

**CITY OF MOAB  
PLANNING COMMISSION  
PUBLIC HEARING  
PROPOSED ZONE CHANGE APPLICATION**

The City of Moab Planning Commission will hold a Public Hearing on Thursday, February 12, 2015 at approximately 7:00 p.m. in the Council Chambers of the Moab City Offices at 217 East Center Street, Moab, Utah.

The purpose of this Public Hearing is to solicit public input on a proposed zone change on a parcel with split zoning of R-2 Residential and C-4 General Commercial. The proposed zone change application is to rezone the entire parcel to C-4 General Commercial. The zone change application is for approximately 4.4 acres located at 889 North Main Street as requested by the Wang Organization.

The proposed zone change application is available for public review at the Moab City Planning Office located at 217 East Center Street and on the website at [www.moabcity.org](http://www.moabcity.org). Written public comment may be directed to the Planning Department at the listed address. To ensure that the Planning Commission has the opportunity to review written comments prior to the meeting, written comments will only be accepted until 5 pm the day prior to the public hearing.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Planning Office at 217 East Center Street, Moab, Utah 84532; or phone (435) 259-5129 at least three (3) working days prior to the meeting.

/s/ Sommar Johnson  
Zoning Administrator

Published in the Times Independent, January 29, 2015 and February 5, 2015.

# THE SLOAN LAW FIRM, PLLC

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76 S. Main Street, Ste. 1  
Moab, UT 84532  
435.259.9940

January 15, 2015

Moab City Council  
217 East Center Street  
Moab, UT 84532

***Re. Zone Change for the southern 4.4 acres of Parcel No. 01-0036-0029 (known as 889 N. Main, aka Super 8 Motel) from R-2 to C-4***

Dear City Council:

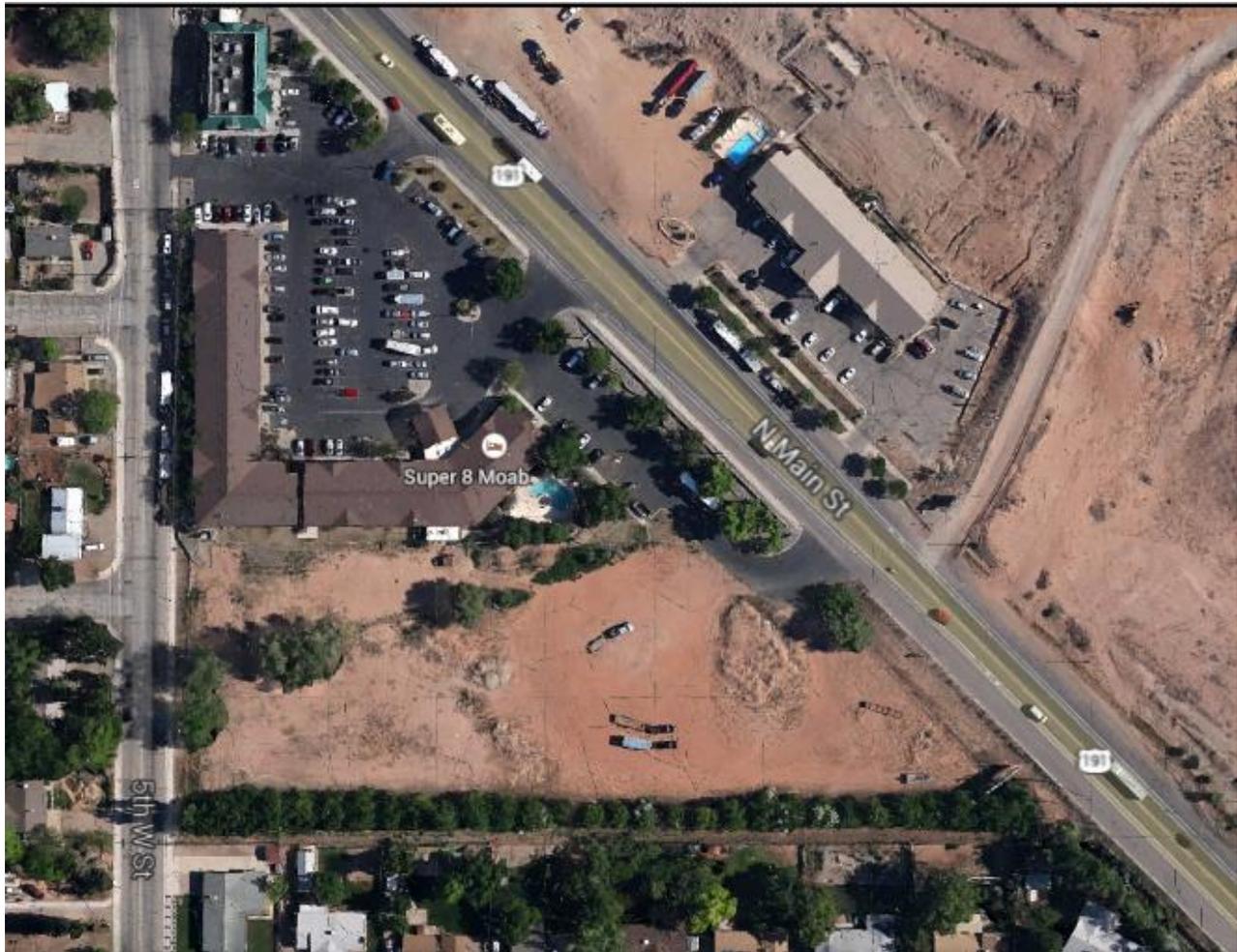
On behalf of the Applicant, Wang Organization Ltd., please find enclosed its Development Code Amendment Application, which consists of the following:

