5eawKS\\_RDBU0stRQ](https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ)

Council Members present at the beginning of the meeting: Chair Jeannie F. Simmonds, Vice Chair Ernesto López, Councilmember Amy Z. Anderson, Councilmember Mark Anderson, and Councilmember Tom Jensen. Administration present: Mayor Holly H. Daines, City Attorney Craig Carlston, Finance Director Richard Anderson, City Recorder Teresa Harris, and Deputy Recorder Esli Morales.

Chair Jeannie F. Simmonds welcomed those present. There were approximately 22 in attendance at the beginning of the meeting.

**OPENING CEREMONY:**

Chair Jeannie F. Simmonds led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting held on November 15, 2022, were approved with no corrections.

**Meeting Agenda.** Chair Simmonds announced there are six public hearings scheduled for tonight’s Council meeting.

**ACTION. Motion by Councilmember A. Anderson seconded by Councilmember M. Anderson to approve the November 15, 2022, minutes and approve tonight’s agenda. Motion carried unanimously.**

- A. Anderson: Aye**
- M. Anderson: Aye**
- Jensen: Aye**
- López: Aye**
- Simmonds: Aye**

**Meeting Schedule.** Chair Simmonds announced that regular Council meetings are held on the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, January 3, 2023. The Council meeting on December 20, 2022 has been cancelled.

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

Chair Simmonds explained that any person wishing to comment on any item not otherwise on the agenda may address the City Council at this point by stepping to the microphone and giving his or her name and address for the record. Comments should be limited to not more than three (3) minutes unless additional time is authorized by the Council Chair. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-agenda items. Some items brought forward to the

45 attention of the City Council will be turned over to staff to respond to outside of the City  
46 Council meeting.

47 Gail B. Yost, a resident of Logan spoke regarding Hannukah. Hannukah commences this  
48 year on December 18 at sunset and ends at sundown on December 24. The holiday  
49 commemorates the rededication of the second temple in Jerusalem along with the tale of  
50 the menorah that remained lit for 8 days despite there only being sufficient oil for one day.  
51 Ms. Yost shared traditions and their significance including treats for the Council and  
52 reading a traditional prayer.

53 There were no further comments or questions for the Mayor or Council.

54 **MAYOR/STAFF REPORTS:**

55

56 **Board Appointments (Land Use Appeal and Library Board) – Mayor Daines**

57

58 Mayor Daines asked the Council for ratification to reappoint John Zsiray to serve on the  
59 Library Board and Jess Lucero to serve on the Land Use Appeal Board which, is a new  
60 appointment.

61

62 Chair Simmonds inquired if there is a conflict of interest in serving on two boards.

63

64 Mayor Daines responded it will not be as Jess Lucero will recuse herself as necessary if  
65 there is a conflict (as Ms. Lucero also serves on the Planning Commission).

66

67 Craig Carlston, City Attorney clarified that in the instance a Land Use Appeal comes  
68 before the Planning Commission, Ms. Lucero will recuse herself. However, Ms. Lucero's  
69 appointment is that of an alternative in the event a regular member of the Land Use  
70 Appeal board is unavailable.

71

72 **ACTION. Motion by Councilmember A. Anderson seconded by Councilmember M.  
73 Anderson to approve ratification of John Zsiray and Jess Lucero as presented.**

74 **Motion carried unanimously.**

75 **A. Anderson: Aye**

76 **M. Anderson: Aye**

77 **Jensen: Aye**

78 **López: Aye**

79 **Simmonds: Absent**

80

81 No further Mayor/Staff Reports were presented.

82

83 **COUNCIL BUSINESS:**

84

85 **Planning Commission Update – Chair Simmonds**

86

87 Chair Simmonds reported that the Planning Commission met once in November and will  
88 meet once in December. The Planning Commission discussed new ordinances regarding  
89 critical land overlay. The remaining subjects on the agenda have been continued.

90 **Council Chair and Vice Chair for 2023 – Chair Simmonds**

91  
92 Chair Simmonds stated that at the beginning of each new year a new Council Chair and  
93 Vice Chair are selected.

94  
95 **ACTION. Motion by Councilmember A. Anderson seconded by Councilmember**  
96 **Jensen to nominate Vice Chair Ernesto López to serve as the Council Chair for 2023**  
97 **as presented. Motion carried unanimously.**

98  
99 **ACTION. Motion by Councilmember Jensen seconded by Vice Chair López to**  
100 **nominate Councilmember Amy Anderson to serve as the Council Vice Chair for**  
101 **2023 as presented. Motion carried unanimously.**

102  
103 No further Council Business items were presented.

104  
105 **ACTION ITEMS:**

106  
107 **PUBLIC HEARING - ZOLLINGER GLOBAL PROPERTY ANNEXATION –**  
108 **Consideration of an annexation petition filed by Lance Zollinger & Guy Marker, on**  
109 **behalf of Global Property 2000 LLC, for the purpose of annexing 18.93 acres, more**  
110 **or less into the City of Logan. This property is contiguous to Logan City and located**  
111 **on the East side of 1000 West at approximately 2000 North – Ordinance 22-20 –**  
112 **Mike DeSimone, Community Development Director**

113  
114 At the November 15, 2022 Council meeting, Community Development Director Mike  
115 DeSimone addressed the Council. He explained this is the first annexation reviewed  
116 under the revised annexation rules contained in Land Development Code 17.53.040  
117 which now sends annexation requests to the Planning Commission for review and  
118 recommendation to the Council. The proposal was also sent to all City Departments and  
119 affected entities for review. Any comments Community Development has received are  
120 included with the Planning Commission staff report. The one condition on the annexation  
121 plat from the Planning Commission review is that the applicant will need to amend the  
122 western boundary of the annexation plat to include to the centerline of 1000 West rather  
123 than just to their western property line.

124  
125 Staff recommended that the Planning Commission recommend approval to the Municipal  
126 Council of the proposed Global Property Annexation (Zollinger) with proposed Industrial  
127 zoning.

