

Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on GP 2018-03, a request to amend the West Central

Weber County General Plan to enable a commercial rezone at approximately 4311

West 1200 South.

Agenda Date: Tuesday, September 11, 2018

Applicant: Dan and Tami Baugh

File Number: GP 2018-03

Property Information

Approximate Address: 4311 West 1200 South

Zoning: The area is currently Agricultural (A-1)

Existing Land Use: Agricultural **Proposed Land Use:** Commercial

Township, Range, Section: T6N, R2W, Sections 20

Adjacent Land Use

North: Commercial/Residential/Agricultural South: Railroad

East: Residential/Agricultural West: Residential/Agricultural

Staff Information

Report Presenter: Charles Ewert

cewert@webercountyutah.gov

801-399-8767

Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures

Proposal History

Please review the planning commission staff report attached to this report as Exhibit A.

Legislative Decisions

General plan amendments are legislative decisions. The County Commission has wide discretion regarding the outcome of this decision. The commission may deny, approve, or approve with modifications. Regardless of the decision, it should be made with findings of public benefit.

Background and summary

This application is concerning a proposed change to the West Central Weber County General Plan (2003). This change is being run simultaneous to a request for a rezone. The applicant's ultimate goal is to rezone the property from its current A-1 zone to the C-2 zone, however, the current general plan does not provide for this change. Changes to the zoning map should be in compliance with the general plan.

The Western Weber Planning Commission has forwarded a negative recommendation to the county commission for this change to the general plan. A primary concern expressed during their meeting over this requested plan amendment is that some planning commissioners are uncomfortable changing a community-wide comprehensive plan for a single parcel. They would rather see a more comprehensive review of the entire plan prior to favoring this parcel for additional commercial development considerations.

However, the planning commission was able to determine that a type of commercial rezone could be applied to the property that complies with the general plan. They forwarded a positive recommendation for a rezone to the

C-1 zone for 15 of this 22 acre parcel (see rezone staff report) even though they forwarded this negative recommendation for changes to the general plan.

Because of the planning commission's recommendation, this report offers no actionable document to change the plan. If the County Commission is desirous to amend the general plan to support the applicant's desire then staff recommends tabling this item until further direction can be given to staff regarding the desired direction. Staff will take that direction and prepare the general plan amendment to be adopted by resolution. There are infinite ways the general plan can be amended; several of those options are analyzed in the planning commission staff report (Exhibit A). Please review that in preparation for this discussion and decision. The planning commission's recommendation is based on alternative one of that report.

Summary of County Commission Considerations

The County Code specifies very little process regarding a modification to the general plan. §102-2-4, "powers and duties of the planning commission," specifies that the planning commission "shall review the general plans and make recommendations to the county commission, as deemed necessary, to keep the general plan current with the changing conditions, trends, and planning needs of the county."

Given this, the criteria for making a decision regarding changes to the general plan are whether or not there are changing conditions, trends, and planning needs. To make favorable decision on this application the county commission should be able to make these findings.

The question can really be boiled down to whether or not the proposed modification to the future land use map, if implemented through zoning, will produce desirable community outcomes.

Recommendation

The planning commission recommends denial of this general plan amendment. If the county commission desires to deny the application, staff recommends doing so based on the finding that there are insufficient changes in trends, conditions, and community planning needs to merit the change.

If the county commission desires to entertain approval of this general plan amendment, staff recommends tabling this item so staff can take direction on the details of the commission's desired amendment. Staff will prepare the amendment and present it for adoption by resolution at a later meeting.

Exhibits

Exhibit A: Planning Commission Staff Report

Exhibit A:

Planning Commission Staff Report



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on ZMA 2018-03, a request to amend the zone map to

rezone approximately 22 acres from A-1 to C-2 at approximately 4311 West 1200

South.

Agenda Date: Tuesday, August 14, 2018
Applicant: Dan and Tami Baugh

File Number: ZMA 2018-03

Property Information

Approximate Address: 4311 West 1200 South

Zoning: The area is currently Agricultural (A-1)

Existing Land Use: Agricultural **Proposed Land Use:** Commercial

Township, Range, Section: T6N, R2W, Sections 20

Adjacent Land Use

North: Commercial/Residential/Agricultural South: Railroad

East: Residential/Agricultural West: Residential/Agricultural

Staff Information

Report Presenter: Charles Ewert

cewert@webercountyutah.gov

801-399-8767

Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures

Proposal History

This proposal was presented at public hearing to the Western Weber Planning Commission on July 10, 2018. At the time only a hearing was held. The details of the application were not quite ready for final recommendation from the Planning Commission.

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require compatibility with the general plan and existing ordinances.

Background and summary

This application is concerning a change to the West Central Weber County General Plan (2003). In the July 10th planning commission hearing this item was packaged into a bigger decision regarding also changing the county zoning map for the 22-acre subject property from A-1 to C-2. Staff have split these issues into two separate reports and two separate decisions. This report is one.