- a. Development Code Amendment Application form;
- b. Tax Roll Master Record constituting a statement from the County Treasurer showing payment in full of all real property taxes due on the parcel;
- c. Site plan showing the parcel boundaries, showing existing zoning and proposed zoning as well as the Super 8 Motel, as approved and built;
- d. Zoning map showing the parent Super 8 Motel parcel in pink and the area to be changed in orange outlined in black;
- e. GoogleMaps aerial photograph showing the parent Super 8 Motel parcel in pink and the area to be changed in orange outlined in black;
- f. Plat map showing all properties within 300 feet of the property, and list of said property owners;
- g. Title Commitment effective January 8, 2015.

These documents supplement the filing fee of \$350.00 paid to the City of Moab and stamped envelopes addressed to the property owners within 300 feet of the property boundary lines, which Applicant submitted directly to the Planning Department.

Applicant hereby requests a zone change for the subject property from R-2 to C-4 for the southern approximately 4.4 acres of Parcel No. 01-0036-0029, known as 889 N. Main. This mostly vacant property sits just south of the Super 8 Motel property, known by the same address and parcel number. The County has treated said parcel as one parcel 7.04 acres in size, which it has taxed accordingly, since at least 1991, when the Applicant or related individuals bought the property. Thus, for 24 years, the County has commercially taxed all 7.04 acres of this property as commercial motel property. The City's parcel maps also show all 7.04 acres as one parcel with one address.

However, legally, this parcel is comprised of two properties – 2.64 acres on which the Super 8 Motel sits, which is zoned C-4, and 4.4 acres zoned R-2, the subject of this application. The 4.4-acre southern parcel is mostly vacant except for a portion of the motel entrance off Highway 191 located on its east boundary and a row of trees Applicant installed on its southern boundary to screen the motel from Marcus Court. Applicant requests a zone change to bring his zoning into compliance with his property tax bill, to allow a small facilities expansion for the Super 8 Motel, and to unify the zoning across the entire parcel known as 889 N. Main and Parcel No. 01-0036-0029.



More specifically, the zone change is necessary to allow Applicant to improve and expand the facilities of the Super 8 Motel. Please note that, at this time, the Applicant does not plan to expand any guest rooms or permit a new entrance into the property from 500 West. Applicant instead will add a breakfast room that may also be rented as a convention facility, a meeting room available to both the Moab community and its guests, and an exercise room. These facilities will not increase impact on the surrounding properties or 500 West and will merely enhance the visitation experience for the Super 8 Motel guests. The Motel does not currently have these facilities, which are important to meet the increased demand in tourism at

the northern end of the City. Arguably, the City does not need more hotels; instead, in compliance with the City's 2002 General Plan and its Code, the City needs to support applications to expand and improve existing businesses so they may continue to attract guests without further sprawl.