128  
129 Chair Simmonds opened the meeting to a public hearing.

130  
131 There were no comments and Chair Simmonds closed the public hearing.

132  
133  
134

135 **ACTION. Motion by Councilmember Jensen seconded by Vice Chair López to**  
136 **adopt Ordinance 22-20 as presented. Motion carried unanimously.**

137 **A. Anderson: Aye**

138 **M. Anderson: Aye**

139 **Jensen: Aye**

140 **López: Aye**

141 **Simmonds: Aye**

142

143 **PUBLIC HEARING - CAPER REPORT - Consideration of a proposed resolution**  
144 **approving the Program year 2021 (PY2021) Consolidated Annual Performance and**  
145 **Evaluation Report (CAPER) in accordance with the entitlement community**  
146 **requirements of the U.S. Department of Housing and Urban Development (HUD)**  
147 **for the receipt of Community Development Block Grant (CDBG) funds – Resolution**  
148 **22-47 – Mike DeSimone, Community Development Director**

149

150 At the November 15, 2022 Council meeting, CDBG Coordinator Amanda Hovey  
151 addressed the Council regarding the proposed resolution. She explained that the 2021  
152 Consolidated Annual Performance and Evaluation Report (CAPER) provides an analysis  
153 of the third project year (July 1, 2021 – June 30, 2022) of the City’s 5-year Consolidated  
154 Plan completed in 2019. The CAPER is prepared annually to report accomplishments of  
155 the funded activities and to measure the success in achieving the vision, goals, and  
156 objectives identified in the Consolidated Plan and the Annual Action Plan.

157

158 The 2021 AAP is the third Annual Action Plan for the Five-Year Consolidated Plan  
159 (2019-2023). The main objectives of the consolidated plan and the 2021 AAP are:

160

- 161 • Invest in infrastructure projects in neighborhoods with eligible low/moderate
- 162 income (LMI) areas (40%).
- 163 • Invest in remediation of access and mobility barriers in all neighborhoods (10%).
- 164 • Sustain community needs that support LMI residents of Logan (30%). (20% -
- 165 public facility, 10% - public services).

166

167 **Infrastructure Projects Completed in 2021:**

168

169 2021 Funded Projects:

- 170 • Riverside Drive Sidewalk

- 171 • 500 W 400 S Sidewalk

172

173 Previous Years Funded Projects:

- 174 • 600 N 200 W Sidewalk (PY20)

- 175 • 500 N 500 E ADA Ramps (PY20)

- 176 • 750 N 600 E Sidewalk (PY20)

- 177 • 600 E Pedestrian Improvements (PY18)

- 178 • Bridger Park Pathways (PY18)

- 179 • Canyon Road Trail (PY17)

180 Beneficiaries totaling approximately 28,510 residents of which 18,065 (63%) are LMI.

181

182 **Community Needs Projects Completed in 2021:**

183

184 *Public Facility Projects:*

185 • Art in the Mural Program

186 • \*\*Whittier Central Playground Floor is ongoing and will be reported on next  
187 year's CAPER\*\*

188

189 *Public Service Projects:*

190 • English Language Center Technology

191 • CAPSA Technology

192 • Little Lambs Forklift

193 • Sunshine Terrace Van

194

195 Beneficiaries totaling approximately 15,539 residents of which 10,127 (65%) are LMI.

196

197 At the last meeting, Chair Simmonds inquired why on the project for 600 N 200 W  
198 sidewalk, a park strip was not done.

199

200 Mayor Daines and Councilmember M. Anderson replied there was not enough setback or  
201 right-of-way given the width of the road.

202

203 Chair Simmonds opened the meeting to a public hearing.

204

205 Dr. Gail B. Yost, a resident of Logan emphasized the importance and necessity of  
206 sidewalk curbs for the community. She greatly appreciates especially on behalf for the  
207 community members who utilize them.

208

209 There were no further comments and Chair Simmonds closed the public hearing.

210

211 Vice Chair López asked if the 5-year plan is a guideline or an actual proposal. Based on  
212 the plan, infrastructure seemed to be one of the larger goals, in the upcoming year will  
213 there be fewer infrastructure projects.

214

215 Mike DeSimone, Community Development Director replied the 5-year plan is a proposal  
216 that defines the city's priorities regarding projects and activities for each year. Not  
217 necessarily rather we perform an analysis of where funds need to be spent and applied.

218

219 Chair Simmonds stated that many of the projects commenced in the prior year but were  
220 only completed this year. It appears as though there are more projects, but that is not the  
221 case.

222

223 Vice Chair López requested further clarification on the percentage types.

224

225 Mr. DeSimone answered they are mandated on what can be spent based on project and  
226 activity type. An example is an administrative cap on admin planning to manage the  
227 program. He also said that 30% of all funding must be for low to moderate-income.  
228 Within the plan 40% will be spent on infrastructure, 10% on access and mobility, and  
229 30% on human-type services. As we enter our next planning phase, we will have this  
230 discussion again. We will reevaluate priorities to maintain or readjust.

231

232 Chair Simmonds explained that these goals are reported to the federal government. If our  
233 goal is for example to spend 30% on nonprofits, we need to ensure we do so by the end of  
234 five years.

235

236 Vice Chair López inquired how the division of CDBG occurs.

237

238 Mr. DeSimone responded the division is done by neighborhoods to be spread fairly  
239 across the city. Certain areas of the city are not eligible for CDBG based on their overall  
240 population and economics. An example is Hillcrest, what is permitted is correct ADA  
241 deficiencies, but we cannot do overall sidewalk or park projects because their incomes  
242 are over the threshold. We will find that the bulk of activities occurs in Adams, Ellis,  
243 Woodruff, and Bridger.

