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## PLANNING COMMISSION MINUTES

### Meeting of January 26, 2023

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Logan City Council Chambers (290 N 100 W Logan, UT 84321) [www.loganutah.org](http://www.loganutah.org)

Minutes of the meeting for the Logan City Planning Commission convened in regular session Thursday, January 26, 2023, Commissioner Lucero called the meeting to order at 5:30 p.m.

**Commissioners Present:** Jessica Lucero, Jordy Guth, David Lewis, Ken Heare Eldon Peterson

**Commissioners Excused:** Roylan Croshaw, Sara Doutre

**Staff Present:** Russ Holley, Tanya Rice, Mike DeSimone, Amanda Pearce, Ben Anderson, Mohammed Abdullahi, Paul Lindhardt, Kirk Jensen, Jeannie Simmonds (City Council)

Commissioner Heare approved the minutes from the January 12, 2023 meeting as submitted. Motion seconded by Commissioner Guth. The motion was approved unanimously.

Commissioner Peterson made a motion to nominate Commissioner Heare as the Planning Commission Chair. Commissioner Lewis seconded the motion. The motion was approved unanimously.

Commissioner Peterson made a motion to nominate Commissioner Guth as the Planning Commission Vice Chair Commissioner Heare seconded the motion. The motion was approved unanimously.

#### **PUBLIC HEARING:**

**PC 22-063 Old Ephraim Apartments 2-Requesting continuance to the February 9<sup>th</sup> meeting.** [Design Review Permit] Nathan Whittaker/GBN Enterprises LLC, authorized agent/owner are requesting a Design Review Permit to construct two new 5,456 square foot, 4-level, 11-unit townhomes on three parcels totaling 1.29 acres, each unit will include 6 private bedrooms with bathrooms for a total of 132 bedrooms. There will also be a three-level parking structure built behind the townhomes. This project is located at approximately 655 East 400 North in the Campus Residential (CR) zone; TIN 06-058-0007; -0006; -0005 (Adams Neighborhood).

**PC 22-068 The Yellow House in Logan -Requesting continuance to the February 9<sup>th</sup> meeting.** [Conditional Use Permit] Baylee McKinley/Raeghn Torrie-M&R Rentals, authorized agent/owner are requesting a Conditional Use Permit to host small fundraisers (including live music events) to raise money for charity. The live music nights are at least once a month on Fridays from 7:00 PM to 9:30 PM, located at 130 North 100 East in the Town Center Two (TC-2) Zone; TIN 06-066-0011 (Adams Neighborhood).

**MOTION:** Commissioner Lucero moved to **Continue** PC 22-063 and PC 22-068 to the February 9, 2023 meeting Commissioner Lewis seconded the motion. The motion was approved unanimously.

**PC 22-053 Black Rifle Coffee Company -Continued from the January 12<sup>th</sup> meeting.** [Design Review Permit] Julianne McGee/Logan Main & 4<sup>th</sup> Pads LLC, authorized agent/owner are requesting a Design Review Permit to construct a new 2,718 square foot coffee shop with a drive-thru located

at 398 North Main Street in the Town Center One (TC-1) zone; TIN 06-043-0017; -0015 (Adams Neighborhood).

**STAFF:** Tanya Rice, Planner reviewed the revised proposal for a design review permit for a 3,730 square-foot mixed commercial space for fast food, coffee, and retail with a 4,000-square-foot canopy structure over the drive-thru lane that is being proposed to meet the frontage requirement along Main Street and 400 North. The Land Development Code requires the frontage to be at 75% along both Main Street and 400 North. With the proposed canopy, the frontage is met, without the canopy, the frontage is at 55% along Main Street and 38% along 400 North. The Commission will need to determine whether the canopy is considered a part of the “building” as defined by the Land Development Code, and therefore able to be considered in meeting the minimum massing & frontage, and setback requirements. With the proposed canopy, the design meets the required setbacks. Canopies have been used to meet setbacks on other projects where the canopy was more proportionate to the building. The proposed canopy in this design is larger than the building.

The access point on Main Street is shared with the property to the south. The drive isle is proposed using 12 feet of the neighboring property. If the property owner to the south does not agree to a cross-access easement the applicant will have to shift their drive isle/design 12 feet to the north.

The proposed site design and building layout falls short in creating a walkable urban design as specified in the Land Development Code for the TC-1 zone. The overall layout is more conducive to vehicles versus someone walking to, or along, the site. The overall site and building design lack an important visual connection to the streetscape.

The Land Development Code requires 60% transparency in the TC-1 zone for the ground floor of street-facing facades on commercial spaces. The proposal does not include transparent glazing on either street facing facade. In order to integrate the building with the streetscape as well as meet the 4 sided architectural requirements the design needs to incorporate additional transparency on the two facades of the main building.

