



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for approval of a zoning map amendment to rezone property from RE-15, RE-20, FR-3, O-1, F-5, CVR-1 and AV-3 to the Master Planned Development Overlay zone.
Application Type:	Legislative
Agenda Date:	Tuesday, October 25, 2022
Applicant:	John Lewis
File Number:	ZMA 2022-01

Property Information

Approximate Address:	3718 N Wolf Creek Drive
Zoning:	RE-15, RE-20, FR-3, O-1, F-5, and AV-3
Existing Land Use:	Residential, Commercial, Resort
Proposed Land Use:	Master Planned Overlay Zone

Adjacent Land Use

North:	Resort	South:	Resort
East:	Resort	West:	Resort

Adjacent Land Use

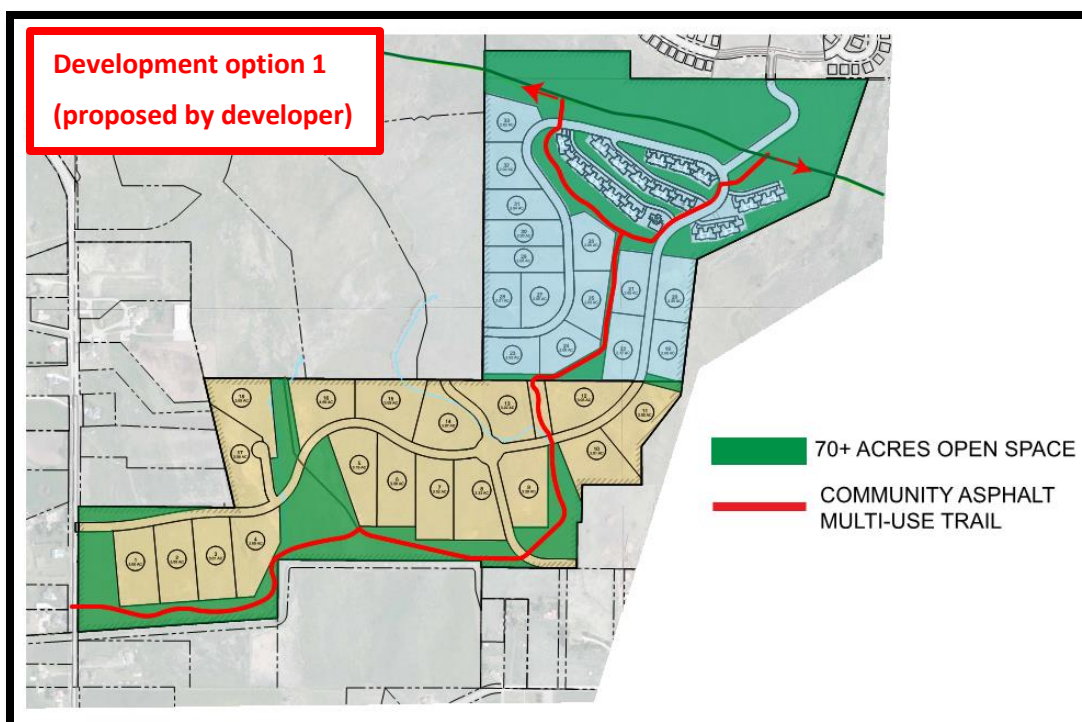
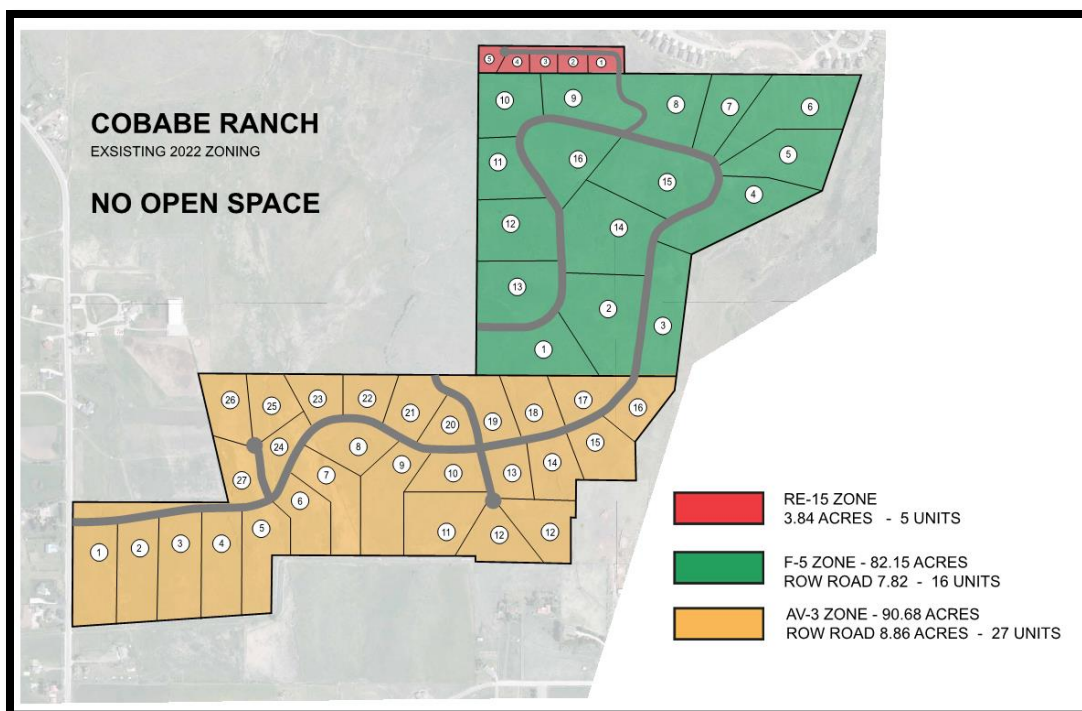
Report Presenter:	Steve Burton sburton@webercountyutah.gov 801-399-8766
Report Reviewer:	RG, CE

