



**Project #18-028
114 East 1000 North Rezone
Located at 114 E. 1000 N.**

REPORT SUMMARY...

Project Name: 114 East 1000 North Rezone
Proponent/Owner: Kevin McGaha / Micheal K. Jones TR
Project Address: 114 East 1000 North
Request: Rezone from REC to COM
Current Zoning: Recreation (REC)
Date of Hearing: July 26, 2018
Type of Action: Legislative
Submitted By: Russ Holley, Senior Planner

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for a Rezone of approximately 1.5 acres of property located at 114 East 1000 North (TIN# 05-024-0019) from Recreation (REC) to Commercial (COM).

Land use adjoining the subject property

<i>North:</i>	COM: Commercial Uses	<i>East:</i>	PUB: Mt. Logan Middle School
<i>South:</i>	PUB: Mt. Logan Middle School	<i>West:</i>	COM: Commercial Uses

BACKGROUND

The proponent is requesting to rezone approximately 1.5 acres of property from REC to COM. This property was developed in 1964 as the “Municipool” and used as a public indoor swimming pool for several decades. The ownership and management has varied over the years between the City of Logan and the Logan City School District. In 2006 the property was acquired by Lowell Huber and was operated as a scuba diving training facility. Recently, the property has been poorly maintained and is currently accruing Logan City code enforcement fines for refuse and unauthorized business activities. Based on visual inspections, used cars are being displayed and offered for sale on the property. The REC zoning district does not permit used car sales. The COM zone allows used cars sales after a Conditional Use Permit is approved. The current Cache County parcel map and recorded legal description show the southern property line on this parcel bisecting the north portion of the Middle School building creating a setback violation. In 2011, there was a property boundary dispute along the southern property line adjacent to the school. Staff was unable to locate a recorded document concerning the parcel line adjustment.

GENERAL PLAN

The Future Land Use Plan (FLUP) adopted in 2008 identifies this property as REC. REC zones are described in the General Plan as areas for recreation and park facilities. They are typically publicly owned, but may also be privately owned facilities such as, but not limited to, campgrounds and golf courses. REC lands may also be designated as open space for trails and nature preserves. COM areas are intended for retail, service and hospitality businesses that serve city-wide populations. COM zoning districts allow for the widest range of commercial uses within the City.

ZONING HISTORY

From 2011 to present, the zoning is REC. From 2007-2011 the zoning was COM. From 2000-2007 the zoning was SFR. From 1968-1999 the zoning was R2. Other than a short period of time between 2007-2011, the property has been zoned as lower density residential or recreation.

SUMMARY

Given the proximity to existing commercial developments along Main Street and 1000 North the COM zone designation is a logical designation for this property. Aside from the Middle School interface along the southern property boundary, the neighborhood and streetscapes in the area are commercial in nature. With commercial developments and services already established along three sides of the Middle School property (west, south, north), the City is unaware of property incompatibilities or complaints.

The property appears (cars parked on the property with writing on the windshield saying; "For Sale") to currently operate as a used car lot, which is not permitted in the REC zone. The Planning Commission may choose to hold this action request until the apparent unauthorized use is completely removed. If the property is successfully rezoned, a Conditional Use Permit would be required prior to the legal establishment of a car sales business.

Based on a newspaper article from 2011, an apparent property agreement changed the boundary between the middle school and this property that would potential eliminate building setback violations and create a buffer between the two buildings. This agreement has not been recorded with the County Recorder and staff is unaware of its whereabouts. Again, the Planning Commission could choose to hold this request until this agreement is reviewed, considered and recorded.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments.

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, one comment has been received and is attached for review.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 7/15/18, posted on the City's website and the Utah Public Meeting website on 7/16/18, and noticed in a quarter page ad on 7/8/18, and a Public Notice mailed to property owners within 300' were sent on 7/9/18.

RECOMMENDED FINDINGS FOR APPROVAL

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

1. The location of the subject property is compatible in land-use with the surrounding Commercial areas to the west and north.
2. The subject property can fulfill the purpose of the General Plan and Land Development Code by providing commercial services to city-wide populations because of its location and ease of access.
3. The subject property is in an area and surrounded by streets and infrastructure that can handle and appropriately serve COM developments.
4. The proposed COM zoning designation along with future review and approval of Conditional Use Permits and Design Review Permits with sufficient open space and landscaping will ensure neighborhood compatibility.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.