Applicant cannot improve the Super 8 Motel, however, without cleaning up the zoning, which appears to be in error, is reasonable, and complies with the goals and policies of the General Plan and its Code.

Please note that, in January 2015, Applicant became aware that it has paid the commercial motel/hotel tax rate on that portion of the property zoned R-2 (62.5% of the entire property) for as long as Applicant has owned it, or approximately 24 years. We are confident that the City will determine the current zoning is error, and/or find this zone change request consistent with growth trends in the northern corridor and the General Plan, and grant the Applicant's zone change request. However, if the City chooses not to rezone this property, Applicant will pursue a tax refund from Grand County as high as \$475,125 for overpayment of taxes in amounts ranging from \$17,867 to \$41,794 per year on the subject property alone.

### **Zone Change is Reasonable and Consistent with the General Plan and City Code**

Moab City Code §§ 17.04.050 and 060 provide direction to the Planning Commission and City Council in reviewing zone change applications. Section 17.04.050 states that zoning map amendments may be approved if the applicant establishes either of the following: a) the land to be zoned was zoned in error and, as presently zoned, is inconsistent with the policies and goals of the city's general plan, or b) the area for which a map amendment is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area (emphasis added). Both of these standards are met in the present case, as discussed more fully below.

In determining whether the Applicant has met the standards above, the Planning Commission and City Council shall consider the following specific approval criteria set forth in Section 17.040.060:

#### **A. Was the existing zone for the property adopted in error?**

Yes: the facts here suggest that the zoning was erroneous. Both the City and the County have treated the 7.04 acres as one property. Yet, it is subject to 2 zonings: C-4 and R-2. As stated above, the County has taxed the entire 7.04 acres as commercial property and assigned it only one address. The City parcel maps also do not distinguish the property as separate parcels – and the original approval for the Super 8 Motel required an entrance and drive into the Super 8 Motel over and across the 4.4-acre property.

Further, in 2002, it was the only vacant land along and abutting Highway 191 zoned R-2. Today it is one of only 4 parcels of property in the entire City limits along Highway 191 that is zoned R-2. It is the only property zoned residential along Highway 191 that provides access to

Main Street and is capable of expanding into an existing commercial use. And, it is the most northern parcel of property zoned residential within the City.

As you know, multiple zones on one parcel usually reflects a planning error as it makes it impractical, if not impossible, to fully develop the property without a zone change or subdivision. In addition, the Super 8 Motel was already built in 2002, and it seems unlikely that the City intended for single-family homes to be built alongside the Super 8 Motel and up to the commercial entrance off Highway 191.

Finally, basic planning principles locate commercial zoning along and abutting major highways. It seems unlikely that, in 2002, the City intended for the only 100 feet of vacant land frontage along Highway 191 to be developed into single family homes in the R-2 zone.

For these reasons, the zoning seems to be error. Both the City and the County have treated the 7.04 acres as a unified property and taxed it accordingly. It is now time to correct the zoning map to clarify that the zoning for the parcel shall be unified as well.

**B. Has there been a change of character in the area including, but not limited to: other approved zone changes; new growth trends; deterioration of existing development; or the need for development transitions?**

Yes: Moab's commercial core has expanded to the north in the 13 years since our General Plan was adopted. Numerous commercial properties have been developed, including several new hotels. While the General Plan anticipated commercial development to the north, it could not have anticipated the popularity of the northern recreation corridor, which includes the new pedestrian bridge over the Colorado River, the expanded pathway north along Highway 191 and east along the River Road, the pending Lions Park redevelopment, and soon the Dinosaur Museum. For example, Moab Trails Alliance logged approximately 200,000 single user trips on the pathway from April through October 2014 (with a counter placed near the pathway's intersection with the River Road).

These improvements, along with the national parks to the north, are drawing more and more tourists to the northern end of the City on each visit. In recent years, several new hotels have been built along Moab's northern gateway to serve this increased commercial traffic. Moab residents are certainly hesitant to support new hotel development, especially in face of our affordable housing shortage. To this end, this zone change application provides the City with an opportunity to support improvement and expansion of an existing motel at the northern end of the City, without adding more rooms. A better hotel experience to the north may help minimize hotel sprawl by reducing the need for more rooms. And, the Super 8 Motels' location and proximity to the northern recreation corridor and the start of the pathway may potentially reduce vehicle trips of tourists moving through town from their hotel to the pathway or parks and increase bike trips to the north on the pathway.