A series of columns form an overhead canopy structure along the north and west side of the building, spanning the drive-thru. Three of the column openings on each side are covered with metal screening to break up the uniform canopy system. The Commission will need to consider if they want to count the metal screening towards the transparency requirement thereby reducing the amount required for the west and north walls.

T. Rice also mentioned the three additional comments from the City Engineer that were received after the packet was sent and that will be added to the conditions of approval.

- Shared access agreement shall be provided for the south access driveway and the east access driveway.
- The southeast corner shall be reconfigured such that access to the loading dock is preserved as demonstrated by a truck movement exhibit and that at least 24 feet of driveway width is maintained between the existing building/loading dock wall and the proposed curb/trash enclosure.
- Agreements between property owners and easements where necessary shall be provided to the City prior to approval of a construction plan set that shows construction improvements outside of the property boundary lines.

**PROPONENT:** Garrett Seaman said they are aware of the conflicts with the design requirements but are making their best effort to design something that looks good and can meet the requirements. They are willing to meet any specific amendments needed to meet the requirements.

**PUBLIC:** Chad Ricks, with Wilson Motor said they are excited about the development of the vacant lot but do have concerns about the extra traffic that a coffee shop would bring. He said that they are not willing to sign a shared access agreement.

Jack Peterson talked about the traffic issues with both accesses.

Jeannie Simmonds, City Council member, said there is concern with the canopy being considered part of the building and stated that the TC-1 zone was not intended for porous building frontages.

**COMMISSION:** Commissioner Peterson asked if the transparency is at 0% if the canopy is not counted. T. Rice said that the metal screening is being proposed as transparency.

Commissioner Lewis said that screening has been used for transparency before, but the three screens they are proposing do not come close to meeting the 60% transparency requirement.

Commissioner Lucero asked if they are considering transparency for the building mass or for the full frontage mass.

Mike DeSimone, Community Development Director said the commission also needs to consider the 4-sided design requirement. If the commission determines that the "building" includes all of the attachments (canopy) then the design needs to wrap around the attachments (canopy) around the entire building. If the Commission determines that the "building" is just the building itself and does not include the attachments (canopy) then it does not meet the intent or the massing, frontage, and, setback requirements of the Land Development Code.

Commissioner Guth said that the canopies that have been considered in the past have been of smaller percentages that follow the scale of the building, which better play into the interaction of the building and the outside by creating a pedestrian-friendly environment. This design does not meet the technical definition of a building, it is open and transparent, there is not a lot of substance, there is not a good presence on the corner or the sidewalk, and it does not create an inviting environment.

Commissioner Lucero said that when you think about structures that extend from the main building mass it needs to be extended with some creativity that enhances the intent of the TC-1 zone with walkability and connectivity.

Commissioner Heare said the canopy does not hide the parking lot, it accentuates it and is contradictory to what the TC-1 zone was set up for. The massing and substance is just not there, it is a car-centric design that does not fit the purpose of the zone.

Commissioner Peterson asked if a drive-thru is included in the definition of a building. Mohammed Abdullahi, Assistant City Attorney said that a drive-thru is not, but an enclosure of people and property in cars is. There is also the requirement of building bulking, the fullness or thickness of the building, which the commission has the authority to vary up to 10%. If this design is way outside the 10% then there is not much the commission can do.

M. DeSimone said that if the design does not meet the commission's interpretation of how building is defined relative to building mass then it is just not there.

Commissioner Lewis said that this is one of the most prominent corners in town and should have something that fits better.



**MOTION:** Commissioner Lewis moved to **Deny** a Design Review Permit for PC 22-053 with the findings for denial as listed below. Commissioner Lucero seconded the motion.

**FINDINGS FOR DENIAL**

1. The proposed project is incompatible with the intent and purpose of the Town Center Zone and does not meet the minimum building and site design standards for building frontages, building massing, and transparency requirements as specified in the Land Development Code.

**Moved:** D. Lewis

**Seconded:** J. Lucero

**Approved:** 5-0

**Yea:** Lucero, Guth, Lewis, Heare, Peterson

**Nay:**

**Abstain:**

**PC 22-056 Mountainside Estates Amendment -Continued from the December 15<sup>th</sup> meeting.** [Subdivision Permit] Brent Lawyer/Capstone Consulting LLC & Shree Giriraj Ji Inc, authorized agent/owner are requesting a Subdivision Permit to modify their existing subdivision plat by adding 4 building lots. The new proposed lots meet the density and minimum lot size requirements for the Suburban Neighborhood Residential (NR-4) zone.

