

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

The City of Moab Planning Commission will hold a Public Hearing on Thursday, May 14, 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 eastern 3.01 acres to C-4 General Commercial. The western 1.34 acres will remain R-2 Residential. This zone change application is for property 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. 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, April 30, 2015 and May 7, 2015.

THE SLOAN LAW FIRM, PLLC

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

April 24, 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 and C-4 to a different configuration of R-2 and C-4

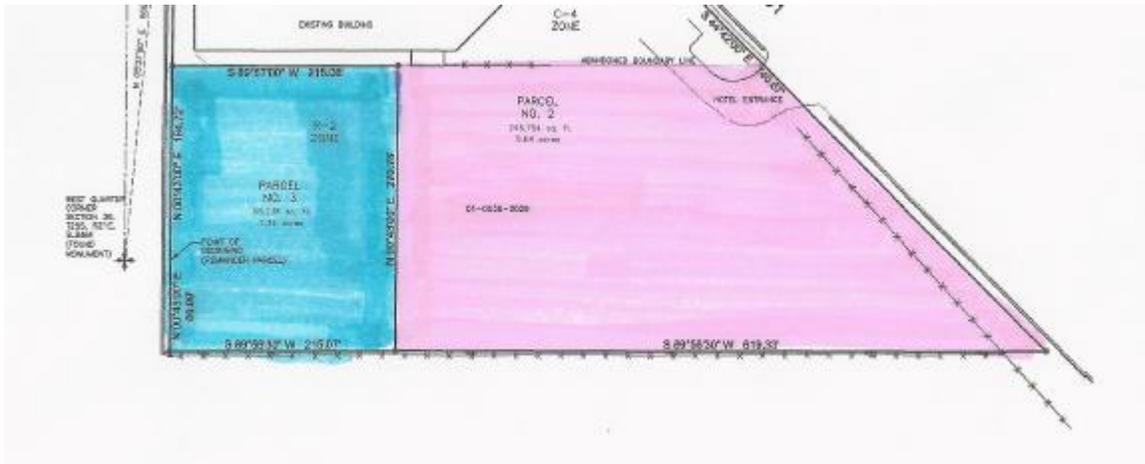
Dear City Council:

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. Survey showing the dimensions of the proposed zones;
- c. Tax Roll Master Record constituting a statement from the County Treasurer showing payment in full of all real property taxes due on the parcel;
- d. Site plan showing the parcel boundaries, showing existing zoning and proposed zoning as well as the Super 8 Motel, as approved and built;
- e. Zoning map 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.moabcity.city; and
- h. List of Zone Change Applications and Action Taken since 2010.

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 and C-4 to a different configuration of R-2 and C-4 for the southern approximately 4.4 acres of Parcel No. 01-0036-0029, known as 889 N. Main. As the City is aware, the Applicant requested a rezone of the entire property to C-4 in January 2015. City voted to deny this request because of the lack of preservation of any residential land on the property. Based on the City's direction at its March 24, 2015 meeting, the Applicant now resubmits its application and requests a rezone to C-4 for only the eastern 3.01 acres located on Highway 191. The remaining western 1.34 acres located on 500 West will remain R-2.



Applicant requests a zone change to allow a small facilities expansion for the Super 8 Motel and to bring the zoning into compliance with the existing commercial entrance. Specifically, the Applicant desires to add a breakfast room that may also be converted into and rented as a convention facility, a meeting room available to both the Moab community and its guests, and an exercise room onto the Super 8 Motel just south of the location of an existing small addition on the south side of the Motel.

Zone change requests should be reviewed carefully and cautiously. However, situations do arise which justify them, especially given the period of time that passes between General Plan and Zoning Map updates. In the last 5 years, the City Council has received five rezone requests, all of which were approved. Three of these requests amended the zone from residential to commercial. This rezone request is one such request that is reasonable, consistent with recent commercial growth in the vicinity of the subject property, and important for its creation of a development transition between R-2 to the south and west and C-4 to the north and east.

Zone Change is Reasonable and Consistent 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 that 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.

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?

Maybe: As more fully discussed in the Original Application filed in January 2015, there is evidence the zoning may have been in error. Both the City and the County have treated the 7.04 acres as one property, but 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

since at least 1977. The City parcel maps also do not distinguish the property as separate parcels – and the original approval for the Super 8 Motel required Applicant to build a commercial improvement, the Motel entrance, over and across the subject property. And, since at least 1977, the two parcels have been conveyed together as one property.

All of the property to the north and east was zoned C-4 in 1978, while the subject property was left R-2 despite the unity of ownership and tax treatment in every instance. 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.

B. Has there been a change of character in the area including, but not limited to: new growth trends or the need for development transitions?

Yes: there has been a change in character given the commercialization north and east of the subject property, especially in the last 10 years, unexpected growth trends north given the popularity of the northern recreation corridor (which was not anticipated when the Zoning Map was created), and the need for development transitions on the subject property.