The multiple-zones, northern location of the subject property, and existing commercial uses surrounding it, make it a prime example of a justified zone change.

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

Yes: 1) as explained above, we need better facilities north of town to serve the recent increase in demand north of the City and to reduce vehicle trips between lodging and the northern recreation corridor; and 2) Applicant plans to improve and expand the facilities available to both the Moab community and its guests on the subject property.

As shown on the Site Plan, the breakfast room will provide up to 2,373 square feet of new conference space that can seat 158 people and the meeting room will provide 386 square feet of meeting space that can seat 26 people. I have heard the Chamber of Commerce, various Special Service Districts, and staff at both the City and County express a need for more conference space in the Moab area to attract and accommodate large groups. This zone change will allow such additional conference space to be built.

Converting the breakfast room to conference space will require the Motel's resources and a rental rate. However, the Applicant plans to adopt a policy similar to Zions Bank for the smaller meeting room. So long as the meeting room is not otherwise engaged, Grand County residents, community organizations, and local businesses may reserve the meeting space for free with advanced notice.

To this end, the Applicant's zone change request is both reasonable and desirable.

**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?**

Yes, the zoning classification is compatible with surrounding uses; and no, there will not be adverse impacts to adjacent properties. As discussed above, almost the entirety of properties along Highway 191 are zoned commercial. There are only 4 properties zoned residential that abut Highway 191: the subject property, 350 Marcus Court, 2 Rosalie Court, and 3 Rosalie Court. Further, the property is nearly completely surrounded by commercial properties including motels, hotels, restaurants, even a zip line course.

Specifically, the property is bordered by 500 West to the west, the Super 8 Motel to the north, Highway 191 to the east, and Marcus Court to the south. Thus, commercial zoning is clearly compatible with the surrounding uses to the west, north, and east.

The zone change will not impact the 8 lots along Marcus Court. First, the Applicant planted a row of trees along the boundary with the subject property and the Marcus Court lots many years ago. These trees have been well maintained and have grown into a large natural screening between the Super 8 Motel and Marcus Court. Second, at this time, the Applicant does not have plans to expand the Super 8 Motel beyond the breakfast, meeting, and exercise rooms shown on the attached Site Plan.

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

See Section C above.

**F. Are adequate facilities available to serve development for the type and scope of development suggested by the proposed zoning classification?**

Yes: the planned improvements will require no additional facilities. The increased water and septic demands will be minimal for the breakfast room, conference and meeting spaces, and exercise room. Any increased need will be served via the water and sewerlines in place within easements the Applicant granted to the City over and across this property and others owned by it several years ago in an effort to help the City better serve commercial development to the north.

**G. Does the application conform with the provisions of the Moab General Plan and the Land Use Code?**

a. The Moab City General Plan: The General Plan sets forth several goals in its introductory paragraphs, including, in relevant part:

1. Promote the presence of a vital downtown as the center of commercial activities and employment.
2. Utilize compact development patterns that make the most efficient use of public facilities and services . . . and minimize urban sprawl;
7. Separate and buffer conflicting land uses, especially where commercial abuts residential.
8. Encourage a diverse mix of year-round jobs that offer competitive salaries and meaningful work to keep Moab families employed in Moab.
9. . . . [A]ttract people to area who contribute to economic stability.
10. Develop a community and resort destination that is designed for people where walking and biking are the cornerstone of the transportation system.

Further, the General Plan focuses on Economic Development in its first section with stated policies that include seeking businesses that will strengthen the economy and provide year-round employment without compromising the natural environment (Policy 2), encouraging existing businesses and industries to expand (Policy 3), work with organizations to promote diverse year-round community activities (Policy 6), and encourage and support the development of convention facilities (Policy 9).

With regards to Growth & Urbanization, Section 2 of the General Plan, this rezoning request is a perfect example of reasonable re-development that encourages the upgrading of existing facilities and services (Policy 1), provides an asset to the community (Policy 2), and minimizes impacts between transitions in types of land use, especially between commercial and residential land uses (Policy 7).

