

1 **Minutes of the North Logan City**
2 **Planning Commission**
3 **Held on April 18, 2013**
4 **At the North Logan City Library, North Logan, Utah**
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7 The meeting was called to order by Chris Nelson at 7:04 p.m.
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10 Commission members present were: Chris Nelson, Brett Robinson, Nathan Hult, Kevin
11 Christensen, Brad Crookston, Joan Findlay, and Geri Christensen.
12

13 Others present were: Jake Young, Brent Skinner, Bob Wright, Jay Stocking, Jason Killinen, Ted
14 Nyman, Brent Nyman, Damon Cann, Lydia Embry, Jeff Jorgensen and Marie Wilhelm.
15

16 The Pledge of Allegiance was led by Joan Findlay.
17 An invocation was given by Kevin Christensen.
18

19 **Adoption of Agenda**

20 *Nathan Hult made a motion to adopt the agenda as presented. Kevin Christensen seconded the*
21 *motion. A vote was called and the motion passed unanimously.*
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23 **Follow-up**

24 Kevin Christensen mentioned that he usually did not get the materials for the meetings in his box
25 with adequate time to get through them. The commission members asked that the staff try to get
26 the materials into their boxes by the Monday before the meetings, when possible.

27 Chris Nelson asked for an updated zoning map and master planned road maps, as well as
28 access to current, updated City codes.

29 Kevin Christensen, Nathan Hult, and Geri Christensen mentioned they would be going to the
30 land-use and planning conferences being held tomorrow.
31

32 **New Business**

33 **7:10 PUBLIC HEARING to consider and possible recommendation to City Council for**
34 **modifications to Section 12C-804, Rules for Locating Boundaries (C) and changing 12C-1063.12**
35 **Mixed Residential 7 & 8, the percent of Housing Types - related to a proposed Concept Plan for**
36 **a City Center Mixed-Use Project, NLC MR8 Project, a multi-family development and commercial**
37 **lots located at approximately 175 East off of 2500 North, North Logan City, Utah. (Lewiston**
38 **State Bank)**

39 Jeff Jorgensen introduced the item and explained how this came about. This ordinance fixes
40 three different issues in the City code that have come up as the first developer has tried to use
41 the new City Center Ordinance. He explained to the Planning Commission the process that
42 needed to be done to change the ordinance.

43 Kevin Christensen said he needed clarification on some of the changes which Jeff explained.
44

45 *Chris Nelson opened the public hearing at 7:18 p.m.*
46

47 Lydia Embry presented her written questions and comments to the commission. She asked
48 about why the Board of Adjustments should not be making the decisions on zoning boundaries
49 and whom such decisions would be appealed to. She also pointed out that the list of rezones in
50 12C-806 was not updated.
51

52 Jake Young said that the main reason that they were requesting a change to the minimum
53 requirement for each different building type [percent of one building type vs. another], is that as
54 they were trying to set two housing types into a design on the project, keeping one building type
55 at 40% of the total units; this used up too much land with single family units and did not allow
56 them to get even close to the density allowed in the zone. As they went through the design for
57 the property that Lewiston State bank owns, they found the density unachievable.

58

59 *As there were no further public comments, Chris Nelson closed the public hearing at 7:23 p.m.*

60

61 Nathan Hult asked about how the minimum density was changed to 40% when the Planning
62 Commission had recommended it being 30% originally. Jeff explained that the City Council had
63 included that as one of the changes they made when adopting the final ordinance. They reduced
64 the density to eight (8) units per acre in this zone, down from ten (10) units per acre, and also
65 increased the ratio to 40% in an effort to promote single family dwellings in this zone.

66 Chris Nelson said he was not sure which of the zoning maps he had, showing the most current,
67 finalized changes. He also asked if the proposed change to a minimum of 30% of one building
68 type, impacts the next piece of property to the east which is even larger [owned by Ray Wilhelm].

69 Jeff said that changing the ratio does not change the density, it only changes the relative mix of
70 building types, and he explained further.

71 Chris Nelson asked if the zone boundary change being proposed follows the 200 East roadway.
72 Jeff said no it did not because the proposed revision provides for some non-residential
73 development on the east side of the new 200 East.

74 Brad Crookston pointed out that the relative mix of building types indirectly changes the density
75 because, for example, single family lots take up more space per unit than townhomes do and
76 thus a developer might not be able to get as many units per acre as they would as they would if
77 they did not have to be restricted by a mix between building types.

78 Kevin Christensen said if the City Council had specifically made the decision to increase the
79 minimum building type ratio to 40% to force developers to single family residents, he suggested
80 that the Commission should not recommend changing that percentage established by them. With
81 regard to the issue of changing the zoning boundaries, he said he thought it may be a legal issue
82 now if the Planning Commission was to be making the changes being proposed by this ordinance
83 instead of the Board of Adjustments. He said if it is the Board of Adjustment that currently has
84 the authority to make this change, then how can the current Planning Commission consider that
85 before the City code gets changed allowing them to do so.

