

1 **Minutes of the North Logan City**
2 **Planning Commission**
3 **Held on June 13, 2012**

4 **At the North Logan City Library, North Logan, Utah**

5
6 The meeting was called to order by Mark Hancey at 7:04 p.m.

7
8 Cordell introduced Kevin Christensen, who is replacing Frank Prince on the Planning Commission
9 and fulfilling the remainder of Frank's term as full-time member of the commission (i.e., not an
10 alternate). Kevin described a bit of his background.

11
12 Commission members present were: Chris Nelson, Brett Robinson, Geri Christensen, Mark
13 Hancey, Brad Crookston and Kevin Christensen.

14
15 Others present were: Steven Moore, Stan Rowlan, Travis Taylor, Nancy Potter, Matthew Wood,
16 Emily & Aaron Stoker, Steve Funk, Jeanine Andersen, Alan Thomander, Jim Hickman, Stan
17 Checketts, Holly Haslem, Carol Stinner, H. Smith, Michelle Yest, John Gilbert, DeeAnn Wood,
18 Linda Allred, Ray Wilhelm, Eric Hansen, Steve Goodwin, Damon Cann, Nancy Jensen, Barbara
19 Middleton, Lauri Robinson, Kristen Anderson, David Rawlings, G. Marshall, Christie Hansen,
20 Ward Wessels, Chester Redd, Mayor Lloyd Berentzen, Cordell Batt, and Marie Wilhelm.

21
22 The Pledge of Allegiance was led by Brad Crookston.
23 An invocation was given by Brett Robinson.

24
25 **Adoption of Agenda**

26 Mark asked to strike the second item on the agenda. Cordell mentioned that there are going to
27 be a lot of items on the agenda for the next meeting, which he described. Chris Nelson asked if
28 the current policies and procedures that are in place, are still in effect [until any new ones replace
29 them], which Cordell confirmed and discussed further.

30
31 *Brett Robinson made a motion to adopt the agenda as amended, striking item two. Chris Nelson*
32 *seconded the motion.*

33
34 Brett Robinson said he appreciated the document Cordell gave them outlining which items are
35 going to be discussed by the Planning Commission over the next several months.

36
37 *A vote was called and the motion passed unanimously.*

38
39 **Approval and Follow-up of Minutes for May 17, 2012 Planning Commission Meeting**

40 *Chris Nelson made a motion to approve the minutes as presented. Geri Christensen seconded*
41 *the motion. A vote was called and the motion passed unanimously.*

42
43 **Follow-up**

44 Mark Hancey asked if the transportation map got forwarded to the City Council. Cordell said the
45 transportation map and the housing element will be sent to the City Council, and further
46 discussed the process. He said the City Council will likely hold a public hearing at their last
47 meeting in August for these two items.

48
49 **New Business**

50 Continued consideration and possible recommendation of the Development Plan/Agreement and
51 Preliminary Plat for The Cove @ North Logan, a mixed-use townhome project located at the
52 southeast corner of 400 East and 2200 North. (North Logan Townhomes LLC)

53 Mark Hancey introduced the item and discussed the changes to the application, which now
54 includes a proposed daycare facility in one of the units.

55 Mark explained that even though this is not a public hearing, they would take public comment if it
56 is limited. He then gave an outline of what kind of comments the Planning Commission would
57 accept.

58 Cordell referred to the staff report and said it includes his findings, and then explained the

59 updates from the developers to the plan, which include an extended, private sidewalk to the City
60 trail along the south edge of the property; an added bus route to the City trails plan; includes a
61 sheet to the report showing surrounding current zones and distances to existing structures; an
62 added compatibility statement; that the developers created a new sheet showing signage and
63 lighting, which he explained further; they provided a plat for the property; revised landscape plan
64 to increase the number of trees and added a fence along the canal; added statement to the
65 development agreement indicating that there are no water shares associated with the property;
66 added statement designating one unit as a private day nursery; and, added a statement
67 designating a park for the nursery.

68 The Planning Commission briefly discussed some of the comments they've received from the
69 public. Mark mentioned something he received from someone stating that this meeting was a
70 "special" meeting, and Mark explained that the only thing "special" about it is that it was
71 scheduled for this date simply because of his scheduling conflicts with the normal meeting
72 schedule, and that he wanted to be in attendance for this discussion item.