**STAFF:** R. Holley, Senior Planner reviewed the updated proposal continued from the December 15, 2022 meeting. The proponent is requesting an amendment to the 64-lot subdivision to convert eight building lots along the south side of the subdivision into twelve new lots, gaining four additional building lots that will be a new amended 12-lot subdivision. The six southern lots adjacent to 1300 North are on critical lands due to the slope being 30% or greater, the other six lots below are on flat land. The applicant has submitted the required geotechnical reports and analysis showing how to safely build on the six upper lots. The report states that there needs to be three retaining walls with certain fill and tie-backs on the lower portion of the upper lots, below the upper homes. The upper homes will need to have double basements due to the 38 feet of elevation difference from the top of the lot to the second/walk-out basement. There will also be a series of five retaining walls required between each home along the upper lots. Since the last meeting, the applicant and City Engineer have been in discussion to resolve the issues brought up concerning stormwater, utilities, site grading, construction, and sequencing of the retaining walls and homes. Darren Farar, City Engineer has submitted twelve revised conditions, that were emailed to the Planning Commission, to satisfy the concerns. The sequencing is still not set, the developer wants the freedom to sell the lots in any order, but with these land conditions, the bottom retaining walls on the upper lots need to be built in unison for better structural integrity. A note will also need to be placed on the plat and in the CCRs listing the restrictions and requirements for the upper six lots, so the potential homeowners are aware. The Building Department has also submitted an additional condition that requires a third-party peer review prior to obtaining a building permit.

Commissioner Guth asked for clarification on Engineering's condition number 10. Paul Lindhardt, Public Works Director said that condition number 10 requires the lower retaining wall system on the upper lots to be built before the lower lots are developed.

**PROPONENT:** Brent Lawyer said that if they build all of the lower retaining walls on the upper lots before the upper homes are built the retaining walls will be in the way of building the upper homes. R. Holley said he reads number 10 to say that the retaining walls need to be done in a consecutive manner as the homes are being built, either east to west or west to east, without skipping any lot in between.

Mr. Lawyer brought up his concern with a separate HOA. There was a discussion about the people that choose to build on the riskier lots being, and if they should be the only homeowners responsible

for those lots and the maintenance that goes along with them or if the entire subdivision should share all costs and responsibility.

Mohammed Abdullahi, Assistant City Attorney said that there is no guarantee that the homeowners will even set up an HOA.

Commissioner Heare asked how the commission is supposed to approve a development based on a condition that an HOA will maintain the retaining walls when the HOA can be dissolved at any time in the future.

**PUBLIC:** Zane Atkinson asked what the strip of land labeled "lane" on the subdivision plan at the top of lot 17 is. Mr. Lawyer said that the lane is there for the owner to access the top of their lot for maintenance purposes. R. Holley said that the lot does not have frontage onto 1300 North. They would need a joint easement through lot 103 to the west to access lot 17.

Jack Peterson spoke about the original subdivision plan having only one lot that needed a retaining wall and how the developer has been digging into the hillside on the south end creating this sloped area and this is how they are proposing to fix it. He read an article about two homes in Draper that were built on a slope, with geotechnical reports to support the development and still the ground below the homes shifted sideways. The homes were evacuated and declared uninhabitable.

Jeannie Simmonds, City Council asked where lot 103 will access their property. R. Holley said where this lot sits on the corner of 1300 North, the driveway will have to be on the west side of the property.

**COMMISSION:** Commissioner Heare said the commission should strike Engineering condition number 5.a-4 requiring a separate HOA for the 12 amended lots.

Commissioner Guth said this design is very problematic with this level of extreme slopes of up to almost 90 degrees in places. She asked, what is the acceptable level of risk. There is no room for error and the stakes are high. If the hillside fails, loss of life and property are certain. It is the duty of the Planning Commission to protect the public from risks that can be identified and avoided. Commissioner Guth quoted M. Abdullahi from the December 15, 2022 meeting, "The Commission has the authority to prevent a project from creating or exacerbating hazardous conditions that are averse to public health, welfare, and safety." This project is contributing to the risk significantly, what if the hillside fails, it is not worth the risk. Someone needs to ensure that this hillside will not fail now, or, 30 to 50 years from now. R. Holley said the Geotech is not saying that the slope is safe right now, they are saying that it could be safe if their recommendations are followed. Commissioner Guth said there is no room for error, they cannot ensure that the slope will not move.

Commissioner Peterson asked if this project is not approved as the subdivision has to go back to the original design, would they be required to sure up the exposed wall. R. Holley said that the dug-out hillside would have to be restored to a stabilized slope.

Commissioner Heare said that the Commission needs to keep in mind that the engineering can be done, some similar projects have failed, but how many have not. Not to minimize public safety, but the necessary engineering steps are being taken to make this work and there should be some trust in that.

M. Abdullahi stated that if the commission is to deny a project, they must specify what code is not being met or cannot be met with a condition.

Commissioner Guth stated that the engineering does not solve the issues of the property 50 years down the road. Commissioner Lucero asked if there was something in the code that addresses the longevity of a design.

