Moab City Council Agenda Item
Western Spirit Rezone
Meeting Date: January 26, 2021

Title: Consideration and Possible Approval of Ordinance #2021-01, An Ordinance Approving a Zoning Map Amendment for property located at 478 Mill Creek Drive, Moab UT 84532, Amending the subject parcel zone from R-2 Single-Household and Two-Household Residential Zone, to C-5 Neighborhood Commercial Zone.

Disposition: Discussion and Possible Action

Staff Presenter: Cory P. Shurtleff, Assistant Planner

Attachment(s):
- Exhibit 1: Draft Ordinance #2021-01
- Exhibit 2: Vicinity Map
- Exhibit 3: Recorded County Plat
- Exhibit 4: Map of Current and Proposed Zoning
- Exhibit 5: Pages from Development Code Amendment Application
- Exhibit 6: Excerpt from Landmark Design Community Nodes – Moab Area Land Use

Options:
1. Approve with or without modifications.
2. Continue action on the item and give specific direction to the applicant and staff as to additional information needed.
3. Deny the rezone request.

Motion for Recommendation: I move to Approve Moab City Ordinance #2021-01, An Ordinance Approving the Western Spirit Rezone of property located at 478 Mill Creek Drive, Moab UT 84532, rezoning the subject parcel from R-2 Single-Household and Two-Household Residential Zone, to C-5 Neighborhood Commercial Zone, based on the findings required by Moab Municipal Code 17.04.060 Map Amendment Approval Criteria.

Applicant: Ashley Korenblat

Background:
Ashley Korenblat, applicant, submitted the City of Moab Development Code Amendment Application on October 19, 2020, for the rezone of property at 478 Mill Creek Drive, Moab UT; Parcel #01-0MBO-0055. On November 3, 2020, the Moab City Development Review Team (DRT), reviewed and supplied comments on the submitted application. At this time, the application was submitted for review and recommendation by the Moab Planning Commission on December 10, 2020. Due to lack of adequate public notice, regarding standardized information for public participation in the virtual Public Hearing, the Public Hearing for Ordinance #2021-01, was re-held in the open
Planning Commission Meeting January 14, 2020. The item was voted on and positively recommended to City Council, 6-0 by the Planning Commission.

During the DRT review of this rezone request, it was determined that the existing sewer main servicing this property was overcapacity. Any redevelopment of this property that increases sewer use, whether it is commercial or residential, would be required to install an upgraded sewer system or connection to available capacity main. The applicant for this rezone request, specific to their proposed redevelopment concept, would not pursue an increase to the existing sewer capacity but would instead redevelop the existing commercial use areas for business and storage space. Any increase would be limited by International Building Code Occupancy/Bathroom requirements that require adequate bathrooms based on the square footage of a specific use.

This area was also recognized in the Landmark Design Downtown Master Plan/Community Nodes Master Plan. This parcel was not specifically included in this Community Nodes Master Plan concept due to the existing residential zoning, however the concept for the adjacent commercially zoned parcels was identified as “Mixed Use” within the area group “C”, described as “Community Commercial Focus”. This proposed zone change would comply with the proposed trajectory that was identified during this study. The excerpt from this study is included in the exhibits packet for this agenda item.

There has been consistent community input and concern from residents in this area regarding the increased amount of traffic and noise from vehicles traveling along Mill Creek Drive. Components of this concern include buffering between the residential properties and the arterial route serving the Sandflats Recreation Area with ATV/OHV trails, as well as the potential future increase with proposed developments including the Lionsback Resort and Abbey Subdivision. Property owners along the Mill Creek Drive corridor have expressed concern about available options for land use due to the quality of life challenge presented by the busy corridor. Many property owners that have contacted the planning office are long time Moab residents, but feel they are unable to continue living in close proximity to Mill Creek Drive, and are looking for potential land use options. Some of the expressed options include commercial opportunity, increased residential density, or amended building restrictions to allow for more effective buffering. This concept has been discussed by the Planning Commission and City Council on previous occasions. Discussion about a potential small area plan review, to evaluate the current and future zoning and land use, has been initiated. This rezone request is associated with the same community concerns included in the small area plan discussion.

