Moab City Council Agenda Item
Meeting Date: July 14, 2020

Title: Discussion of a potential Pre-Annexation Agreement Request For 10.02 Acres located adjacent to the current City Limits in the vicinity of 500 West by KM Real Estate Enterprises LLC and M. Dean & Company, LLC (“Property Owner”)

Disposition: Discussion and possible direction. This discussion session is for the City Council to give staff direction as to whether to entertain entering into a Pre-Annexation Agreement on the subject property. If the Council directs staff to move forward with the Pre-Annexation Agreement, the City Staff and the Developer will bring a Pre-Annexation Agreement back to City Council for consideration. If the City Council directs that they do not wish to entertain a Pre-Annexation Agreement, the Developer can submit an Annexation Petition and follow the required process for Annexations, which includes a Zoning Designation.

Staff Presenter: Nora Shepard, Planning Director

Attachment(s):
- Exhibit 1: C-2 Zone Description
- Exhibit 2: October 2017 Staff Report on previous petition
- Exhibit 3: Minutes of 2017 Public Hearing

Background/Summary:
Summary
The Property Owners are asking the City Council to consider entering into a Pre-Annexation Agreement for 10.02 acres of property located in the vicinity of 500 West.
This property is an “island” of unincorporated land surrounded on 3 sides by properties already in the City Limits. The adjacent zoning includes C-4 General Commercial, RC Resort Commercial and R-2 Single Household and Two Household Residential Zone. The current County Zoning is RR Rural Residential. The Property Owner is requesting the C-2 Commercial-Residential Zoning (See Exhibit 2) as a transition from the R-2 zoning to the south and the C-4 Zoning to the north.

The existing uses on the property include a small office building and a large metal shop building that have historically been uses for commercial and industrial uses for many years.

An Annexation Petition has not been filed. The applicant wishes to enter into a Pre-Annexation Agreement at this time that indicates that, if the annexation is applied for and approved, the appropriate zoning for the property would be the C-2 Commercial-Residential Zone for the entire 10.02 acres. If the Council so directs staff, the staff will work with the applicant on a Pre-Annexation Agreement. If the City Council does not have an interest in entering into a Pre-Annexation Agreement, the Property Owner can file an Annexation Petition that would go through the Annexation Process, including assignment of Zoning.

The Western portion of the property has been identified as being in a Flood Zone and it will be used for storm drainage for the highway widening. UDOT and the Property Owner have been negotiating for UDOT to purchase that property. Development would therefore occur only on
the eastern portion of the parcel. The request is for the entire parcel to be zoned C-2, if annexed.

Background
An Annexation Petition was filed by the Property Owners in 2017. At that time, the request was for C-4 on the easterly portion of the parcel and R-4 to the west. After significant public comment and consideration of various zones, the Planning Commission failed to make a recommendation to the City Council on the Annexation (could not pass a majority vote either way). The City Council held a public hearing but ultimately no action was taken by the City Council on the Annexation. Attached as Exhibit 3 is the staff report that went to City Council in October 2017 for your information. The 2017 staff report is comprehensive and includes information on public comment received at that time. The minutes of the City Council Public Hearing are attached as Exhibit 4.