Weber County Code §102-5-2 requires any changes to the zone map to comply with the directives of the general plan. A favorable decision on this item from the county commission will offer better support for a pending rezone application for this same property. That rezone application is on the same meeting agenda, in which staff has offered four alternatives. The planning commission should be familiar with that in order to make an effective decision

regarding this application. In order to support the various alternatives of the potential rezone, staff has provided two alternatives for the planning commission to consider for this decision.

The first alternative will support the first and second rezone alternative listed in the rezone staff report. Depending on how the planning commission desires to interpret and apply the current general plan, it might not be necessary for the rezone alternative one to run with this general plan amendment. More details on that is offered in the rezone staff report under 'alternative one.'

The second alternative listed herein will support the third alternative listed in the rezone staff report. An implied alternative, of course, is a denial of this application in favor of either alternative one or four in the rezone staff report.

Action on a general plan amendment has fairly wide discretion. Any action taken should be based on public need or desire and whether there are changed or changing conditions in the community that merit it.

Alternative one.

The text of the general plan and the future land use map of the general plan could be changed to support more commercial acreage than currently specified. Currently, the plan text only accounts for 7-14 acres of future commercial area at the intersection of 4700 West and 12th Street. It does not specify how this acreage should be divided up, but the map shows an asterisks over the intersection, leading some to believe that it is intended to be shared across all corners. The map also calls for 15 acres, not 7-14. See Figure 11 to view the plan's future land use map as it currently exists.

RESIDENTIAL/AGRICULTURAL As zoned - one-acre and five-acre lots.
 Cluster style development pattern regulred, minimum 30 percent open EXISTING STATE / FEDERAL LAND WATERFOWL MANAGEMENT AREA COMMUNITY VILLAGE CENTER Commercial node of 7 to 14 acres of supportable neighborhood services. ACIFIC RAILROAD EXISTING AGRICULTURE PROTECTION AREAS Unchanged **EXISTING SEWER** PROPOSED 100' WIDE SETBACK ALONG RIVER SCHOOLS AND PARKS New High School as planned by Weber School District. S

Figure 1: 2003 West Central Weber County General Plan Future Land Use Map

Exhibit C shows the existing and proposed text and the existing and proposed future land use map. Figure 2² shows this future land use map amendment graphically.

This alternative will enable additional commercial area for a little bit larger future village. Future developments would accommodate a smaller-scale neighborhood village feel with limits on automobile oriented uses in favor of a more walkable community.

Alternative one in the rezone and alternative two would support this development pattern to some degree.

¹ See also Exhibit B.

² See also Exhibit C.

RESIDENTIAL/AGRICULTURAL As zoned - one-acre and five-acre lots. Cluster style development pattern required, minimum 30 percent open EXISTING STATE / FEDERAL LAND **WEST WEBER** COMMUNITY VILLAGE CENTER Village node of about 25-30 acres for mixed-use neighborhood oriented services EXISTING AGRICULTURE PROTECTION AREAS Unchanged **EXISTING SEWER** PROPOSED 100' WIDE SETBACK ALONG RIVER 1800 SOUTH SCHOOLS AND PARKS . New High School as planned by Weber School District. S · Adjacent 20-acre park.

Figure 2: Alternative one's future land use map amendment.

Alternative two.

As in alternative one, the text of the general plan and the future land use map of the general plan could be changed to support more commercial acreage than currently specified as well, but do so by allowing more automobile oriented uses. This would be a required amendment if the planning commission supports the alternative three of the rezone staff report in which the entire 22-acre parcel would be rezoned to the C-2 zone. The C-2 zone has a number of heavier intensity automobile oriented uses.

Exhibit D shows the existing and proposed text and the existing and proposed future land use map under this alternative. Figure 3³ shows this future land use map amendment graphically.

This alternative will enable additional commercial area for just the applicants 22-acre parcel. Developments could accommodate a number of larger-scale commercial uses.4



Figure 3: Alternative two's future land use map amendment.

Summary of Planning Commission Considerations

³ See also Exhibit D.

⁴ See Exhibit F of the Baugh rezone staff report for a list of uses allowed in the C-2 zone.

The County Code specifies very little process regarding a modification to the general plan. §102-2-4, "powers and duties of the planning commission," specifies that the planning commission "shall review the general plans and make recommendations to the county commission, as deemed necessary, to keep the general plan current with the changing conditions, trends, and planning needs of the county."

Given this, the criteria for making a decision regarding changes to the general plan are whether or not there are changing conditions, trends, and planning needs. To make a favorable recommendation on this application to the county commission the planning commission will need to be able to make these findings.

The question can really be boiled down to whether or not the proposed modification to the future land use map, if implemented through zoning, will produce desirable community outcomes.

