

Moab City Council Agenda Item

Meeting Date: January 25, 2022

Title: Consideration and Possible Action by the City Council on Proposed Ordinance #2021-15, An Ordinance Approving a Zoning Map Amendment for Property located at Parcel #01-0001-0173, approximately 398 Kane Creek Blvd, Moab UT 84532, changing 7.98 acres of the subject parcel zone from RA-1 Residential-Agricultural Zone to R-3 Multi-Household Residential Zone.

Date Submitted: November 5, 2021
Staff Presenter: Cory Shurtleff, Planning & Zoning Administrator
Property Owner: Neil Johnson
Applicant: Jacob Satterfield, potential parcel purchaser (with permission of the property owner)
Location: 389 Kane Creek Blvd, Moab, UT, 84537
Zoning: Currently Zoned RA-1 Residential – Agricultural Zone
Requesting RA-1 and R-3 Multi-household Residential Zone
Parcel Size: 9.98+/- acres, 7.98 acres to be rezoned to R-3
Parcel No: 01-0001-0173

Attachment(s):

Exhibit 1: Draft Ordinance 2021-15
Exhibit 2: Vicinity Map with surrounding zoning
Exhibit 3: Vicinity Map with Proposed Zoning
Exhibit 4: RA-1 Zone Regulations 17.54
Exhibit 5: PUD Code regulations 17.66
Exhibit 6: R-3 Regulations 17.48
Exhibit 7a: Public Comments received
Exhibit 7b: Molly Taylor Public Comment
Exhibit 8: Minutes of the August 26, 2021 Planning Commission Meeting
Exhibit 9: Draft Development Agreement 011922

Options:

1. Approve Ordinance 2021-15 An Ordinance Approving a Zoning Map Amendment for Property located at Parcel #01-0001-0173, approximately 398 Kane Creek Blvd, Moab UT 84532, changing the 7.78 acres of the subject parcel zone from RA-1 Residential-Agricultural Zone, to R-3 Multi-Household Residential Zone.
2. Continue or table action to a later meeting with specific direction to City Staff and Applicant as to additional information needed to make a decision; or
3. Deny the Rezone request

Motion for Approval:

I move that the Moab City Council approve Ordinance 2021-15, An Ordinance Approving a Zoning Map Amendment for Property located at Parcel #01-0001-0173, approximately 398 Kane Creek Blvd, Moab UT 84532, changing 7.98 acres of the

subject parcel zone from RA-1 Residential-Agricultural Zone to R-3 Multi-Household Residential Zone.

Background:

Jacob Satterfield, as the applicant, previously 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 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 review 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 Planning Commission held a public hearing on August 26, 2021 and forwarded a positive recommendation to the City Council.

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 9.

Project Summary:

Parcel Description – The property being considered for rezone has frontage on Kane Creek Blvd. While the County has not assigned an official address since there is no development on the parcel, the address will be 389 Kane Creek Blvd. Exhibit 2 is a location Map. As mentioned, the parcel is 9.98 acres and is currently undeveloped. It is in a pocket of RA-1 Residential-Agricultural Zoning. The character of this pocket of development is primarily larger lots.

There is no City Sewer in this pocket of development and most of the homes have septic tanks for wastewater. Any future development of this parcel would have to hook up to existing city sewer.

The subject parcel has frontage on Kane Creek Drive. Surrounding Zoning includes:
 RA-1 Residential-Agricultural
 R-3 Multi-household Residential
 I-1 Industrial
 Floodway (Pack Creek)
 C-3 Central Commercial (across Pack Creek)

Exhibit 2 shows the subject parcel and the existing zoning in the vicinity. The parcel across Kane Creek Blvd is zoned R-3 and contains multifamily units. The Industrial Zone is adjacent to the parcel on the west side. The Pack Creek Floodway borders the property to the east and all other surrounding parcels are RA-1. Exhibit 3 shows the subject parcel with the proposed 2+/- acres of RA-1 zoning, and 7.98+/- acres of R-3 zoning. The applicant is proposing that two acres of the parcel remain RA-1 to provide a low-density buffer along the border of the property that abuts adjacent RA-1 property. The remainder of the parcel is proposed as R-3 zone, which would allow for multi-household residential development along the Pack Creek Floodway and Kane Creek Blvd.

