Title: Consideration and Possible Approval of Ordinance #2020-12, Approving a Zoning Map Amendment for property owned by James Nelson, located at 191 Walnut Lane Moab UT 84532, amending the split zoned parcel from R-2 Single-Household and Two-Household Residential Zone and R-4 Manufactured Housing Residential Zone, to only R-4 Manufactured Housing Residential Zone; and Amending the City of Moab Official Zoning Map.

Date Submitted: February 25, 2020
Staff Presenter: Cory P. Shurtleff, Assistant Planner
Property Owner: Nelson Court LLC, James Nelson
Applicant: James Nelson
Location: 191 Walnut Lane, Moab, Utah 84532
Zoning: Property is currently split zoned, R-2 Single-Household and Two-Household Residential Zone and R-4 Manufactured Housing Residential Zone.

Attachment(s):
Exhibit 1: Draft Ordinance #2020-12
Exhibit 2: Recorded Plat Zoom
Exhibit 3: Updated Parcel Survey
Exhibit 4: Context Zoning Map including Ordinance #2020-01 Zoning Map Amendment
Exhibit 5: Vicinity Map including Ordinance #2020-01 Zoning Map Amendment

Options:
1. Approve with or without edits; or
2. 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; or
3. Deny with specific findings supporting decision.

Recommended Motion: I move to approve Ordinance #2020-12 based on the findings required by Moab Municipal Code 17.04.060 Map Amendment Approval Criteria.

Narrative:
The application was submitted by property owner James Nelson on February 25, 2020 with sufficient documentation and fee payment. The narrative submitted by the applicant was as follows: Amend split zone to one zone, complete to R-4.

Background:
The property located at 191 Walnut Lane, owned by Nelson Court LLC, James Nelson, is currently operating as a mobile home park with 13 lots. This property is directly west of the City owned Walnut Lane Property, and adjacent to the east of the vacant Moab Valley Health Care property. The parcel is currently split zoned with R-4 Manufactured Housing Residential Zone (in which the property’s use is permitted) on the majority of the South portion of the parcel; and R-2 Single-Household and Two-Household
Residential Zone on the northern third of the parcel. The total area of the parcel is approximately 1.06 acres, with approximately .37 acres of the parcel zoned R-2. The R-2 Zone is extending south from the residential neighborhood beyond the northern boundary of the parcel.

Following the “Walnut Lane” Ordinance #2020-01 rezone, where Planning Commission forwarded a positive recommendation to City Council, and City Council approved the ordinance amending the Official Zoning Map, the applicant wants to modify the zoning on this parcel so that it is entirely one consistent zone to allow for easier development in the future and correct an non-conforming existing use. The “Walnut Lane” Ordinance #2020-01 rezone, is nearly identical in nature where the applicant is hoping to resolve discrepancy in zoning that was likely adopted in error on his property.

While researching this rezone request, staff noticed that the parcel information we had, showed an inconsistency in the parcel configuration that was likely caused by a survey error. The applicant produced an additional survey to determine the exact legal description of the parcel to be rezoned. The requested rezone includes the additional area that has been correctly surveyed as part the subject parcel #01-0001-0107.

Planning Commission reviewed this item during their public meeting on April 23, 2020, where they opened and closed a Public Hearing on this item, and continued the item until the applicant could provide updated survey material of the correct area to be rezoned. The Planning Commission reviewed and voted to Positively Recommend Ordinance #2020-12 to City Council during their public meeting on July 9, 2020, after the applicant supplied the updated information.

Zoning Map Change Criteria:
Section 17.04.060 of the Moab Municipal Code sets forth criteria to consider when 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 is likely the property was split-zoned in error, as the established R-2 zone was drawn down the center of the right-of-way for 200 N and did not follow property boundaries for three parcels along Walnut Lane. Since then has been amended with Ordinance #2020-01 to align the two adjacent Walnut Lane Properties as entirely R-4, creating a peninsula of R-2 on this property.

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: The properties owned by the City located directly east of this property were amended with Ordinance #2020-01 and rezoned as is being requested with this application.
C. Is there a need for the proposed zoning within the area or community?

Staff Comment: Yes. The current use on the property is not permitted in the R-2 zone, and it is best planning practice to correct a split-zoning error when possible.

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: The proposed zone change is compatible with the surrounding area. The adjacent properties are a mix of R-2, R-4, and C-2 zones and include single-family residential, multifamily residential, a mobile home park, overnight accommodations, and healthcare services uses.

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

Staff Comment: Rezoning the property to R-4 will correct a non-conforming use and grant the applicant the appreciate zoning to continue the existing use.

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: Yes, as no proposed changes are planned for this parcel currently, the present facilities available to serve the parcel are sufficient. At a time of redevelopment in the future, upgrades to facilities may be required.

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-2 and R-4 zoning. The zone change will comply with the elements, goals, and policies of the Moab General Plan, including the following:

- Promote a variety of housing types and neighborhoods for primary residences.
- Encourage housing opportunities for a variety of needs and income levels.
- Promote strategies that improve the ability of all Moab residents to have access to affordable, quality housing.

Comparison of Uses:
<table>
<thead>
<tr>
<th>Permitted Uses in the R-2 Zone</th>
<th>Permitted Uses in the R-4 Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADUs</td>
<td>ADUs</td>
</tr>
<tr>
<td>Agriculture</td>
<td>Agriculture</td>
</tr>
<tr>
<td>Daycare</td>
<td>Carpentry Shops</td>
</tr>
<tr>
<td>Foster care homes</td>
<td>Boys’ and Girls’ Schools and correctional institutions</td>
</tr>
<tr>
<td>Group homes</td>
<td>Day Care</td>
</tr>
<tr>
<td>Home occupations</td>
<td>Group Homes</td>
</tr>
<tr>
<td>One-household dwellings and accessory uses</td>
<td>Public Libraries</td>
</tr>
<tr>
<td>Places of worship</td>
<td>Home Occupations</td>
</tr>
<tr>
<td>Planned unit developments</td>
<td>One-household dwellings and accessory uses</td>
</tr>
<tr>
<td>Public facilities</td>
<td>Place of Worship</td>
</tr>
<tr>
<td>Public libraries</td>
<td>Planned unit developments</td>
</tr>
<tr>
<td>Public parks and public recreation buildings</td>
<td>Public Facilities</td>
</tr>
<tr>
<td>Schools</td>
<td>Public Parks and public recreation buildings</td>
</tr>
<tr>
<td>Two-household dwellings and accessory uses</td>
<td>Schools</td>
</tr>
<tr>
<td></td>
<td>Two-household dwellings and accessory uses</td>
</tr>
</tbody>
</table>