Staff Recommendation

Either of the staff-offered alternatives could lead to quality community outcomes – depending on the development desires of the planning commission, and ultimately, the county commission. Alternative one may have better planning outcomes, but the potential economic development value of alternative two also has public benefits.

If the Planning Commission desires to forward a positive recommendation to the County Commission on alternative one, staff recommends doing so with the following findings:

- 1. That the general plan amendment has sufficient support from the public.
- That the general plan amendment will offer necessary and essential community services for the surrounding areas.
- 3. That changed and changing conditions exist that merit the need for the changes.
- 4. That the plan amendment is not detrimental to the health, safety, or general welfare of the public.

If the Planning Commission desires to forward a positive recommendation to the County Commission on alternative two, staff recommends doing so with the following findings:

- 1. That the general plan amendment has sufficient support from the public.
- That the general plan amendment will offer necessary and essential community services for the surrounding areas.
- That after recent or foreseeable changes in the area, heavier intensity commercial uses are more desirable that smaller neighborhood commercial villages.
- That the economic benefits of heavier commercial uses will offer better public outcomes than small neighborhood commercial uses.
- 5. That the plan amendment is not detrimental to the health, safety, or general welfare of the public.

Exhibits

Exhibit A: Application.

Exhibit B: 2003 West Central Weber County General Plan Future Land Use Map

Exhibit C: Alternative one's future land use map amendment.

Exhibit D: Alternative two's future land use map amendment.

Webei	r Count	y Zoning Ma	ap Amen	dm	en	t App	lication
Application submittals w	III be accepted	d by appointment only.	(801) 3 99 -8791. 2	380 W	ashin	gton Blvd. S	Suite 240, Ogden, UT 84401
Date Submitted 5/22/2018			Received By (Office Use)				Added to Map (Office Use)
Property Owner Contact info	ormation			•			***************************************
Name of Property Owner(s) Baugh Enterprises LLC			Mailing Address of Property Owner(s) 4441 S 4300 W				
Phone 801-732-8870	Fax		West Haven, Utah 84401				
mail Address		******	Preferred Method of Written Correspondence Email Fax Mail				
Authorized Representative	Contact Inf	ormation					
Name of Person Authorized to Represent the Property Owner(s) Dan or Tami Baugh Phone Fax		Mailing Address of Authorized Person 4441 S 4300 W West Haven, Utah 84401					
801-732-8870 or 801-698-3113					<u> </u>		**************************************
Email Address dansonct53@yahoo.com or tblongt	nair@gmail.co	om	Preferred Meth	Preferred Method of Written Correspor		· ·	dence
Property Information							
Project Name Baugh Business Development			Current Zoning				Pronosed Zoning C-2
Approximate Address 4441 S 4300 W West Haven 84401			Land Serial Number(s) 15-055-0023				
Total Acreage 21.9	•		Proposed Us Commercia				
Project Narrative					L	<u></u>	
Describing the project vision.							
Baugh Business Development- Ret	all Shopping I	Development					
-Grocery Store							
-Farm and Ranch/Hardware Slore.							
-Convenience Store/Gas Station							
-Bank/Credit Union							
-1-2 Fast Restaurants							
-Pizza type restaurant Dine in/Deit	very						
-Dry Cleaner							
-Small Retail Stores such as: Cloth	ning Store, Ha	illmark, Book Store, Bak	ery, Yogurt Shop,	etc.			
The project goal is to give the complex in the project goal is to give the complex in the providing much in the chooses. It will offer restaurants and other meals. It will allow the someoded services.	needed jobs. I nd services no	It will increase the tax be of currently easily access	ase, thus giving th sible. It will help t	e com he loc	nmuni al higi	ty options o h school kld	f eventual incorporation, If it so is by giving them options for lunch
The goal with this development is to future needs.	o give the loca	al population a Centraliz	ed Family Friendi	y Sho	pping	Experience	In keeping with their current and

Project Narrative (continued)					
How is the change in compliance with the General Plan? In conjunction with the Zoning change, we are asking for the General Plan to be updated to accommodate the Currently proposed use.					
, , , , , , , , , , , , , , , , , , ,					
Why should the present zoning be changed to allow this proposal?					
The Community has grown to the point of necessitating further intrastructure to accommodate the growing needs of the community.					
-It would give the community a much needed Grocery Store and Farm & Ranch store within it's boundaries.					
-It would give the high school kids another alternative tor eating lunch and other meals not eaten at home.					
-It would give community members closer dining options.					
-lt would provide much needed service options such as dry cleaners and a bank or Credit Union.					
-It would provide a much needed boost to the community tax base.					
-It would bring local jobs.					
-It would bring support to the School programs.					

