



Moab Planning Commission Agenda Item

Meeting Date: September 12, 2019

Title:

A RESOLUTION RECOMMENDING APPROVAL OF A ZONING MAP AMENDMENT FOR PROPERTY OWNED BY ROBERT AND KELLY WARD AT 545 KANE CREEK BOULEVARD, FROM R-3 MULTI-HOUSEHOLD RESIDENTIAL ZONE TO C-4 GENERAL COMMERCIAL ZONE, AND AMENDING THE CITY OF MOAB OFFICIAL ZONING MAP

Date Submitted: July 22, 2019

Staff Presenter: Nora Shepard, Planning Director

Applicant: Robert and Kelly Ward

Location: 545 Kane Creek Drive

Zoning: Currently R-3 Multihousehold Residential, requesting C-4 General Commercial.

Attachment(s):

Exhibit A: Draft Planning Resolution #15-2019

Exhibit B: Purpose Statement

Exhibit C: Property Survey

Exhibit D: Vicinity Map showing surrounding uses and zoning

Exhibit E: Hillside Map

Exhibit F: Future Land Use Map

Exhibit G: Car Wash Concept

Options: The Planning Commission is being asked to hold a public hearing and forward a recommendation to the City Council for the requested rezone.

Options for action include:

1. Approve Planning Resolution 15-2019 forwarding a positive recommendation to City Council; or
2. Recommend denial of the requested rezone with specific findings supporting the recommendation; or
3. Continue or table action to a later meeting with specific direction to the City Staff and Applicant as to additional information needed to make a decision.

Motion for recommending approval: I move to adopt Planning Resolution #15-2019, to forward a positive recommendation to the City Council based on the finding required by Moab Municipal Code 17.04.060 Map amendment approval criteria.

Background Information:

In late 2018 and early 2019, an application was filed and processed for the Creekside Townhomes Subdivision Plat. The Site Plan application was approved by the City Council. Due to the cost of construction, the property owners, Robert and Kelly Ward, have decided not to move forward with the townhome project.

They now propose to change the zoning to C-4 General Commercial. Currently, the Wards are proposing to install a tunnel type of car wash in the same location as the previously approved townhomes (see Exhibit F). This request is for a rezone to C-4. Once the rezone is approved, the owners could choose to apply for site plan approval for any uses permitted in the C-4 Zone.

Parcel Description:

The 2.35 -acre parcel has some development challenges. A portion of the property is in the FW-Floodway Zone. The Floodway area is undevelopable. A “buildable area” was identified through the approval process for the townhomes. The rezone will not remove the Floodway Zone that is currently in place. The buildable area is shown in Exhibit E and any development on the site will have to occur within this area.

Zoning Map Change Criteria:

Section 17.04.060 of the Moab Municipal Code sets forth criteria to consider with reviewing a Zoning Map Amendment. The criteria are listed below followed by a response or analysis by city staff as follows:

17.04.060 Map amendment and approval criteria. The Planning Commission and City Council shall consider the following criteria in reviewing a proposed map amendment.

A. Was the existing zone for the property adopted in error?

Staff Comment: It does not appear that the existing zoning was done in error

B. Has there been a change of character in the area including, but not limited to: the installation of public facilities or new utilities; other approved zone changes; new growth trends; deterioration of existing development; or the need for development transitions?

Staff Comment: There has been a gradual change in this area. As a part of the Creekside townhome subdivision approval, the applicant was required to enter into an Improvements Agreement that addressed the design, costs and construction of the street along the east side of Kane Creek Boulevard. Any new project on this site will be evaluated for its impact on City infrastructure and will be required to enter into a similar Improvements Agreement with the City. The improvements discussed with the previous approval included dedication of land to ensure that the full street width of Kane Boulevard can be constructed. The developer was also required to construct curb, gutter and sidewalk and install a crosswalk with pedestrian crossing lighting and signage to be placed at the cross street, Birch Avenue.