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 the applicant’s response to the criteria (in red). City Staff comments follow the applicant’s responses.

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?*

Applicant:

No.

Staff Comment: No, the existing zone was not likely adopted in error. This area is an enclave of lower density lots.

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?*

Applicant:

Yes, the character of the area has changed, including some zone changes, new growth trends and the need for development transitions. We are working with the city to make the character changes as gradual as possible. Where the lot borders 1 acre properties, we are leaving two lots at 1 acre. Where the property borders multi-family units with higher density, we are asking for that zoning to be carried across the street.

Staff Comment: Yes, there has been a gradual change of character in the area. Multi-household projects have been, or are planned to be, built in the vicinity.

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

Applicant:

Absolutely. When local residents are being priced out of the real estate market, when police officers and medical care providers cannot afford to live in the city, there is a desperate need to change the zoning to allow partners who care about the community to bring in housing that meets the city's and community's needs. As explained in the answers to question B it seems clear by market demands that there is without question a need.

Staff Comment: There is a demonstrated need in the community for a variety of housing types, in particular housing for the employees working in Moab and Grand County.

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?*

Applicant:

Yes, this is compatible with the surrounding area. We border R3 zoning and R1 zoning at the present and we're asking the city to allow us to place two 1 acre lots as a buffer.

Staff Comment: There are several zoning districts surrounding the subject parcel. The parcel has been vacant. It is not, however, zoned for Open Space and it is privately owned. The change in zone will likely result in a multi-household product that will generate additional traffic on Kane Creek Blvd.

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

Applicant: *Absolutely. Besides giving the city a trail connecting the neighborhood to downtown, we will be expanding the sewer line to accommodate future growth. We will be providing homes where local residents, first responders, educators and others in the workforce that are in need are able to afford. Additionally, we are committing to having 1/3 of the property be primary resident restricted.*

Staff Comment: Increased opportunity for housing options would benefit the community's need to available housing stock.

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?*

Applicant: *Yes, with the exception of the sewer line. We will be extending that to provide for the new home construction.*

Staff Comment: There is no sewer that provides service to this parcel, or to many of the surrounding large lots in the vicinity. If/when a project is proposed, the applicant would be required to hook into sewer. See more detail on this constraint in below under Issues for discussion.

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

Applicant:

From the information we have provided, it appears that it does conform.

Staff Comment: The submitted application conforms with many provisions of the Moab General Plan and Land Use Code.

Public Input:

The City received a number of public comments prior to and at the Planning Commission Public Hearing that was held on August 26, 2021. Attached as Exhibit 7a, 7b, and 8 include the public comments.

Issues for Discussion:

Sewer

A specific project has not been applied for at this time. There is a city sewer about 400 feet away from the parcel. To hook into that sewer, the connection would have to cross Pack Creek, most likely via a utility bridge or by tunneling underneath. That permit would require a permit from the Army Corps of Engineers. The applicant would have to contact the city's sewer consultant to determine the feasibility of such a connection, or any alternative connection. They would not be allowed to use septic as an option for a new project. In the long term, there is a proposed South Trunk Line constructed that will come down Kane Creek Blvd. That improvement will not likely occur for five to seven years. An engineer representing the applicant wanted to provide the following information:

“The applicant for this rezone request pointed out that a comment was received questioning sewer availability. We understand that sewer availability is not immediately relevant to the rezone request, but we thought it would be best to clarify this issue.

While there are no sewer lines on or immediately adjacent to the property, at least two options for sewer connections are available. There are city sewer lines in Kane Creek Boulevard approximately 800 feet southeast of the property. This sewer line flows north and toward 100W crossing W 200 S immediately east of the property, across Pack Creek. If the annexation is approved and a project moves forward, the applicant will work closely with the City Engineer and Sewer Superintendent to determine the best location to tie to the existing mains.

If it is determined that the new sewer should tie into the trunk line in W 200 S, a line will be buried under Pack Creek and extend to 200 S. This work is routine and the Army Corps of Engineers (USACE) will be notified. Normally, temporary impacts to waterways such as pack creek for the purpose of utility installation is covered under the USACE Nationwide Permit. This means that the work does not require an individual permit but requires notification with proper dewatering of the work area along with sedimentation control measures.”