Moab's commercial core has expanded to the north in the 13 years since our General Plan was adopted in 2002. The most notable change is the northern recreation corridor, the popularity of which could not have been anticipated in the General Plan. The recreation corridor 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, soon the Dinosaur Museum, and hundreds of miles of new mountain bike trails. 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. 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 Motel's 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.

In addition to the recent development of the northern recreation corridor, all of the newly developed land near the subject property has been developed as commercial. In the surrounding vicinity, the following commercial buildings and enterprises have either been built or expanded by use or improvement since approximately 2005: Raven's Rim Zip Line Tours, Portal RV Resort, Riverside Inn, Moab Springs Ranch and Townhomes, Moab Rafting & Canoe Company, Anasazi Realty, and the Grand County Credit Union.

As a result, the subject property is one of only 4 parcels 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, is capable of expanding into commercial use, and has a commercial improvement on it. And, it is the most northern parcel of property zoned residential within the City.

Given that all of the property to the north and east of the subject property is commercial, the subject property can and should play a key role in providing a development transition. R-3 and lesser commercial zones are not viable options due to spot zoning challenges and risk to the City. Thus, the zoning proposal requested herein provides a key development transition between residential property to the south and west and commercial property to the north and east.

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

Yes: we need better facilities north of town to serve the recent increase in demand and to reduce vehicle trips between lodging and the northern recreation corridor; and Applicant plans to build meeting rooms available to the Moab community also.

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.

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, generally, the zoning classification is compatible with surrounding uses. The property is surrounded on 3 ½ sides by compatible uses. The R-2 zoning is consistent with the zoning and neighborhoods to the west and partially to the south, and the C-4 zoning is consistent with the zoning and uses to the north and east. Concern regarding impact is focused on 5 to 6 lots on Marcus Court which abut the subject property on the east side of its southern boundary. Applicant understands at least 3 of these affected lots are rented and not occupied by their owners.

The potential impact to the 2 to 3 lots occupied by Owners will be mitigated by the wide, existing buffer between the properties comprised of a Rocky Mountain Power ("RMP") powerline, an RMP transfer station, the 20' wide easement claimed by the Moab Irrigation

Company (“MIC”) for the North Ditch 1, a Questar gasline, and then Applicant’s row of trees, which it planted to help mitigate impact to Marcus Court many years ago.

To further enhance this buffer between the subject property and impacted lots, Applicant previously offered to convey to the City a trail easement fourteen (14) feet wide overlaying the MIC easement for a gravel trail to integrate into the City’s pathway program. The land under this trail easement is very valuable, covering 2/5th of an acre with an outlet onto Highway 191 near downtown. It will be a great community asset as a shortcut to Town for the surrounding neighborhoods to the west. The City expressed interest in accepting the easement donation; however, City Staff emphasized that such donation is more cleanly provided at the Site Plan stage for the property.

Applicant is also willing to deed restrict the subject property against industrial uses allowed in the C-4 zone that are restricted in the C-3 zone to protect the surrounding neighborhoods from incompatible uses such as manufacturing.

All other potential negative impacts from potential motel and hotel uses of the subject property, such as noise, light, and height, are best handled at the Site Plan stage for development on the subject property.

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 creates a development transition between zones and 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, R-2 zoning across the entire parcel is not appropriate. The Applicant’s revised proposal both protects and preserves the neighborhoods to the south and west while allowing commercial growth along Highway 191.

Conclusion

The stability of the General Plan and Zoning Map is important; however, our governing laws must be flexible to best respond to the needs of the community, its residents, and business owners. Here, the multiple zones applicable to the subject property and the Super 8 Motel; the commercial tax paid on the property for 38 years; the property’s location on 191; the recent development and popularity of the northern recreation corridor and commercial enterprises to the north; and the need for a development transition from R-2 to C-4 zoning 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,



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



DATE STAMP FOR CITY USE ONLY	TO BE FILLED OUT BY APPLICANT
	PROJECT NAME (if any): <u>SUPER 8 MOTEL</u>
	PROJECT STREET ADDRESS OR ACCESS STREET: <u>889 N. MAIN ST.</u>
	FOR CITY USE ONLY
	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 E. CENTER ST, MOAB, UT
COPY TO: THE SLOAN LAW FIRM, PLLC
76 S. MAIN ST., #2, MOAB, UT
Phone #: [REDACTED] Fax #: — E-mail [REDACTED]

II. TYPE OF APPLICATION

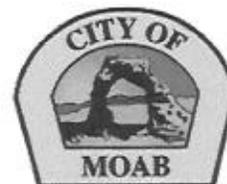
- Text Amendment
- Zone Change

III. DESCRIPTION OF AMENDMENT

ZONE CHANGE FROM R-2 AND C-4
TO R-2 OVER THE WESTERN 1.34 ACRES
AND C-4 OVER THE EASTERN 3.01 ACRES
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: [Signature] Date APRIL 24, 2015
 Name of Applicant (please print) JJ WARD, MANAGER
 Mailing Address 108 E CENTER STREET, MOAB