**Project Summary:**
Location: 478 Mill Creek Drive, Moab UT  
Property Owner: Cycling Resources Inc.  
Applicant: Ashley Korenblat  
Parcel Size: 0.53 Acres  
Current Zone: R-2 Single-Household and Two-Household Residential Zone  
Proposed Zone: C-5 Neighborhood Commercial Zone  
Proposed Use: Redevelopment of Commercial Use (Western Spirit Cycling)
Narrative Summary:
The applicant has provided the following summary of the project:

“The Western Spirit Cycling building at 478 Mill Creek Drive is in need of a full replacement. The current zone is (R-2), (single-household and two-household residential). The current and historic use of the property is mixed use: office and residential, and for this reason we are requesting a zone change to C-5 to match the nearby zone on the other side of Oliver Street. In considering options, we explored the idea of developing the property as a residence to fit the (R-2) zoning requirements and moving our business into Spanish Valley or some other out of town location. However, the Mill Creek corridor has become so busy over the years that the property does not really seem attractive or appropriate for a home. And with the development of Lions Back and the possibility of designated OHV routes in town, the corridor from 400 East to the Sandflats Road is destined to become even busier, and louder. As we thought more about the existing mixed use, we realized that a new building with proper landscaping designed for the mixed use of office and residential, could provide a buffer for the nearby homes from the noise of Mill Creek Drive. Our proposal is for a building with office space, storage, and employee housing which includes a staging courtyard and outdoor space. This more casual office setting with easy access to the outdoors, will provide affordable employee housing and meet the needs of our growing year-round staff.”

Process: 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: No, the existing zone was not likely adopted 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: Yes, there has been a change of character in the area due to the continued increase of vehicle traffic and likely increase of both recreation and residential based traffic following proposed developments. The existing structure, operating as a legal non-conforming use is in need of redevelopment, however due to its land use status it is unable to pursue improvements; this zone change would allow for the land use to operate as a permitted use, and redevelop with improvements.

C. Is there a need for the proposed zoning within the area or community?
Staff Comment: The C-5 Neighborhood Commercial Zone would allow this existing commercial business to operate in compliance, as well as increase the zone area dedicated to desired neighborhood oriented business.

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 C-5 Zone has precedence for operating along the 400 East node, this change would extend the commercial node from along 400 East to up Mill Creek Drive. This property is separated from the existing C-5 block by an existing spot parcel of R-4 Manufactured Housing Residential Zone.

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

Staff Comment: The proposed redevelopment, following the proposed zone change, would include employee housing which is an expressed need in the community. This zone change would also allow for future neighborhood-oriented business to infill or redevelop the parcel which is also an expressed need in the community.

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: The current sewer main servicing this area is over capacity which would limit redevelopment of any kind, any increase to the current sewer service would require connection to a distant sewer main in the area. Connection to increased capacity sewer mains is possible but could be expensive. The proposed redevelopment, following the proposed zone change, would likely not increase its demand for sewer and thus be able to continue operation as is, with redevelopment expansion in non-sewer related uses.

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 submitted application conforms with the provisions of the Moab General Plan and Land Use Code. The applicant has supplied comments responding to provisions of the General Plan that are supported by this existing land use and the rezone request:

“B. Moab City General Plan 9 Elements
Changing the zoning of the Western Spirit property relates to the following elements of the Moab General plan:

Element 1: Economic Development

GOAL 1: GENERAL
Policy 3: Encourage local businesses and industries to grow and thrive. While Western Spirit is a seasonal business, that season now stretches from February to November and includes a growing number of well-paid year-round jobs. In addition, Western Spirit is a founding member of Public Land Solutions a non-profit also hiring year-round staff, which
will be housed in the new building. Both organizations will be much improved by a new facility.
Policy 4: Facilitate the growth of local businesses and industries in a context appropriate to Moab. (size, scale, etc.) While Western Spirit is growing, our operations extend to over 17 states at this time, so our management staff will grow in Moab, but the size and scope will remain appropriate for the property.
Policy 7: Support well-planned festivals and events that appeal to a wide array of residents and visitors and provide a net benefit to the community, without undue impact on residential neighborhoods. Western Spirit is the promoter of Outerbike, a consumer bike demo event that is important to both the state of Utah and Moab’s reputation as a must-experience mountain bike destination. Outerbike is held at the BAR M Trailhead and has no effect on residential neighborhoods.