Debbie,

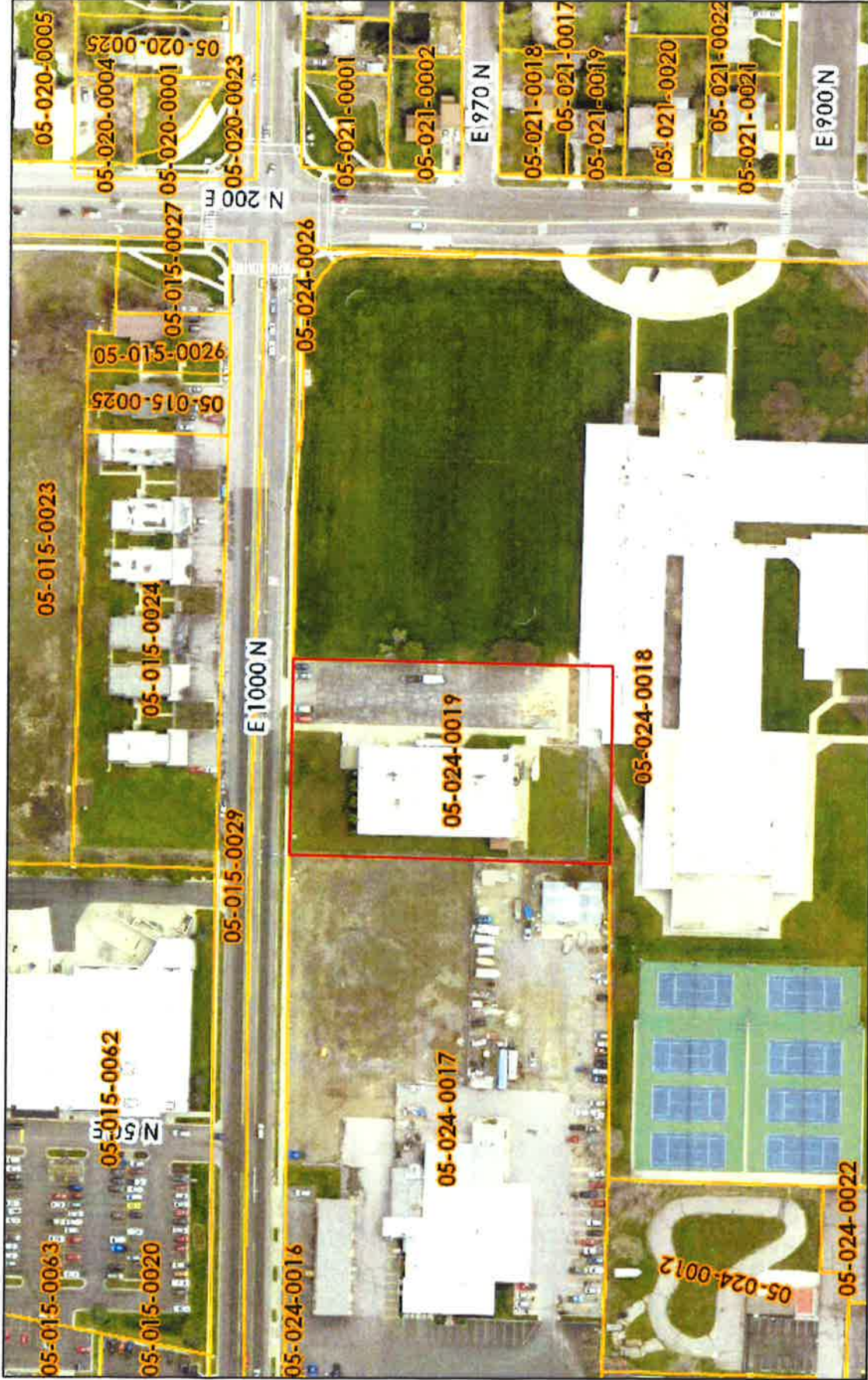
I received a report today that Lowell Huber has requested that the zoning of the old Municipal property be changed to commercial. I do not know if that is accurate, but the Logan City School District and Board of Education are concerned that any commercial property in proximity to one of our schools contribute to a positive learning environment for students. Excessive noise or a facility in disrepair would not serve that purpose.

We ask that the Planning Commission consider the intended uses of the property and the impact on the surrounding neighborhood and the learning environment for students when determining whether to grant the request to change the zoning of the property.