TEXT AMENDMENT SUBMITTAL REQUIREMENTS:

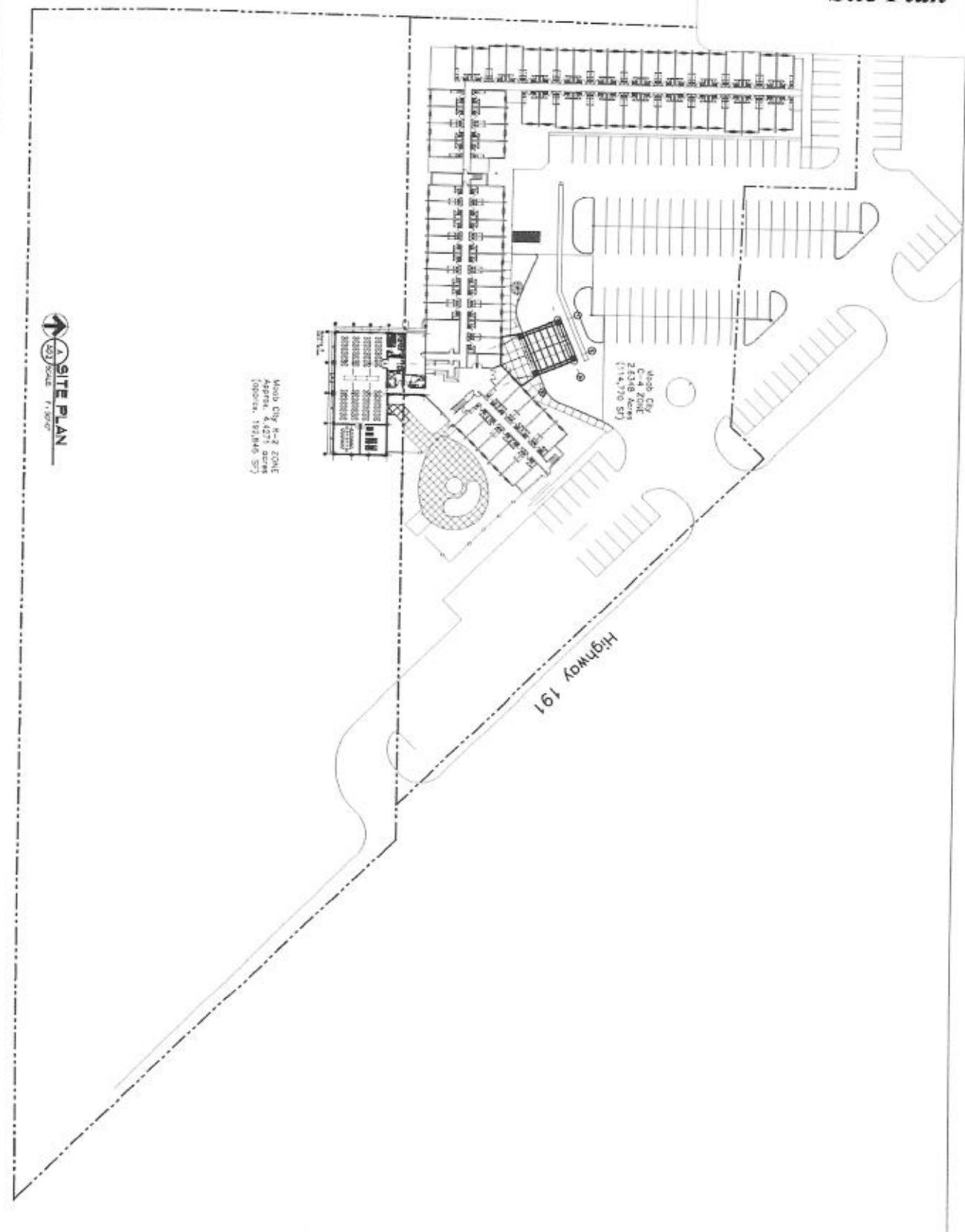
Please provide the following information (attach additional sheets if necessary).

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.