73 Mark discussed some of his comments on this project. He said the main issue is a question of
74 density, which he further discussed and explained. He said he feels that there is too much
75 density being proposed for this area, and further explained. He explained that he used a map of
76 the area to essentially count the total, potential rooftops, and that it appears there are
77 approximately 636 residential units; and, with the Four Seasons project being approved, along
78 with this one, we would basically be using half of all of the residential units that are being
79 contemplated for this map, which is only in on 21 acres. He said his concern all along has been
80 whether we really want to approve that much of our overall capacity. He also explained his
81 issues with the transition of density being proposed for this area.

82 Brett Robinson asked Cordell about how density and mixed-use was determined for this area,
83 which Cordell explained. Brett said the purpose of this area being rezoned was to get a City
84 Center; and that they've learned that in order to get a City Center, they have to have "roof tops".
85 He further discussed the fact that it is not clear what the right mix of residential and commercial is
86 for this area. Mark said he feels it is too dense in this area, and Brett said he does not know if
87 that is the fact, as he does not have enough information to know the answer to that.

88 The commission discussed this with Cordell, including trying to determine what the density and
89 the right mix should be for this area. Cordell explained that this is the purpose for hiring the
90 consultant to work on the form-based code; and said that through that, density will be discussed,
91 and the different types of units; and that the consultant will ultimately give the City several plans
92 to review in order for this to be determined. Cordell discussed how this project came about
93 originally and explained that all the research they have done in having a viable City Center shows
94 that there must be residential that lives close to the City Center area. He discussed this further.

95 Cordell and the commission continued to discuss this at length. Brett mentioned that although
96 the density in this area may seem relatively high for North Logan, this mixed-use area is only 4%
97 of our total city, and still a small part of our overall community. Mark said, however, that because
98 of what we previously approved, we have increased our moderate income housing by 30% with
99 just one approved project.

100 Geri Christensen asked the developers if they would be willing to decrease the density in the
101 project by taking out one or two of the buildings. Developer Stan Rowlan explained that they
102 proceeded based on the City's previous approval, and have done the design work based on that
103 approval. Per comments from the developer, Mark agreed that the application currently before
104 the Planning Commission is what they need to make a recommendation on.

105 The Planning Commission continued their discussion, including reviewing various points with the
106 developers. There was discussion about the daycare being added in response to the Planning
107 Commission's request; and Mark voiced concerns about the lack of detail on this and how this
108 mixed-use works within the City's ordinance, as there is no redesign of the interior; no ideas on
109 how it would be run or by whom; as well as other issues. He said his concern is that this will not
110 be followed through and actually done.

111 Kevin Christensen asked the developers whether there was a chance that an investor could come
112 in and purchase their whole development, or a portion of it, and rent them out. Mr. Rowlan said
113 that is a possibility, but that that could happen anywhere in North Logan. Per a question from
114 Kevin, Mr. Rowlan said [renting them out] is not their plan, but that there is nothing they could do
115 about it. Mark referred to the fact that the developers used the issue that this will be an owner-

116 occupied residence as a selling point in getting their project approved by the City. This was
117 further discussed at length with the developers. Ultimately, the developers stated that this project
118 is intended to be a town-home community, with an HOA, and briefly further described the project.
119 Per questions from Mark, Mr. Rowlan further described the differences between this project and
120 rental projects he has done in the past. Mr. Rowlan said however, if they build this project and
121 are unable to sell the units, they would want the option to be able to rent them out.

122 The commission continued their discussion with Cordell and the developers regarding various
123 points. Cordell explained that when the Moderate Income Housing Element was done, the idea
124 was never to limit housing in a community; it was to make sure there was *enough*. Mark said that
125 is still a factor in evaluating the livability of a project. Some members of the commission gave
126 their opinions on this project as well as their thoughts about the City Center in general.

127 The commission discussed how to proceed.

128 Chris Nelson gave his comments and said he does not think this fits into the definition of mixed-
129 use. He said also agreed with Mark's comments regarding the daycare center. He commented
130 further and said there is not an included business that meets the criteria.

131 Geri Christensen said that Cache County Planner, Jay Baker, told her that it is not a requirement
132 to have a mixed-use within a project; that a project can be entirely residential. He said the City
133 Center project as a whole is what should be considered.

134 Brett said he agreed and that as he read the ordinance, each project does not necessarily have to
135 be mixed-use; but that there does need to be more communication about how this fits in with the
136 City Center plan. He discussed his concerns about the fact that the sheer number of ownerships
137 in the City Center causes real problems, which he explained. He said it is possible that this
138 project could still happen, there just needs to be better communication; and said how this fits in
139 with that is the main question at this point. He said it appears that most citizens want a City
140 Center, although he is not one of them; and said he is not sure that the citizens realize what it
141 takes to have a City Center, which is to have more housing. He reiterated that he would like to
142 see more communication in terms of how this is all going to work out with other owners within the
143 whole area.