244

245 **ACTION. Motion by Councilmember Jensen seconded by Councilmember M.  
246 Anderson to approve Resolution 22-47 as presented. Motion carried unanimously.**

247

248 **A. Anderson: Aye**

249

250 **M. Anderson: Aye**

251

252 **Jensen: Aye**

253

254 **López: Aye**

255

256 **Simmonds: Aye**

257

258 **PUBLIC HEARING - WATERMARK REZONE – Consideration of a proposed**

259

260 **rezone of approximately 11.13 acres of property located at 1262 West 2200 South**

261

262 **from Commercial (COM) to Mixed Residential High (MR-30) – Ordinance 22-21 –**

263

264 **Russ Holley, Planner**

265

266 At the November 15, 2022 Council meeting, Planner Russ Holley addressed the Council

267

268 regarding the proposed rezone. The proponent is requesting to rezone approximately

269

270 11.13-acres (three parcels) from COM to MR-30 along the south side of 2200 South near

the intersection of Highway 89/91. The proponent is also requesting a Design Review

Permit for 232 multi-family dwelling units, surface parking lots, landscaping and

associated site improvements. This area, along with approximately 300 acres, was

annexed into Logan City in October 2007 as part of the South Highway Annexation. The

land is currently being used for agricultural and a single-family use with the existing

home being built in 1955. Two small ponds are located on the property.

## GENERAL PLAN

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as

Commercial (COM). The General Plan, a nonregulatory visioning plan, describes COM

271 areas as being intended for retail, service and hospitality businesses that provide  
272 employment centers and serve city-wide and regional populations. New projects should  
273 have buildings that meet high architectural standards and constructed with quality  
274 materials. Most COM designations inside Logan City are located near the Main  
275 Street/Highway corridor north and south of downtown.

276

### 277 **LAND DEVELOPMENT CODE**

278 The Land Development Code (LDC) regulates land uses and entitles properties with  
279 specific development allowances. The COM zone allows a wide range of commercial and  
280 light industrial uses. The COM zone is typically located along major collector and arterial  
281 streets with large capacity utilities. Standard building heights are limited to 40' and 60%  
282 lot coverage maximums. Residential uses are allowed at 30 units per acre if positioned in  
283 upper floors of a vertical mixed-use building with commercial uses located on the ground  
284 floor. Parking requirements are based on each project component and 20% of project sites  
285 are required to be improved with open space and landscaping.

286

287 The MR-30 zone (proposed zoning designation) allows for high density residential uses  
288 at 30 dwelling units per acre. Development patterns are urban or suburban by character  
289 with maximum heights allowed to be 55' feet tall and front setbacks listed at 10 feet.  
290 MR-30 projects are typically stacked multi-level apartment buildings with parking lots,  
291 site amenities and landscaping.

292

293 The South Gateway Corridor Overlay Zone impacts a portion of this property. A 300'  
294 foot buffer from the centerline of the Highway along both sides from 3200 South to the  
295 Railroad Crossing (~1700 South) makes up the South Gateway Overlay boundary. Lands  
296 within the overlay boundary have additional setbacks, use restrictions, and design layouts  
297 with the goal of creating a more aesthetically pleasing entryway into Logan City from  
298 Sardine Canyon and points south of Cache Valley.

299

### 300 ***Design Review Permit***

301 Design Review Permits are required for new multi-family developments in the city. The  
302 proposal includes 28 townhomes and 204 multi-family condominium units for total of  
303 232 dwelling units. The site contains a larger wetland area, that has been delineated, near  
304 the northwest corner, with the proposed development leaving it undisturbed and working  
305 around the wetland area. The three and four-story buildings are clad with brick, stucco  
306 and composite lap-siding with a unique roofline design that unifies the overall project  
307 theme.

308

### 309 ***Setbacks***

310 The Land Development Code (LDC) requirements for setbacks in the MR-30 zone are as  
311 follows (as measured from property lines):

312 Front: 10'

313 Corner: 10'

314 Side: 8'

315 Rear: 10'

316 Parking (front): 10'

317 Parking (side/rear): 5'

318

319 The following setbacks are proposed for the building(s) (as measured from the exterior  
320 property lines of the project site, at closest points):

321

322 Exterior buildings and parking areas measured to perimeter property lines

323 Front: 10+'

324 Corner: 10+'

325 Side: 8+'

326 Rear: 10+'

327 Parking (front): 70'+

328 Parking (side): 10'+

329

330 As proposed, the project meets the setbacks in the MR-30 zoning district.

331

332 ***Lot Coverage & Building Frontage***

333 The LDC 17.7.100 establishes a maximum lot-coverage of 60% (building(s) footprint in  
334 relation to overall lot size) and a minimum building frontage of 60% (percentage of  
335 building width to overall lot width at front setback) in the MR-30 zone. The proposed  
336 ~95,000 SF building(s) on the 11.13-acre (484,822 SF) equals a lot coverage of  
337 approximately 20%. If the “non-buildable” wetland area is not factored, the building  
338 frontage along 2200 South and 1200 West is shown above the minimum 60%. As  
339 submitted, and considering the wetland area, the proposed lot coverage complies with the  
340 maximum allowance in the LDC.

341

342 ***Building Orientation & Design***

343 The LDC 17.09.040 states that buildings should be oriented towards the adjacent street or  
344 common courtyard with front facades and front doors for visual and walkability reasons.  
345 In certain cases, for practicality reasons or unique site constraints, buildings can orient  
346 away from the street, but façade considerations (four-sided architecture) and walkability  
347 should create inviting architecture and maintain direct walkability. The proposed  
348 townhomes all orient to the adjacent streets. The multi-family condominium buildings  
349 orient to either the southern perimeter (no streets present) or internally to the common  
350 areas and site amenities. Building “B” is the only multi-family building adjacent to a  
351 street (1200 West).

352

353 The LDC 17.09.040 requires multi-family buildings to have minimum variations,  
354 interesting façade design, a mix of materials and articulation for aesthetically pleasing  
355 projects. The MR-30 zones are required to have minimum street-facing façade design  
356 variations from adjacent buildings to enhance neighborhood character and create visual  
357 interest (limit “cookie-cutter” homes). The LDC identifies eight (8) different categories  
358 and requires that at least four (4) out of the eight (8) be noticeably different. The eight (8)  
359 categories listed are building color, materials, roofline, height (number of floors),  
360 fenestration, architectural style, articulation, and porch design. The townhome buildings  
361 show four variations from half of the adjacent buildings/units, but some adjacent  
362 townhomes are designed identically. As conditioned with forward orienting architectural



363 features on the west façade of building “B”, and façade variation compliance for the  
364 townhome buildings, the project meets the code requirements in the LDC.

