

## **Moab City Council Agenda Item**

Meeting Date: January 25, 2022

**Title: Consideration and Possible Approval** of a Development Agreement for 398 Kane Creek Blvd Parcel 01-0001-0173 between JSATT CORP, a Utah corporation d/b/a BLUE BISON DEVELOPMENT (“Developer”) and the CITY OF MOAB, UT

**Presenters:** Cory Shurtleff, Planning & Zoning Administrator

**Attachment(s):**

Exhibit 1 Draft Development Agreement Moab City 011922

**Recommended Motion:**

**“I move that the Moab City Council Approve the Development Agreement for 398 Kane Creek Blvd Parcel 01-0001-0173 between JSATT CORP, a Utah corporation d/b/a BLUE BISON DEVELOPMENT (“Developer”) and the CITY OF MOAB, UT.**

**Background/Summary:**

**Background:**

Jacob Satterfield, the applicant for the Kane Creek Village Rezone, submitted a rezone application on March 8, 2021, for the rezone of the entire parcel from RA-1 zone to R-3 zone. This application was reviewed by the Planning Commission on May 13, 2021, and received a positive recommendation to City Council. The City Council reviewed this rezone application on May 25, 2021, and denied the rezone.

A new application for a Rezone for the 7.98 acres of the 9.98 acre parcel located at approximately 389 Kane Creek Blvd was submitted on August 3, 2021. The new application requests that 2 acres remain in RA-1 (that could be split into 2 1-acre parcels).

The remainder of the parcel (7.78) acres is being considered for the rezone. This application for the RA-1 and R-3 zoned parcel was reviewed by City Staff and the Development Review Team. Notice of the public hearing was published as required by the Moab Municipal Code (MMC) and notices were sent to adjacent property owners.

Jacob Satterfield is negotiating with the property owner, Neil Johnson to purchase the property. Mr. Johnson has given Mr. Satterfield permission to file the application for a change to the zoning. There is no specific project being proposed at this time as this request is for a rezone only. If the rezone is granted, the applicant has indicated that he is interested in applying for “entry level housing.” The Planning Commission did not reviewing a specific application at this time. The City is not initiating this rezone request. Any property owner can, if they wish, seek to rezone property.

The applicant has provided a sketch plan as an idea of the type and intensity of a project if 7.78 parcel is rezoned to R-3. The Rezone to R-3 is not dependent on a specific plan. Once the property is rezoned, the property owner or potential buyer could

propose a different plan that would have to comply with the R-3 zoning. The sketch plan that has been presented shows 174 units in a mix of townhomes and apartments. The maximum possible on the site would be 161 units and would have to provide common area and adequate parking.

The Rezone Request is on the agenda for consideration and approval. This DA could be approved separate and prior to that action.

**Development Agreement:**

The R-3 Zone does contain a requirement that any of the density be considered affordable for employees working in and around Moab. The City Council has adopted Resolution 33-2021 directing city staff to evaluate zoning in the R-3 and R-4 zones and recommend amendments that would include a requirement for some of the density to be suitable for employee housing.

The applicant agreed to enter into a Development Agreement between the City and the applicant that states that 33% of the density that is ultimately approved through the Site Plan Review process, will be occupied by "Active Employee Households."

The City retained outside legal counsel to draft such a Development Agreement. The draft agreement was reviewed by City Staff and forwarded to the applicant on November 3, 2021. Mr. Satterfield notified staff that he is willing to sign the agreement as drafted. Prior to this action, the City Council was asked to consider entering into the Development Agreement. The draft agreement is attached as Exhibit I for your review and consideration.