



STAFF REPORT

To: East Side Planning Commission
From: Ray Milliner, County Planner
Date of Meeting: March 1, 2018
Type of Item: Rezone – Work Session
Process: Legislative

RECOMMENDATION: Staff recommends that the Planning Commission review the proposed Red Onion Rezone and plat amendment as a work session item, and provide the applicant and staff with feedback.

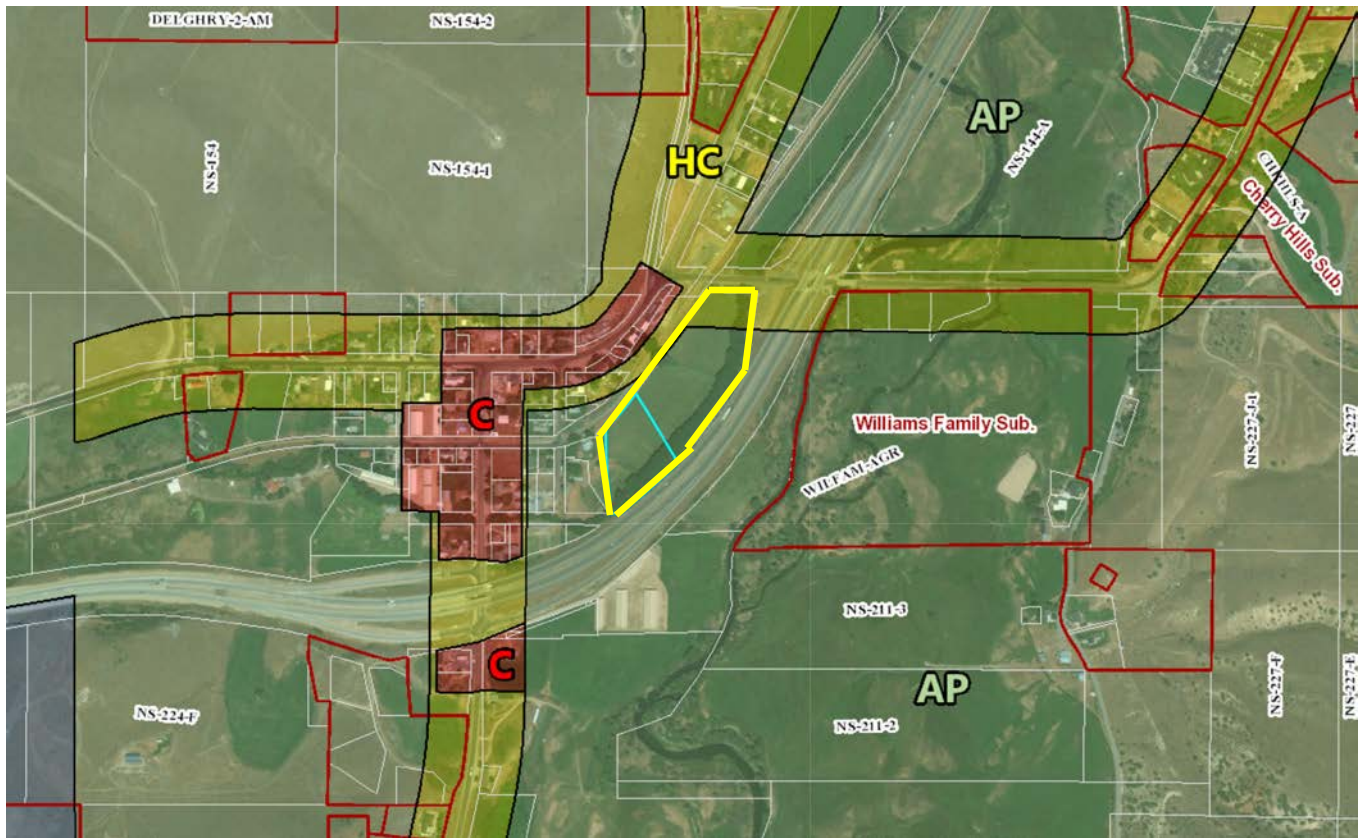
Project Description

Project Name: Red Onion Rezone
Applicant(s): Sheldon Smith
Property Owner(s): Sheldon Smith
Location: 2135 South 50 East, Wanship Utah
Zone District: Agriculture Protection (AP)
Parcel Number and Size: Parcel #s ROS-3, (3.22 Acres) ROS-4, (7 Acres)
Type of Process: Rezone
Final Land Use Authority: Planning Commission