365

366 ***Building Heights***

367 The LDC allows building heights in the MR-30 zone at 55 feet. The proposed three and  
368 four-story buildings are shown at or below the 55-foot maximum height. Some of the  
369 four-story buildings have a roof peak at 57 feet, but building height is measured to the  
370 mid-point of the gable on a pitched roofline and thus complies. As proposed, building  
371 height complies with the LDC standards.

372

373 ***Parking Requirements***

374 The LDC 17.31.040 requires two (2) parking stalls per every dwelling unit for multi-  
375 family structures in the MR-30 zone. The LDC also requires bike racks for residential  
376 uses. The proposed plan shows a double-car garage within each townhome and surface  
377 parking for the multi-family buildings. The 28 townhomes buildings each contain two  
378 parking stalls in the attached garage. The surface parking lots contain 374 parking stalls.  
379 The 204 multi-family units require 408 parking stalls as per the LDC. The proposed  
380 project is 34 parking stalls short of the LDC requirements (~8%). The applicant has  
381 submitted an alternative parking plan for review and approval as per LDC Alternative  
382 Parking Plan. The submitted alternative plan does not include all the documents and  
383 studies required in 17.31. As conditioned with parking compliance, the project complies  
384 with the Logan City parking code requirements.

385

386 ***Pedestrian Circulation***

387 LDC 17.30.160 requires that developments provide safe, reasonably direct, and  
388 convenient pedestrian access between each building and sidewalks along adjacent streets.  
389 The proposed project provides reasonable direct and extensive pedestrian circulation for  
390 the townhomes and multi-family buildings to and from adjacent streets. As submitted, the  
391 project meets the requirements of the LDC.

392

393 ***Open Space***

394 The LDC 17.07.110 requires 20% open space and an additional 10% useable outdoor  
395 space in the MR-30 zone. The LDC 17.35 generally describes open space as vegetation or  
396 landscaped areas, while useable outdoor space is typically decks, patios and other similar  
397 outdoor amenities. The open space percentage is based on the net acreage after street  
398 dedication because all open space must be privately owned and maintained. The project  
399 shows conceptual open space and amenities. All usable amenities and open space will be  
400 counted towards the requirement. Storm water retention ponds that are entirely composed  
401 of cobble/gravel rocks are not considered useable open space as it would be unreasonable  
402 to see a child playing on cobble surface such as that. As conditioned with final  
403 landscaping plans and minimum open space, the project meets the requirements of the  
404 LDC.

405

406 ***Landscaping***

407 The LDC 17.32 requires minimum landscaping for overall visual aesthetics, ecological  
408 reasons, visual screening, shading purposes and enhancement of the outdoor experience.

409 The LDC requires a minimum of 20 trees and a combination of 50 shrubs, flowers and  
410 ornamental grasses per net acre of land for multi-family residential projects. The LDC  
411 also requires minimum perimeter and interior parking lot landscaping to reduce the visual  
412 and environmental impacts of asphalt parking lots. As conditioned with minimum  
413 landscaping requirements, the project complies with the LDC.

#### 414 415 ***Lighting***

416 The LDC 17.37.090 requires adequate lighting that adds aesthetic quality and improves  
417 safety while mitigating unnecessary glare, sky glow and light trespass. The LDC limits  
418 freestanding pole height to 32 feet and luminaire fixtures on buildings and canopies to be  
419 concealed source, down-cast and shielded from neighboring properties. Light  
420 measurements are required to range between 0.5 – 4.0-foot candles, so areas are  
421 sufficiently safe, but not excessively bright. As submitted, no exterior lighting has been  
422 shown. As conditioned, the project meets the requirements of the LDC.

#### 423 424 **STAFF SUMMARY**

425 The property is identified on the FLUP as COM and considering its proximity to the  
426 highway, commercial land use could be considered a viable long-term solution. The  
427 South Highway Overlay anticipated this area to be developed in a commercial manner  
428 with larger setbacks and in a nodal manner associated with the new 1000 West traffic  
429 light. The FLUP has already identified numerous acres in this area as MR and is in the  
430 process of being developed into multi-family and townhome developments. This area was  
431 not planned for MR in the FLUP. Being along the highway and positioned on the south  
432 side of the city, a regional commercial use would be ideal for this site, whereas living  
433 near a high-speed highway is not ideal (noise, pollution, and safety). The rezone request  
434 is not consistent with the FLUP and has not been anticipated by both the surrounding  
435 Logan and Nibley neighborhoods. The idea of smaller, more affordable dwelling units is  
436 a noble idea; however, this is the wrong location. Higher density and affordable units  
437 should be placed Downtown and in other high-density areas identified on the FLUP  
438 where infrastructure and services are in close proximity and considered more walkable  
439 and less car dependent. Staff recommends denial on the rezone.

#### 440 441 **RECOMMENDED FINDINGS FOR DENIAL (REZONE)**

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

- 444 1. The Logan City FLUP identifies the area as COM.
- 445 2. This area is positioned along Highway 89/91 with commercial uses to the north  
446 and the neighboring properties are not anticipating MR-30 land uses.
- 447 3. Design incompatibles may be an issue with surrounding properties because they  
448 are not anticipating MR-30 land uses.

449 MR-30 and other higher density developments should be planned and located near  
450 services and transit for better walkability and less car dependence.

#### 451 452 **RECOMMENDATION**

453 Staff recommended that the Planning Commission recommend **DENY** to the Municipal  
454 Council for a rezone of approximately 11.13 acres of property located at approximately

455 1262 West 2200 South (TIN# 03-007-0010; -0011; -0023) from Commercial (COM) to  
456 Mixed Residential High (MR-30) The Design Review Permit is contingent on the  
457 outcome of the rezone.