Element 2: Environmental Sustainability

GOAL 1: GENERAL
Policy 1: Collaborate with local businesses and residents to expand opportunities for environmental sustainability. Our non-profit, Public Land Solutions does just this—we work with local businesses to support environmentally sustainable economic development.

GOAL 3: AIR QUALITY
Policy 2: Promote the use of alternative transportation that is non-polluting or reduces fossil fuel consumption. By adding neighborhood office space like this proposal, walking and biking to work is greatly facilitated.
Policy 3: Encourage and promote energy conservation and the use of clean alternative energy sources such as solar, wind, etc. The new building will include solar panels.

Element 3: Land Use and Growth

GOAL 1: GENERAL
Encourage a diverse, compact, and efficient land use pattern that promotes resident quality of life and is aligned with the city's character, economy, and vision. Policy 1: Encourage development to consider the appearance, design, financial impact, and amenities of the community. Instead of a larger compound outside of town, we are choosing to work in a more compact efficient space that can be accessed easily by residential areas by bike or walking.

GOAL 5: STREET TREES AND LANDSCAPING
improve the overall visual, recreational and environmental quality of the community through the use of trees and vegetation.
Policy 1: Utilize climate-appropriate vegetation to beautify and provide shade in and around paved areas. Action Steps: We are very excited to landscape this property to meet these goals with shade and natural vegetation.

GOAL 7: COMMERCIAL
Promote appropriate commercial development while maintaining quality of life for residents.
Policy 1: Consider zone changes and adjustments that balance property rights and community benefits.
Policy 2: Work with property owners and businesses to create more appealing commercial areas for residents.
These policies define exactly what we hope to do—provide the community with an office area that is appealing for current uses and future residents.

GOAL 8: RESIDENTIAL
Promote a variety of housing types and neighborhoods for primary residences. Policy 1: Work with developers and neighborhoods to promote different, densities and forms. The design we hope to build will provide a unique housing opportunity for a key component of the Moab population. Western Spirit guides are our companies most important resources we work to help them 'graduate from the Western Spirit program' with a down payment saved and the skill set to move forward in their careers. Providing housing to them while they are guiding allows them to do just that.

Element 4: Housing

GOAL 1: GENERAL
Implement a housing strategy that meets the needs of current residents, anticipates growth in housing demand, promotes a cohesive small-town environment and supports a high quality of life.
Policy 1: Encourage housing opportunities for a variety of needs and income levels. Our guides are generally at the beginning of their careers and meeting their housing needs efficiently allows them to save for their futures and our facilities really do meet their needs.
Comparison of Uses:

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<tr>
<th>Permitted Uses in the R-2 Zone</th>
<th>Permitted Uses in the C-5 Zone</th>
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<tbody>
<tr>
<td>ADUs</td>
<td>Arts and Craft Shops</td>
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<tr>
<td>Agriculture</td>
<td>Convenience Enterprises &lt;3000sf</td>
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<tr>
<td>Daycare</td>
<td>Day Care</td>
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<tr>
<td>Foster care homes</td>
<td>Eating Establishments</td>
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<td>Group homes</td>
<td>Fraternal Lodges</td>
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<tr>
<td>Home occupations</td>
<td>Group Homes</td>
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<tr>
<td>One-household dwellings and accessory uses</td>
<td>Gymnasiums</td>
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<td>Places of worship</td>
<td>Home Occupations</td>
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<tr>
<td>PUD</td>
<td>Multi-Household Dwellings of 7+ units</td>
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<td>Public facilities</td>
<td>One-Household Dwellings and Accessory Uses</td>
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<td>Public libraries</td>
<td>PUD</td>
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<td>Public parks and public recreation buildings</td>
<td>Professional Offices</td>
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<td>Schools</td>
<td>Public Buildings</td>
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<td>Two-household dwellings and accessory uses</td>
<td>Schools</td>
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<td>Small Neighborhood Retail &lt;1500sf</td>
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<td>Two-Household Dwelling and Accessory Uses</td>
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<td>Veterinary Clinic</td>
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