Mike DeSimone, Community Development Director quoted Land Development Code 17.29.250. *Common Area Development Requirements.*

- A. *Developments with common areas or facilities shall be owned and managed by a "homeowner association" as defined in U.C.A. §57-8a-102.*
- B. *The homeowner association shall adopt City approved covenants, conditions and restrictions (CC&Rs), bylaws and rules for the association. The bylaws and rules for the association shall provide for enforcement of the CC&Rs, including assessing fines for violations.*
- C. *Prior to the issuance of any permits, the developer shall file a lien in favor of the homeowner association against each residential lot equal to the pro rata share of ten percent (10%) of the total cost of the common area and facility improvements. Upon payment of the liens, the homeowner association shall place the proceeds in a restricted fund to be used solely for the maintenance, repair and replacement of the common area and facility improvements.*

The retaining walls could be required to be part of the common areas and the developer could be required to bond for long term maintenance, repair and replacement if necessary.

Commissioner Guth said she does not have a lot of faith in following the HOA requirements when the HOA can be dissolved at any time.

Commissioner Lucero brought up Land Development Code Chapter 17.24.020 Critical Lands Review Process,

- B. Approval Criteria. A permit shall be issued when the Applicant demonstrates:*
1. *That the development will not cause damage or hazard to persons or property upon, or adjacent to, the area of development.*

in relation to public safety and welfare in connection to Commissioner Guth's comments on longevity, and ensuring that the development will not cause damage or hazard to persons or property over time.

Paul Lindhardt said that he has had many discussions at length with the City Engineer about the longevity of this development and how it should be accounted for, and an HOA is the route. If all the conditions were met perfectly and in perpetuity, he believes the City Engineer would recommend approval. The concern is if that is going to happen and if it is possible with the current HOA structure and private property ownership being split up amongst a lot of parties.

M. DeSimone read Land Development Code, Chapter 17.24.020 Review Process:

- D. The Decision Making Body may deny a permit if the proposed development will have a detrimental effect on the lands regulated by this Chapter and appropriate mitigation is unavailable.*

The question is what the appropriate mitigation is to ensure the longevity of the upper lots from sliding down to the lots below. The long term strategy is some sort of management strategy besides relying only on the homeowner so how do you ensure there is an entity that is responsible for maintaining the structured system long-term and continuously. Commissioner Guth asked if the developer could

maintain the ownership of the retaining structures and be responsible for the maintenance. M. Abdullahi said that is something that can be looked into as well as possibly having the developer warranty their work for a longer period.

The commission discussed continuing to the next meeting to determine if there are appropriate mitigation measures that could be followed to ensure the longevity of the development.

Commissioner Heare closed the public comment for this project and suggested the project be continued to the February 9, 2023 meeting.

**MOTION:** Commissioner Lucero moved to **Continue** a Subdivision Permit for PC 23-056 to the February 9<sup>th</sup> meeting. Commissioner Peterson seconded the motion.

**Moved:** J. Lucero

**Seconded:** E. Peterson

**Approved:** 5-0

**Yea:** Lucero, Lewis, Heare, Guth, Peterson

**Nay:**

**Abstain:**

**PC 23-011 Jack in The Box** [Design Review Permit] Magellan Architects, Sherri Miller/Highway 89 Plaza LLC, authorized agent/owner are requesting a Design Review Permit to construct a new 2,341 square foot drive-through restaurant on a 2.59-acre parcel located at approximately 1200 South Hwy 89 in the Commercial (COM) Zone; TIN 02-087-0002 (Woodruff Neighborhood).

**STAFF:** R. Holley reviewed the request for a design review permit for a new 2,341-square-foot restaurant with a drive-thru located at 1200 South Highway 89/91. The overall 2.76-acre project site is planned for multiple pad site developments with Jack in The Box as the first project on a .08-acre rectangular shape site closest to the corner of 1200 South and Highway 89/91. R. Holley reviewed the proposed site plan and access that does meet all setbacks and lot coverage requirements in the Land Development Code for the Commercial zone. The design meets the landscaping and open space requirements. The minimum transparency requirement in the Land Development Code for street facing facades is 30%. The west façade shows two drive-thru windows totaling approximately 5% transparency and the south façade shows windows near the east side totaling approximately 20%. The west façade shows minimal architectural elements and is not similar in design to the rest of the building to meet the four-sided architecture requirement. Most of the transparency is located on the east façade adjacent to the parking lot and contains approximately 40% on that side of the building. As conditioned with additional transparency on the west and south side, the building design meets the Land Development Code requirements. The Land Development Code requires a minimum lot frontage of 50% in the Commercial zone, as proposed the building is at 40%. The Commission may require additional massing to reach the 50% frontage requirement or approve as is if it is determined that this is more of an aesthetic issue.

R. Holley spoke about the proposed walkability and the safety concern with a crosswalk through the drive-thru lane. The walkability of the site can also be addressed with the future pad developments at this site.