458

459 Chair Simmonds thanked the public for all the comments received via email. The  
460 feedback was insightful and valuable for the Council to consider. The public is invited to  
461 speak if they so desire.

462

463 Chair Simmonds opened the meeting to a public hearing.

464

465 Melani Kirk, Principal of the Thomas Edison Charter School addressed the Council. She  
466 said it seems to her that the Council regularly upholds the recommendations from the  
467 Planning Commission and in this case, it is to deny the Watermark Rezone. The largest  
468 concern of both staff and parents is an increase in population in a rather highly dense  
469 area. With the addition of this proposal and the development of the new Firefly estates  
470 that have not yet been completed, there will be a large population in a small area. This  
471 aggravates traffic and causes congestion and adds to the possibility of a student being  
472 hurt by those walking home. There are over 700 students being picked up and dropped  
473 off as there is no bus system. This would be the first elementary school in the valley with  
474 a high-rise building next to it. She and others understand there will be a development in  
475 the future, but request that the development of such a high-rise building be reconsidered.

476

477 Kent Smith, a resident of Nibley opposed the development. He said there is a concern  
478 about a high-rise building next to an elementary school and that the present commercial  
479 zoning would not allow the type of residential density the proponent is requesting.

480

481 There were no further comments and Chair Simmonds closed the public hearing.

482

483 Councilmember Jensen clarified that the denial of this project will not change the density  
484 or height or the traffic of the existing zoning.

485

486 Vice Chair López asked how dense the townhome development in Nibley to the east is.

487

488 Russ Holley, Planner replied it is roughly 10 to 12 units per acre (in Nibley). The  
489 townhomes development within Logan city is usually between 18 to 20 units per acre.

490

491 Councilmember A. Anderson reminded everyone of the reasoning behind the current  
492 zoning as commercial as it is a more suitable designation for the area.

493

494 Councilmember M. Anderson inquired what the surrounding zoning is.

495

496 Mr. Holley answered there is single-family housing adjacent to the school. There is  
497 multi-family housing further south, while the new Firefly project is a townhome  
498 community. To the West is RC (Recreation) zoning and commercial.

499

500 Councilmember Jensen remarked in the past there have been discussions for there to be a  
501 boundary adjustment with Nibley, so the parcel can be managed by Nibley.  
502  
503 Mayor Daines confirmed that is the case, the offer is still on the table if Nibley has any  
504 interest in adjusting boundaries.  
505  
506 Chair Simmonds asked concerning the buildings near the school if there is anything in the  
507 zoning code profiting from such a development.  
508  
509 Mr. Holley answered that each zone has setbacks associated with the zoning that does not  
510 take into account schools. There are height transitions near single-family units.  
511  
512 Councilmember A. Anderson interjected there are rules of what is and is not allowed near  
513 school including business types. The use guidelines allow us to restrict business types  
514 near a school.  
515  
516 Mr. Holley confirmed that is the case. The type of business and the use of the land are  
517 limited, but not necessarily the structure or layout.  
518  
519 Chair Simmonds requested Mr. Holley explain what the use of the land is limited and is  
520 referring to.  
521  
522 Mr. Holley explained for instance state law prohibits tobacco or alcohol sales in a certain  
523 proximity of schools. (In this instance land use is used in a context relating directly to  
524 business type).  
525  
526 Councilmember M. Anderson inquired what schools are typically zoned.  
527  
528 Mr. Holley responded that schools are typically zoned public in the city.  
529  
530 The Council determined though the project is an excellent one, this is not the appropriate  
531 location for the project.  
532  
533 **ACTION. Motion by Councilmember M. Anderson seconded by Councilmember A.**  
534 **Anderson to DENY Ordinance 22-21 as presented. Motion carried unanimously.**  
535 **A. Anderson: Aye**  
536 **M. Anderson: Aye**  
537 **Jensen: Aye**  
538 **López: Aye**  
539 **Simmonds: Aye**  
540  
541 **PUBLIC HEARING - FAIRWAY LOFTS REZONE – Consideration of a proposed**  
542 **rezone from Mixed Residential Low (MR-12) to Neighborhood Center (NC) located**  
543 **at 391 South 400 West – Ordinance 22-22 – Russ Holley**  
544

545 At the November 15, 2022 Council meeting, Planner Russ Holley addressed the Council  
546 regarding the proposed rezone.

547

548 ***Project Proposal***

549 This proposal is for a rezone from MR-12 to NC, a Design Review and Conditional Use  
550 Permit for a new 1,000 SF corner market, two residential dwelling units, detached garage,  
551 drive-thru lane, patio, parking and landscaping areas on a 0.26 acre corner lot at the  
552 intersection of 400 South and 400 West. One of the dwelling units (Old Victorian Home)  
553 is being proposed as a short-term rental. The property currently has a home, built in 1911,  
554 and the old, abandoned Fairway Market corner building (built circa 1940's). The existing  
555 home is being proposed to be remodeled and new modern-designed tiny-home placed  
556 directly adjacent for a total of two (2) residential dwelling units. The site is located  
557 directly north of the Cache County Fairgrounds, a block from the Logan Aquatic Center  
558 and approximately two blocks from Logan High School.

559

560 ***Short Term Rentals***

561 The purpose of LDC 17.37.130 is to regulate short term rentals (STR) to ensure  
562 compatibility within residential neighborhoods and that they won't unreasonably reduce  
563 long-term housing opportunities. The general requirements are:

564

- Occupied less than 30 continuous days.
- Business license required.
- Conditional Use Permit (CUP) required.
- Meet minimum neighborhood density by being located at least 500' from another STR.
- The number of STR's citywide is limited to 3 STR's per every 1,000 of total population.