Previous Planning Commission Action

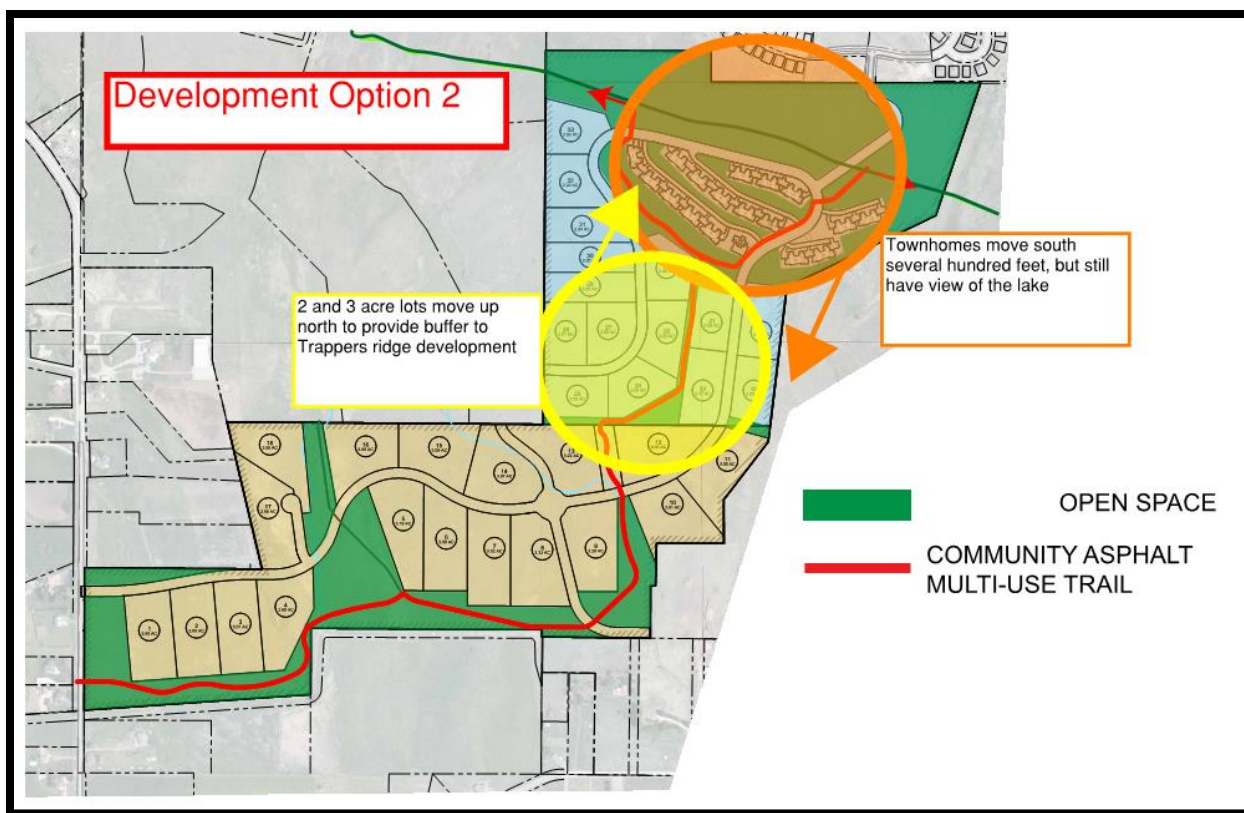
On August 23, 2022, the Ogden Valley Planning Commission tabled a decision on this application so that a work session could be held in September of 2022, in which the Cobabe development would be discussed to better understand how it relates to the county's Form-based zoning and small area plans.

During the work session held on September 27, 2022, the Planning Commission discussed with the applicant how the proposal relates to the county's small area planning. The Planning Staff pointed out that the proposal takes place in what will be the Wolf Creek area boundary for small area planning. The applicant showed an exhibit that included a plan that could be platted under the existing zoning and compared it to the proposed layout, which includes 70 acres of open space, 68 townhomes, and 33 single family lots (2 to 3 acres in size each).

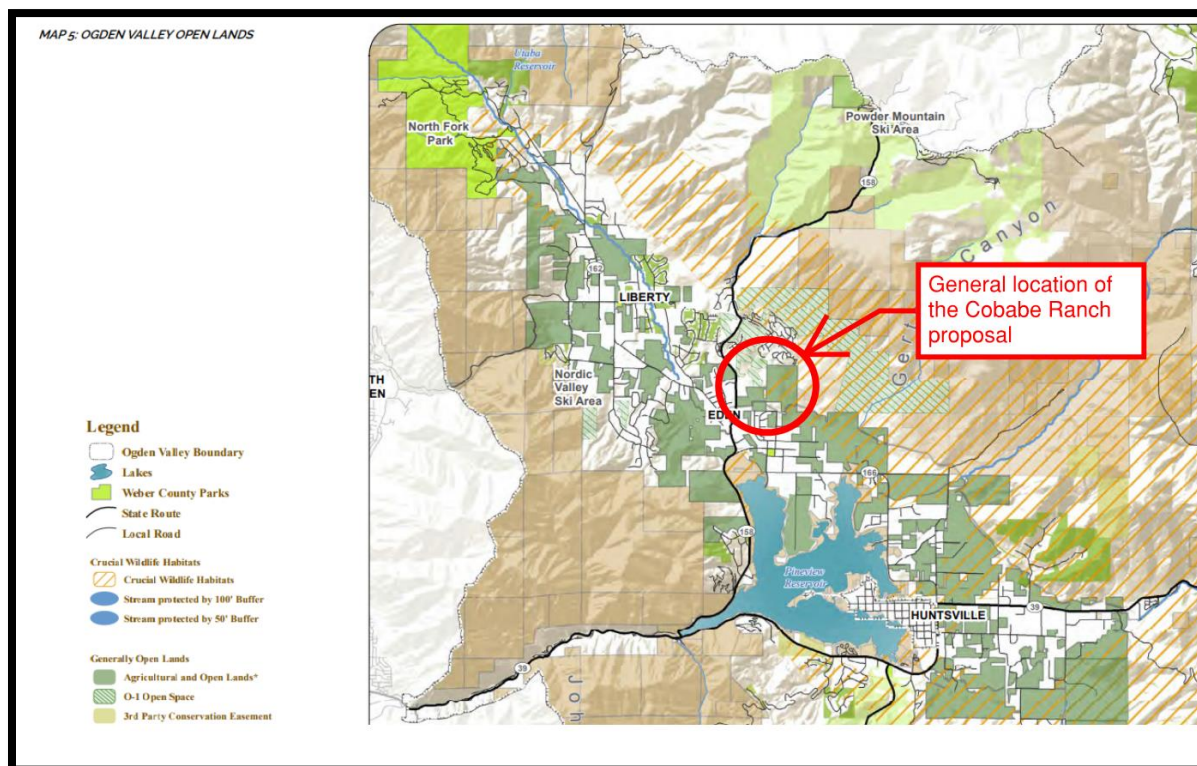
These maps are included in this staff report on the following page.



After the work session with the Planning Commission, Planning staff have met with the applicant and have discussed creating another optional layout that brings the townhomes further south, away from Trappers Ridge development.