Regarding Land Use, Section 3 of the General Plan, this rezoning request helps the City cooperate with Grand County in land use planning and management (Policy I-4), provide for adequate amounts of commercial land (Goal II), encourage in-fill and redevelopment (Policy II-3C), and encourage upgrades in the appearance of commercial areas along Main Street (Policy II-12).

Regarding Urban Design, Section 4 of the General Plan, this rezoning request furthers the City's goal of achieving an inviting, hometown appeal that attracts business that will improve long-term economic stability of the community (Goal), discouraging dated design (Policy 1), and recognizes the efforts of high quality site design and construction (Policy 3). The Applicant strives to continually improve its commercial properties by updating them on a regular basis to keep its businesses current and attractive, including recent remodels to the Greenwell Inn (Best Western Plus) and Hotel Moab Downtown (prior Ramada Inn).

As set forth in detail above, this zone change request complies with, and furthers, each of these goals and policies by improving and expanding an existing commercial use at the northern end of the City, which will allow the existing Motel to stay current and attract visitors who wish to stay close to the northern recreation corridor, reducing the need for new hotels and vehicle trips through the City.

b. Land Use Code: In general, the City's land use zones aim to "conserve the value of buildings and encourage the most appropriate use of land throughout the City." To this end, the City adopted 13 zones in its Land Use Code (the "Code"). The applicable zones at issue here are C-4 and R-2.

The Super 8 Motel and the properties to the north and east are zoned C-4, which zone is known as the General Commercial Zone. It allows business uses and aims to "facilitate the development of attractive entrances to the city." Moab City Code § 17.27.010. Motels and conferences spaces are permitted in the C-4 zone.

The subject property is currently zoned R-2, which zone allows single and two-family residential development and community service facilities such as schools, libraries, child care centers, parks and churches. Code § 17.45.020. The R-2 zone aims to maintain "desirable residential conditions" and "stable residential neighborhoods." Code § 17.45.010. Given the commercial entrance on the subject property from Highway 191 and its location just south of the Super 8 Motel's long southern wall, R-2 zoning is not appropriate as "desirable residential conditions" cannot exist on this property.

Zone change requests should be reviewed carefully and cautiously. However, situations do arise which justify them. Here, the multiple zones applicable to the subject property and the Super 8 Motel, which parcels are treated as one unified property under the County records; the commercial tax paid on the property for 24 years; the property's location and existing commercial entrance located on the property; the recent development and popularity of the northern recreation corridor; and the need of the community and tourism industry for improved and expanded lodging and conference opportunities on the north end of the City make this zone request appropriate and reasonable.

I look forward to working with you during the review process. Please do not hesitate to contact me with questions regarding this Application.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina R. Sloan". The signature is fluid and cursive, with a large initial "C" and "S".

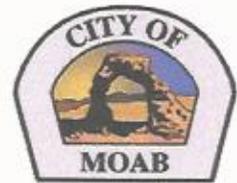
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Christina R. Sloan, Esq.

CRS/  
enclosures  
cc: J.J. Wang, Manager for Applicant

# DEVELOPMENT CODE AMENDMENT APPLICATION

2 PAGES - FORM MUST BE COMPLETED IN INK



<b>DATE STAMP FOR CITY USE ONLY</b>	<b>TO BE FILLED OUT BY APPLICANT</b>
	PROJECT NAME (if any): <u>SUPER 8 MOTEL</u>
	PROJECT STREET ADDRESS OR ACCESS STREET: <u>889 N. MAIN ST.</u>
	<b>FOR CITY USE ONLY</b>
	APPLICATION NUMBER: _____
	DATE RECEIVED: _____
	APPLICATION FEE: <u>\$350.00</u>
	TREASURER'S RECEIPT NUMBER: _____

All applications are subject to review by city staff for completeness. Staff will notify the applicant of deficiencies or completeness within fifteen days.

A pre-application conference with city planning staff is encouraged prior to application submittal.

### I. APPLICANT

Name: WANG ORGANIZATION, LTD.