565

566

567

568

569

570

571

572 The specific operational standards for STR's are as follows:

573

574

575

576

577

578

579

580

581

582

583

584

585 ***Conditional Use Permit***

586

587

588

589

The CUP process provides a system for discretionary consideration for applications that are not typically associated with zoning district uses. CUP approvals should preserve and enhance neighborhood character and provide conditions to mitigate any potential impacts. Land Development Code (LDC) §17.37.130 requires a CUP for STR's in all

590 residential zones. Section 17.42.050 in the LDC governs the approval criteria for  
591 Conditional Uses.

592

593 **§17.42.050 Planning Commission Action**

594 *The Commission may approve or conditionally approve a conditional use permit only*  
595 *upon substantiating the following findings:*

596 *A. The maximum established density has not been exceeded unless a density bonus has*  
597 *been approved in conformance with General Plan policy and City ordinance.*

598 *B. The proposed use conforms to the requirements of Title 17 of the Logan Municipal*  
599 *Code and is listed as a conditional use in the Use Table.*

600 *C. The use is compatible with surrounding land uses and will not interfere with the use*  
601 *and enjoyment of adjoining or area properties.*

602 *D. The streets providing access and other infrastructure to the subject property have*  
603 *adequate capacities or a suitable level of service for the conditional use.*

604 *E. The proposed use is compatible with neighborhood uses and character while*  
605 *preserving and enhancing the character of the neighborhood.*

606 *F. Access to adjoining streets is designed to be constructed in conformance with City*  
607 *standards and specifications. Where adjoining streets are regulated by the Utah*  
608 *Department of Transportation, access to street(s) shall conform to the requirements of*  
609 *the Cache Access Management Plan.*

610 *G. The proposed use provides adequate off-street parking in conformance with this Title.*

611 *H. The project provides open space and landscaping in conformance with this Title.*

612

613 When approving a CUP, the Planning Commission must substantiate the above lists of  
614 criteria for the specific application. CUP approvals include substantiating the  
615 “preservation and enhancement of neighborhood character” and “compatibility and  
616 interference with use and enjoyment of neighboring properties”. These discretionary  
617 issues need to be reviewed to ensure a proposed STR is compatible within the project site  
618 and within the surrounding neighborhood.

619

620 **Rezone**

621 The MR-12 zone (existing zoning designation) allows for lower density multi-family  
622 residential developments at 12 units per acre. Building heights are set at 35 feet tall and  
623 front setbacks are 10 feet. The NC zone (proposed zone) is both a commercial and  
624 residential zone intended to serve neighborhood populations. Commercial square  
625 footages are limited to 5,000 SF and land uses are limited to minimize commercial  
626 impacts to surrounding residents. Residential units are limited to 9 units per acre and  
627 building height is set at 35 feet tall.

628

629 The Future Land Use Plan (FLUP) shows this property as Mixed Residential (MR) and  
630 does not distinguish between MR 9-30 for MR zoning districts. The FLUP shows only  
631 four areas as Neighborhood Commercial (NC), all of which are on the east side of the  
632 city. The NC zone is intended, as per Logan City General Plan, to be implemented in  
633 areas for a modest level of convenience-oriented commercial services. The NC zone  
634 could be considered a small-scale floating zone (spot zone), as it is atypical to see larger  
635 areas grouped and zoned NC, which is the way other zoning districts are typically

636 applied. The NC zone should be pedestrian oriented and should not compromise  
637 neighborhood character.

638

639 ***Land Use***

640 The Land Development Code (LDC) Table 17.08.040 permits and conditionally permits  
641 residential uses, food service, retail sales and office land use in the NC zone. With a  
642 conditional use permit in residential zones, a short-term rental can be legally established.  
643 The applicant is requesting approvals for a corner-market (food service), standard  
644 residential use and one short-term rental, all of which comply with code allowances.

645

646 ***Design Review Permit***

647 Design Review Permits are required for new commercial and multi-family developments  
648 in the city. The site is partially developed but has abandoned all previously legally  
649 established entitlements. The corner market and two-unit residential structure and  
650 accompanying site improvements are all subject to design review and code requirements.

651

652 ***Setbacks***

653 The Land Development Code (LDC) requirements for setbacks in the NC zone are as  
654 follows (as measured from property lines):

655 Front: 10-25'  
656 Corner: 10-25'  
657 Side: 8'  
658 Rear: 10'

659

660 The following setbacks are proposed for the building(s) (as measured from the exterior  
661 property lines of the project site, at closest points):

662

663 Proposed New Residential Unit

664 Front (south): 80+'  
665 Corner (east): 55'  
666 Side (west): 14'  
667 Rear (north): 12'

668

669 Existing Residential Home (grandfathered structure)

670 Front (south): 49'  
671 Corner (east): 50'  
672 Side (west): 14'  
673 Rear (north): 24'

674

675 Existing Corner Market Building (grandfathered structure)

676 Front (south): 0'  
677 Corner (east): 0'  
678 Side (west): 60'  
679 Rear (north): 80'

680

681

682 Proposed New Detached Garage  
683 Front (east): 0’  
684 Side (north) 14’  
685 Side (south): 60’  
686 Rear (north): 80’

687  
688 As proposed, the project does not meet the 10-foot setback for the proposed detached  
689 garage along 400 West. The corner market and existing home are grandfathered  
690 structures and are not subject to new setback regulations (unless willingly demolished).  
691 The new “tiny home” placement will be regulated by the building code for minimum  
692 separation from the existing home as no new property lines are proposed through the  
693 center of the site. As conditioned with setback compliance, the project meets the  
694 requirements for the zone.  
695 only two driveways will be permitted in this situation. As conditioned with full parking  
696 and driveway compliance, the project meets the parking requirements in the LDC.

697  
698 ***Open Space and Landscaping***  
699 The LDC 17.07.120 requires open space and landscaping to buffer neighborhood center  
700 buildings and uses from adjacent properties. The LDC 17.32 requires minimum  
701 landscaping for overall visual aesthetics, ecological reasons, visual screening, shading  
702 purposes, and enhancement of the outdoor experience. The LDC requires a minimum of  
703 20 trees and a combination of 50 shrubs, flowers, and ornamental grasses per acre of land  
704 for commercial/multi-family projects. At 0.26-acres, 5 trees and 13 shrubs, perennials  
705 and ornamental grasses are required as per the LDC. As conditioned with minimum  
706 landscaping numbers placed in areas that ensure buffering of neighboring properties, the  
707 project complies with the LDC.