Proposal

The applicant, Sheldon Smith, is requesting approval of a rezone to lots 3 and 4 of the Red Onion Subdivision from Agriculture Preservation (AP) to Commercial (C). Concurrent with the rezone application, the applicant is requesting a plat amendment to increase the size of lot three from 3.22 acres to 6.21 acres and decrease the size of Lot 4 from 7 acres to 4 acres. If approved, the two lots would be eligible for all of the uses listed as allowed, conditional or low impact on the Use Table in Chapter 3 of the Eastern Summit County Development Code (Use Table Attached as Exhibit A).

Vicinity Map



Background

The applicant, Sheldon Smith, is requesting approval of a rezone to lots 3 and 4 of the Red Onion Subdivision from Agriculture Preservation (AP) to Commercial (C). The Red Onion Subdivision was recorded in February of 2017. The property is currently used as a hay field and is located between the Rail Trail and Interstate-80 in Wanship. Access to the property is from 50 East on the west side and the Old Lincoln Highway on the north. There is a year round stream running along the east property line parallel with I-80. This stream would require a 100 foot setback for any structure, regardless of what the zone is.

Section 11-3-3B of the Development Code states that amendments to the Zoning Map shall not be granted until both the Planning Commission and County Council have reviewed the specific development proposal and determined:

- (1) The amendment is generally consistent with the goals of the general plan;
- (2) The amendment is compatible with adjacent land uses and will not be overly burdensome on the local community;

- (3) The specific development plan is in compliance with all applicable standards and criteria for approval as described in chapter 4 of this title; and
- (4) The amendment does not adversely affect the public health, safety and general welfare.

The purpose of this work session is to introduce the project to the Planning Commission and to receive feedback as it relates to the 4 standards listed above.

Analysis and Findings

The County Council, after receiving a recommendation from the Planning Commission, may approve, or deny a request for an amendment to the Zoning Map based upon written findings of fact and conclusions of law according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance:

Standard 1: The amendment is generally consistent with the goals of the general plan;

REQUEST DISCUSSION

Analysis: The Eastern Summit County General Plan emphasizes the need to balance economic growth and diversity with the preservation of Summit County’s agricultural heritage and natural resources. The proposed rezone area is currently used as agriculture, and is platted for two residential homes. Changing the zoning on the property would enable all of the uses allowed, conditional and low impact as stated in the Chapter 3 Use Table. Staff requests that the Planning Commission provide direction as to whether or not the proposed change from an agricultural/residential use to commercial is consistent with the Economic growth and diversity goals of the General Plan.

Standard 2: The amendment is compatible with adjacent land uses and will not be overly burdensome on the local community; **REQUEST DISCUSSION**

Analysis: The site has residential uses on the west, freeway on the east and south and the Spring Chicken Inn on the North. The Rail Trail provides a buffer between the site and some of the residential homes, with the exception of lots 1 and 2 of the Red Onion Subdivision, which are adjacent to Lot 3. The existing Wanship Commercial zone runs 200 feet off of the center line of HWY 32, but not to the proposed rezone area. As a result, there would be a 100 foot gap of residential zone between the proposed and existing commercial areas. Residents living in this area would feel the impacts of the commercial zones from both sides.

Standard 3: The specific development plan is in compliance with all applicable standards and criteria for approval as described in chapter 4 of this title; **REQUEST DISCUSSION**

Analysis: Concurrent with this application the applicant has submitted a Plat Amendment application that would be processed and reviewed for compliance prior to the approval of this rezone.

Standard 4: The amendment does not adversely affect the public health, safety and general welfare. **REQUEST DISCUSSION**

Analysis: Staff has identified a number of issues for discussion by the Planning Commission.

1. Is the location of the proposed rezone appropriate for Commercial zoning? It is near a freeway exit, adjacent to the Spring Chicken Inn, with access from The Old Lincoln Highway (for lot 4 only). Conversely it is adjacent to a number of single family homes and is currently zoned for agriculture and residential uses.
2. What are the potential impacts of commercial zoning on the rail trail? The Rail Trail is an invaluable community resource. It is important that adjacent uses are compatible.
3. Are there specific uses that the Planning Commission would or would not like to see on the property? It is possible to sign a development agreement with the property owner to define which uses are allowed on the property. This would be a negotiated document between the property owner and the County.
4. Are there any specific mitigations that the Planning Commission would like to see to protect adjacent property owners from impacts of commercial zoning.

