

**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 9, 2013 at approximately 7:00 p.m. in the Council Chambers of the Moab City Offices at 217 East Center Street, Moab, Utah.

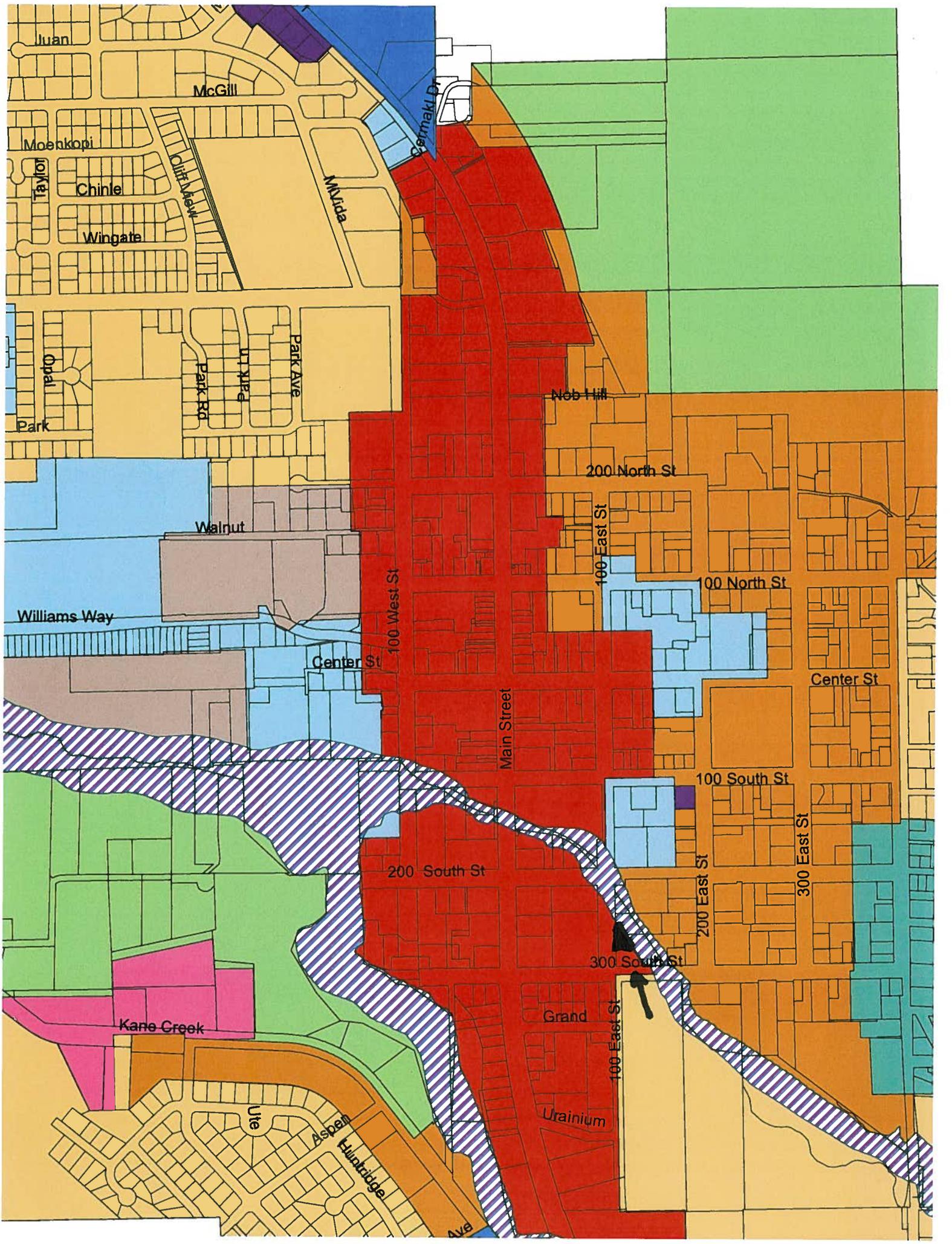
The purpose of this Public Hearing is to solicit public input on a proposed zone change from C-3 Central Commercial to C-2 Commercial Residential for 0.16 acres located at 263 South 100 East as requested by Craig Sanchez and Kathleen Kelly.

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 25, 2013 and May 2, 2012.



263 South 100 East, Moab, UT, United States

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Zone Change Application

Submitted by Kathleen Kelly and Craig Sanchez, property owners

263 South 100 East: 01-GOS-001

SUMMARY

Application to change the zoning of our lot from C-3 to C-2.

Address: 263 South 100 East

APPLICATION SECTION III DESCRIPTION OF AMENDMENT

We are requesting a change in zoning from C3 – C2.

17.04.050 Map amendment policy declaration.

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:

Regarding: 17.04.060 Map amendment approval criteria.

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

The C-3 zone designation probably made sense when initially applied to the property. Our understanding is that it was anticipated that 100 East might be extended between 200 South and 300 South. The Mill Creek Parkway now brackets the property on the north and east. On the west is a large parking area that also serves as a trail head.

The property is too small (.16 acres) for any substantial commercial development and the structure has historically been utilized as a residence. We will continue to use the property as a residence with a new structure as our home.

