



STAFF REPORT

To: East Side Planning Commission
From: Ray Milliner, County Planner
Date of Meeting: May 3, 2018
Type of Item: Rezone – Public Hearing Possible Action
Process: Legislative

RECOMMENDATION: Staff recommends that the Planning Commission review the proposed Red Onion Rezone and plat amendment, conduct a public hearing, and consider forwarding a positive recommendation to the County Council.

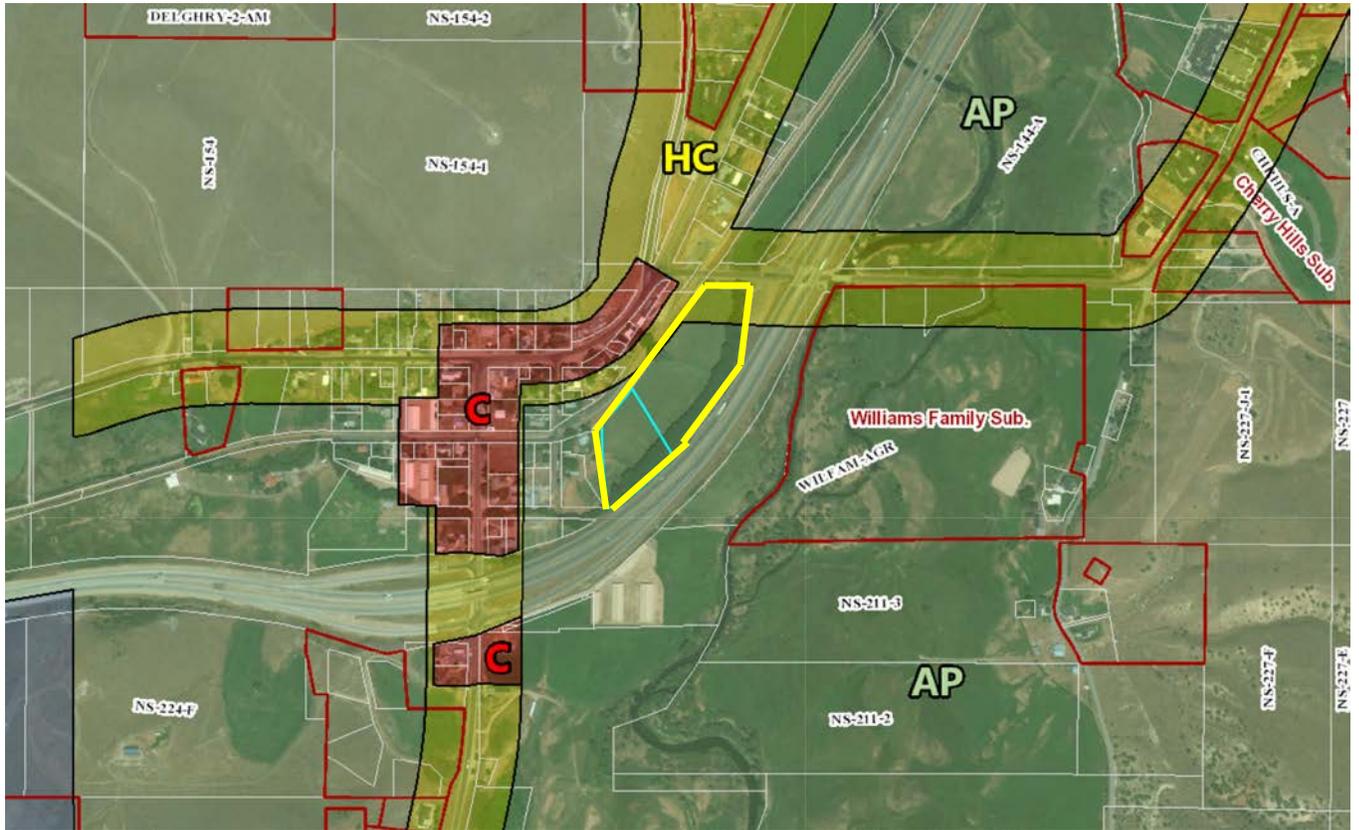
Project Description

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: County Council

Proposal

The applicant, Sheldon Smith, is requesting approval of a rezone of 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 (the final land use authority for the plat amendment is the Community Development Director).

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.