During the work session with the Planning Commission the following general plan map was discussed.



Planning staff has added several recommendations to this report that the Planning Commission may make to the County Commission. The items in the rest of this staff report are the same as originally reviewed by the Planning Commission in August, with the exception of optional recommendations to send to the County Commission.

Development History

Wolf Creek Resort has been a Master Planned Resort Community since the early 1980's. In October of 2002, the developer of Wolf Creek Resort petitioned the County to rezone certain development areas, within the resort, and amend the original master plan and agreement. The 2002 Wolf Creek master plan amendment was approved as Contract# C2002-139 and recorded with the Weber County Recorder's Office as Entry# 1883524.

In March of 2016, an amended development agreement was approved and recorded that clarified the density rights of certain developers, including John Lewis, of property in the boundaries of the Wolf Creek resort. This agreement was recorded as Entry number 2784398 and is used as a basis to understand John Lewis's development rights as they pertain to this application.

Summary

There are three areas that are proposed to be rezoned to the Master Planned Overlay zone. The developer refers to them as The Exchange, Eagle Crest, and Cobabe Ranch and is proposing to transfer existing density to these areas so that there is no increase in density units. The developer will use their existing entitlements from the wolf creek development agreement as well as other entitlements outside of the development agreement.

The Exchange will include 144 units, Eagle Crest will include 192 units, and Cobabe Ranch will include 101 units. A total unit count of 437. Out of these 437 units, the developer is proposing to transfer 80 units from outside of the Wolf Creek Resort and to include them in the Eagle Crest development plan. These units would come from the Ogden Valley Floor and the developer would not be able to plat these 80 units until they show the units have been successfully transferred in accordance with the land use code.

The remainder of the proposed Master Planned Development units (357) come from the developer's existing entitlements. Out of the 357 units, 216 come from the developer's pot of units outlined in the Wolf Creek Resort development agreement (Entry # 2784398). These are known as Wolf Creek Resort entitlements. The exhibit below shows the hi-lighted units owned by John Lewis that will be assigned to the three Master Planned development areas proposed.

Exhibit Showing number of John Lewis units from WC Resort development agreement e#2784398

DEVELOPMENT PARCEL/UNITS			
Zoning Parcel No. (see Exhibit "A")	Zone(s)	Successor Developer	Total Units Assigned
Parcel 1	RE-15	Bridges Holding LLC	413
Parcel 3	FR-3	WCU, LLC	73
Parcel 4	FR-1	WCU, LLC	1
Parcel 8	RE-15	Eden Village	13
Parcel 10	FR-3	Capon Capital	61
Parcel 12	CVR-1	WCU, LLC	101
Parcel 12	CVR-1	WCU, LLC	61
Parcel 12	CV-2	KRK Wolf Creek	40
Parcel 14	CV-2	KRK Wolf Creek	35
			798

As part of the rezoning to MPD overlay zoning, the developer will enter into a development agreement with the County that clarifies that the hi-lighted units from E# 2784398 are now part of the MPD overlay and can no longer be developed elsewhere. The agreement will include maps of The Exchange, Eagle Crest, and Cobabe Ranch to show what will be developed.

The following is an analysis of the request as it relates to the Ogden Valley General Plan and the Land Use Code.

Analysis

General Plan: The Ogden Valley General Plan supports the “transfer of existing development rights as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas” (Land Use Implementation 1.1.1, Page 15). This proposal includes 80 development rights that will be transferred from outside of the Wolf Creek Resort Boundaries into the Eagle Crest development area. The transferring of units from the valley floor to Eagle Crest follows the TDR policy of the general plan.

The developer has also recently worked with surrounding landowners to dedicate sufficient right of way for Fairways Drive to connect out to 4100 N. This right-of-way dedication will allow for public street connectivity and mobility in the Eden area and will be a major public thoroughfare (80 feet wide) and will serve as a main connection from Eden to Liberty. Fairways drive will have at least one 10 foot wide multi-use paved pathway to provide a non-motorized connection to recreation areas and future commercial village areas throughout the valley. The dedication of Fairways drive follows Transportation Goal 1 of the general plan to “enhance mobility and connectivity, reduce congestion...” (Page 41).

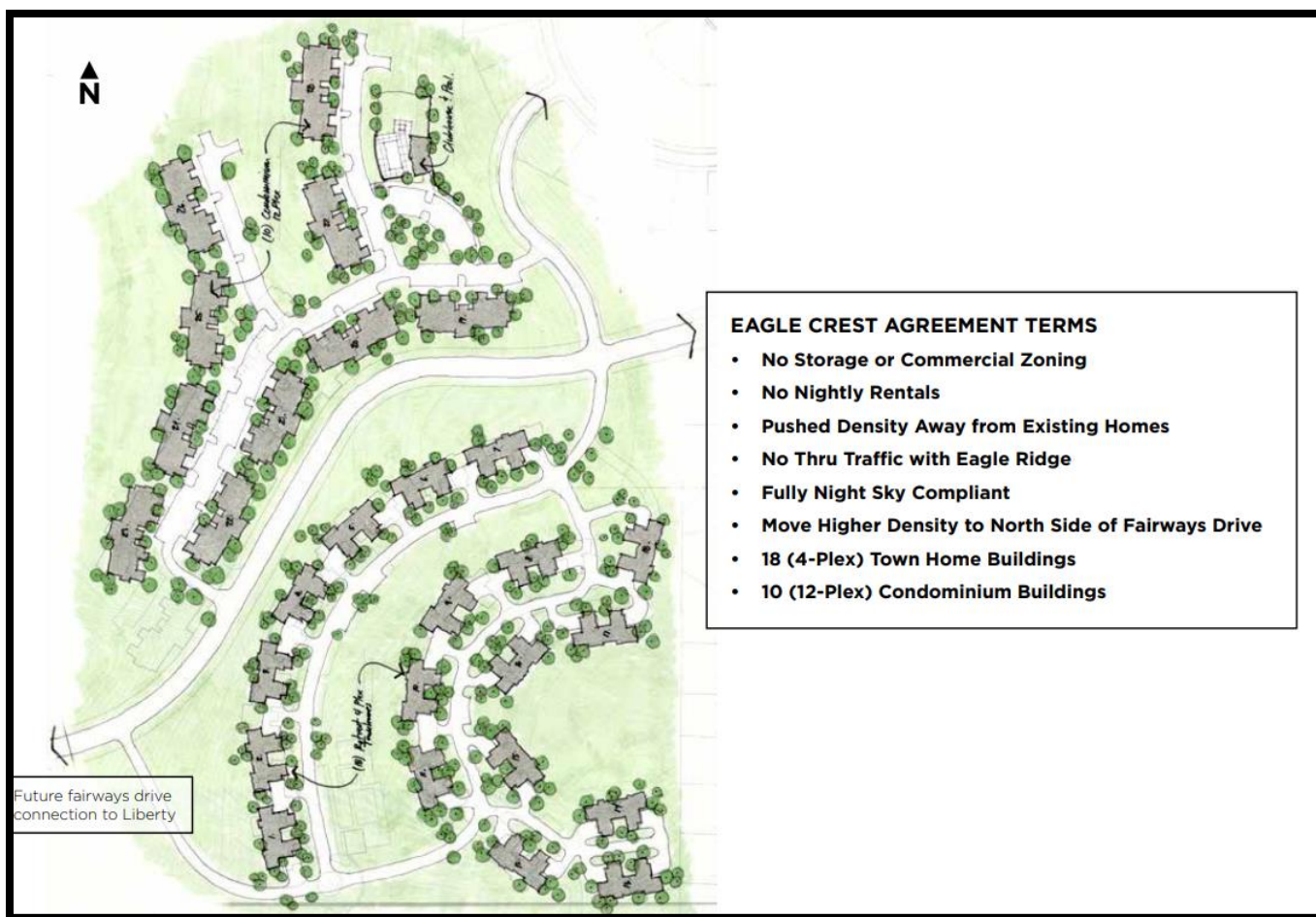
Master Planned Development Overlay Zone: The land use code section 104-27-1(b) offers the following as the purpose of the master planned development overlay zone:

A master planned development overlay (MPDOZ) zone is intended to allow a legislatively adopted overlay zone that provides an avenue for the creation of a master planned development. The zone is intended to promote the diversification in the relationship of various uses and structures to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to encourage new and innovative concepts in the design of neighborhood and housing projects. To this end, the development should be planned and entitled as one complete land development plan, otherwise known as a master planned development. Phasing of the complete land development plan may occur over time if approved by the county commission and if in compliance with the entitlements of the complete land development plan.

The MPD overlay ordinance allows deviations from the requirements of the underlying zone, if the proposal “substantially advances the implementation of a significant and meaningful general plan goal, principle, or implementation strategy”. There are proposed deviations from the lot standard requirements of the underlying zoning (RE-20 in Eagle Crest, F-5 in Cobabe, and RE-15 and O-1 in The Exchange). Staff feels that the public street connectivity and the TDR element of the proposal warrant an approval of the Master Planned Overlay Zone in the proposed areas.

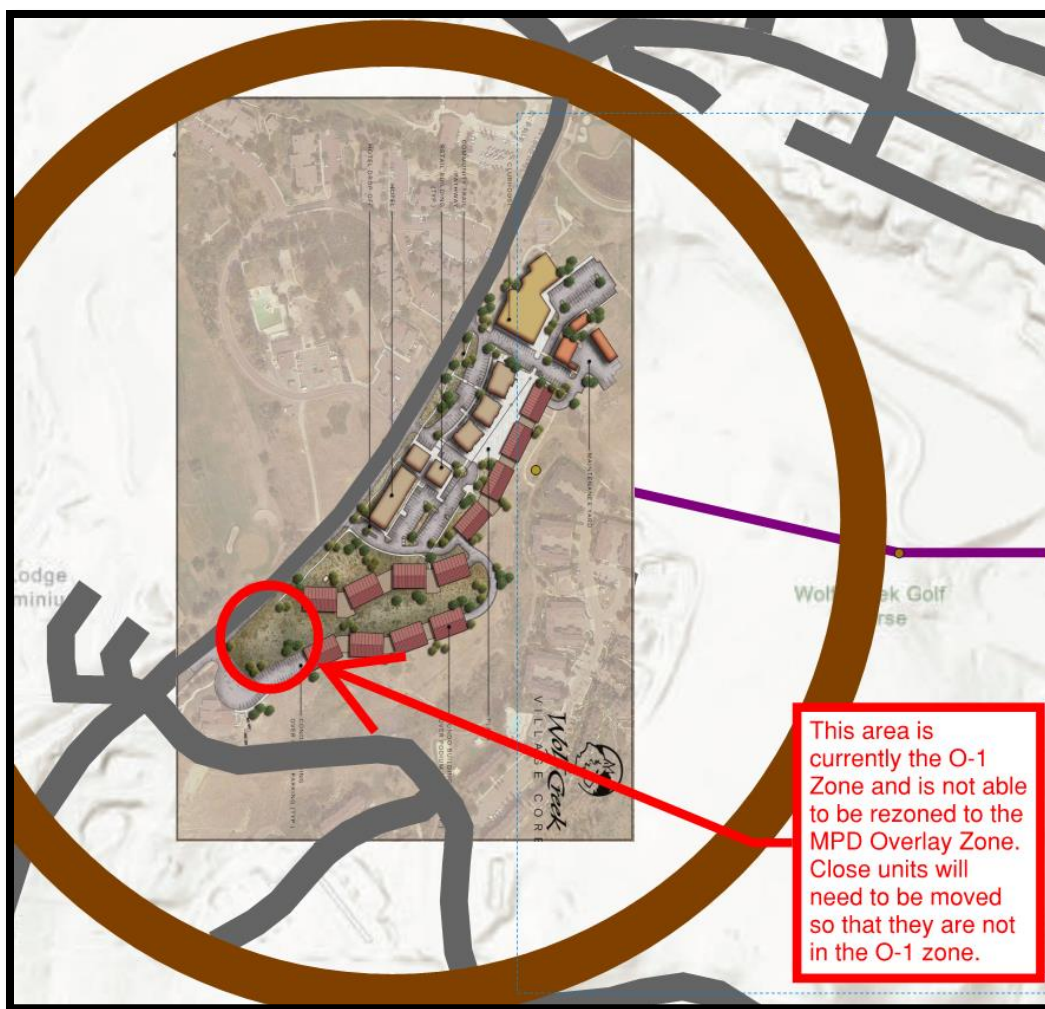
Eagle Crest: The Eagle Crest development area currently has 90 units that were granted as part of the Eagle Ridge Master Plan from the 1990’s. The previous master plan and development agreement showed 22 single family lots and 68 townhomes in the location of Eagle Crest. The developer is proposing to plat 10 twelve-plex units (120 condo units) and 18 four-plex units (72 townhome units) for a total of 192 units in this area. This means the developer needs to account for 102 units.