**PROPONENT:** Sherri Miller, Magellan Architects said that the kitchen is along the west side of the building, so they are not able to add any glass or windows to that side. They are proposing to extend the canopies above the drive-thru windows to extend along the entire west side of the building and possibly wrap around to the north side of the building. They are also considering some glazing to the upper north façade.

**PUBLIC:** Jeannie Simmonds, City Council asked what the landscape requirements are along the highway to shield the drive-thru.

**COMMISSION:** Commissioner Heare asked about the canopy on the west side meeting the fenestration requirements. R. Holley said that extending the canopy will help with the four-sided architecture. Where there are functional issues on the west side spandrel or trellising could be added to count toward the transparency requirement. Commissioner Lucero said that they could also enhance the landscaping on the west side to help meet the transparency requirement. R. Holley said they could add Type "B" landscaping that would require trees and more vertical landscaping to count toward the transparency.

**MOTION:** Commissioner Lucero moved to **Conditionally Approve** a Design Review Permit for PC 23-011 with the amended conditions of approval and findings for approval as listed below. Commissioner Guth seconded the motion.

#### **CONDITIONS OF APPROVAL**

1. All standard conditions of approval will be recorded with the Design Review and are available in the Community Development Department.
2. This permit authorizes a new 2,341 SF fast-food restaurant building.
3. The west and south facades shall have 30% transparency. The Planning Commission approves spandrel windows, landscape trellising or Type "B" landscape screening 17.32.070, that will count towards this minimum requirement.
4. Additional building mass or other Planning Commission approved elements shall be added to the existing building width for total lot frontage of at least 50%.
5. The project shall provide at least 16 parking stalls and a bike rack.
6. Open space and landscaping shall comply with LDC standards and detailed landscaping plans shall be submitted and approved prior to a building permit issuance. Street tree shall be planted along street frontages at 30 foot spacing.
7. The sidewalk connecting the building to 1200 south shall be extended to the project boundary in a functional alignment for pedestrian access to future retail/restaurant buildings to the north.
8. No new open storm-water detention basins shall be placed in the yard between the building and the adjoining streets. Open storm-water detention ponds in view from the public way shall be landscaped in a way to buffer and screen the storm water area.
9. All dumpsters shall be visually screened or buffered from public streets by using fencing, walls, and landscaping.
10. Rooftop mechanical and/or building wall mechanical equipment shall be placed out of view from the street or screen from view from the street.
11. Exterior lighting, including gas canopy lighting, shall be concealed source, down-cast and shall not illuminate or cast light onto adjacent properties.
12. Standard streetscape improvements will be required along Main Street with driveway access being limited to the joint access agreements located to the north of this site.
13. No signs are approved with this Design Review Permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
14. No fences are approved with this Design Review Permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.
15. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
  - a. **Environmental—contact 716-9760**
    1. Minimum 60 ft. straight on clear access required. Approach must be level, no down or uphill slopes and no parking spaces or curb blocking access.



2. Minimum inside measurement for a double enclosure is 24 ft. wide by 10 ft. deep. Minimum inside measurement for a single enclosure is 12 ft. wide by 10 ft. deep.
3. Place bollards in the back of the enclosure to protect walls.
4. Gates are not required, however if desired, they must be designed to stay open during the collection process.
5. Barrel hinges are suggested for the gates. We need the full 12 ft. clearance so gates must be designed to open completely.

**b. Water—contact 716-9622**

1. The buildings water main needs to have a RP (ASSE1013) installed and tested on the water main after the water meter, as it enters the building before any branch offs or possible connections inside or outside of building. Properly sized drain required to serve the backflow assemblies dump port. All backflow assemblies must be tested within 10 days of turning in water to them and annually thereafter.
2. Refer to 2018 IPC Utah State Amendment # 608.1.1,608.1.2,608.1.2.1 for installation criteria.
3. All landscape irrigation system's fed from Logan City water must have a high hazard rated backflow assembly installed and tested. All backflow assemblies must be tested within 10 days of turning in water to them and annually thereafter.
4. Fire suppression systems that are connected to Logan City water (with no added chemicals) must have a minimum DC (ASSE1015) installed and tested. Fire risers and all B/F assemblies must be installed and tested as per Logan City standards.
5. Project shall comply with all current Utah State plumbing codes, amendments and Utah Admin. code R 309-105-12-(1) rules and regulations including, but not limited to, those pertaining to backflow prevention and cross connection protection, during and after construction, for the safety of the water.