Sincerely,

Frank Schofield
Superintendent- Logan City School District

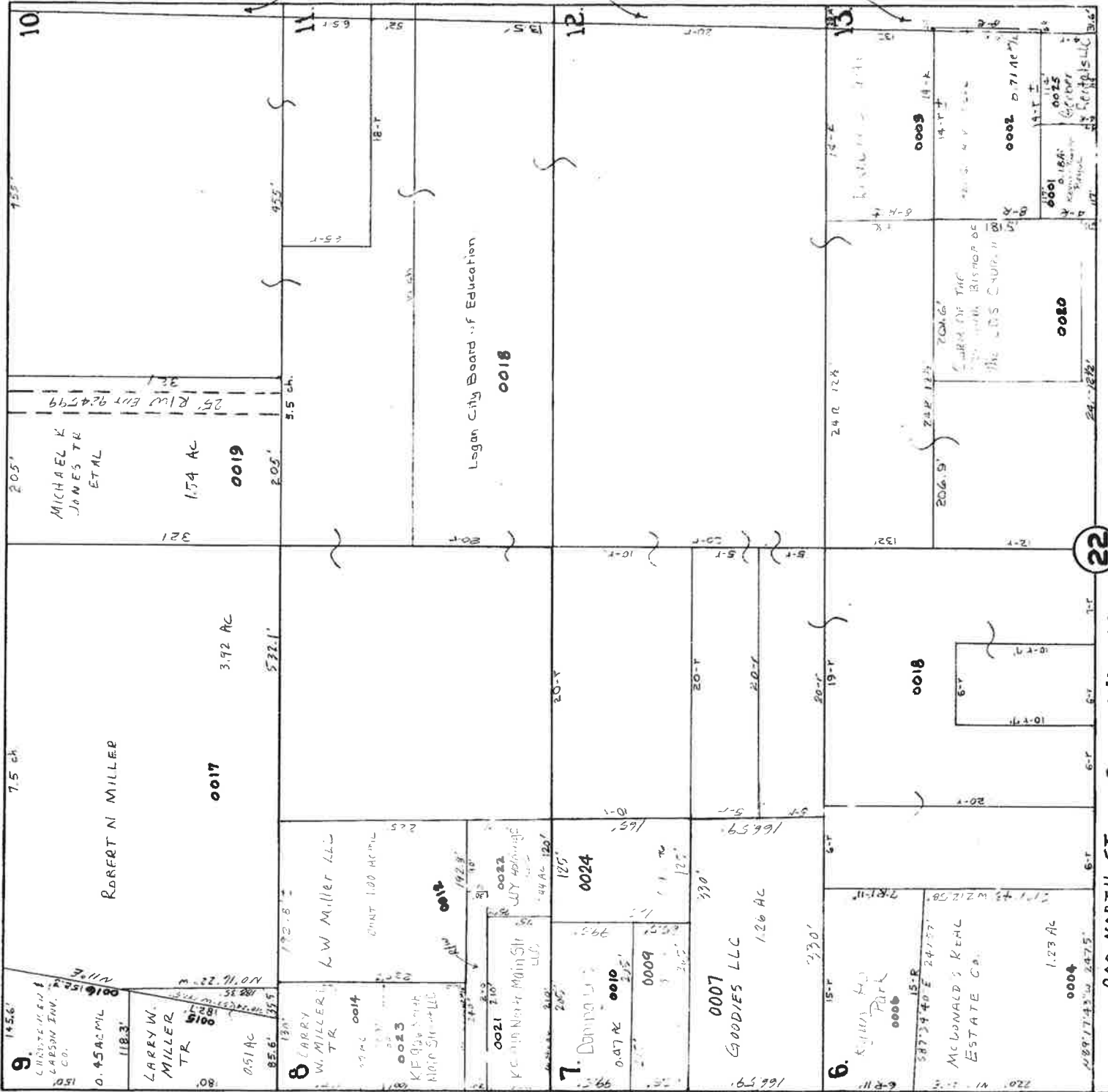
Parcel Map



7/16/2018, 11:46:49 AM



TENTH NORTH STREET



MAIN STREET

22

800 NORTH ST.

SEE 05-021

SEE 05-022

SECOND EAST STREET

SEE 05-046

1-035-0033



APPLICATION FOR PROJECT REVIEW

Planning Commission Land Use Appeal Board Administrative Review

Date Received <i>June 25</i>	Received By <i>RH</i>	Receipt Number	Zone <i>REC</i>	Application Number <i>PG 18-028</i>
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Type of Application (Check all that apply):

<input type="checkbox"/> Design Review	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Subdivision	<input checked="" type="checkbox"/> Zone Change	<input type="checkbox"/> Administrative Design Review
<input type="checkbox"/> Code Amendment	<input type="checkbox"/> Appeal	<input type="checkbox"/> Variance	<input type="checkbox"/> 4950' Design Review	<input type="checkbox"/> Other _____

PROJECT NAME
114 E. 1000 N. Rezone

PROJECT ADDRESS <i>114 E. 1000 N., Logan</i>	COUNTY PLAT TAX ID # <i>05-024-0019</i>
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AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete) <i>Kevin McGaha</i>	MAIN PHONE # <i>435 723 6638</i>
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MAILING ADDRESS <i>PO Box 46</i>	CITY <i>Brigham City</i>	STATE <i>UT</i>	ZIP <i>84302</i>
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EMAIL ADDRESS
Kevin.mcgaha@msn.com

PROPERTY OWNER OF RECORD (Must be listed) <i>Michael K. Jones, Trustee of the Ralph L. Huber Family Trust Agreement, and Lowell Huber, an individual</i>	MAIN PHONE # <i>435-764-8032</i>
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MAILING ADDRESS <i>980 N. 200 E.</i>	CITY <i>Logan</i>	STATE <i>UT</i>	ZIP <i>84321</i>
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EMAIL ADDRESS

DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) <i>Applicant seeks to have the zone changed back to commercial as it was from May 11, 2006 until 2012. Rezone From REC to COM</i>	Total Lot Size (acres) <i>1.54 AC</i>
	Size of Proposed New Building (square feet)
	Number of Proposed New Units/Lots

- NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -

I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.	Signature of Property Owner's Authorized Agent <i>[Signature]</i>
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I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.	Signature of Property Owner <i>For Ralph L. Huber Trust</i>
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*Council workshop: Aug. 7
Council hearing: Aug. 21*