

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

The City of Moab Planning Commission will hold a Public Hearing on Thursday, April 14, 2016 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 from C-1 Commercial Residential to C-2 Commercial Residential for property at 110 South 200 East.

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, March 31, 2016 and April 7, 2016.



## PLANNING AND ZONING COMMISSION MEETING

April 14, 2016



PL-16-49

### Agenda Item

**Title:** Review of Planning Resolution #05-2016 for Approval of a City Initiated Rezoning of Property Located at 110 South 200 East in the C-1 Zone to C-2 and Amending the Official Zoning Map

**Staff Presenter(s):** Jeff Reinhart, City Planner

**Department:** Planning and Zoning

**Applicant:** City of Moab

#### Background/Summary:

The City is initiating this application to rezone the property located at 110 South 200 East. The action is necessary to correct a spot zone situation and provide continuity of the adjacent C-2 zone as shown on the Official Zoning Map.

The governing code section is 17.04, *Zoning map amendments and text amendments*. As per MMC Section, 17.04.010, *Initiation of zoning change*, "...the planning commission can, on its own motion or on request from the city council, propose, study, and recommend changes to the official zoning map or the text of the Land Use Code." This application has been submitted by the Planning Department to the Commission at the request of the City Council.

The property is located in a C-1 Zone that is, in effect, a single lot "island" of the C-1 district abutting the C-2 on the West and the R-3 Zone on the north, east and south. The parcel is the original Lot 4 platted in 1902 as part of Block 8 of the Moab Townsite and the current use is a Bed and Breakfast. Rezoning the property to C-2 will still allow the short-term rentals to remain as "lodgings" with an on-site manager present.

Cali Cochitta has been in business as a bed and breakfast for a period of 16 years. The property is zoned C-1 and BNB's are an allowed use if they adhere to the conditions of the bed and breakfast regulations (no hearing required).

The property is developed with a 19<sup>th</sup> Century home consisting of 3 rooms, a suite, and the kitchen. The home will sleep up to 11 guests. Two cottages are also available and provide lodging for an additional 5 guests. Parking is ample with space for up to 10 spaces. With a full vacancy, Cali Cochitta allows up to 16 people to stay in the rooms. Currently, an innkeeper is on site and available for after hour check-in once the office is closed for the day.

The property is 15,246 square feet (.35 acre) in size and the building consists of 3,427 square feet. Outside amenities include a large front yard area on the corner near E 100 South and S 200 East, and an expansive interior outdoor courtyard that is partially surrounded by the buildings. Current staff consists of the two business owners and two additional workers. Hours of operation are from 8:00 am to sometimes 9:00 pm depending on late check-ins.

Surrounding uses include the City owned Center Street Ball Fields to the northeast, multi-family residential uses to the north across East 100 South, Central Utah Insurance to the west, WabiSabi to the southwest, and residential uses to the east side of 200 East Street. To the south and adjacent to the Bed and breakfast is Rancho Fandango, a 3 unit (2 bedrooms/unit) vacation rental business.

### Process

The Planning Commission must adopt a resolution stating their findings of the ability to meet the criteria as stated in Sections 17.05.040 and 17.04.050, below.

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**Options:** The Planning Commission can:

1. Adopt Resolution #05-2016 as written and recommend that Council approve the rezoning of 110 South 200 East from C-1 to C-2 zoning and amend the Official Zoning Map;
2. Recommend that Vote to not adopt Resolution #05-2016 and state their reasons;
3. Table the vote on the resolution until a later date and request additional information

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**Staff Recommendation:** Staff recommends that the City initiated rezoning of this property from C-1, Commercial-residential, to C-2 Commercial-residential, be favorably recommended to Council for approval.

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**Recommended Motion:** I move to adopt Planning Resolution #05-2016 recommending to Council the approval of the rezoning of 110 South 200 East from C-1 to C-2.

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**Attachment(s):** Resolution #05-2016

## Addendum

### Discussion

Chapter 17.21.010 A, describes the **C-2**, commercial-residential, zone as an area that would *“facilitate the development of attractive areas within the city that allow the mixing of compatible commercial and residential uses and facilitate the orderly expansion of commercial uses out from the central commercial district.”*

Approval of the application will support the present commercial use that has been in place on this property for a decade and a half. The lodging use is a good fit for this location and the neighborhood.