86 Jeff Jorgensen explained that what is being proposed with the zoning boundary change would not
87 be something that would have been considered by the Board of Adjustments anyway. It was just
88 that as staff was looking into this they came across the place in the current code where it
89 indicates that the Board of Adjustments could make *minor interpretations of the zoning*
90 *boundaries [not changes to it]*. Since the City no longer has a Board of Adjustments, but instead
91 has a one person Appeal Authority, he thought it would be best to change the way the code reads
92 to provide for the Planning Commission to have that authority *in the future*. Changes to the
93 zoning map are done like any other land-use code change; first the Planning Commission
94 considers the change, and then passes its recommendation on to the City Council. That is what
95 the Commission is being asked to do in this ordinance.

96 Kevin Christensen restated his understanding that the Commission was acting in this case,
97 normally in their duties as the Planning Commission and not *in lieu* of the Board of Adjustments.
98 Jeff agreed.

99 The commission continued their discussion about the various points in the proposed ordinance.

100 Chris Nelson recommended that the commission work on just one aspect of the proposed
101 ordinance at a time rather than the entire ordinance at once, to which the Planning Commission
102 agreed.

103

104 *Kevin Christensen made a motion to accept the zone boundary change as proposed by staff in*
105 *the ordinance. Brad Crookston seconded the motion.*

106

107 After a brief discussion clarifying where the proposed ordinance set the new zone boundaries, a
108 vote was called and the motion passed unanimously.

109

110 *Nathan Hult made a motion to accept the portion of the ordinance as proposed, recommending to*
111 *the City Council to change the minimum percent of building types in the MR-8 zone from 40% to*
112 *30%. Brett Robinson seconded the motion. The motion also included expressing to the City*
113 *Council that in so doing the Planning Commission expressed their opinion that the density*

114 *desired in the zones could not be achieved with the minimum ratio at 40%. A vote was called and*
115 *the motion passed with Geri Christensen, Joan Findlay, Nathan Hult, Brad Crookston and Brett*
116 *Robinson voting in favor and Kevin Christensen voting against.*

117

118 Chris Nelson asked Kevin Christensen his reason for voting in opposition. Kevin explained that
119 as long as the developer *could* meet the *minimum* density using a 40/60 ratio, he did not feel it
120 was important to change the ratio to 30/70 to allow achieving a density closer to the maximum
121 allowable density.

122 Per a question from the commission, Jeff explained what the Board of Adjustments did in the past
123 and he clarified what the current Appeal Authority does.

124

125 *Brad Crookston made a motion to accept, as written, the portion of the proposed ordinance that*
126 *changes the City code to allow the Planning Commission to interpret the boundaries on the*
127 *zoning map rather than having the Board of Adjustments do so. Brett Robinson seconded the*
128 *motion. A vote was called and the motion passed unanimously.*

129

130 *[Note: The three above motions collectively, as adopted, pass on a positive recommendation to*
131 *the City Council to adopt the entire ordinance as proposed.]*

132

133 Review and recommendation for Concept Plan of a Mixed-Use Project, NLC MR8 Project, a
134 Multi-Family Residential and Commercial Development (32 Townhomes & 13 Single Family) plus
135 commercial lots located at approximately 175 East off of 2500 North, North Logan City, Utah.
136 (Lewiston State Bank)

137 Jake Young presented the project concept plan and outlined the intentions of the developers. He
138 explained the numbers of units of each building type, the access roads and alleys in the project
139 and how the property to the south owned by the Nyman's could fit together and match this
140 project.

141 Geri Christensen asked the Nyman's for their opinion of this project. One from the Nyman
142 property owners commented that they liked the proposed project and added that the 70/30 split is
143 much more amenable to both properties, and commented further.

144 Joan Findlay asked about potential issues regarding storm water drainage which was identified
145 as a concern. Jeff Jorgensen explained that the details of drainage would be worked out in the
146 development plan stage and both he and Bob Wright from Lewiston State Bank pointed out some
147 areas that could potentially be used as storm water retention areas for this area.

148 Jake Young pointed out that this plan, as presented, included the City's vacating the existing
149 public right-of-way along the east side of the development; pointing out that the north/south road
150 through the development would essentially compensate for the need for the existing right-of-way.
151 The conversation regarding the layout and the intentions for the site continued.

152

153 *Brett Robinson made a motion to make a positive recommendation on the concept plan for this*
154 *subdivision and project. Brad Crookston seconded the motion. A vote was called with Geri*
155 *Christensen, Joan Findlay, Nathan Hult, Brad Crookston, and Brett Robinson voting in favor and*
156 *Kevin Christensen voting against.*

157

158 Consideration of a Conditional Use Permit – Four Seasons garden building/storage units strictly
159 for the use of the Four Seasons apartment unit renters @ approx. 100 East 2100 N, North Logan
160 CCC Zone (City Center Commercial Zone). (Four Seasons)

161 Jeff Jorgensen presented the item and explained the situation and mentioned that this request
162 has been discussed by the Planning Commission previously.