Recommendation

Staff recommends that the Planning Commission review the proposed Red Onion Rezone and plat amendment as a work session item, and provide the applicant and staff with feedback.

Attachments

- Exhibit A – Memo From Applicant
- Exhibit B - Chapter 3 Use Table
- Exhibit C - Commercial Zone Requirements

MEMORANDUM FOR ZONE CHANGE

PROPERTY: LOTS 3 & 4 OF THE RED ONION SUBDIVISION
WANSHIP, UTAH

PROPERTY OWNER: SHELDON SMITH
PURPOSE: CHANGE OF ZONE APPLICATION

LOCATION OF PROPERTY

The location of the property is ideally situated for commercial activity. It is located adjacent to the I-80 westbound exit in Wanship. Historically, there have been other businesses in close proximity to this property. The Spring Chicken Inn was situated directly to the west of this property and had been in that location for over fifty years until closing a few years ago. Also in close proximity to the property have been other commercial activities, including a feed store, lumber mill, stock yards and other businesses. Several years ago there were motels, restaurants, gas stations, auto repair shops and other small businesses that existed in Wanship. It is an area that has supported commercial activity and has been conducive to the businesses that have been operated there. Currently to the south of this property are approximately 300 commercial storage units.

NO ADVERSE IMPACT WITH ZONE CHANGE

There are no properties that would be adversely affected by a zone change of this property. There are no homes directly adjacent to the property, nor any in the close proximity. The property is bordered entirely on the east side by I-80. On the west side the property is bordered by Rails to Trails. The north side is bordered by Old Lincoln Hwy, which is where the cars travel when exiting I-80. Property to the south is owned by me and members of my family. Hence, no parties or properties would be adversely affected by changing the zone to commercial.

ZONE CHANGE WOULD HAVE A POSITIVE IMPACT

There are few places in the unincorporated areas of Eastern Summit County, if any, that are better suited for a commercial zone. Wanship is an area that is most like a small municipality, with platted streets, water services and is in close proximity to the freeway exits. There have been several people that have approached me about selling or leasing the property for commercial activities. It seems that many opportunities exist for providing goods and services in the Wanship area. It would also allow for jobs and employment opportunities that are now scarce in Eastern Summit County. A commercial zone makes sense and would be by far the best use of the property.

11-3-14: CHART OF ALLOWED AND PERMITTED USES:  

A. The following chart titled "Chart Of Allowed And Permitted Uses" defines allowed, conditional and low impact uses for the various zone districts. Those uses designated by the letter "A" shall be considered allowed uses in the particular zone district; the letter "C" shall represent those uses that require conditional use approval and the letter "L" shall represent those uses that require low impact permit approval. CHART OF ALLOWED AND PERMITTED USES

Zoning legend ¹ :		Use legend ² :	
AP	Agriculture protection (1 dwelling unit per 40 acres)	A =	Allowed
AG-100	Agriculture protection (1 dwelling unit per 100 acres)	C =	Conditional
AG-160	Agriculture protection (1 dwelling unit per 160 acres)	L =	Low impact
HC	Highway corridor	T =	Temporary
CA	Cabin area		
C	Commercial		
LI	Light industrial		
I	Industrial		

Permitted Uses	AP	AG-100	AG-160	HC	CA	C	LI	I	Additional Reference
Accessory buildings and uses to the principal residential dwelling unit or subdivision, not to exceed 2,000 square feet	A	A	A	A	A	L			
Accessory buildings and uses to the principal residential dwelling unit or subdivision, exceeding 2,000 square feet	C	C	C	C	C	C			
Accessory dwelling unit	L	L	L	C	L	L			Section 11-6-5 of this title
Agricultural employee dwelling unit	C	C	C	C		L			Section 11-6-5 of this title

Agricultural employee facility for the purpose of providing shelter for more than 1 family	C	C	C	C		I			
Agriculture buildings and uses customarily associated with traditional "agriculture" operations as defined in appendix A of this title	A	A	A	A		I			
Auto impoundment yard and towing services						I	A	C	
Auto repair, service and detailing						L	A		
Auto wrecking yard						I		C	
Automotive sales						L			
Banks and financial services						L			
Bars, taverns, private clubs						C			
Bed and breakfast inn	C	C	C	C		L			
Butcher, retail						C	L		
Cemetery	C	C	C	C		C			
Childcare, in home (4 children or less)	L	L	L	L		I			
Childcare, family (fewer than 9 children)	L	L	L	L		I			
Childcare, family (with 9 _ 16 children)	L	L	L	L		I			
Childcare, commercial						C			
Commercial kennels	C	C	C	C		C	C	C	