Uses allowed in the zone include:

<b>C-2 Uses</b>
Retail, convenience and wholesale establishments (less than three thousand square feet)
Office buildings, clinics and utility buildings
Assembly of appliances from previously prepared parts (indoors);
Eating establishments less than two thousand square feet
Service enterprises
One-family and two-family dwellings, apartment houses and court apartments
Fraternity organization lodges
Funeral establishments, mortuaries and churches
Gymnasium or physiculture establishments
Home occupations
<b>Lodging establishments less than 10 units</b>
Commercial parking lots
Signs
Rest homes and day care centers
Green houses and nurseries
Pet shops
veterinary clinics
art and craft shops
taxidermy shops
electrical appliance shops (wholesales)
plumbing shops
carpentry shops
hardware stores
electrical retail stores
river running companies
Bakeries
stone and monument sales establishments
engraving and printing establishments
secondhand stores

Code Chapter 17.04.040, Zoning Map Amendments, contains criteria for the Planning Commission and Council to apply to rezone requests:

### Review of Criteria

Chapter 17.04.050 states, “For the purpose of establishing and maintaining sound, stable and desirable development within the City of Moab, zoning map amendments are to be discouraged.

Zoning map amendments shall only be approved if the applicant establishes that one or more of the following standards apply to the subject real property:

1. 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.  
*When approved, this was a "spot zone", and at the time of approval, the state legislature was not as concerned about spot zoning as it is currently. Spot zoning can now only be used sparingly and for very limited conditions such as a buffer zone between uses.*
2. 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.  
*Does not apply.*
3. The proposed map amendment is necessary in order to provide land for a use which was not anticipated at the time of the adoption of the City's General Plan, and that such change will be consistent with the policies and goals of the Plan. Special consideration shall be given to existing conditions on and around the area in question, including the changing nature of the area, land uses, densities, and the height and scale of both existing and proposed structures.  
*This point partially applies. While the change in the zoning does not allow for a use that was not anticipated and there will be no changes to the property, it does away with the spot zone and allows the use to remain in operation. The height and scale of the existing structure is in harmony with the existing architectural design and development trends of the area.*

### **Map Amendment Approval Criteria.**

According to Chapter 17.04.060, the Planning Commission and City Council shall consider the following criteria in reviewing a proposed map amendment.

1. Was the existing zone for the property adopted in error?  
*Yes. This is a spot zone.*
2. 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?  
*These changes have not occurred.*
3. Is there a need for the proposed zoning within the area or community?  
*This action, if approved, will correct the issue of the spot zone.*
4. 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?

*The change in zoning is compatible with the adjacent uses in the existing R2-2 Zone.*

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

*There will be no change in the benefits to the area because business will continue as usual.*

6. 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?

*Adequate facilities are already existing and there will be no changes in the impact to them.*

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

*Yes the application does conform to the listed documents.*

A decision to rezone must be based on the General Plan as well as the Moab Municipal Code (MMC). The Plan states, "All ordinance changes, rezoning, or improvement programs should be in conformance with the expressed policies and maps of the General Plan." It also goes on to say "...that all new zone changes [must] conform to the General Plan" and that they be done in a manner "necessary to protect the health, safety, and welfare of the community and work to preserve the natural environment and character of a small-town community."

*A rezone is logical when viewed in the light of the types of uses on surrounding properties. It is a logical extension of the adjacent C-2 Zone and agrees with the goals of the General Plan. The change in zoning does not lead to a change in use of the property. The Bed and breakfast will remain.*

*The C-1 (Commercial-residential) Zone is a buffer zone as stated in the purpose in MMC Section 17.20.010, and is intended "... to facilitate the development of attractive areas within the city that allow the mixing of compatible commercial and residential uses; to provide a buffer zone between residential and more intensive commercial uses; and to facilitate the orderly expansion of commercial uses on lots that lie adjacent to commercial zones."*

*The C-2 (Commercial-residential) Zone also serves as a buffer zone as evidenced by the purpose in MMC Section 17.30.010, it states that the zone is intended "...To facilitate the development of attractive areas within the city that allow the mixing of compatible commercial and residential uses; [and] To facilitate the orderly expansion of commercial uses out from the central commercial district."*