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

- -It would give the kids at the high school and also, the community closer options for food, clothing, farm and ranch supplies, banking and fuel. In providing those options at a closer distance, it would reduce accidents by reducing travel.
- -It would reduce emissions by reducing travel.
- -It would give much needed food options.
- -It would provide jobs for the local residents.
- -It would benefit residents by offering services not currently within easy access.
- -It would allow those with disabilities options of closer proximity and lessen the burden of accessing necessary living needs.
- -It would give families an opportunity to spend more time together in reducing the amount of travel to and from schools and grocery stores and restaurants.
- -It would offer those visiting the area more options of services while visiting the area.

Property	Owner	Affidavit
LIODGIC	AAAIIGI	MILLIAMORE

I (We), Land of Carry depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Hanter.

Property Owner)

Subscribed and sworn to me this

22 day of May

,20/8

(Property Owner)

(Notary

KAR NOTARY COMIN

KARY C. SERRANO
NOTARY PUBLIC • STATE of UTAH
COMMISSION NO. 680641
COMM. EXP. 11-19-2018

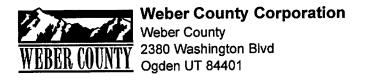


Exhibit A: Application. Receipt 77861 Number

Receipt Date

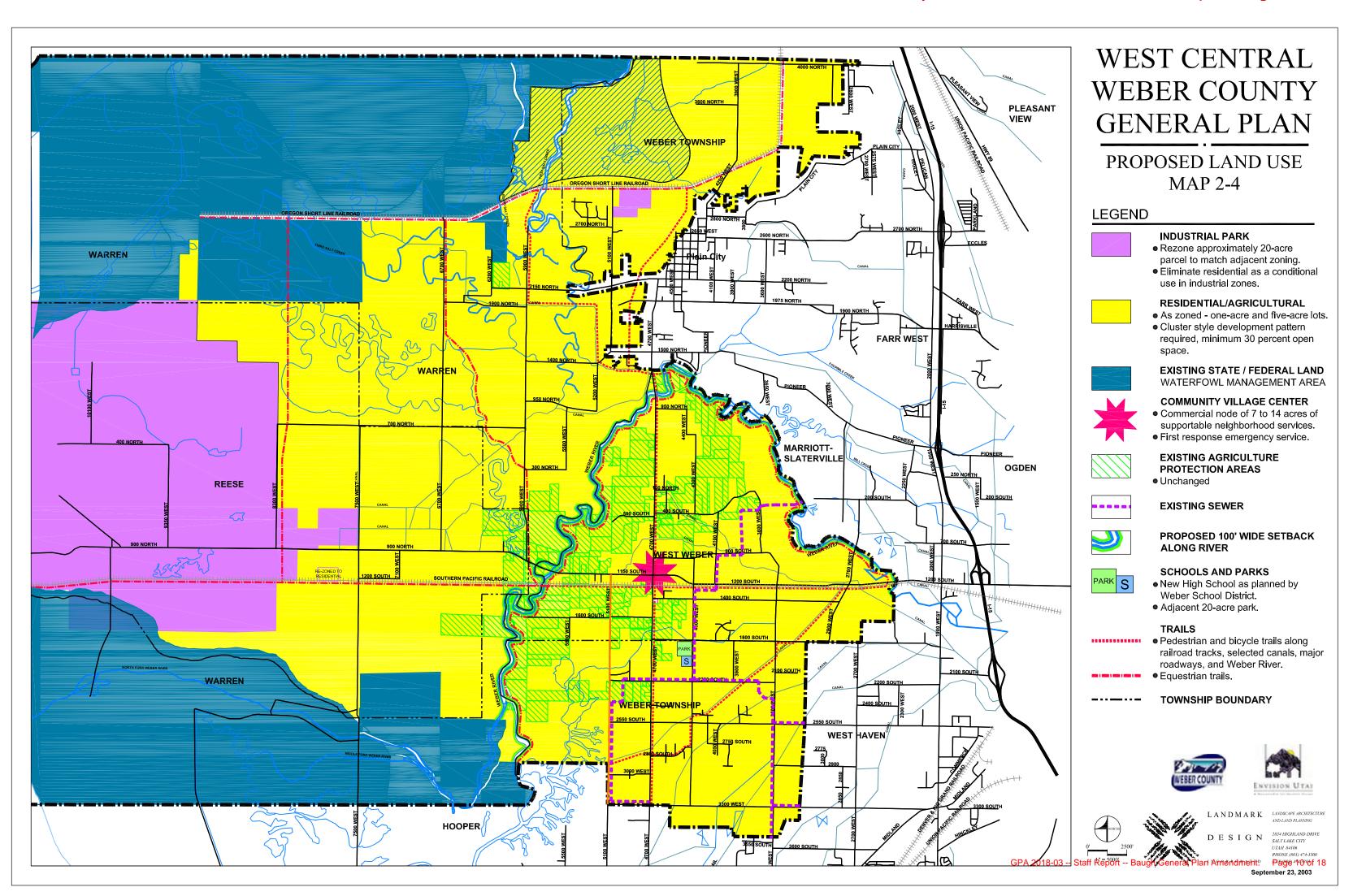
05/22/18

Received From:

Baugh Enterprises LL

10:57 Time:

			Clerk:	tbennett
Description		Comment		Amount
Gerneral and re		general and rezone a		\$1,000.00
	Payment Type	Quantity	Ref	Amount
	CHECK		15550	
		AMT TENDERED:	\$1,000.00	
		AMT APPLIED:	\$1,000.00	
		CHANGE:	\$0.00	



Dedication to County

- Open space is dedicated to the County.
- Ownership and management of open space shifts to County.
- · County may develop as public open space, i.e. natural park, developed park, combination natural and developed, equestrian park, etc.
- · County may lease or sell open space for agricultural purposes, wildlife management, etc. but not for other development.
- County may retain for sale one development right (one estate property) if over 20 acres in size, with conservation easement.
- · Conservation easement is retained by a holding agency (County, conservation organization, etc.)

Commercial Land Use

By the year 2020, the area can support somewhere between 7 and 14 acres (50,000 to 94,000 square feet) of retail commercial, neighborhood services. A commercial node, formed at the intersection of 1200 South and 4700 West, includes mixed-use retail, small offices and community services such as a First Response medical unit. The commercial node may begin to serve as a "community" or "village" center for the area. Residential uses such as condominiums, apartments, or senior living units are not included in the area.

Zoning for this commercial node should be C-1, which excludes most large uses, large box retail concerns, and intense uses such as auto sales; or create a new mixed-use zone designed to support small community center uses.

Policy: Commercial Development

Direct new commercial development to contiguous parcels at the intersection of 1200 South and 4700 West. To accommodate approximately 50,000 to 94,000 square feet of retail space, a maximum of 15 acres of commercial development is permitted.

Implementation Action: As new commercial development is proposed, properties should be rezoned to C-1.

Implementation Action: Rezone the existing C-2 properties to C-1.

Manufacturing Land Use

The existing manufacturing zones in the West Central Weber County amount to just over 20,000 acres, and have the potential to provide additional tax base as new development occurs in the future. The current amount of property zoned for manufacturing (M-1, M-2, and M-3) is adequate and should be maintained and reserved for manufacturing uses.

Policy: Industrial Development

Any new industrial uses should be directed to existing planned and zoned industrial areas. Industrial uses that are non-polluting and which do not harm the environment, the health and safety of residents, or create nuisances for nearby property owners are favored.

Dedication to the County

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Commercial Land Uses

The private market is likely to pressure the land uses at the intersection of 12th Street (1150 South) and 4700 West to covert to commercial land uses at some point in the future. The community is desirous that the commercial uses do not overwhelm the rural agrarian nature of the area, and desire that they complement the community and serve the area's residents rather than act as a commercial draw for other communities. When the market demands and the community supports, a neighborhood-village node should be allowed at this intersection. The village should include a mix of commercial uses including grocery store, farm store, small offices and other related small community services. Residential uses should not be allowed without the commercial village element being the primary use, and only if the County creates a transferable development right program as specified in the "Conservation Easements" section of p. 5-4, or "Transfer of Development Right (TDR)" section of 5-7 of this general plan.

Zoning for the village should limit large commercial uses, large-box retail, and uses that are heavily dominated by automobile-oriented commercial uses. Uses should maintain a small walkable neighborhood village character that compliments the local rural agrarian community both in use, building scale, and building design.