The developer is proposing to transfer 22 units from the John Lewis pot of Wolf Creek Resort units and is also proposing to transfer 80 units from the valley floor to Eagle Crest to be able to account for the 102. With the 90 original Eagle Crest units, the total unit count is 192. Below is an image of the proposed Eagle Crest Development Area.



The Exchange: The development area referred to as The Exchange will be a mixed-use area with 144 units proposed. There will be 8 ten-plex buildings and 4 sixteen-plex units. 139 of these units come from the John Lewis pot of Wolf Creek Resort units and 5 units come from adjacent RE-15 zoning owned by John Lewis.

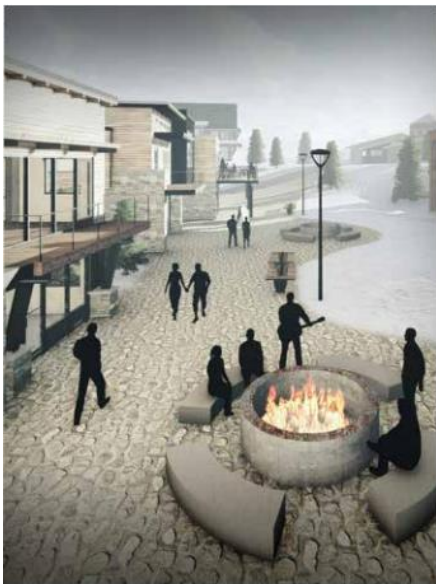
There is an area currently zoned O-1 that cannot, under the master planned overlay zone, be changed to the MPD overlay. This area is shown in red on the exhibit below and the developer will need to move the units and roads entirely outside of the current O-1 zoning.



Cobabe Ranch: The Cobabe Ranch Subdivision consists of 33 single family residential lots between 2 and 3 acres in size with 150 feet of frontage. There are also proposed to be 17 four-plex townhomes (68 units) a total of 101 units. 46 units exist from the existing zoning of the property, and 55 are proposed to be transferred from the John Lewis pot of Wolf Creek Resort units.

Architecture Design: The style of architecture proposed for the single-family, townhome, multi-family and commercial buildings in these three areas is considered Mountain Modern. The developer has provided the following description of mountain modern for the Planning Commission consideration:

- Building form has a low maintenance design with sharp, modern edges and a neutral color pallet
- Low pitched metal or flat roofs
- Exposed wooden timbers with wood and stone siding with an emphasis on texture
- Abundance of large windows to take advantage of the natural light and scenic views
- Balconies for indoor/outdoor living
- Low water use, xeriscape landscaping with native plants





Cluster Development: MPD overlay zone states that subdivisions in a master planned development overlay zone shall comply with the requirements of the county cluster code, and that specific deviations from the cluster requirements can be granted by the planning commission and county commission if the deviation offers a better community outcome or better contributes to the implementation of a significant and meaningful general plan goal, principle, or implementation strategy.

The cluster code requires a minimum of 30 percent open space in the RE-15, RE-20, and FR-3 zones. The AV-3 and F-5 zone require up to 80 percent of a subdivision to be preserved as open space. The Cobabe Ranch development area contains 160 acres of net developable area, approximately 70 acres will be preserved as common area open space with public access trails.

The Eagle Crest and the Exchange development areas do not include enough open space to meet the cluster requirements. The planning commission and county commission may allow the deviation if they determine that the developer is implementing a meaningful element from the general plan.

Open Space: The proposal does not include significant open space preservation, with the exception of 48 acres that will be common area with trails in the Cobabe Ranch subdivision. The proposal also does not include much landscaping, other than natural landscaping and tree plantings around commercial and multi-family residential buildings. Staff recommends that the natural, xeriscaped, landscaping with trees be approved, to preserve water in this area.

Street Configuration: Prior to submitting the proposal, the developer met with staff to discuss street configuration. The proposal includes public street stubs to adjacent development areas. The proposal will provide a major connection from Liberty to Eden with Fairways Drive. The proposal will also connect the Trappers Ridge Subdivision and Bighorn Parkway to Wolf Creek Drive. A 10 foot wide paved pedestrian pathway will be required along the main connector in Cobabe Ranch and Fairways Drive.

General Uses: The proposed land uses are single family residential, two-family residential, multi-family residential, retail commercial, and hotel.

Short Term Rental: The Eagle Crest development will prohibit short term rentals. The multi-family and townhome units in the Exchange and Cobabe Ranch development are proposed to have short term rentals permitted. The single family lots in Cobabe Ranch will prohibit short term rentals.

Transfer of Density: Regarding the 80 units that the developer will transfer from outside of the Wolf Creek Resort, the MPD overlay zoning ordinance states that an MPD overlay zone may be designated as a receiving area for transferrable development rights. The developer will be required to show that the right have been successfully transferred and retired from a sending area before they are allowed to plat the first 80 units.

Summary of Planning Commission Considerations

In reviewing a proposed development agreement, the Planning Commission and County Commission may consider, but shall not be limited to considering, the following:

1. Public impacts and benefits.
2. Adequacy in the provision of all necessary public infrastructure and services.
3. Appropriateness and adequacy of environmental protection measures.
4. Protection and enhancements of the public health, welfare, and safety, beyond what is provided by the existing land use ordinances.

Recommendation Options

Recommendation option 1

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding ZMA 2022-01, based on the layouts of Eagle Crest, The Exchange, and Cobabe Development option 1, as represented in this report. The recommendation is based on the following condition:

1. The O-1 area be preserved as O-1 and not rezoned to MPD overlay zoning.

This recommendation is based on the following findings:

1. The proposal implements a meaningful element from the general plan, specifically the transfer of density rights and providing important public street connections that allow for pedestrian and vehicle connectivity.
2. The proposal was considered by the Legislative Body, in conformance with Chapter 102-5 of the County Land Use Code.

Recommendation option 2

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding ZMA 2022-01, based on the layouts of Eagle Crest, the Exchange, and Cobabe Development option 2, as represented in this staff report. The recommendation is based on the following condition:

1. The O-1 area be preserved as O-1 and not rezoned to MPD overlay zoning.

This recommendation is based on the following findings.

1. The proposal implements a meaningful element from the general plan, specifically the transfer of density rights and providing important public street connections that allow for pedestrian and vehicle connectivity.
2. The proposal was considered by the Legislative Body, in conformance with Chapter 102-5 of the County Land Use Code.

Recommendation option 3

Staff recommends that the Planning Commission table the proposal, so that a more specific plan, based on development option 2, can be presented to the Planning Commission.