Mailing Address: 168 EAST CENTER STREET

COPY TO: THE SLOAN LAW FIRM, PLLC  
76 S. MAIN ST., STE. 1 MOAB

Phone #: 259-9940 Fax #: \_\_\_\_\_ E-mail Sloan@thesloanlawfirm.com

### II. TYPE OF APPLICATION

- Text Amendment
- Zone Change

### III. DESCRIPTION OF AMENDMENT

ZONE CHANGE FROM R-2 TO C-4  
FOR THE SOUTHERN 4.4 ACRES OF  
PARCEL NO. 01-0036-0029.

SEE ATTACHED LETTER FOR MORE  
INFORMATION.

DEVELOPMENT CODE AMENDMENT APPLICATION

2 PAGES - FORM MUST BE COMPLETED IN INK



\*\*ZONE CHANGE APPLICANTS ONLY\*\*

AFFIRMATION OF SUFFICIENT INTEREST

This is to certify that I am making an application to the City for the described action and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

The documents and information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until City Staff has reviewed the application and has notified me that it has been deemed complete.

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue a zone change.

Signature of Applicant: [Handwritten Signature] Date JAN. 15, 2015
Name of Applicant (please print) J.J. WANG, MANAGER
Mailing Address 168 EAST CENTER ST., MOAB, UT 84532

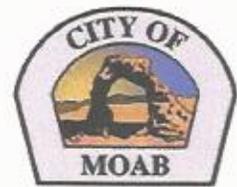
TEXT AMENDMENT SUBMITTAL REQUIREMENTS:

Please provide the following information (attach additional sheets if necessary).

- 1. Narrative describing the project and its relationship to and compliance with the elements, goals and policies of the Moab General Plan - please include the following details:
- State the Land Development Code Section to be amended.
- Explain the justification for the proposed amendment.
- Provide evidence of consistency and implementation of the proposed amendment with the Comprehensive Plan.
- Are there similarities of the proposed use with other uses in the zone?
- Should this be considered as a conditional use or a use-by-right? Why?
- How does this amendment comply with the Land Use Code and the character and objectives of the affected zoning district?
- Proposed new language with existing words to be deleted lined through, and words to be added underlined
2. Statement from the County Treasurer showing payment in full of all real property taxes due on the parcel.
3. Applicable Fees

Attachments:

- 1. Standard Application Form.
2. Copy of the proposed text change.
3. Copy of the proposed ordinance in strike-through and underline form.
4. Attach as many additional pages as needed.



**ZONE CHANGE SUBMITTAL REQUIREMENTS:**

Please provide the following information (attach additional sheets if necessary).

1. Narrative describing the project and its relationship to and compliance with the elements, goals and policies of the Moab General Plan – please include the following details:
  - Justification for zone change.
  - Will there be any impacts generated by the proposed use that will require mitigation?
  - Is the proposed rezoning in conformance with surrounding uses and in compliance with the Land Use Code and General Plan?
2. Statement from the County Treasurer showing payment in full of all real property taxes due on the parcel.
3. Stamped envelopes addressed to property owners within 300 feet of the property boundary lines and a master list of those names and addresses.
4. Site plan showing the parcel boundaries, existing zoning and proposed zoning.
5. Applicable Fees