144 Brad Crookston said he is not completely in favor of a City Center, but said he has a hard time
145 rejecting the developers at this point, when they came back with the same thing they proposed.

146 Brett Robinson commented that in light of the current economy, it is very beneficial that someone
147 come forward with some funds and propose a project; and in general, is something that is
148 needed. He said the question still remains, however, whether this is the right mix, and the right
149 direction for the City Center. He said he would like to see a project come to fruition to make the
150 City Center happen, if that is what the people want, which seems the case.

151 The Planning Commission continued their discussion, including how to proceed.

152 Brad Crookston said he did not think that the developers are trying to side-step what the City
153 wants; and also said he did not think anyone [on the Planning Commission] really likes the whole
154 concept.

155 Mark further stated his comments about density and said it appeared that one-half of the uses are
156 going on one-eighth of the property.

157 Chris Nelson said he appreciated the comments of the other commissioners, and said the way he
158 understands the mixed-use ordinance is that it forces a developer to determine how their project
159 fits in and complements the whole City Center. He further reiterated that he does not feel that
160 this project fully fits in with the idea of mixed use, including all that entails.

161 Brett Robinson commented as well, and said he feels that the only feasible part of this project is
162 residential; that there is no commercial here. He said the question still goes back to density.

163 Mr. Rowlan said that when this came before the City as a concept plan, the commercial aspect
164 was discussed, and was approved as is. He said that Cordell explained that mixed-use did not
165 necessarily mean that that it has to be mixed on *this* project.

166 Steven Moore said so much of the discussion has been about compatibility with the City Center.
167 He further commented that "there is no City Center" and that there has been no discussion about
168 the compatibility with existing development.

169 Alan Thomander asked about the bus route, which the commission and Cordell explained.

170 The commission continued to discuss the issue of density.

171 Per Mark Hancey stating that he had issues with the development agreement, Cordell mentioned
172 that City Attorney, Bruce Jorgensen reviewed the development agreement and had several
173 issues; and returned it with several suggestions. Mark reiterated the issue of the units being
174 owner-occupied versus rentals, and said this should be addressed in the development
175 agreement. Brett said he did not know that could be done, short of putting that into the CC&Rs.
176 Mark said that is something that is included in CC&Rs regularly. He said the fact that this was
177 purported to be owner-occupied units was a benefit of this project, as it would be a good
178 transition. He said if we don't impose those restrictions, it will be a benefit this project no longer
179 has. Per a question from Kevin Christensen regarding the scope of the restrictions of CC&Rs;
180 Mark explained that the City cannot enforce those; that it is the development agreement that
181 governs the project between the City and the developer.

182 Brett commented that in terms of rentals, these kinds of units are rarely purchased to be rented
183 out; that the economics don't encourage that kind of thing.

184 This was further discussed.

185 The commission referred to "findings", and Brett said there has not been enough communication
186 or description about how this fits in with the City Center and is not in compliance with that part of
187 the ordinance. Mark mentioned the issue of the harmony with the surrounding residential area, in
188 accordance with the City's Land Use Element of the General Plan. He said the language in the
189 mixed use ordinance requires [the Planning Commission] to determine whether the [project]
190 complies with the Lane Use Element. He reiterated that he thinks the transition is too much, too
191 quick and is not consistent with the map of the area. He said in terms of findings, that the City
192 Center is one issue and compatibility with the surrounding residential is another. Brett said this
193 all has to do with density, to which Mark agreed. Mark said the mixed use issue still remains.

194 Brad Crookston said that if the density were down and there was more of a spread out transition,
195 it might be more in line. He said no one is going to put commercial in there right now.

196 Brett Robinson said if we ask them to do that and it sits empty, that would not be a positive.

197 Mark asked the commission to give him some "positives" of the project.

198 Brett said the positive would be that, if the goal is to have a City Center, it helps in the housing
199 stock towards that goal. He said he does not have any interest in having a City Center, but if that
200 is what people wanted, then this works towards that goal.

201 Both Mark and Brent said they would not feel comfortable with a positive recommendation.

202 Brad Crookston concurred and said the only positive he sees is that it brings construction in and
203 drives the economy. However, he said, he can also see that people don't want it there.

