



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on ZMA 2013-03 to rezone property located at approximately 2150 East Megan Circle (in the Uintah Highlands area) from the Residential Estates-15 (RE-15) Zone to the Single-Family Residential-1-10 (R-1-10) Zone for the purpose of developing a subdivision (Combe South Estates No. 2) with consistent zoning.

Agenda Date: Wednesday, September 25, 2013

Applicant: Corey Combe

File Number: ZMA 2013-03

Property Information

Approximate Address: 2150 East Megan Circle (in the Uintah Highlands area)

Project Area: Approximately 30,100 Square Feet

Zoning: The current zoning is Residential Estates-15 (RE-15) and the proposed zoning is Single-Family Residential-1-10 (R-1-10)

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 07-086-0032, 0036, and 0044

Township, Range, Section: T5N, R1W, Section 23

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Sean Wilkinson
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Report Reviewer: JG

Applicable Ordinances

- Weber County Land Use Code Title 104, Chapter 3 (Residential Estates Zone RE-15)
- Weber County Land Use Code Title 104, Chapter 12 (Single-Family Residential Zone R-1-10)
- Weber County Land Use Code Title 102, Chapter 5 (Rezone Procedures)

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. Typically the criteria for recommending in a legislative matter require compatibility with the general plan and existing ordinances.

Background

The applicant is requesting approval to rezone property located at approximately 2150 East Megan Circle (in the Uintah Highlands area) from its existing Residential Estates-15 (RE-15) Zone designation to the Single-Family Residential-1-10 (R-1-10) Zone for the purpose of developing a subdivision (Combe South Estates No. 2) with consistent zoning. Combe South Estates No. 2 is a 3.29 acre subdivision consisting of six lots. Most of the subdivision is zoned R-1-10 except for approximately 30,100 square feet which is zoned RE-15. The proposed rezone will allow all six lots within the subdivision boundary to have R-1-10 zoning and be developed with consistent standards. See Map 1 (on page 4 of 4 of this Staff Report) for the location map and Exhibit A for the application and project narrative.

The subject property is made up of one whole parcel which has an existing single-family dwelling, and small pieces of two other parcels. This request is not considered spot-zoning because the property to be rezoned is located adjacent to an

existing R-1-10 Zone. Although the rezone could be considered an “up-zone” which has the potential for increased density and intensity of uses, this rezone at most could create one additional density unit above what could be done with current zoning. However, even this small increase seems unlikely based on the proposed subdivision layout.

The applicant has submitted a subdivision application for Combe South Estates No. 2 in conjunction with this rezone request. The subdivision plat will act as the Concept Development Plan but it does not seem necessary for a Zoning Development Agreement to be required due to the small lot areas and limited options for development allowed in the R-1-10 Zone. Chapter 5 (Rezoning Procedures) of Title 102 states the following:

The County Commission may require an applicant, at the time of zoning approval, to enter into a Zoning Development Agreement which specifies and details the applicant’s responsibilities and commitments in carrying out the development contained in an approved concept development plan and which lists the conditions and limitations of development imposed by the County and also the contemplated action of the County in case of default by an applicant or any successors in interest in the rezoned property.

Summary of Planning Commission Considerations

Section 102-5-3 (Approval criteria) of the Weber County Land Use Code states:

“To promote compatibility and stability in zoning and appropriate development of property within Weber County, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of Weber County and the purposes of this Ordinance. The Planning Commission and the County Commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the General Plan, surrounding land uses, and impacts on the surrounding area. The Commissions will consider whether the proposed development, and in turn the application for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare.”

In order to explain how the proposal meets these criteria, the County’s Land Use Code requires that the applicant provide answers to the following questions in addition to a narrative that explains the project vision:

1. *How is the change in compliance with the General Plan?*
2. *Why should the present zoning be changed to allow this proposal?*
3. *How is the change in the public interest?*
4. *What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?*
5. How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

The applicant has provided a brief narrative describing the project vision and answers addressing these five questions (See Exhibit A for Narrative and information related to the above questions). Staff has visited the site and reviewed the application in order to determine whether or not this rezone request meets the criteria. The following determinations have been made:

1. How is the change in compliance with the General Plan?

The West Central Weber County General Plan does not include the Uintah Highlands area. The last General Plan update of the Uintah Highlands area was in 1982 and this update is no longer relevant or useful. However, this rezone will not change the current development plan for this area, as the proposed subdivision could be developed in the same way without the rezone. The rezone provides zoning consistency and eliminates potential problems of lots being split by different zones.

2. Why should the present zoning be changed to allow this proposal?

By allowing the zoning to be changed, all of the lots in the proposed subdivision will have the same zoning and none of the lots will be split by zone boundaries. This is very helpful in providing consistency in setback requirements, allowed uses, and other zoning issues for future lot owners and other property owners in the neighborhood.

3. How is the change in the public interest?

Staff has determined that the rezone request is in the public interest for the following reasons:

- The rezone does not have the potential to significantly increase density in the neighborhood.
- All of the lots in the proposed subdivision will have the same zoning and none of the lots will be split by zone boundaries.
- The rezone provides consistency in setback requirements, allowed uses, and other zoning issues for future lot owners and other property owners in the neighborhood.

4. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

In the 1982 General Plan update, the Uintah Highlands area was shown as a residential growth area with smaller lot areas than most of Weber County. The area has developed with residential subdivisions and the proposed subdivision continues this trend. As mentioned previously, this subdivision will not significantly increase density or change the look and feel of the neighborhood.

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

Staff has determined that this rezone request promotes the health, safety, and welfare of the inhabitants of Weber County in the following ways:

- The rezone will not significantly increase density, traffic, noise, or other potential negative impacts in the neighborhood.
- Most of the subdivision improvements have already been installed and all of the lots have appropriate access from County roads.
- The rezone provides consistency in setback requirements, allowed uses, and other zoning issues for future lot owners and other property owners in the neighborhood.

Conformance to the General Plan

The West Central Weber County General Plan does not include the Uintah Highlands area. The last General Plan update of the Uintah Highlands area was in 1982 and this update is no longer relevant or useful. However, this rezone will not change the current development plan for this area, as the proposed subdivision could be developed in the same way without the rezone. The rezone provides zoning consistency and eliminates potential problems of lots being split by different zones.

Conditions of Approval

- Requirements of applicable County review agencies
- The subdivision (Combe South Estates No. 2) must be completed and will act as the approved concept plan
- A legal description of the rezone area must be provided

Staff Recommendation

Staff has determined that this rezone request for property located at approximately 2150 East Megan Circle (Uintah Highlands area) from RE-15 to R-1-10 meets the criteria found in Chapter 5 (Rezoning Procedures) of Title 102. Therefore, staff recommends that the Planning Commission recommend approval of this rezone request to the County Commission. This recommendation includes the following provisions:

- The subdivision (Combe South Estates No. 2) must be completed and will act as the approved concept plan
- A Zoning Development Agreement is not required
- A legal description of the rezone area must be provided

Exhibits

- A. Application and project narrative
- B. Proposed rezone area
- C. Subdivision plat - Combe South Estates No. 2

Map 1