Policy: Village Development

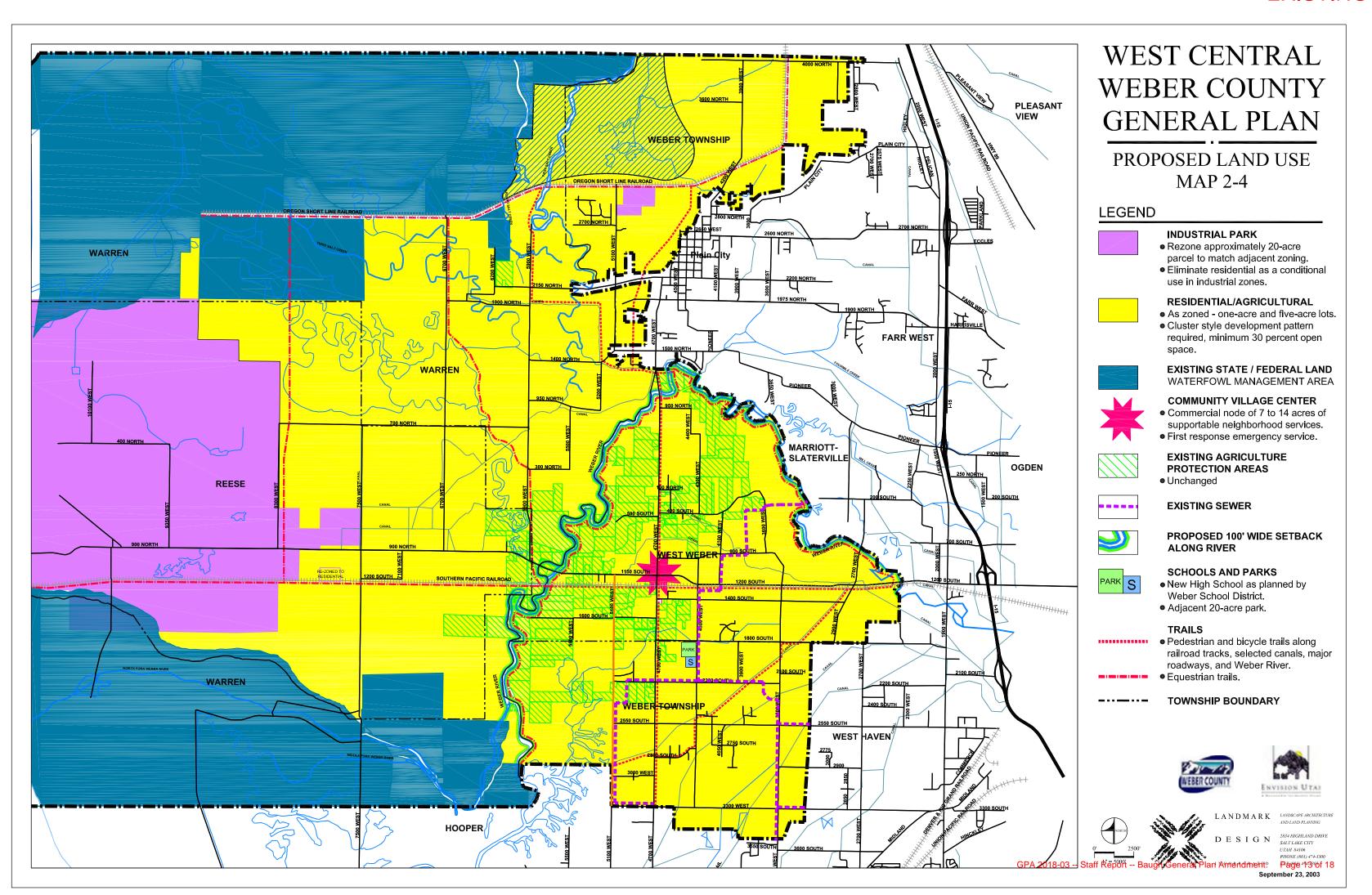
As new commercial development is proposed at the intersection of 4700 West and 12th Street, employ land use regulations and/or development agreements that enable a mixed-use walkable neighborhood-oriented village of no more than 30 total acres. Equal consideration should be given to all four corners of the intersection, with more acreage being allowed if 15-20% of a site or project area is reserved for a park or other similar community gathering place that is connected to the community by trails or pathways.