**c. Engineering – contact 716-9160**

1. Provide water shares or in-lieu fee for indoor and outdoor increased demands to the City system. This requirement shall be per City Code and Utah Administrative Rule R509-519-7
2. Show all existing easement lines on the plat and provide the type of easement and recording information for each on the plat. Where non-existent or insufficient, provide a 10' Public Utility Easement along all frontages and perimeter property lines, and provide a 5' Public Utility Easement along each side of all interior property lines. All dedication documents shall be accompanied with a metes and bounds legal description and a separate legal description exhibit that is tied to two City approved monuments.
3. Provide all necessary cross access easements/agreements for private road and private utilities across all properties.
4. The engineering design shall coordinate with and adjust plans as may be necessary to account for improvements being designed and / or constructed by adjacent developers, UDOT, and Logan City.
5. This development has been identified as a 2 lot subdivision and as such shall provide a minor subdivision plat that meets City standards to be recorded along with the improvement plans.
6. Provide Development Agreement and financial surety of at least 110% of the cost to construct all infrastructure & storm water improvements. Financial assurances shall not expire for a minimum of 2 years from date of City acceptance.
7. Provide a Geotechnical Report that includes but is not limited to: 1) California Bearing Ratio (CBR) of subgrade of pavement section, 2) Historical high ground water elevation, and 3) Percolation rate of soils at bottom of all storm water retention ponds.

8. A "Pre construction meeting" shall be held with the City's Engineering Division prior to starting construction activities and a "Work in the Right of Way" permit shall be obtained for all work in the City's right-of-way and PUE prior to scheduling the Pre Construction meeting.
9. Wetlands have been identified as existing or previously existing on the property. Provide a wetlands delineation study to confirm the location of any wetlands. If wetlands are found, provide a wetlands mitigation plan approved by the Army Corps of Engineers.
10. The property is located in the 100 year floodplain limits. As such, development is subject to the City's floodplain code. A floodplain permits, and no rise certificate shall be provided with construction plans. It is recommended that a CLOMR / LOMR be completed to remove the property from the floodplain. The property shall be constructed a minimum 1' above the base flood elevation.
11. This development is located in an area of high water table (0 to 24 inches) and classified as having moderate liquefaction potential; as such structures shall be designed accordingly.

#### UTILITIES

12. They are existing sewer and underground power located on within the property on the south. These lines shall be protected in place and access provided for maintenance.
13. All utilities outside of the public right-of-way way shall be private lines and shall be owned, maintained, repaired/replaced by the owner or Property Association. All infrastructure shall be installed, maintained, and repaired/replaced in accordance with Logan City Standards.
14. Provide City with private Water Utility agreement for all private water and sewer lines (including fire lines) not located withing a Public Right of Way. The agreement shall be recorded with the County Recorder.
15. Coordinate with the Fire Marshall to ensure sufficient fire hydrants are located in and around the site to meet fire code requirements.
16. No site utility plans submitted with application, City will review and coordinate these utilities with the Building Permit review and approval.

#### STORMWATER / IRRIGATION

17. Provide storm water detention/retention per Logan City Design standards. This includes the retention of stormwater from an adjacent existing street or stormdrain that discharges to the property. Retention of the 90% storm event is required and shall be provided through the use of Low Impact design methods.
18. Except for stormwater from City rights-of-way which shall be managed on the property, the development shall either incorporate into its stormwater design or pass through in a historical manner any stormwater that flows onto the property from adjacent properties.
19. Provide a stormwater maintenance agreement for City Review, approval, and recordation at County Recorder's Office.
20. Area is less than 1 acre so compliance with State Storm Water Permit is not required. Development shall comply with Logan City design standards for storm water detention/retention. Development shall also provide a sediment and erosion control plan for all construction activities.
21. Maintain the capacity, size, and location of all existing irrigation system infrastructure along and within the project; or where irrigation infrastructure is required to be relocated or changed, improve the infrastructure to the irrigation company standards. The City will require all affected Irrigation companies to provide a signature approval on all final construction plans and final plats.
22. The plans submitted do not show stormwater management improvements on the property, including the provision for storm water detention/retention basins. Additional common / open space area may be required to comply with the City's stormwater management standards especially given the high water table.

23. The minimum diameter of storm drain piping in a City right of way shall be 15 inches unless a larger size is required by the design.

**STREETS**

24. Provide street improvements on highway 89/91 per UDOT requirements.

25. The full movement access to the property shall be located at the existing driveway location. A raised median pork chop shall be constructed on the west driveway to preserve the integrity of the right-in right-out access.

26. Where the existing half street or portion thereof is damaged during construction; owner shall reconstruct the pavement cross section out to an area of good condition asphalt. If required, a minimum 3' of existing asphalt shall be removed and replaced.