This recommendation is based on the following findings:

1. A more detailed concept plan has not yet been provided for development option 2, to know how the lot and street layouts would fit into the area.

Exhibits

Exhibit A – Master Planned Overlay Zone Application

Wolf Creek R E S O R T



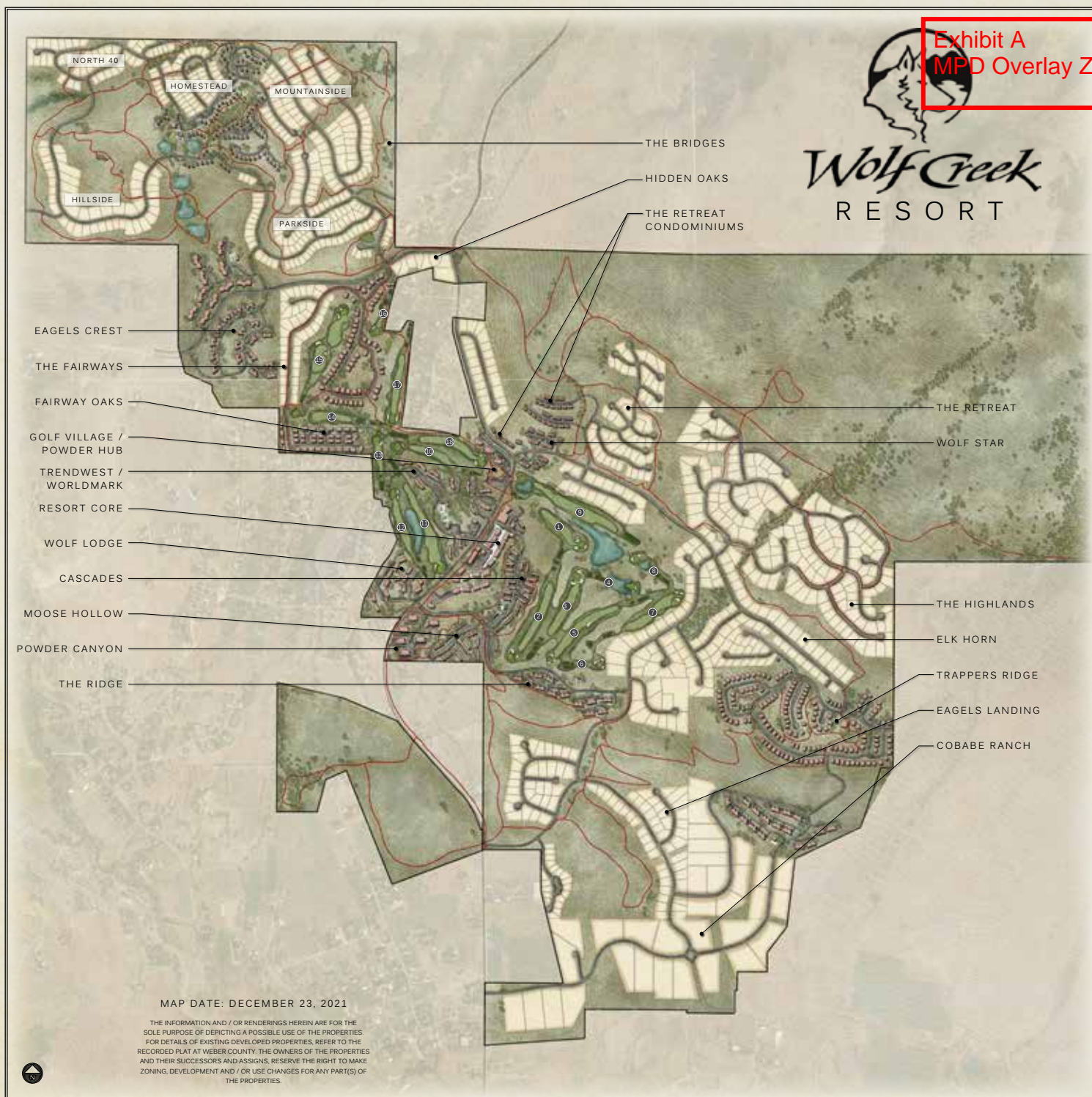
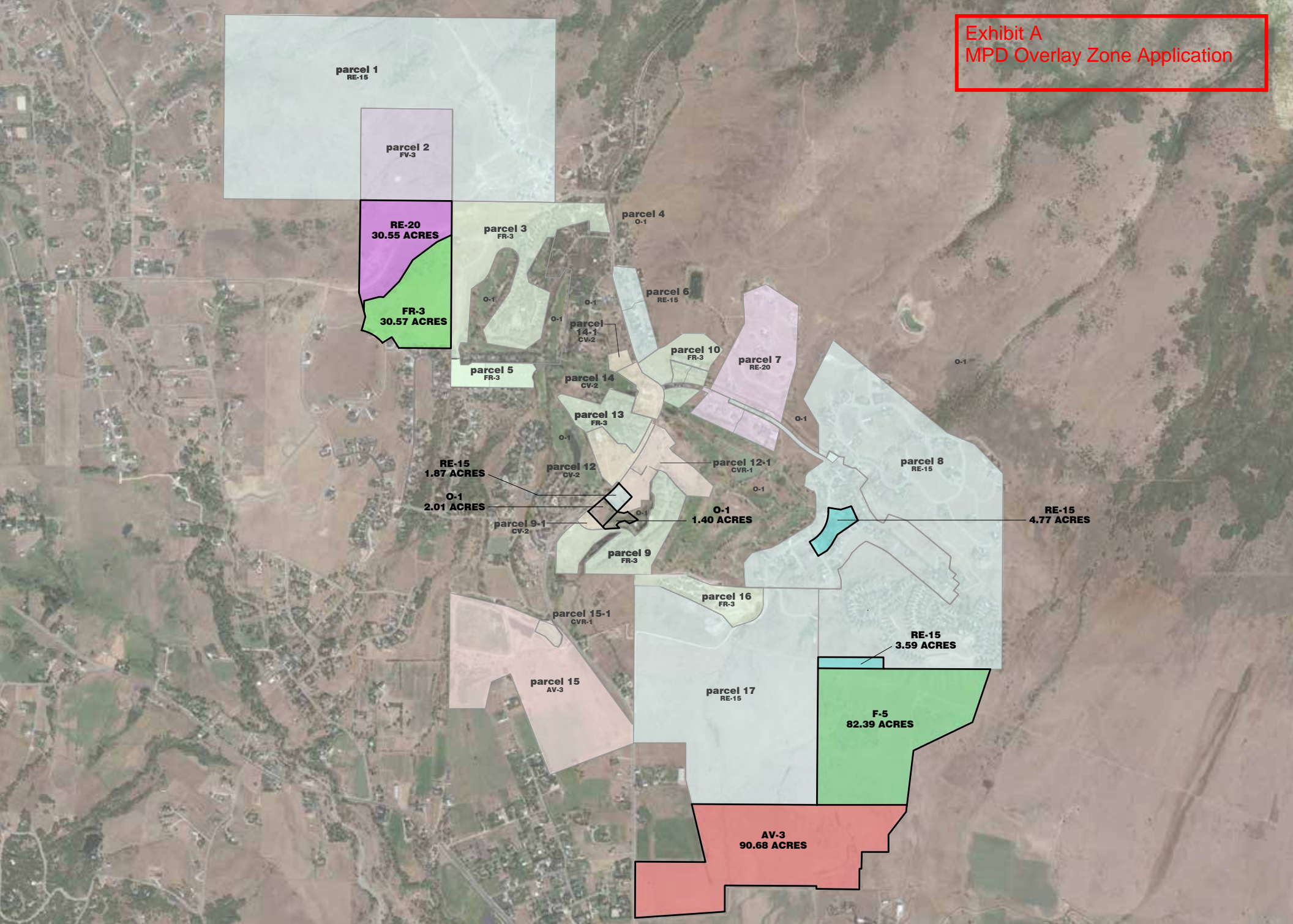
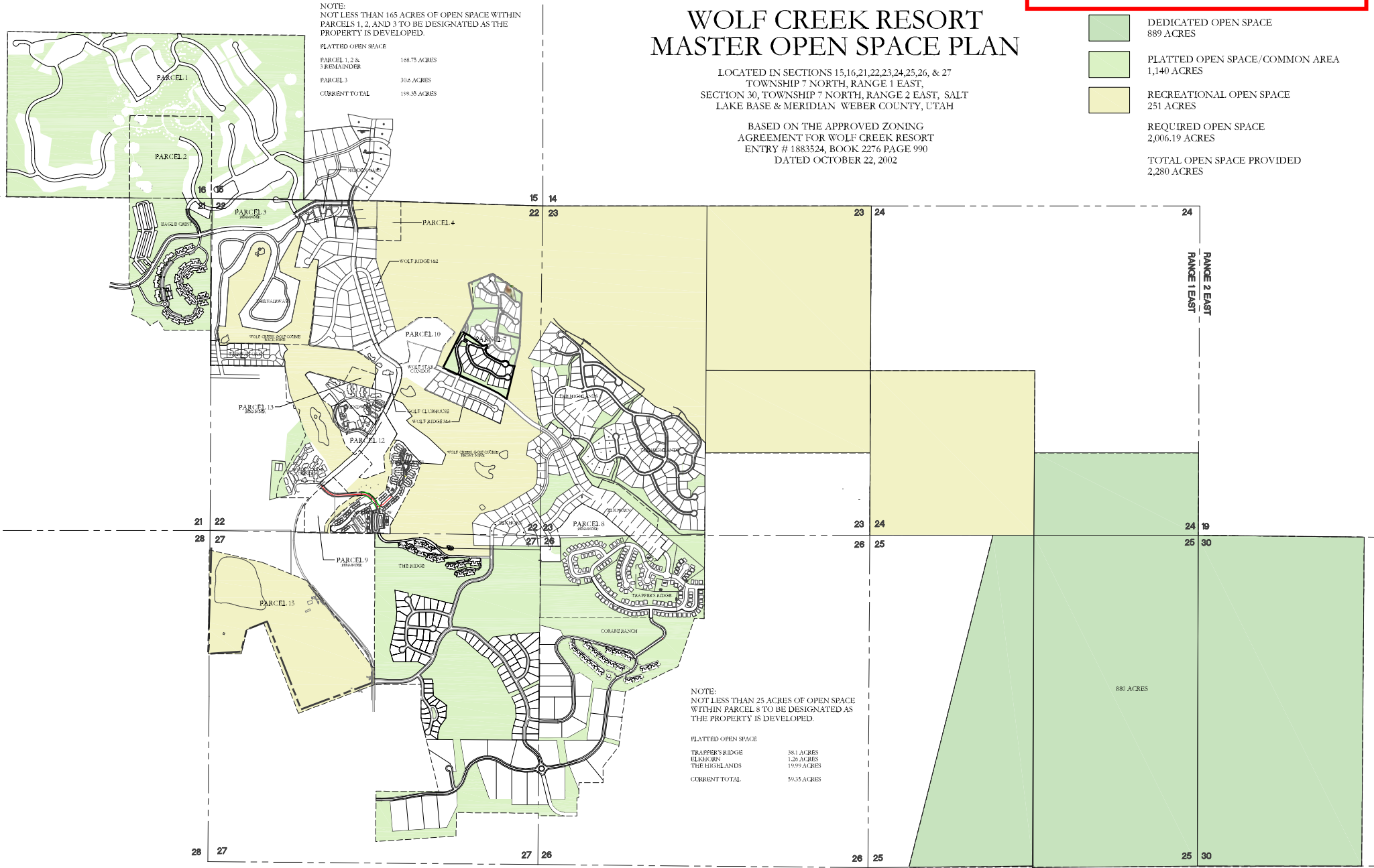
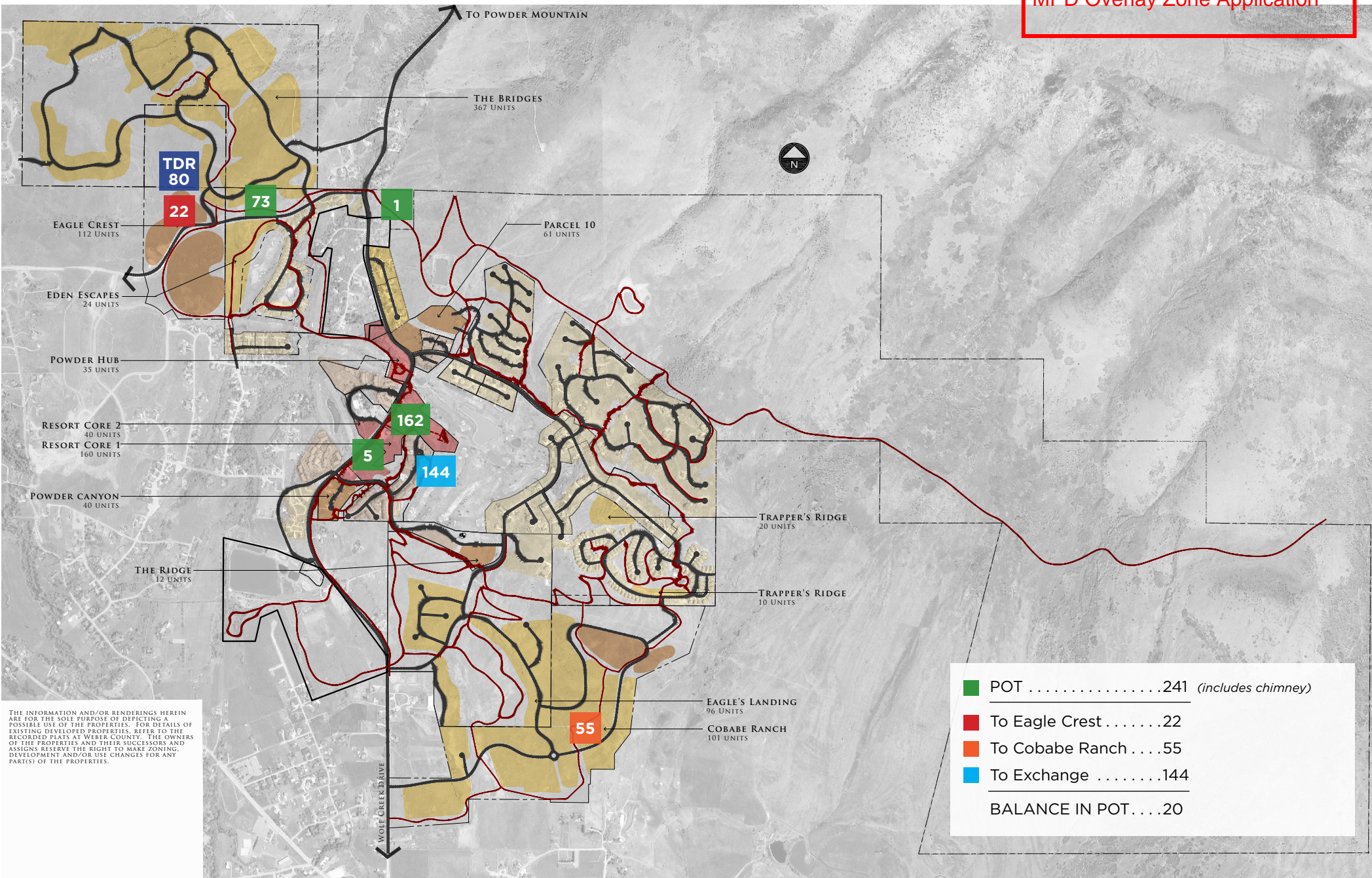