Commercial riding arenas	C	C	C	C		I			
Commercial stables	C	C	C			I			
Dwelling unit, multi-family	C			C		I			
Dwelling unit, one-family	A	A	A	A	A	I			
Dwelling unit, single-family attached	L			L		I			
Food processing, commercial						L		L	
Funeral services	C	C	C	C		L			
Gas and fuel, storage and wholesale						C	C		
Gasoline service station with or without convenience store						L			
Guest ranches or lodge intended to attract visitors/patrons on a daily basis or an extended stay	C	C	C			I			
Hazardous liquids or materials transmission pipelines	C	C	C	C	C	C	C	C	Section 11-6-19 of this title
Historic structures, preservation of, including related accessory and supporting uses	A	A	A	A	A	A	A	A	
Home occupation	A	A	A	A	A	I			Section 11-6-3 of this title
Hospitals						C			
Hotel, motel or inn						L			
Houses of worship including churches and other religious institutions	C	C	C	C	C	C			
Indoor entertainment such as bowling alleys, skating rinks, movie theater, performing arts center						L			
Industrial uses and operations						I		C	

including storage and processing									
Institutional uses including fire stations, private schools and public or quasi-public buildings	C	C	C	C		C			
Logging camp	C	L	L			L			
Manufacturing, custom	L			L		L	L	L	
Manufacturing, heavy						L		C	
Manufacturing, light						L	L	L	
Microbrewery/microdistillery						C			
Mobile home park	C			C		L			
Mobile home with foundation (see definition of "prefabricated home" in appendix A of this title)	A	A	A	A	A	L			
Mobile home without foundation	C	C	C	C	C	L			
Municipal landfill						L		C	
Nursery/greenhouse	C	C	C	C		A			
Oil wells, natural gas wells and steam wells	C	C	C			L		C	Subsection 11-4-16F of this title
Open recreational uses	C	L	L	C	C	L			
Petroleum refineries		C	C			L		C	
Professional offices						L			
Railroad industrial uses including shipping and distribution						L	L	L	
Recreation and athletic facilities						L			

						I			
Recycling facility, class I	A	A	A	A	A	A	A	A	
Recycling facility, class II						I		L	
Rehearsal or teaching studio for creative, performing and/or martial arts with no public performances						L			
Residential care facilities	C	C	C	C		C			Section 11-6-18 and appendix A of this title
Restaurant, exceeding 2,000 square feet						L			
Restaurant, not exceeding 2,000 square feet						A			
Restaurant with drive-through						L			
Retail commercial establishments, exceeding 2,000 square feet						L			
Retail commercial establishments, not to exceed 2,000 square feet						A			
Rock quarries, gravel pits, and associated surface mining uses, including, but not limited to, filtering, sifting, and processing of soil	C	C	C			I		L	
Seasonal recreation, commercial (motorized)	C	C	C	C		I		C	
Seasonal recreation, commercial (nonmotorized)	L	L	L	L		I		L	
Sexually oriented businesses						I		C	Appendix C of this title
Shooting ranges, indoor						C	C	L	

						I			
Shooting ranges, outdoor	C	C	C			I			
Telecommunications facilities - collocation	A	A	A	A	A	A	A	A	Section 11-6-7 of this title
Telecommunications facilities - stealth	A	A	A	A	A	A	A	A	Section 11-6-7 of this title
Underground transmission lines exceeding 6 inches in diameter that are not considered hazardous liquids or materials transmission pipelines as defined in section 11-6-19 of this title	L	L	L	L	L	L	L	L	
Underground transmission lines 6 inches or less in diameter such as, but not limited to, transmission lines for natural gas, water, sewer, telephone, power, etc.	A	A	A	A	A	A	A	A	
Underground transmission lines exceeding 12 inches diameter (i.e., gas, oil, water, etc.)	C	C	C	C	C	C	C	C	
Underground utility uses, including transmission lines for natural gas, water, sewer, telephone, power, etc.	A	A	A	A	A	A	A	A	
Utility structures and related facilities	C	L	L	C	C	C	L	L	Section 11-6-6 of this title
Utility towers and associated transmission and distribution lines 45 feet in height or less	L	A	A	L	L	L	L	A	
Utility towers and associated transmission and distribution lines greater than 45 feet in height	C	C	L	C	C	C	C	L	
Veterinarian clinic	L	L	L	L	C	L			
Warehousing and commercial					C	I	L	C	