27. Provide a traffic impact study for review and approval by the City and follow all recommendations identified.

**d. Fire – contact 716-9515**

1. Fire apparatus access and fire hydrants required.
2. Need a fire flow report to determine available fire flow.

**FINDINGS FOR APPROVAL**

1. The proposed project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the building design, site layout, materials, landscaping, and setbacks.
2. The Design Review Permit conforms to the requirements of Title 17 of the Logan Municipal Code.
3. The proposed project provides adequate open space and useable outdoor space in conformance with Title 17.
4. The proposed project provides adequate off-street parking.
5. The project meets the goals and objectives of the COM designation within the Logan General Plan by providing services near high-capacity roadways and is designed in way for easy circulation of both pedestrian and vehicles.
6. The proposed project complies with maximum height, density and building design standards and is in conformance with Title 17.
7. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

**Moved:** J. Lucero

**Seconded:** J. Guth

**Approved:** 5-0

**Yea:** Lucero, Lewis, Heare, Guth, Peterson

**Nay:**

**Abstain:**

**PC 23-012 Zollinger 500 N Subdivision** [Subdivision Permit] Guy Marker/Globe Property 2000, authorized agent/owner are requesting a Subdivision Permit for a 9 lot single family residential subdivision on 2.51 acres located at 295 West 500 North in the Traditional Neighborhood Residential (NR-6) zone; TIN 05-076-0004; -0026 (Ellis Neighborhood).

**STAFF:** Tanya Rice, Planner reviewed the request for a 9-lot single-family subdivision on two parcels totaling 2.51-acres at 295 West 500 North in the Neighborhood Residential zone. The proposed building lots will be accessed from a new public street connected to 500 North. The proposed road will be constructed to the City's local streets standards for a 60' wide right of way. There will also be a turnaround at the west end of the proposed subdivision road.

**PROPONENT:** Guy Marker, said they have worked hard to meet all of the requirements for this subdivision.

**PUBLIC:** No Public Comments were made.

**MOTION:** Commissioner Peterson moved to **Conditionally Approve** a Subdivision Permit for PC 23-012 with the conditions of approval and findings for approval as listed below. Commissioner Guth seconded the motion.

**CONDITIONS OF APPROVAL**

1. All standard conditions of approval will be recorded with the Subdivision Permit and are available in the Community Development Department.
2. Nine (9) lots are approved with this subdivision permit.
3. Provide second street connection per City standards and LDC requirements.
4. Standard streetscape improvements shall be in place prior to the issuance of final occupancy for all building lots.
5. Street trees shall be provided within the park strip at every 30 feet on center. The City Forrester will determine tree species.
6. Setbacks for new buildings shall be reviewed and approved at the time of the building permit application. Existing building abutting subdivision property lines shall adhere to setbacks and be corrected prior to recordation of the final plat.
7. The open space area and shall be listed as non-buildable on the final plat.
8. An HOA, or similar management entity, shall be established to maintain all common open space and provided to Community Development Department prior to recordation of final plat. A note shall be placed on the final plat referencing the responsibility of the HOA.
9. Final plat shall be recorded within one (1) year of this action. If the project is to be phased, a phasing plan shall be submitted to the Planning Commission for review & approval. Each phase shall be recorded in compliance with the deadlines established in the Land Development Code.
10. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
  - a. **Fire - contact 716-9515**
    1. Fire apparatus turn around and additional fire hydrants required.
  - b. **Environmental - contact 716-9761**
    1. Residential cans will be provided. This is a dead end road and cans will need to be brought out to 500 North for collection.
  - c. **Engineering - contact 716-9160**

**GENERAL**

    1. The properties involved have been flagged as having illegal lot splitting performed. The City shall review the resulting lots to determine if any are non-conforming. If found non-conforming lots shall be revised to meet conformance requirements.
    2. Provide water shares or in-lieu fee for indoor and outdoor increased demands to the City system. This requirement shall be per City Code and Utah Administrative Rule R509-519-7
    3. Show all existing easement lines on the plat and provide the type of easement and recording information for each on the plat. Where non-existent or insufficient, provide a 10' Public Utility Easement along all frontages and perimeter property lines, and provide a 5' Public Utility Easement along each side of all interior property lines.
    4. This development has been identified as a residential subdivision and as such shall provide a subdivision plat that meets City standards to be recorded along with the improvement plans.
    5. CC&R's shall include language that addresses the requirement of the HOA to maintain any private water lines, private sewer lines, common access and parking areas, and the Storm

Water management system, basins, swales, and related infrastructure outside of a right of way dedicated to the City.

6. Provide Development Agreement and financial surety of at least 110% of the cost to construct all infrastructure & storm water improvements. Financial assurances shall not expire for a minimum of 2 years from date of City acceptance.
7. Provide a Geotechnical Report that includes but is not limited to: 1) California Bearing Ratio (CBR) of subgrade of pavement section, 2) Historical high ground water elevation, and 3) Percolation rate of soils at bottom of all storm water retention ponds.
8. A "Pre construction meeting" shall be held with the City's Engineering Division prior to starting construction activities and a "Work in the Right of Way" permit shall be obtained for all work in the City's right-of-way and PUE prior to scheduling the Pre Construction meeting.
9. Wetlands have been identified as existing or previously existing on the property. Provide a wetlands delineation study to confirm the location of any wetlands. If wetlands are found, provide a wetlands mitigation plan approved by the Army Corps of Engineers.