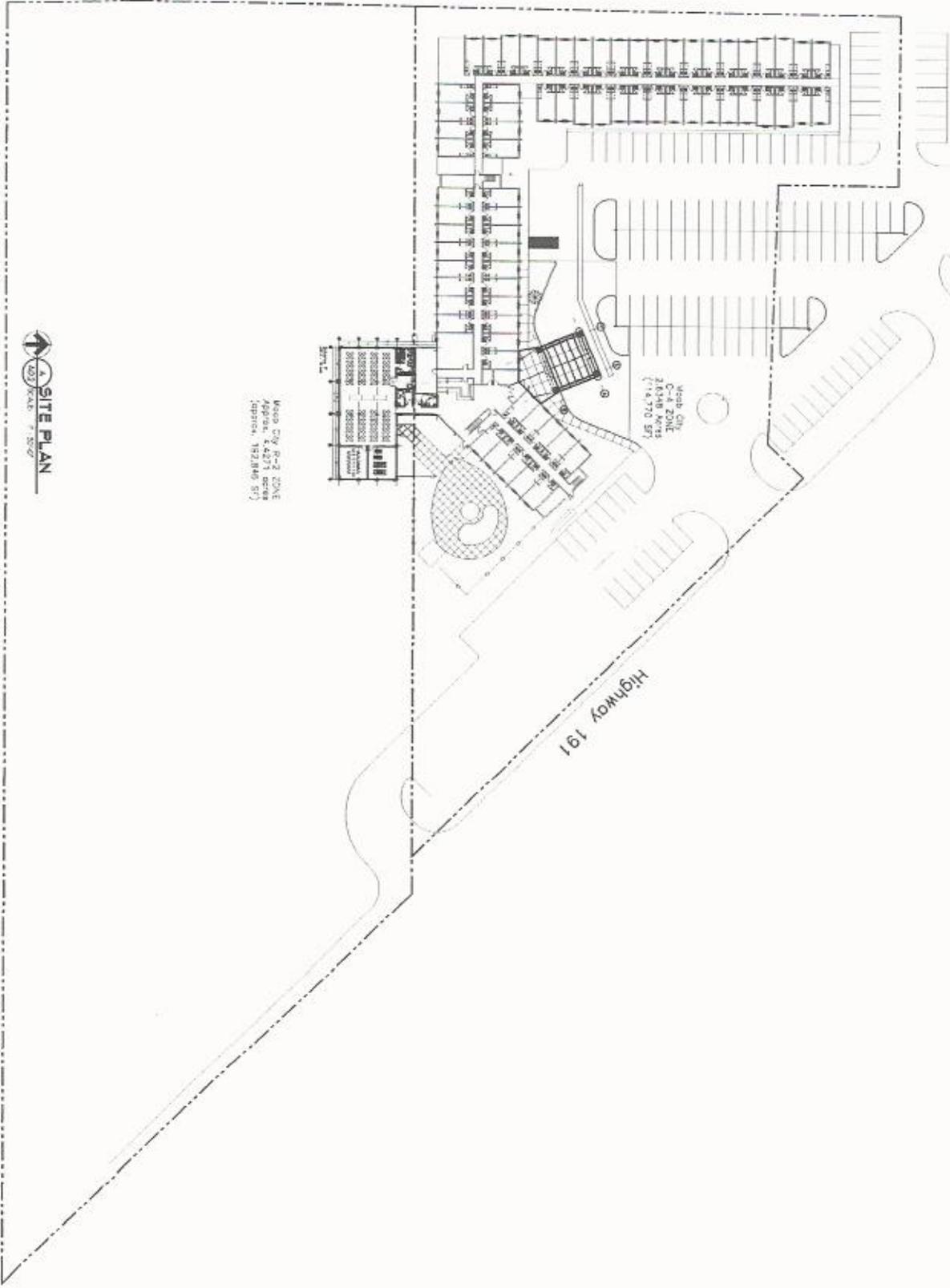
Attachments:

1. Standard Application Form.
2. Attach as many additional pages as needed.

Also submit: **Map(s)** showing the area to be changed outlined in a heavy, black line. The map shall be a copy of the Zoning map or a recent survey of the property. Assessor's book or street maps are not acceptable. An 8-1/2" x 11" transparency of each map or diagram shall also be submitted.

A copy of a preliminary **title report** for the subject property dated within the last six months, if found necessary by City Staff.

***\*\*\*ZONE CHANGE APPLICANTS must post a weather resistant sign no smaller than 24"x36", noticing the public hearing in at least one location every five hundred (500) feet along the perimeter of the land area proposed for map amendment at least three (3) days prior to the hearing. Such notice shall include the present and proposed rezoning; the time, date and place of the public hearing; and contact information for the Zoning Administrator.***



Moab City R-2 ZONE  
 Approx. 1.4271 acres  
 (approx. 182846 SF)

Moab City  
 C-4 ZONE  
 26548 Acres  
 (714,770 SF)

**SITE PLAN**

Scale



**HMY CONSULTING ENGINEERS**  
 2160 South 1300 East  
 Suite 2118  
 Salt Lake City, UT 84119  
 801-464-3991 Phone  
 801-466-0023 Fax  
 mail@hmyce.com

Author: No. Dots Description:

**BREAKFAST ADDITION FOR SUPER 8 MOTEL MOAB, UTAH**

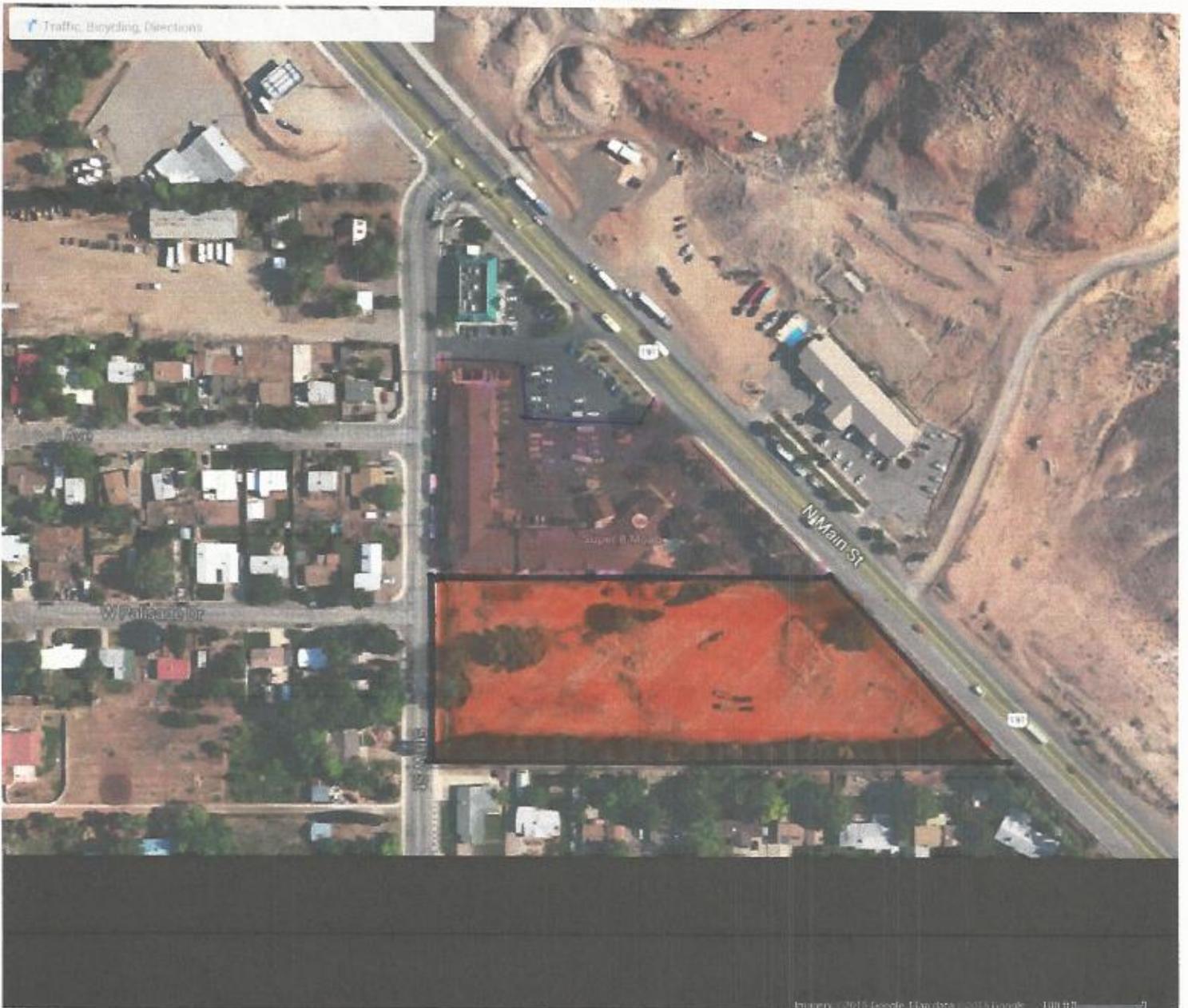


Date: DEC. 31, 2014  
 Drawn: NHE  
 Checked: \_\_\_\_\_  
 Scale: 1" = 30'-0"  
 Lower Level  
 7th St. QUANTAS/3688P  
 Drawing Description:

SITE PLAN

Drawing No. **AO.2**

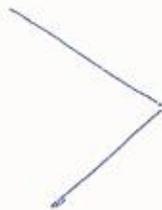




= C4



= R2



PARCEL No. 01-0036-0029

889 N. MAIN