708  
709 ***Lighting***  
710 The LDC 17.37.090 requires adequate lighting that adds aesthetic quality and improves  
711 safety while mitigating unnecessary glare, sky glow and light trespass. The LDC limits  
712 freestanding pole height to 32 feet and luminaire fixtures on buildings and canopies to be  
713 concealed source, down-cast and shielded from neighboring properties. Light  
714 measurements are required to range between 0.5 – 4.0-foot candles, so areas are  
715 sufficiently safe, but not excessively bright. As submitted, no exterior lighting has been  
716 shown. As conditioned, the project meets the requirements of the LDC.

717  
718 ***Summary***  
719 The rezone is the most pivotal decision with this project request as all else depends on  
720 that result. Being an old, abandoned corner store, near the fairgrounds, aquatic center and  
721 High School, one could argue that this is a good location for NC zoning. The west side of  
722 the city is under-served from a corner store or small-scale neighborhood center  
723 commercial services standpoint (east side has the Island Market, Fredrico’s Area, 1000  
724 North and 700 East, etc...). Staff is concerned about the drive-thru and character of the  
725 neighborhood. Drive thru lanes are not appropriate in NC developments. All the other NC  
726 zoned areas in the city do not have a drive-thru lane. Drive-thru lanes do not, according to  
727 staff, meet the intent of the NC zone description. The LDC and General Plan both



728 describe NC areas as being pedestrian oriented and preserving neighborhood character.  
729 The proposed design with 6 driveways, a drive-thru lane and up to 15 cars placed in  
730 highly visible areas on about a quarter of an acre is not consistent with surrounding  
731 residential character and not permitted by the Engineering Department. Unlike the drive-  
732 thru lane, the building setbacks, parking locations and landscaping issues can be re-  
733 designed in a manner that does not negatively impact the neighborhood character.

734

735 **RECOMMENDATION**

736 Staff recommended that the Planning Commission **recommend approval** for a Rezone  
737 from Mixed Residential Low (MR-12) to Neighborhood Center (NC) and **conditionally**  
738 **approve** a Design Review and Conditional Use Permit for project #22-061, Fairway  
739 Lofts, in the Mixed Residential Low (MR-12) zone located at approximately 391 South  
740 400 West, TIN #002-038-0001.

741

742 Councilmember M. Anderson asked if the zoning around the Island Market is mixed-  
743 residential (MR).

744

745 Mr. Holley replied that is not the case. The zoning around the Island Market is single-  
746 family housing.

747

748 Councilmember A. Anderson reminded everyone that the gas station and Indian  
749 restaurant by USU are NC (Neighborhood Center) and are surrounded by multi-family  
750 housing.

751

752 Mr. Holley confirmed that is the case. The only other similar locality is Herms Inn, (with  
753 single-family housing in its surrounding area).

754

755 Chair Simmonds inquired about the discrepancy in the tables, and how will the project be  
756 affected moving forward.

757

758 Mr. Holley answered the approval is conditional, and the technicality will be part of the  
759 conditional approval.

760

761 Councilmember A. Anderson asked if the project is subdivided, and what would be the  
762 zoning.

763

764 Mr. Holley responded the zoning will be MR-12. (There can be three dwelling units in  
765 MR-12 zoning).

766

767 Mayor Daines inquired if the subdivision would work with setbacks.

768

769 Mr. Holley answered he would need to check, but the point is mute if the applicant does  
770 not apply for a subdivision. The applicant did apply for one of the units to be a short-term  
771 rental. The applicant cannot have two because of proximity offsets. There will be one  
772 standard residential unit and one short-term rental unit plus the market.

773

774 Vice Chair López asked if "live and work" is an interpretation or if that is defined.  
775  
776 Mr. Holley replied "live and work" is a structure type defined. The structure type  
777 proposal is compatible with NC. This would be unique as there are three structures on  
778 one property.  
779  
780 Chair Simmonds inquired how the concerns regarding the structure type will be  
781 addressed.  
782  
783 Mr. DeSimone explained that procedurally if the decision is delayed, the progress has  
784 already commenced even if the structure type is changed or addressed. He assured the  
785 council that the project will still come to the council to be confirmed. And reminded the  
786 Council that the project is not being approved tonight just the rezone.  
787  
788 Chair Simmonds opened the meeting to a public hearing.  
789  
790 There were no comments and Chair Simmonds closed the public hearing.  
791  
792 **ACTION. Motion by Councilmember A. Anderson seconded by Vice Chair López to**  
793 **adopt Ordinance 22-22 as presented. Motion carried unanimously.**  
794 **A. Anderson: Aye**  
795 **M. Anderson: Aye**  
796 **Jensen: Aye**  
797 **López: Aye**  
798 **Simmonds: Aye**  
799  
800 **PUBLIC HEARING - BUDGET ADJUSTMENTS FY 2022-2023 appropriating:**  
801 **\$400,000 additional funding received from the Cache Metropolitan Planning**  
802 **Organization toward the 100 West Southern Roadway Extension; \$7,549 funds**  
803 **received from the State of Utah to be used for the Interlibrary Loan Program;**  
804 **\$7,848 funds received from the US Treasury Department to be used to purchase**  
805 **specialized equipment for the collection and documentation of evidence in criminal**  
806 **investigations – Resolution 22-48 – Richard Anderson, Finance Director**  
807  
808 At the November 15, 2022 Council meeting, Finance Director Richard Anderson  
809 addressed the Council regarding the proposed budget adjustments.  
810  
811 Chair Simmonds opened the meeting to a public hearing.  
812  
813 Gail B. Yost, a resident of Logan expressed her gratitude for the 100 West Southern  
814 Roadway Extension.  
815  
816 There were no further comments and Chair Simmonds closed the public hearing.  
817  
818