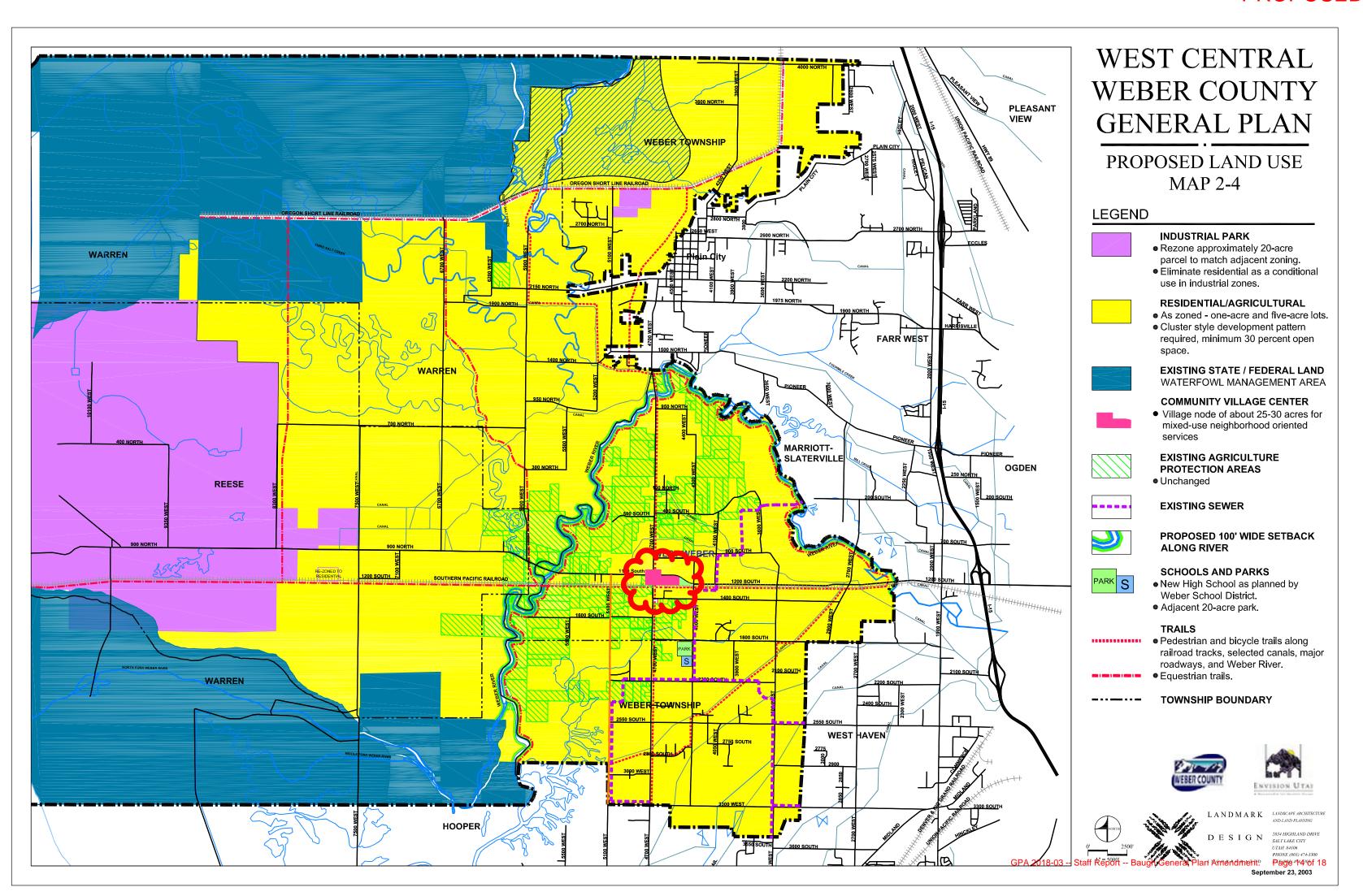
Manufacturing Land Use

The existing manufacturing zones in the West Central Weber County amount to just over 20,000 acres, and have the potential to provide additional tax base as new development occurs in the future. The current amount of property zoned for manufacturing (M-1, M-2, and M-3) is adequate and should be maintained and reserved for manufacturing uses.

Policy: Industrial Development

Any new industrial uses should be directed to existing planned and zoned industrial areas. Industrial uses that are non-polluting and which do not harm the environment, the health and safety of residents, or create nuisances for nearby property owners are favored.







Dedication to County

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- County may retain for sale one development right (one estate property) if over 20 acres in size, with conservation easement.
- · Conservation easement is retained by a holding agency (County, conservation organization, etc.)

Commercial Land Use

By the year 2020, the area can support somewhere between 7 and 14 acres (50,000 to 94,000 square feet) of retail commercial, neighborhood services. A commercial node, formed at the intersection of 1200 South and 4700 West, includes mixed-use retail, small offices and community services such as a First Response medical unit. The commercial node may begin to serve as a "community" or "village" center for the area. Residential uses such as condominiums, apartments, or senior living units are not included in the area.

Zoning for this commercial node should be C-1, which excludes most large uses, large box retail concerns, and intense uses such as auto sales; or create a new mixed-use zone designed to support small community center uses.

Policy: Commercial Development

Direct new commercial development to contiguous parcels at the intersection of 1200 South and 4700 West. To accommodate approximately 50,000 to 94,000 square feet of retail space, a maximum of 15 acres of commercial development is permitted.

Implementation Action: As new commercial development is proposed, properties should be rezoned to C-1.

Implementation Action: Rezone the existing C-2 properties to C-1.

Manufacturing Land Use

The existing manufacturing zones in the West Central Weber County amount to just over 20,000 acres, and have the potential to provide additional tax base as new development occurs in the future. The current amount of property zoned for manufacturing (M-1, M-2, and M-3) is adequate and should be maintained and reserved for manufacturing uses.

Policy: Industrial Development

Any new industrial uses should be directed to existing planned and zoned industrial areas. Industrial uses that are non-polluting and which do not harm the environment, the health and safety of residents, or create nuisances for nearby property owners are favored.

PROPOSED

Dedication to County

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- · Conservation easement is retained by a holding agency (County, conservation organization, etc.)

Commercial Land Uses

The private market is likely to pressure the land uses at the intersection of 12th Street (1150 South) and 4700 West to covert to commercial land uses at some point in the future. When the market demands and the community supports, a commercial center of approximately 25 acres should be allowed at this intersection. The commercial center should be an extension of the existing C-2 zone in the area, or similar zoning tool.