204 Geri mentioned that in addition to the rights of the citizens, the rights of the developers also need
205 to be considered, to which the commission agreed.

206 Brett said he has not heard any alternatives to having the City Center, unless people want to
207 leave all those fields open in that area, which he said is not realistic.

208 Mark agreed that that area cannot be left open, but reiterated his issue with transition, and said
209 that even if we were looking for housing stock; we make a mistake by approving 50% of what that
210 map shows as total housing stock in the City Center.

211 Chris Nelson said there are two issues; one, that we have to address this specific project and
212 make a recommendation to the City Council, either yay or nay; and that we also need to send the
213 message to the City Council that things need to be determined for the City Center as it relates to
214 that whole geographic area in terms of planning. He commented further, briefly. He said the
215 mixed-use ordinance is currently written in a way that gives enough leeway for the Planning
216 Commission and City Council to make a decision; and further stated that it sounds like the
217 commission is saying the project does not meet the ordinance requirements. He said if he could
218 make a recommendation, he would make a motion that it goes to the City Council with a negative
219 recommendation because it does not meet the requirements.

220 Brad Crookston asked if one of the issues is whether the developers gave them enough
221 information to determine whether this project is compatible with the City Center; and Mark said
222 yes, and that another issue is that given the fact this project along with Four Seasons is one-
223 eighth of the property, and we are looking at one-half or so of the housing stock; we have not
224 seen sufficient evidence to overcome the burden to show this is compatible.

225 Kevin Christensen discussed his feelings about the situation and said while he initially was not in

226 favor of this project, he has since changed his mind, and does not find substantive information in
227 the ordinance to deny this project; and does not see anything that states that the developers have
228 not met their obligations. He commented further, including that he would like to see half of the
229 number units there than what is being proposed. He mentioned the committee that Mayor
230 Berentzen is putting together to discuss the City Center and the surrounding area to determine
231 the direction for this area.

232 Mark gave his comments on why he thought there *is* enough information in the ordinance to deny
233 this, which he explained, particularly as it is much more of a discretionary decision the Planning
234 Commission has; which he said is the reason it is important to articulate the basis for their
235 decision, in order to justify their discretion.

236 Density was further discussed and Mark reiterated his feelings about this being too much density,
237 too soon, and his issues with the transition.

238

239 *Geri Christensen made a motion to make a positive recommendation to the City Council, based*
240 *on the staff report; that this is residential to residential; that the mixed use ordinance does not*
241 *have language in it that allows us to deny the application; it is compatible with the City Center;*
242 *and, with consideration for the rights of the developers. Kevin Christensen seconded the motion.*

243

244 The Planning Commission discussed the motion. Chris commented that to give a positive
245 recommendation, the commission would be saying that this project meets the ordinance as
246 currently outlined; that it can move forward based on everything the Planning Commission has
247 seen; and that the developer has met their burden, which Mark confirmed was correct.

248

249 *A vote was called and the motion failed with Mark Hancey, Brett Robinson, and Brad Crookston*
250 *voting against; and Geri Christensen and Kevin Christensen voting in favor.*

251

252 *Brad Crookston made a motion to make a negative recommendation to the City Council based on*
253 *the following: the density of the project; the transition from one acre to that many lots; that more*
254 *information is needed with how this project fits in with the general plan for the City Center; the*
255 *question of whether it is compatible with the Land Use Element applicable to the surrounding*
256 *residential; and, the incompatibility of the mixed-use proposal. Brett Robinson seconded the*
257 *motion.*

258

259 Chris Nelson mentioned the fact that three of the City Council members were in attendance at the
260 meeting; and will have a definite feel for the Planning Commission's discussion. Mark
261 commented that the recommendation will be based however on the listed findings at the meeting,
262 and not on their recollection of what occurred at this meeting.

263

264 *A vote was called and the motion passed with Mark Hancey, Brett Robinson and Brad Crookston*
265 *voting in favor; and Kevin Christensen and Geri Christensen voting against.*

266

267 **Set Next Agenda and/or Discussion**

268

No discussion.

269

270 *Geri Christensen made a motion to adjourn the meeting. Brett Robinson seconded the motion. A*
271 *vote was called and the motion passed unanimously.*

272

273 The meeting adjourned at: 9:07 p.m.

274

275 Approved by Planning Commission:

August 2, 2012

276

277 Transcribed by Marie Wilhelm

278

279 Recorded by

280

281



Scott Bennett/City Recorder