Open Space

This part of the city has been a lower density area which has resulted in open areas. This parcel, however, is privately owned and is not technically preserved as open space. It is a large vacant parcel that has gone undeveloped for many years.

Permitted Use Comparison

RA-1 Residential-Agricultural Zone

The property is currently zoned RA-1 Residential-Agricultural Zone (see Exhibit E for Code Section). The intent of the zone is:

17.54.010 Objectives and characteristics.

The RA-1 residential-agricultural zone has been established for the primary purpose of providing a location where residential development associated with limited numbers of livestock can be maintained. This zone is currently characterized by large lots or tracts of land interspersed by dwellings, barns, corrals and agricultural service buildings used in connection with farming operations. While the zone is thus characterized, it is intended that the land within this zone shall be further developed into a residential environment exclusive of animals and fowl. Builders and developers of property should bear in mind therefore, that primacy is given in this zone to residential development and that the raising of animals and fowl will likely be curtailed as residential development takes place. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the following regulations shall apply in the RA-1 residential-agricultural zone. (Prior code § 27-19-1)

Permitted uses include primarily agricultural uses, but also includes:

Cemeteries

Day care

Golf courses
 Group homes
 Home Occupations
 One-household dwellings and accessory uses
 Places of worship
 Planned unit developments
 Public facilities
 Public parks
 Raising, care and keeping of animals and fowl for household uses
 Schools
 Utility provider structures
 Veterinary clinic with kennel

The area requirements are:

17.54.030 Area requirements.

The minimum building site area shall be one recorded lot or parcel of land not less than one acre in area for each one-household dwelling, day care nursery, or rest home and not less than five acres for each planned unit development. (Ord. 19-13 § 21 (part), 2019; prior code § 27-19-3)

The ground floor area of any one-household and two-household dwellings shall be not less than one thousand square feet, except in a Planned Unit Development. The Planned Unit Development section of the MMC allows for small scale development to have an allowable density of 8 units per acre in the R-3, R-4 and C-1 Zones. RA-1 zones do not qualify. Large scale planned unit developments require a minimum of 5 acres and the standard allowable density shall be six dwelling units per acre. This applies in the R-1, R-2 and RA-1 Zone.

Exhibit F is MMC 17.66 Planned Unit Developments. There are extensive development standards that would apply under a Planned Unit Development. The maximum density would be about 60 units.

R-3 Multi-household Residential Zone (see Exhibit G).

The proposed zone is R-3 Multi-household Zone. The intent of the zone is as follows:

17.48.010 Objectives and characteristics.

The objective in establishing the R-3 residential zone is to provide appropriate locations within the City for high density residential development. In general, this zone is located in the central part of the City, adjacent to commercial areas where the impact of vehicular travel and parking is consonant with adjacent use of land, and where multiple dwellings can best be supplied with necessary public facilities. This zone is characterized by more compact development and somewhat higher volumes of traffic than is characteristic of the R-1 and R-2 zones.

Representative of the uses within the R-3 zone are one-household, two-household, three-household and four-household dwellings and apartment houses, and related community facilities. However, commercial and industrial uses are prohibited therein.

Owners and developers of property should bear in mind that primacy is given to multiple household dwellings, boarding houses, rest homes and other high density residential uses, and should develop and maintain their property in recognition thereof. In order to accomplish the objectives and purposes of this title and to promote the characteristics of this zone, the following regulations shall apply in the R-3 residential zone.

The zone allows for a variety of permitted uses, including:

- Agriculture
- Daycare
- Foster homes and group homes
- Home occupations
- Multi-household dwellings
- One-household dwellings and accessory uses
- Places of worship
- Planned Unit Developments
- Public facilities
- Public libraries
- Public parks and public recreation buildings
- Schools
- Two-household dwellings and accessory uses

The area requirements are:

17.48.030 Area requirements.

An area of not less than five thousand square feet shall be provided and maintained for each one-household dwelling and two-household dwellings. All other multi-household development shall provide a minimum of two thousand square feet per unit for three-household dwellings and above. Schools, churches, boarding houses and other main buildings shall have a building site area in which the area of the building is equal to or less than twenty percent of the total parcel size area.

An area of not less than three acres shall be provided and maintained for each planned unit development, except that there shall be no area requirements for additions to an approved planned unit development.