Site Plan



Moab City R-2 ZONE
 Approx. 4,1271 sqm
 (1000000, 1000000 sq)

Moab City
 C-4 ZONE
 2,6348 Acres
 (114,770 SF)

SITE PLAN
 SCALE: 1" = 50'

DATE: DEC. 31, 2014
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1" = 50'-0"
 SHEET: [Number]
 PROJECT: [Name]
 DRAWING DESCRIPTION: [Text]

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

REVISION	No.	DATE	DESCRIPTION

HHY ASSOCIATES
 1100 WEST 1000 SOUTH
 SUITE 210
 S.C. UT 84154
 801 444 3558 Phone
 801 444 0023 Fax
 mail@hhy.com



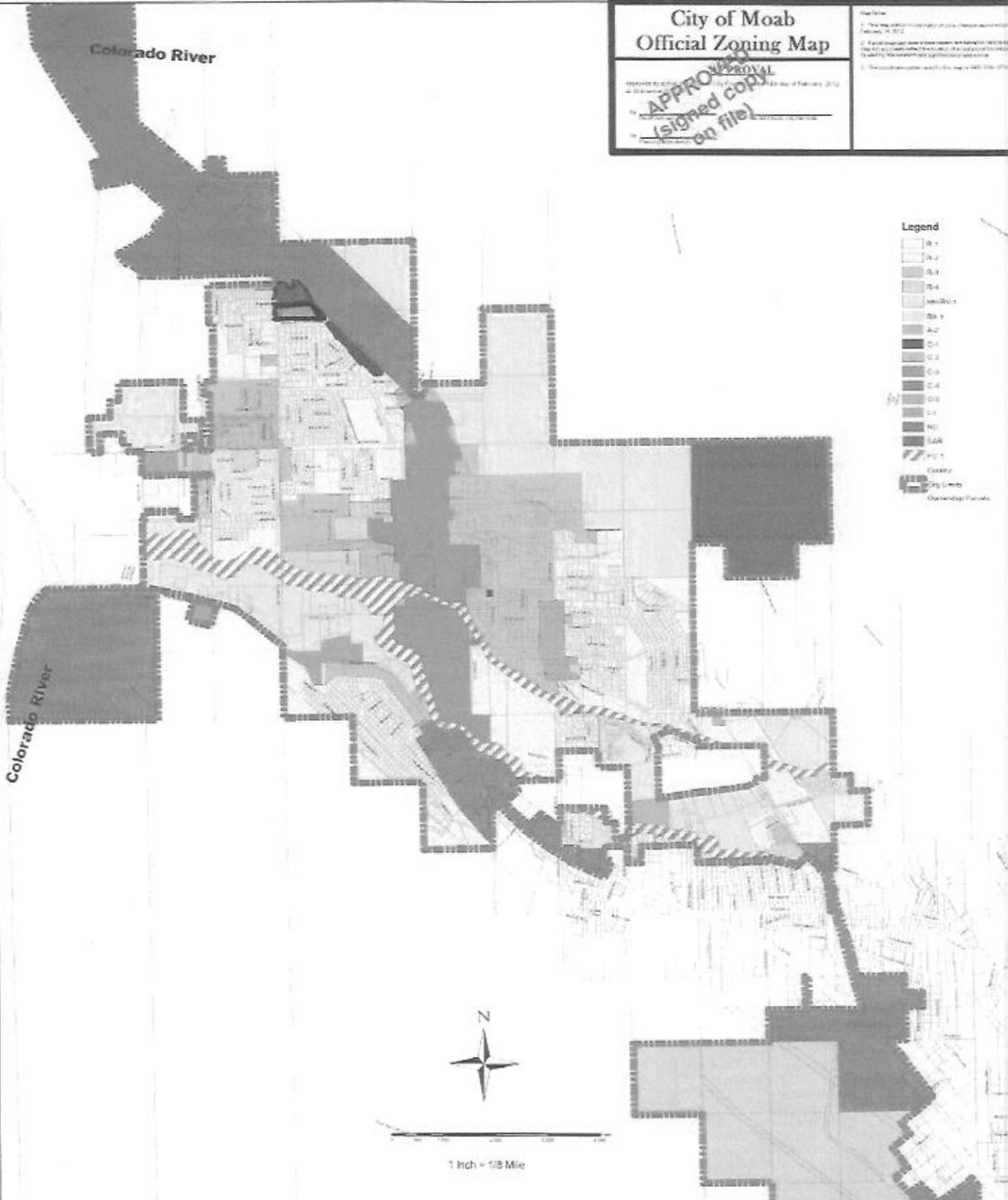
Drawing No. **A0.2**

City of Moab Official Zoning Map

Map Title
1. This map shall be a part of the City of Moab's Official Zoning Map as of February 14, 2012.
2. Final approval shall be given by the City Council on February 14, 2012.
3. This map shall be a part of the City of Moab's Official Zoning Map as of February 14, 2012.

APPROVED
(signed copy on file)

- Legend**
- R-1
 - R-2
 - R-3
 - R-4
 - SRV-1
 - SR-1
 - A-1
 - C-1
 - C-2
 - C-3
 - C-4
 - C-5
 - C-6
 - NC
 - HR
 - PC-1
 - County
 - City Limits
 - Ownership Parcels



City of Moab Official Zoning Map