C. Is there a need for the proposed zoning within the area or community?

Staff Comment: The C-4 Zone District is designated in many areas in Moab. The size, configuration and location of this parcel would lend itself to a smaller commercial use that will primarily serve the residents of Moab, as well as visitors. There is a need for additional commercial areas that primarily serve the residents of Moab.

D. Is the proposed zoning classification compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be mitigated?

Staff Comment: Exhibit D shows the parcel in the context of the surrounding uses and zoning. As you can see from the exhibit, the parcel is bordered by R-3 to the north and immediately across the street. To the south, there is C-4 zoning that

includes the Burger King and Movie Theater. Across Kane Creek Blvd are apartment uses.

E. Will benefits be derived by the community or area by granting the proposed zoning?

Staff Comment: If the property were to remain as R-3, it will likely develop as multifamily housing. Due to construction costs, it is doubtful that a residential development would provide attainable or affordable housing. As C-4, commercial uses could be built that would be small in scale and may cater to the residents.

F. Are adequate facilities available to serve development for the type and scope of development suggested by the proposed zoning classification? If utilities are not available, can they be reasonably extended?

Staff Comment: as a part of any project approval on this parcel, the applicant will be responsible for extension of any utilities as well as improvement of Kane Creek Road.

G. Does the application conform with the provisions of the Moab General Plan, the Land Use Code, and applicable agreements with affected governmental entities?

Staff Comment: The Future Land Use Map of the General Plan shows this property as Residential reflecting the current R-3 zoning. The Future Land Use Map shows commercial as the appropriate land use immediately adjacent to this property. As stated in the Project Narrative submitted by the applicant (Exhibit B), there are General Plan goals and policies as follows:

- *One of the Goals of the Moab General Plan is to consider zone changes and commercial adjustments that balance property rights and community benefits.*
- *And to work with property owners and businesses to create a more appealing commercial area for residents.*
- *A goal for economic development is to promote a vibrant local economy that supports the unique quality of life and character of Moab. We want to continue to promote Moab City as a whole to provide businesses that serve the community of residents and visitors. This can be done by modifying zoning to promote a quantity and distribution of the City's area for commercial businesses.*

Comparison of Uses:

The following table shows the permitted uses in the R-3 and C-4 zones. As you can see, the C-4 zone allows for a variety of commercial uses, some of which may have impacts on residences close by.

Permitted Uses in the R-3 Zone	Permitted Uses in the C-4 Zone
ADUs	Asphalt/Concrete Batching Plant, temporary
Agriculture	Assembly of appliances
Daycare	Auction Houses
Foster care homes	Auto body and fender shops, auto painting, welding and sheet metal shops
Group Homes	Bars
Home Occupations	Caretaker dwellings
Multi-household dwellings	Daycare

One household dwellings and accessory uses	Dwellings above the ground floor of a nonresidential structure
Places of worship	Multi-household dwellings of 7 or more units
Planned unit developments	Eating establishments
Public facilities	Established overnight accommodations
Public Libraries	Farm equipment sales
Public parks and public recreation buildings	Funeral establishments
Schools	Ground floor employee dwellings
Two-household dwellings and accessory uses	Gymnasiums
	Hardware stores and lumber yards
	Historic Dwelling
	Hospitals
	Laboratories
	Manufactured home sales
	Manufacturing, compounding and processing
	Parking lots
	Places of Worship
	Professional Offices
	Public facilities
	Public and private research establishments
	Existing RV park or campground
	Retail establishments
	Schools
	Second hand stores
	Self-storage warehouses
	Service establishments
	Service stations
	Trucking companies
	Utility provider structures and buildings
	Vehicle repair, sales
	Warehouses
	Wholesale establishments with stock on premises
	Wireless telecommunication towers

Many of the uses in the C-4 zone are subject to conditions and regulations to lessen the impact of the commercial uses.