819 **ACTION. Motion by Councilmember Jensen seconded by Councilmember A.**  
820 **Anderson to approve Resolution 22-48 as presented. Motion carried unanimously.**  
821 **A. Anderson: Aye**  
822 **M. Anderson: Aye**  
823 **Jensen: Aye**  
824 **López: Aye**  
825 **Simmonds: Aye**

826  
827 **PUBLIC HEARING -CODE AMENDMENT – Consideration of a proposed**  
828 **amendment to Chapter 2.36 of the Logan Municipal Code “Neighborhood**  
829 **Councils” – Ordinance 22-25 – Craig Carston, City Attorney**  
830

831 At the November 15, 2022 Council meeting, City Attorney Craig Carlston addressed the  
832 Council regarding the proposed code amendment. The new ordinance establishes seven  
833 neighborhood councils. Six of these will be based on the school boundaries and the  
834 seventh will be for Utah State University. The current ordinance is only one  
835 neighborhood council per ordination and neighborhood councils are encouraged to adopt  
836 their own bylaws. There is a steering committee with a chair, who is to be ratified by the  
837 Council. A member of the city council will be assigned to a neighborhood as a council  
838 liaison.

839  
840 Councilmember A. Anderson remarked that a letter was received from a member of the  
841 community.

842  
843 Chair Simmonds opened the meeting to a public hearing.

844  
845 There were no comments and Chair Simmonds closed the public hearing.

846  
847 **ACTION. Motion by Councilmember M. Anderson seconded by Councilmember**  
848 **Jensen to adopt Ordinance 22-25 as presented. Motion carried unanimously.**

849 **A. Anderson: Aye**  
850 **M. Anderson: Aye**  
851 **Jensen: Aye**  
852 **López: Aye**  
853 **Simmonds: Aye**

854  
855 **WORKSHOP ITEMS:**

856  
857 **BUDGET ADJUSTMENTS FY 2022-2023 appropriating \$6,877,447 anticipated**  
858 **surcharge revenue and increased purchase power expenses in the Light & Power**  
859 **Department. This is an estimate through March 2023; \$162,000 funds received from**  
860 **a developer for work on the Meadowbrook Lift Station; \$8,508 a grant the Fire**  
861 **Department received from the State of Utah to purchase EMS equipment and for**  
862 **training of fire personnel; \$70,440 funds received by the Water Department from**  
863 **the State of Utah to purchase a replacement Dump Truck anticipated surcharge –**  
864 **Resolution 22-49 – Richard Anderson, Finance Director**

865  
866 Finance Director Richard Anderson addressed the Council regarding the proposed budget  
867 adjustments.

868  
869 Chair Simmonds asked if the old dump truck must be destroyed.

870  
871 Mr. Anderson confirmed the dump truck will be destroyed.

872  
873 The proposed resolution will be an action item and public hearing at the January 3, 2023,  
874 Council meeting.

875  
876 **Consideration of proposed fee increased in the Parks and Recreation Department –**  
877 **Resolution 22-50 – Russ Akina, Parks and Recreation Director**

878  
879 Parks and Recreation Director Russ Akina addressed the Council regarding the proposed  
880 fee increases (due to the impact of inflation).

881  
882  
883

| <u>Item</u>                     | <u>Current Fee</u> | <u>Proposed Fee</u> |
|---------------------------------|--------------------|---------------------|
| <b>Logan River Golf Course:</b> |                    |                     |
| Senior Season Pass              | \$900.00           | \$1,000.00          |
| Regular Season Pass             | \$950.00           | \$1,100.00          |
| Cart Season Pass                | \$600.00           | \$ 700.00           |
| Range Medium Bucket             | \$ 5.00            | \$ 6.00             |
| Range Large Bucket              | \$ 10.00           | \$ 12.00            |
| Power Cart 9-Holes              | \$ 8.00            | \$ 9.00             |
| Power Cart 18-Holes             | \$ 16.00           | \$ 18.00            |

| <u>Item</u>  |      |      |
|--|------|------|
| <b>Youth Basketball Program (YBP) – Junior Jazz (10 Games)</b> |      |      |
| 1 <sup>st</sup> and 2 <sup>nd</sup> Grade                      | \$25 | \$35 |
| 3 <sup>rd</sup> and 4 <sup>th</sup> Grade                      | \$30 | \$40 |
| 5 <sup>th</sup> and 6 <sup>th</sup> Grade                      | \$30 | \$40 |
| 7 <sup>th</sup> and 8 <sup>th</sup> Grade                      | \$40 | \$50 |
| 9 <sup>th</sup> and 10 <sup>th</sup> Grade                     | \$40 | \$50 |
| 11 <sup>th</sup> and 12 <sup>th</sup> Grade                    | \$40 | \$50 |

| <u>Item</u>  |       |       |
|--|-------|-------|
| <b>Girls Team Fast Pitch Program – Team Fee (10 Games)</b> |       |       |
| 10 U, 12 U, 14 U   | \$270 | \$320 |

884  
885  
886 Chair Simmonds asked if there will be more fee increases.

887  
888 Mr. Akina confirmed this is the case. The fees are increased, but they cannot keep up  
889 with the increasing inflation.

890  
891 Vice Chair López inquired if the season passes had increased by 10%, (from \$950 to  
892 \$1100), the largest increase and if this was the largest fee increase for season passes.

893  
894 Mr. Akina replied staff typically estimates and compares to similar services.

895

896 The proposed resolution will be an action item and public hearing at the January 3, 2023,  
897 Council meeting.

898

899 **OTHER CONSIDERATIONS:**

900

901 Councilmember A. Anderson announced the opening of the Warming Center at St. John's  
902 Episcopal Church.

903

904 **ADJOURNED.** There being no further business, the Logan Municipal Council adjourned  
905 at 7:00 pm.

906

907

908

909 Esli Morales, Deputy City Recorder

910

DRAFT