While the property fronts onto the right-of-way of 100 East it is not a good location for many types of businesses due to the location of the Cat and Dog Clinic on the corner of 100 East and 300 South. The clinic effectively blocks the line of sight for our property and especially for businesses that would rely on location or brand recognition. A home occupation-type business office will be included in the home for a management consultant. This is a service oriented business and not dependent on foot traffic.

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?

A big change to the immediate area is, of course, the construction of the Mill Creek Parkway that is an active recreation facility for the city.

The deterioration of existing development is readily apparent as the A-frame residential structure is in dire need of repairs that would make the building acceptable as a year round living space. However, the costs associated with these repairs make little sense when compared to the cost of constructing a new and energy efficient home.

In addition, because of the property size and location next to the Parkway and the creek, the zone change to C-2 would provide an appropriate but small buffer or transition between the C-3 and R-3 zones.

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

There is uncertainty if a true need exists but a transition zone from the C-3 to the R-3 makes sense especially since the adjacent development to the north and east and west is the Parkway, trail head and parking areas. Also, multi-family development of the Virginian Apartments is to the west beyond the parking area.

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?

The change to the C-2 Zone on this property is more compatible with surrounding uses because it contains less intense commercial uses. Our plans will be even more minimal with just the small home office inside. Parking is provided but will rarely be used by clients.

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

A transition from C-3 to C-2 to R-3 is a logical progression given the surrounding uses and features. The new structure will be energy efficient, attractive, and have good landscaping.

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?

Adequate facilities already exist on the property.

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

Yes, this requested zone amendment conforms to the General Plan. As noted in the attached narrative, there are no additional impacts for continuing the existing residential use.

ZONE CHANGE SUBMITTAL REQUIREMENTS

NARRATIVE

Overview

Applicants anticipate moving to Moab full time within the next few years and would like to replace the current Aframe home with an attractive, energy efficient home suitable for year round residency. The current home has significant issues that cannot be fixed. (see below). Jeff Whitney, Chief Building Official, has confirmed that “no amount of money” could bring this house up to current code. The lot is very small: .16 acres.

The Mill Creek trail runs right behind the house, and the new home would be attractive to trail users, with a garden featuring native and low water usage plants. The zone change will allow us to make this our home, without the burden of having to create commercial space on the entire ground floor.

The house will contain a small office for Kathleen Kelly, who is a management consultant. She has a Moab business license, and is linked to the Moab Travel Council Website. She provides business seminar and retreat facilitation for corporate groups visiting Moab.

Current Residence

The Aframe was built sometime during the 1960's; most likely as a summer cabin. Issues with the house include:

- The walls are stick framed with no insulation. The walls are the roof, so adding insulation would be difficult. The house is very cold and nearly unlivable in the winter. It is not energy efficient in any season.
- History of termites
- No heating ducts – the furnace just blows air out into the kitchen.
- Single pane glass allows heat to flow out and dirt to blow in.
- The electric system is not up to current code. An electrical fire in 2012 has left portions of the house without electricity. Estimated cost to rewire the entire house is \$10,000. However, there is no place to run the wiring due to the walls being the roof. Pony walls would need to be built to house the electric runs.
- The current electrical panel does not allow additional breakers.
- The roof leaks. Several repairs have been attempted, but have not been successful
- There is no plumbing for a clothes washer or dishwasher. **Conformance to General Plan**

We have read the General Plan that was adopted in 2002 and understand the City's concerns regarding the long-term potential for growth and redevelopment that is not carefully planned.

Following are some comments on the proposed use as it relates to the General Plan.

The General Plan notes that development can create environmental issues and a need for increased roads and infrastructure.

Our proposal will not result in increased traffic or infrastructure. It will not result in any significant impact on City services or traffic. Design and construction will be sensitive to the proximity of Mill Creek which abuts our property.

The General Plan notes that visitor-oriented businesses and related growth and development may alter scenic qualities and the natural environment of the community. There are concerns that this could ruin the scenic beauty and environment if not allowed to proceed to care.

Our plans will be highly sensitive to these factors, and will include a sustainable, green sensibility.

A concern stated in the General Plan is that commercial and residential growth impact the rural and historic character of Moab, especially in downtown and "Old Moab" areas. This requires special attention to building size, construction materials, lighting, landscaping & traffic flow.

Our proposal will include a building size appropriate to the existing lot; the selected construction materials will be chosen with an eye to the existing environment. The building's design will encompass energy conservation, good air quality, resourceful materials and water conservation. Design will be in keeping with the proximity to Main Street and historic Moab.

The "Vision for Moab" discourages removal of trees and use of asphalt.

We will make our best attempts to retain the trees on the property and limit the use of asphalt.

In Section 2, "Growth & Urbanization", the stated goal is to encourage new development to be an asset to the community in terms of appearance, impact on city services, and natural environment.

Our proposal will take care to be designed to mesh with the historic nature of the downtown architectural character. It will not add to needs for city services beyond what they are now. There will be no new burden on the city or Moab's taxpayer. The landscaping will focus on low water use plants, and be designed for the enjoyment of those recreating on the Mill Creek Trail.

This plan will also fit within the objectives as described for C2 zoning.

"To facilitate the development of attractive areas within the city that allow the mixing of compatible commercial and residential uses."

Closing

In summary, our intention in asking for this zone change is so that we can create an attractive building for the community and become permanent and involved citizens of Moab.