On March 1, 2018 the Planning Commission conducted a work session to review and discuss the proposed rezone. At the meeting, Commissioners stated that they were generally in favor of the proposal, but were concerned that some of the items listed in the Use Table were not appropriate for the site. The Commission directed staff to meet with the applicant to discuss the possibility of creating an alternative use table that would be formalized as part of a development agreement approved by the County Council.

Use Table REQUEST DISCUSSION

As directed by the Commission, the applicant met with staff to discuss possible amendments to the use table.

Below is a list of the uses that are Allowed, Conditional, or Low Impact Uses in the Commercial Zone (the list is from the recently Council amended Use Chart). Uses that are crossed out are those that the applicant and staff agreed to remove, Uses that are highlighted are those that staff requests discussion from the Planning Commission.

Use	Allowed, Conditional or Low Impact
Accessory Buildings and Uses to the principal use not to exceed 2000 square feet.	Allowed
Accessory buildings and uses to the principal residential dwelling unit use or subdivision, exceeding 2,000 square feet	Conditional
Accessory Dwelling Unit	Low Impact
Agriculture buildings and uses customarily associated with traditional "agriculture" operations as defined in appendix A of this title	Allowed
Auto repair, service and detailing	Conditional
Automotive sales	Conditional
Banks and Financial Services	Allowed
Bars, Taverns, and private clubs	Conditional
Bed and Breakfast Inn	Allowed
Butcher, Retail	Allowed
Car Wash	Conditional
Cemetery	Conditional
Childcare in home (4 children or less)	Allowed
Childcare, Family (with 9-16 children)	Allowed
Childcare, Commercial	Allowed
Commercial Kennels	Conditional
Commercial Riding Arenas	Allowed
Commercial Stables	Conditional
Contractor's Office	Conditional
Contractor's Yard	Conditional
Dwelling Unit, multi-family	Allowed
Dwelling Unit one-family	Low Impact
Dwelling unit single-family attached	Conditional
Distillery, Microbrewery	Conditional

Equipment Rental Heavy	Conditional
Equipment Rental Light	Allowed
Event Center	Allowed
Food Processing, Commercial	Allowed
Funeral Services	Allowed
Gas and fuel, storage and wholesale	Conditional
Gasoline service station with or without convenience store	Conditional
Hazardous Liquids or Materials Transmission Pipelines	Conditional
Home occupation	Allowed
Hospitals	Conditional
Hotel, motel	Conditional
Houses of worship including churches and other religious institutions	Conditional
Indoor entertainment such as bowling alleys, skating rinks, movie theater, performing arts center	Allowed
Manufacturing, Custom	Low Impact
Manufacturing, Light	Low Impact
Mobile Home with foundation	Low Impact
Nursery/greenhouse	Conditional
Open Space, Recreational uses (NONMOTORIZED)	Low Impact
Professional Offices	Allowed
Recreation and athletic facilities	Low Impact
Recycling facility, class I	Allowed
Recycling facility, class II	Allowed
Rehearsal or teaching studio for creative, performing and or martial arts with no public performances.	Allowed
Residential care facilities	Conditional
Restaurant	Allowed
Restaurant with drive-through	Low Impact
Retail commercial establishment	Allowed
Seasonal Plant and Agricultural Product sales	Allowed
Shooting Range, Indoor	Conditional
Telecommunications facilities-stealth	Allowed
Telecommunications facilities-colocation	Allowed
Underground Transmission lines 6 inches or less in diameter such as, but not limited to,	Allowed

transmission lines for natural gas, water, sewer, telephone and power	
Underground transmission lines exceeding 12 inches in diameter (including but not limited to gas, oil and water.	Conditional
Utility Structures and related facilities	Conditional
Utility Towers and associated transmission and distribution lines greater than 45 feet in height.	Conditional
Veterinarian Clinic	Low Impact
Warehousing and commercial storage	Conditional
Water and wastewater treatment plant	Conditional
Welding shop, commercial	Conditional
Wind Power generation facility 45 feet in height and less.	Allowed

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;
COMPLIES

Analysis: Chapter 4.1 of the Eastern Summit County General Plan states:

“GOAL: Support economic development and diversity to strengthen the economic base of Eastern Summit County, promote the social and economic well-being of the residents, and build community with a strong, diversified, year-round economy.

Encourage businesses and activities to provide a range of jobs and opportunities, including those that pay a living wage that can support permanent resident households.

Guide growth in a manner that promotes economic development and efficient use of services and permits economically beneficial use of land.”