storage									
Water and wastewater treatment plant	C	C	C	C	C	Y	C	C	
Wind power generation facilities 45 feet in height and less	A	A	A	A	A	A	A	A	
Wind power generation facilities greater than 45 feet in height	C	L	L		C	Y	L	L	Subsection 11-4-16G of this title

Notes:

1. See sections [11-3-2](#) through [11-3-9](#) of this chapter for greater detail on zoning specifications.
2. See section [11-3-13](#) of this chapter for greater detail on use specifications.

(Ord. 776, 7-18-2012; amd. Ord. 811, 7-31-2013; Ord. 826-A, 1-7-2015)

11-3-7: COMMERCIAL (C):

A. District Intent: This zone district is established for the purposes of providing the general public with access to a limited range of neighborhood commercial and service related uses necessary to support the needs of residents in the surrounding area. This zone district allows existing commercial uses to be expanded and new commercial uses to be established within the commercial zone of the town center area of an unincorporated community. All commercial uses exceeding two thousand (2,000) square feet are reviewed through the conditional use review process.

B. Existing Legal Nonconforming Commercial Uses: Existing legal nonconforming commercial uses not located within a commercial zone district may continue and may be enlarged and/or expanded in accordance with section [11-6-2](#) of this title and the commercial use criteria listed in subsection C of this section.

C. Commercial Zone And Use Criteria: New commercial uses shall not be established nor shall existing commercial uses be expanded within the commercial zone unless the use complies with all of the following criteria:

1. The commercial use provides goods and/or services and employment opportunities to the residents of eastern Summit County.
2. There is sufficient off street parking at a minimum ratio of three (3) spaces per one thousand (1,000) square feet of floor area with adequate circulation and convenient access to the property without hazards and conflicts in residential neighborhoods.
3. Public services (sewer, water, electric, phone, etc.) are readily available to the property and can be provided at adequate levels to serve the demands of the commercial use without negatively impacting the level of service to adjoining uses or existing businesses as determined through an infrastructure analysis.
4. The property does not contain sensitive lands that are negatively impacted by the commercial use.
5. The commercial use is compatible and consistent with or supports other nearby uses and/or property conditions and has frontage along a public roadway.
6. The commercial use will not substantially alter the essential character of the surrounding area.
7. The commercial use will not substantially increase the danger of fire or otherwise endanger public safety, or substantially diminish or impair the enjoyment of surrounding properties.
8. A site plan, building architectural drawings and operational management plan will be required as part of any conditional use, low impact permit, rezoning or expansion of a commercial use to fully address potential impacts to neighboring uses or the community at large.

- D. Floor Area And Lot Coverage: Floor area and lot coverage requirements in the commercial zones shall be dictated by off street parking, adequate circulation and other site design requirements and development standards. The maximum floor area or lot coverage shall not exceed sixty percent (60%) of the lot.
- E. Lot Width: There shall be no requirement for lot width, provided all off street parking and circulation requirements can be satisfied.
- F. Setback Requirements: Minimum front yard setbacks shall be twenty feet (20') from any roadway right of way. Minimum side yard setbacks shall be twelve feet (12') from the side property line. Minimum rear yard setback shall be twenty four feet (24') from the rear property line to provide adequate alleyways for deliveries. Variances to the required setbacks to facilitate the use of existing buildings may be considered.
1. Wetlands And Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.
- G. Parking: Parking shall generally be located at the side or rear of commercial buildings with only limited parking allowed at the front of the building between the roadway and the building.
- H. Building Height: Maximum building height shall be thirty two feet (32') unless additional building height is required for the commercial use and is approved by the fire district and is determined to be compatible with adjacent buildings and uses. In no case shall the building height exceed fifty feet (50').
- I. Special Requirements: Special landscape screening and other buffer requirements, to the extent practical and reasonable, may be required to minimize the impact on adjacent uses. Special screening and buffer requirements shall be determined through the conditional use review processes. (Ord. 776, 7-18-2012)