163 Nathan Hult said in an earlier diagram for this proposal, it showed a cul-de-sac on the north end
164 of 100 East and doing away with the construction of 2100 North between 100 and 200 East. He
165 said he felt such was contrary to the recently adopted master roads plan for this area. Jeff
166 clarified that what would be the north half of a future 2100 North is in the same place as the
167 access road/parking lot for the Four Seasons apartment; but that the existing access/parking lot is
168 not a dedicated public road. In order to make that a public road, the land would have to be
169 acquired by the City or somehow dedicated to the City, and the structure of the road would
170 probably have to be changed to make it conform with the City's road construction standards. Jeff

171 further pointed out that 2100 North between 100 and 200 East was not part of the general road
172 plan when the Four Seasons complex was approved. 100 East from 2100 to 2000 North was on
173 the master road plan, but the east west section of 2100 North was not. Jeff explained that Four
174 Seasons development created 2100 North at the request of the City in order to have access for
175 their development onto 200 East at an appropriate place, but the City did not ask to have that
176 access road/parking area dedicated to the City.

177 Kevin Christensen suggested perhaps the master planned 2100 North could be placed on the
178 other south side of where the developer wants to build the proposed storage building. It could be
179 required to be built as part of any project that would come along on the property south of Four
180 Seasons.

181 There was a discussion at length between the Commission and the Four Seasons' representative
182 regarding the storage building being proposed in relation to the road and the zoning boundary.
183 There was discussion about whether or not the proposed building being in a different zone meant
184 that it was not associated with the Four Seasons development. There was also discussion about
185 such a building being a permitted use if it was in the CCA zone but it would be a conditional use if
186 it remained in the CCC zone.

187

188 *Kevin Christensen made a motion to continue the meeting until 9:30 p.m. Nathan Hult seconded*
189 *the motion. A vote was called and the motion passed unanimously. This occurred at 9:19 p.m.*

190

191 The commission discussed at length whether the commission should recommend changing the
192 boundary line of the zone to include the property where the building would be built; include it as
193 part of the CCA zone like the rest of Four Seasons; or, whether to approve the building as a
194 conditional use within the CCC zone as it is now.

195 Brent Skinner, representing the owners of the Four Seasons project, pointed out that their original
196 request was to have the area rezoned as CCA and included with the Four Seasons development;
197 but they were told it would be more simple to have the matrix changed to allow this as a use in
198 the CCA zone, if only by conditional use permit, because it made sense to allow this use in the
199 CCC zone since some multi-family dwelling units could be developed in the CCC zone [even if
200 only as second or third story units above non-residential uses]. He further discussed his
201 company's intentions for the building and the area along the south side of access road/parking
202 lot. He said they planned to put a fence along the south side of this land separating it from the
203 rest of the parcel to the south and putting in trees and shrubs to finish off that south side of the
204 roadway. He said he understood that the development plan for the Four Seasons would need to
205 be modified to tie this building to that project.

206 Chris Nelson recommended that the land on which the building would be built should be deeded
207 such that it becomes part of the same parcel as the Four Season project. He explained that
208 doing so would ensure that it was associated with the development.

209 Jeff recommended that an amendment to the development plan would explain the use of the
210 storage building and tie it to the Four Seasons development. The land could remain zoned as it
211 is [CCC] and in passing the conditional use permit for the building, conditions could be placed on
212 the project by the Commission that would resolve the issues that had been brought up in their
213 discussion.

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215 *Kevin Christensen made a motion to extend the meeting until 9:45 p.m. Brett Robinson*
216 *seconded the motion. A vote was called and the motion passed unanimously.*

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218 *Kevin Christensen made a motion to adopt the conditional use permit for the accessory storage*
219 *unit as proposed with the conditions required in the City code [i.e. that the storage building be*
220 *associated with a multi-family unit development and that the only users of the storage units be*
221 *residents of the adjacent development] and with the further stipulations that 1) there is an*
222 *amendment to the development agreement, to be approved by the City Council, including this*
223 *building as part of the Four Seasons project; 2) that a fence be installed along the south edge of*
224 *the property; and, 3) that the property be deeded such that it becomes part of the parcel and*
225 *property description for the Four Seasons' parcel.*

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227 *Nathan Hult seconded the motion. A vote was called and the motion passed unanimously.*

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Set Next Agenda and/or Discussion

Jeff Jorgensen said there is a request for a business license for a store that would sell electronic cigarettes to be located in the City. He said, in his opinion, the way the current code reads it was not clear whether or not such a business, which may not be patronized by minors, qualifies as an adult oriented business. He is suggesting that the handout that he provided the commission be studied with the intent that a change be made to the City code to clarify that tattoo parlors, tobacco sales, and these businesses that sell electronic cigarettes all be specifically classified as adult oriented businesses and thus zoned appropriately.

Brett Robinson made a motion to adjourn the meeting. Brad Crookston seconded the motion. A vote was called and the motion passed unanimously.

The meeting adjourned at: 9:39 p.m.

Approved by Planning Commission:

May 2, 2013

Transcribed by Jeff Jorgensen

Recorded by



Scott Bennett/City Recorder