Policy: Village Development

As new commercial development is proposed at the intersection of 4700 West and 12th Street, rezone 22-25 acres of land to the C-2 zone, or apply a similar zoning regulations.

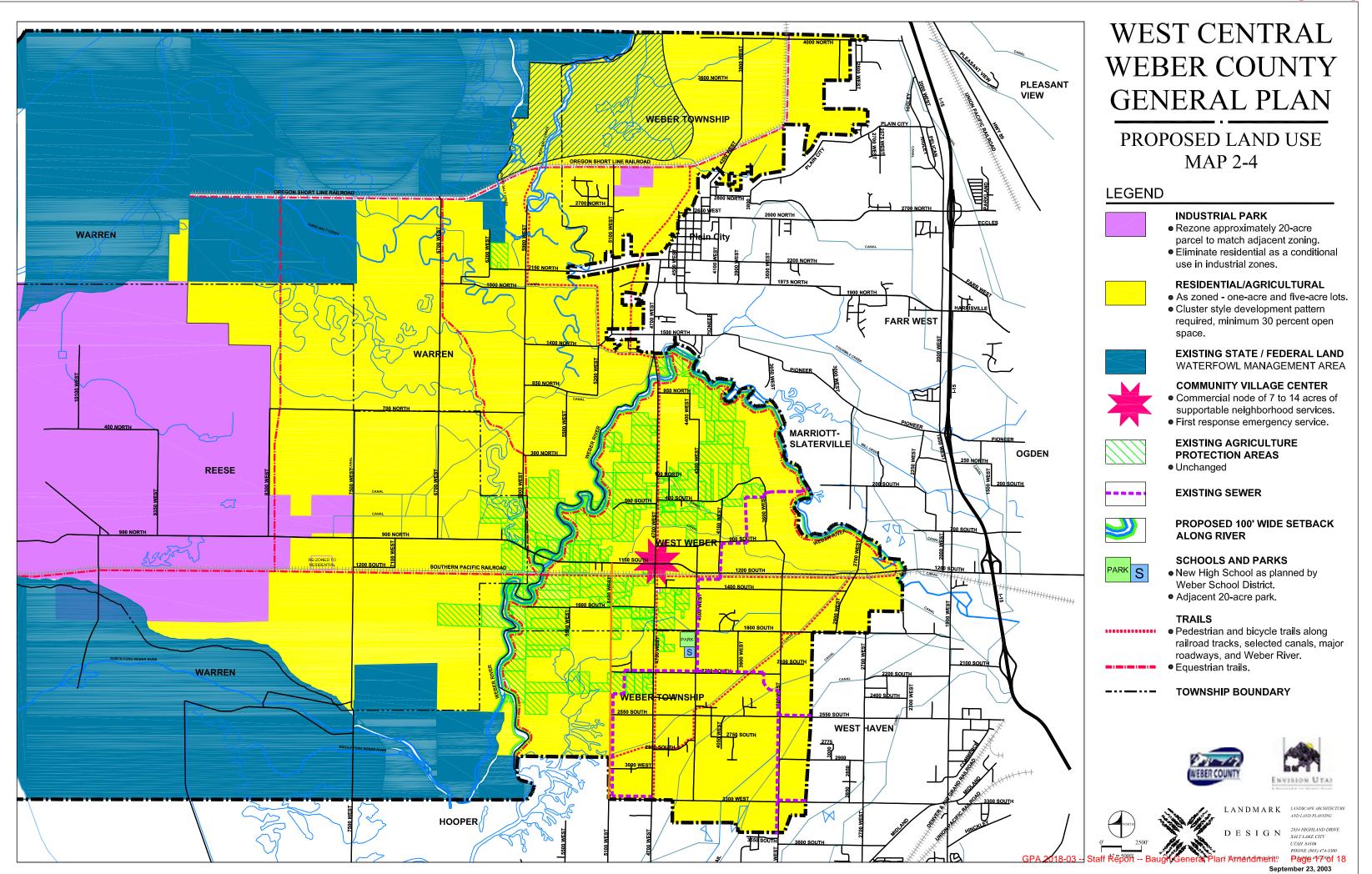
Manufacturing Land Use

The existing manufacturing zones in the West Central Weber County amount to just over 20,000 acres, and have the potential to provide additional tax base as new development occurs in the future. The current amount of property zoned for manufacturing (M-1, M-2, and M-3) is adequate and should be maintained and reserved for manufacturing uses.

Policy: Industrial Development

Any new industrial uses should be directed to existing planned and zoned industrial areas. Industrial uses that are non-polluting and which do not harm the environment, the health and safety of residents, or create nuisances for nearby property owners are favored.

EXISTING



PROPOSED

