

Grand County Planning Commission Minutes

May 26, 2004

A regular meeting of the Grand County Planning Commission convened on the above date at 6:00 PM in the Council Chambers of the Grand County Courthouse.

Members Present: Chairman D.L. Taylor, David Everitt, Dave Cozzens, Susie Harrington, and Tom Shellenberger. Kevin Wright and Tom Rees were excused
County Council liaison; Joette Langianese.

Others Present: Planning Staff; Mary Hoffine, and other concerned citizens.

The meeting was called to order at 6:00 PM

Approval of minutes: Tom Shellenberger moved to approve the May 12th minutes, Dave Cozzens seconded and all voted in favor.

Public Hearing - Sunny Valley Estates PUD – Preliminary plat, Dan Pyatt applicant – Staff read into the record reference of the General Plan as amended to date, the Grand County Land Use Code as amended to date and staff's memo to the Planning Commission with today's date.

This application, submitted by Dan Pyatt ("Applicant"), proposes to subdivide a 22.37-acre parcel into 23 lots, each for single family use. The property is located in the RR, Rural Residential District and a mandatory PUD district. The proposed lots vary in size from 0.5 acres to 0.8 acres, and 7.4 acres of open space is proposed. The channel of the Pack Creek floodway forms the western property boundary of the proposed subdivision and PUD, the property is also impacted by a shallow sheet flow of the 100-year floodplain.

Additionally, the following items are noted as requirements of the Final Plat and/or construction design:

1. Delineation of the 100-year floodplain boundaries on the Final Plat (already on the Preliminary Plat);
2. Evaluation of the site specific drainage study by the County Engineer to determine adequacy of the study and the associated detention plans for the development;
3. Participation in the proportionate cost of acceleration/ deceleration lanes serving this area (like the County required of Rim Village);
4. Identification of right-of-way (rather than the proposed easement) from the cul-de-sac to the property boundary for future road connectivity and construction;
5. Coordination of fire protection with the Fire Marshall, including but not limited to placement of fire hydrants in accordance with the Marshall's recommendation; and
6. Compliance with the requirements of GWSSA.

The Planning Commission will support bonus density per *Land Use Code*, Sec. 3.22.9A, in consideration of the applicant-proposed excess open space, reduced height, extended trail easement, and more restrictive outdoor lighting covenant.

After a lengthy discussion Tom Rees moved to table the preliminary plat pending the following:

1. Addition of a plat note to the Preliminary and Final Plats accurately describing the severity of the floodplain and noting finished first floor elevation requirements for each lot, per County Engineer's prior recommendation;
2. Incorporation of flood easements on plat, street designs and grading plans that plan for relief flood waters entering the site;
3. On lots one (1) through seven (7) provide a 50 foot residential set back measured from the center of creek to the wall of the house;
4. Dedicate a 15-foot non-motorized trail right-of-way from the North end of the property through the open space on the South, to the edge of the property;

5. Designation of "open space" as Common Open Space, to be deeded to a Homeowners' Association and owned in common by the property owners -- such open space should include the 8 acres proposed at the south end of the property, plus the drainage detention area at the northwest corner, the Pack Creek drainage channel and 15-foot wide public trail consist with PUD requirements and County trail standards, and sufficient for public trail construction, maintenance and access purposes;
6. Plat notes to be added to the plat:
 - a. The maximum building height for all structures shall be limited to 18 feet.
 - b. Open space designated on this plat shall be preserved from development for a period of at least 40 years, any change in the use of such open space shall require the written approval of all property owners in the PUD and approval of a zoning map amendment pursuant to the requirements of Sec. 6.2 of the Grand County Land Use Code.
7. Specify in the protective Covenants to provide that those portions of such documents pertaining to the creation of the homeowners' association and to the use, operation, maintenance and/or supervision of common facilities may not be amended without the prior written consent of Grand County, as follows:

Amendments Requiring County Approval. Amendments to these Covenants, Conditions and Restrictions or the bylaws of the property owners association relating to creation of the homeowners' association and to the use, operation, maintenance and/or supervision of common facilities, such as changes in design standards, private roads, drainage cleanouts, sewer and water, open space and other matters which the County has direct decision-making authority, must be approved by the County prior to finalization.
8. Include in the Protective Covenants and a plat note for restriction of outdoor lighting from dusk to dawn.

Susie Harrington seconded and all voted in favor.

Code Amendment – The Commission discussed that there is not much flexibility in the MFR zone district for the Commission or Council to assure compatible development in the areas that we currently have MFR zoned properties, although if it were a mandatory PUD district the flexibility would be there. The Commission directed staff to advertise for a public hearing for the next available meeting for a code amendment that will require the MFR zone district to be a mandatory PUD district.

Public Hearing - Black Oil Co. in Thompson Zone Change Request: For reference the following was read into the record; the General Plan as amended to date, the Grand County Land Use Code as amended to date, and the Commission's packet from staff with today's date.

This application is submitted by Burton or Dale Black, Black Oil Co. (Applicant). The application requests to rezone a 3.63 acre parcel of real property from RG, Range Grazing to HC, Highway Commercial. This parcel is located adjacent to Interstate 70 and the county road accessing Thompson Springs.

The Commission discussed the fact that this rezone is to make an existing business compliant with the zone district.

Dave Everitt moved to recommend approval to the Council with the following findings:

Rational to support the rezoning includes the fact that the parcel is currently used for an existing business and the proposed rezoning is generally consistent with the Crescent Junction to Thompson Springs Future Land Use Plan.

- a. Was the existing zone for the property adopted in error? *The parcel is currently being used consistent with the proposed HC zoning.*
- b. Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)? *Existing utilities are provided and an Area Plan has been adopted supporting the rezone.*
- c. Is there a need for the proposed use(s) within the area or community? *There is an existing lucrative commercial business.*
- d. Will there be benefits derived by the community or area by granting the proposed rezoning? *Yes, continued sales and property taxes as well as the commercial services offered by the existing business.*

- e. Is the proposal in conformance with the policies, intents and requirements of Grand County General Plan, specifically the Plan's zoning map amendment guidelines? Yes, the area plan has proposes this area as a commercial node.
- (1) Should the development be annexed to a city? No, Moab City does not serve this area.
 - (2) Is the proposed density and intensity of use permitted in the proposed zoning district? No new development is proposed at this time, but an existing gas station and convenient store has been operating from this site for at least 10 years.
 - (3) Is the site suitable for rezoning based on a consideration of environmental and scenic quality impacts? Yes, there are no apparent scenic or environmental impacts.
 - (4) Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be adequately mitigated? Yes, see #2 above.
 - (5) Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development? We assume that the existing business is served with approved water and sewer services, no other development is proposed and no other information regarding public facilities and services is provided.
 - (6) Does the proposed change constitute "spot zoning"? No.

Tom Rees seconded and all voted in favor.

Adjournment: Meeting adjourned at 8:00 p.m.