#### UTILITIES

10. All utilities and services located outside of the public right-of-way way shall be private lines and shall be owned, maintained, repaired/replaced by the homeowner or Homeowners Association. All infrastructure shall be installed, maintained, and repaired/replaced in accordance with Logan City Standards.
11. All lots shall have separate water service and sewer service connections to water distribution and sewer collection systems.
12. A fire hydrant shall be constructed at the west end of the proposed road.
13. The proposed sewer manhole shown in 500 North shall be a 60" manhole.
14. All existing utility service lines extending to the site that are not proposed to be used with the new development shall be capped at the City main line.
15. Proposed water and sewer lines in the right of way shall be a minimum of 8 inches in diameter, line in private drives shall be a minimum of 6 inches in diameter. The City may require larger diameter lines (proposed or existing) if required according to modeling performed by Logan City Utility Staff or as required by the City's master plans.

#### STORMWATER / IRRIGATION

16. Provide storm water detention/retention per Logan City Design standards. This includes the retention of stormwater from an adjacent existing street that discharges to the property. Retention of the 90% storm event is required and shall be provided through the use of Low Impact design methods.
17. Provide a stormwater maintenance agreement for City Review, approval and recordation at County Recorder's Office.
18. Area is greater than 1 acre so compliance with State Storm Water Permit is required. Development shall comply with Logan City design standards for storm water detention/retention. Development shall also provide a sediment and erosion control plan for all construction activities.
19. Maintain the capacity, size, and location of all existing irrigation system infrastructure along and within the project; or where irrigation infrastructure is required to be relocated or changed, improve the infrastructure to the irrigation company standards. The City will require all affected Irrigation companies to provide a signature approval on all final construction plans and final plats.
20. Stormwater basins shall not be located on residential lots. A dedicated parcel for stormwater management shall be provided and language added to the CC&Rs indicating that the storm water system shall be maintained by the HOA.



21. The minimum diameter of storm drain piping in a City right of way shall be 15 inches unless a larger size is required by the design.

**STREETS**

22. The City does not expect that 550 N will ever connect to the road proposed herein. As such, provide a cul de sac turn-around at the west end of the proposed street.
23. The proposed road shall be located a minimum of 125' (center to center) from the 300 W right of way.
24. Dedicate right of way along 500 North as required such that a minimum 60' of right-of-way exists and construct half street improvements for a 60' Residential Street cross section and pavement section per City Design Standards.
25. All development accesses shall be in accordance with Logan Design Standards.
26. Construct new curb, gutter, sidewalk, and park strip on 500 North in accordance with City standards and specifications.
27. Where the existing half street or portion thereof is in poor condition in regard to cracking, or is damaged during construction; owner shall reconstruct the pavement cross section out to an area of good condition asphalt. When applicable a minimum 3' of existing asphalt shall be removed and replaced.

**d. Water/Cross Connection - contact 716-9627**

1. Doghouse manholes are only allowed by exception when adequate considerations are taken to reduce infiltration.
2. The applicant must provide details addressing infiltration for any doghouse manholes.

**e. Water/(Cross Connection & Backflow Prevention) - contact 716-9627**

1. All landscape irrigation system's fed from Logan City water must have a high hazard rated backflow assembly installed and tested. All backflow assemblies must be tested within 10 days of turning in water to them and annually thereafter.
2. Project shall comply with all current Utah State plumbing codes, amendments and Utah Admin. code R 309-105-12-(1) rules and regulations including, but not limited to, those pertaining to backflow prevention and cross connection protection, during and after construction, for the safety of the water.

**FINDINGS FOR APPROVAL**

1. The proposed subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because the subdivision meets the minimum lot sizes and maximum allowed densities for the NR-6 zone.
2. The Subdivision Permit conforms to the requirements of Title 17.48 concerning hearings, procedures, application requirements and plat preparations.
3. The project meets the goals and objectives of the Logan General Plan by providing new residential housing in areas with existing services and infrastructure.
4. 500 North provides adequate access and utility services to the subdivision.
5. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

**Moved:** E. Peterson

**Seconded:** J. Guth

**Approved:** 5-0

**Yea:** Lucero, Lewis, Heare, Guth, Peterson

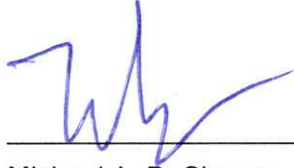
**Nay:**

**Abstain:**

Meeting adjourned at 8:08 p.m.

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Minutes approved as written and digitally recorded for the Logan City Planning Commission meeting on January 26, 2023.



Michael A. DeSimone  
Community Development Director



Ken Heare  
Planning Commission Chairman



Amanda Pearce  
Administrative Assistant