**CITY OF MOAB  
PLANNING RESOLUTION #05-2016**

**A RESOLUTION RECOMMENDING APPROVAL OF A ZONING MAP AMENDMENT FROM C-1, COMMERCIAL-RESIDENTIAL, TO C-2, COMMERCIAL-RESIDENTIAL ZONING AND AMENDING THE CITY OF MOAB OFFICIAL ZONING MAP FOR PROPERTY LOCATED AT 110 SOUTH 200 EAST, AND OWNED BY KIM AND DAVID BOGER**

**WHEREAS**, the City of Moab (City), a Utah municipal corporation with offices at 217 East Center Street, Moab, Utah 84532, on behalf of Kim and David Boger (“Owners”) of the Cali Cochitta Bed and Breakfast at 110 South 200 East, Moab, Utah, initiated an amendment of the Official Zoning Map for the property located at 110 South 200 East, Moab, Utah, or more particularly described as Lot 4, Block 8 of the Original Townsite;

**WHEREAS**, the .35-acre property was spot zoned as C-1, Commercial-residential, to allow the use of the bed and breakfast on this isolated single property; and

**WHEREAS**, the City desires to eliminate the C-1, Commercial-residential, spot zone of this property and make it contiguous with the C-2, Commercial-residential, Zone; and

**WHEREAS**, Currently, the property is developed with a bed and breakfast that is conditionally allowed in the C-1, whereas, the C-2 Zone allows lodging businesses with less than 10 units as a use by right and the property owner is not required to remain on the property; and

**WHEREAS**, the City has submitted to the Planning Commission (“the Commission”) an application for a zone change with the necessary documents and exhibits; and

**WHEREAS**, the Commission reviewed the application in a duly advertised public hearing held on April 14, 2016, to review the proposed zone change; and

**WHEREAS**, the Commission reviewed the character and objectives of the C-1 and C-2 zones, and the allowed uses in each zone and determined that the amendment to the zoning map will continue to function as a buffer between the commercial area and the R-3 Multi-family Residential Zone; and

**WHEREAS**, the Commission agrees that there is value in removing this spot zone and continuing the continuity of the C-2 Zone; and

**WHEREAS**, having evaluated the evidence taken from the public, the Commission concluded that the change in the zoning for this property was an acceptable amendment to the Official Zoning Map; and

**WHEREAS**, the Commission has found that the City, as applicant, has satisfactorily met two of the three elements of Code section 17.04.050, *Map amendment policy declaration*, in that the property was zoned in error and that elimination of this selective zoning is consistent with the policies and goals of the General Plan.

**WHEREAS**, the Commission has determined that the review standards in Moab Municipal Code chapter 17.04.060, *Map amendment approval criteria*, have been met as follows:

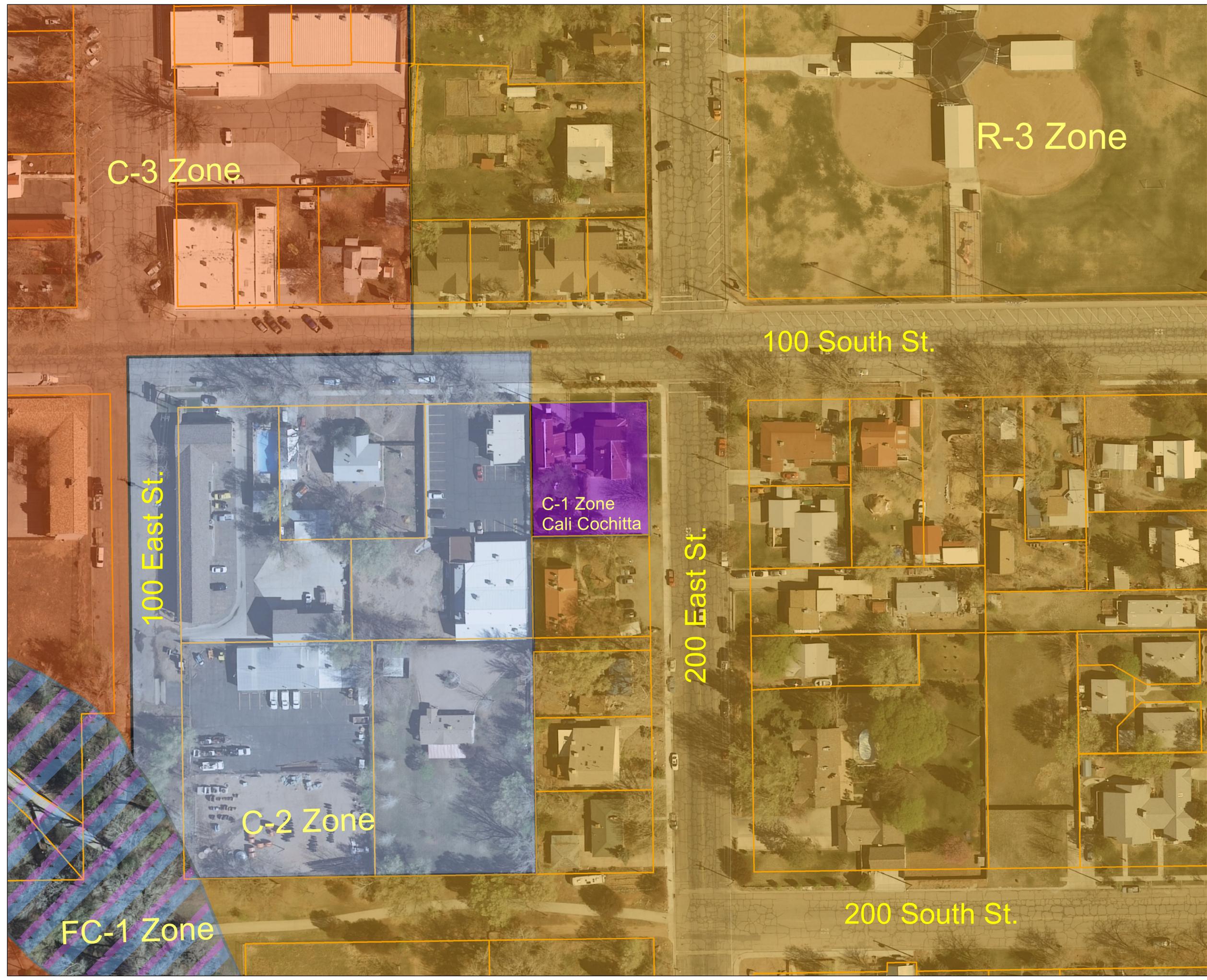
- A. The existing zone for the property was adopted in error,
- B. The proposed zoning classification is compatible with the majority of surrounding uses and impacts from the existing development can be or have been mitigated,
- C. Adequate facilities are available to serve the type and scope of the development suggested by the proposed zoning classification,
- D. The residential uses to the east will be buffered from the commercial development by the width of 200 South and the existing landscaping on the property, and
- E. The City’s application conforms to provisions of the Moab general plan and the Land Use Code.

**NOW, THEREFORE,** THE PLANNING COMMISSION OF THE CITY OF MOAB, UTAH having considered public comment, Staff recommendations, and discussion of the pertinent aspects of the allowed development, by adoption of Resolution #05-2015, does hereby find, determine, and declare, that the applicable provisions of the Moab Municipal Code and the intent of the Moab General Plan can be met;

**AND, FURTHERMORE,** the Planning Commission hereby favorably recommends that Council approve the application to rezone the property located at 110 South 200 East in the C-1 (Commercial Residential) Zoning district to the C-2 (Commercial-residential) Zone.

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Jeanette Kopell  
Chair



R-3 Zone

C-3 Zone

100 South St.

100 East St.

C-1 Zone  
Cali Cochitta

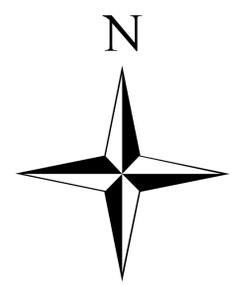
200 East St.

C-2 Zone

FC-1 Zone

200 South St.

# Cali Cochitta Rezone



0 20 40 80 120 160 Feet

1 inch = 40 feet