The proposed rezone is consistent with the goals and policies of the Eastern Summit County General Plan because it will diversify the economic base of the Wanship. Its location near the interstate and other commercial areas make it suitable for commercial uses. The proposed list of Allowed, Conditional and Low Impact uses will ensure a range of development opportunities that will provide jobs to local residents, while limiting the impacts of the uses on the surrounding neighborhoods.

Currently there are only 4 areas zoned Commercial in Eastern Summit County: Bear River Service (8.66 acres), Echo (5.13 acres), Wanship (23.37 acres) and Woodland (6.2 acres). The limited amount of commercial area on the East Side limits opportunities for economic growth.

Staff finds that the proposed rezone would provide additional commercial area in Eastern Summit County, which in turn would provide more opportunities for economic growth, and provide additional opportunities for jobs.

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

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 (they are owned by the applicant). On March 1, 2018 the Planning Commission stated that this location is an appropriate spot for commercial uses but there are certain uses that may have a negative effect on surrounding property owners. To mitigate the impacts of high intensity uses on adjacent properties, the applicant has agreed to eliminate uses that would be incompatible with the surrounding area from consideration on the site through a development agreement.

Staff is requesting that the Commission review the list of Allowed, Conditional and Low Impact uses above, and discuss which uses would be appropriate for the site, as part of a recommendation to the County Council.

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; **COMPLIES**

Analysis: The applicant has not submitted a plan showing what use or uses are proposed for the rezone area, but concurrent with this application the applicant has submitted a Plat Amendment application that would be processed and reviewed for compliance by the Community Development Director prior to the approval of this rezone.

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

Analysis: The proposed rezone is located near a freeway exit, adjacent to the Spring Chicken Inn, has access from The Old Lincoln Highway and is adjacent to the Rail Trail. To mitigate the impacts of negative uses on adjacent property owners, staff has provided a condition of approval requiring the signature of a development agreement defining which uses are allowed on the property. In addition to the use table mitigation, all development on the property will be required to meet the minimum requirements for development in the Eastern Summit County Development Code including setbacks from streams and wetlands, height, water, sewer, etc.

Recommendation

Staff recommends that the Planning Commission review the proposed Red Onion Rezone and plat amendment, conduct a public hearing, and consider forwarding a positive recommendation to the County Council.

Findings of Fact

1. The applicant, Sheldon Smith, is the owner of Parcel #s ROS-3, (3.22 Acres) ROS-4, (7 Acres)
2. Parcel #s ROS-3, (3.22 Acres) ROS-4, (7 Acres) are also known as lots 3 and 4 of the Red Onion Subdivision.
3. The applicant is requesting approval of a rezone of Lots 3 and 4 of the Red Onion Subdivision from Agriculture Preservation (AP) to Commercial (C).
4. Concurrent with the rezone application, the applicant is requesting a plat amendment to increase the size of Lot 3 from 3.22 acres to 6.21 acres and decrease the size of Lot 4 from 7 acres to 4 acres.
5. The final land use authority for the plat amendment is the Community Development Director.
6. The final land use authority for the rezone is the County Council.
7. The property is currently used as a hay field and is located between the Rail Trail and Interstate-80 in Wanship.
8. Access to the property is from 50 East on the west side and the Old Lincoln Highway on the north.
9. There is a year round stream running along the east property line parallel with I-80.
10. Setbacks from a year round stream in the Commercial zone are 100 feet.
11. Currently there are only 4 areas zoned Commercial in Eastern Summit County (Bear River Service (8.66 acres), Echo (5.13 acres), Wanship (23.37 acres) and Woodland (6.2 acres)).

12. 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.
13. On March 1, 2018 the Planning Commission stated that this location is an appropriate spot for commercial uses but there are certain uses that may have a negative effect on surrounding property owners.
14. To mitigate the impacts of high intensity uses on adjacent properties, the applicant has agreed to eliminate uses that would be incompatible with the surrounding area from consideration on the site through a development agreement.

Conclusions of Law

1. The proposed rezone is generally consistent with the goals of the general plan.
2. The proposed rezone is compatible with adjacent land uses and will not be overly burdensome on the local community.
3. The amendment does not adversely affect the public health, safety and general welfare.

Conditions of Approval

1. The applicant and Summit County shall sign a development agreement that lists all allowed, conditional or low impact uses for the proposed rezone area.

Attachments

- Exhibit A – Memo from Applicant
- Exhibit B - 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.

11-3-7: 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)