Exhibit A
MPD Overlay Zone Application







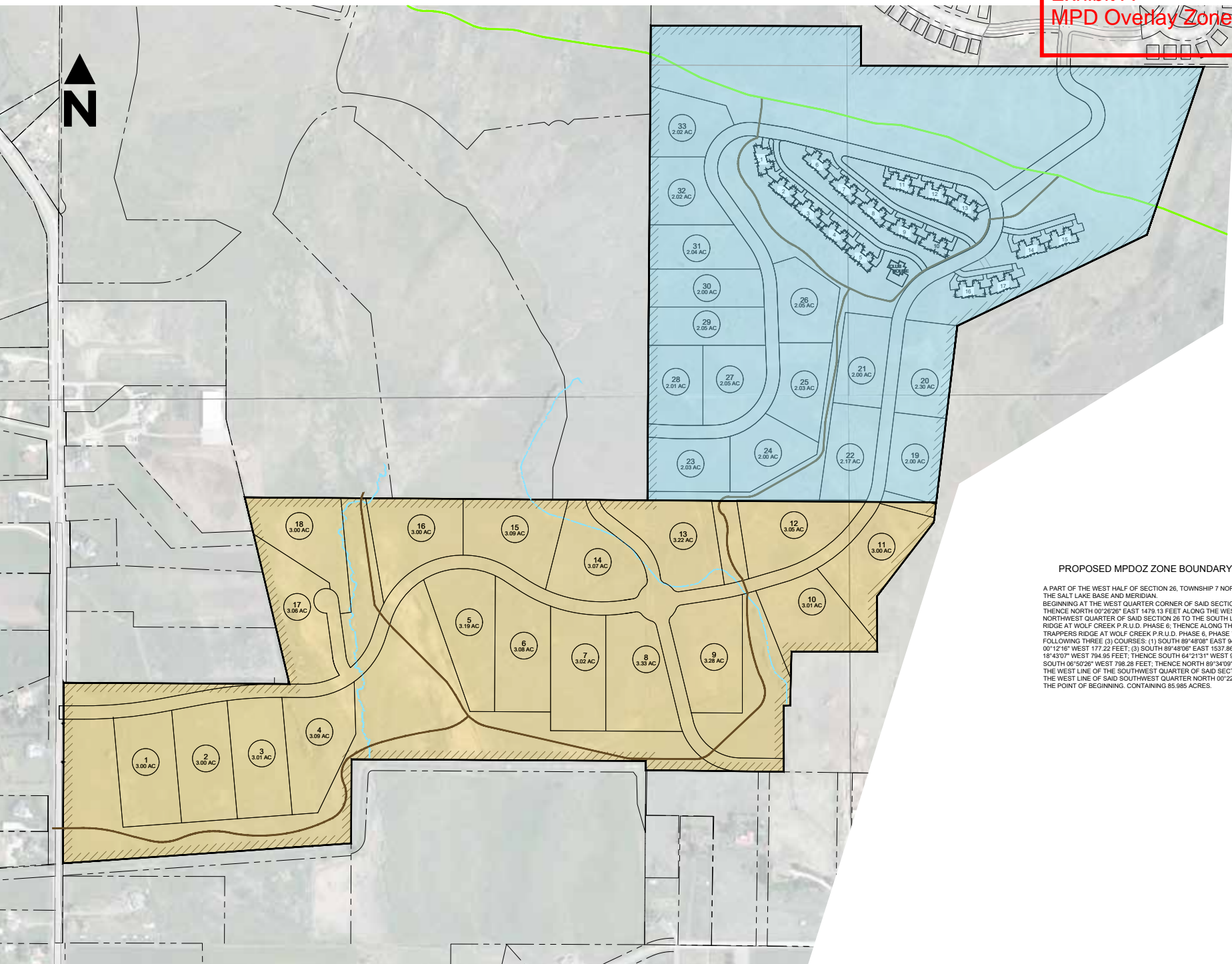


Wolf Creek
VILLAGE CORE





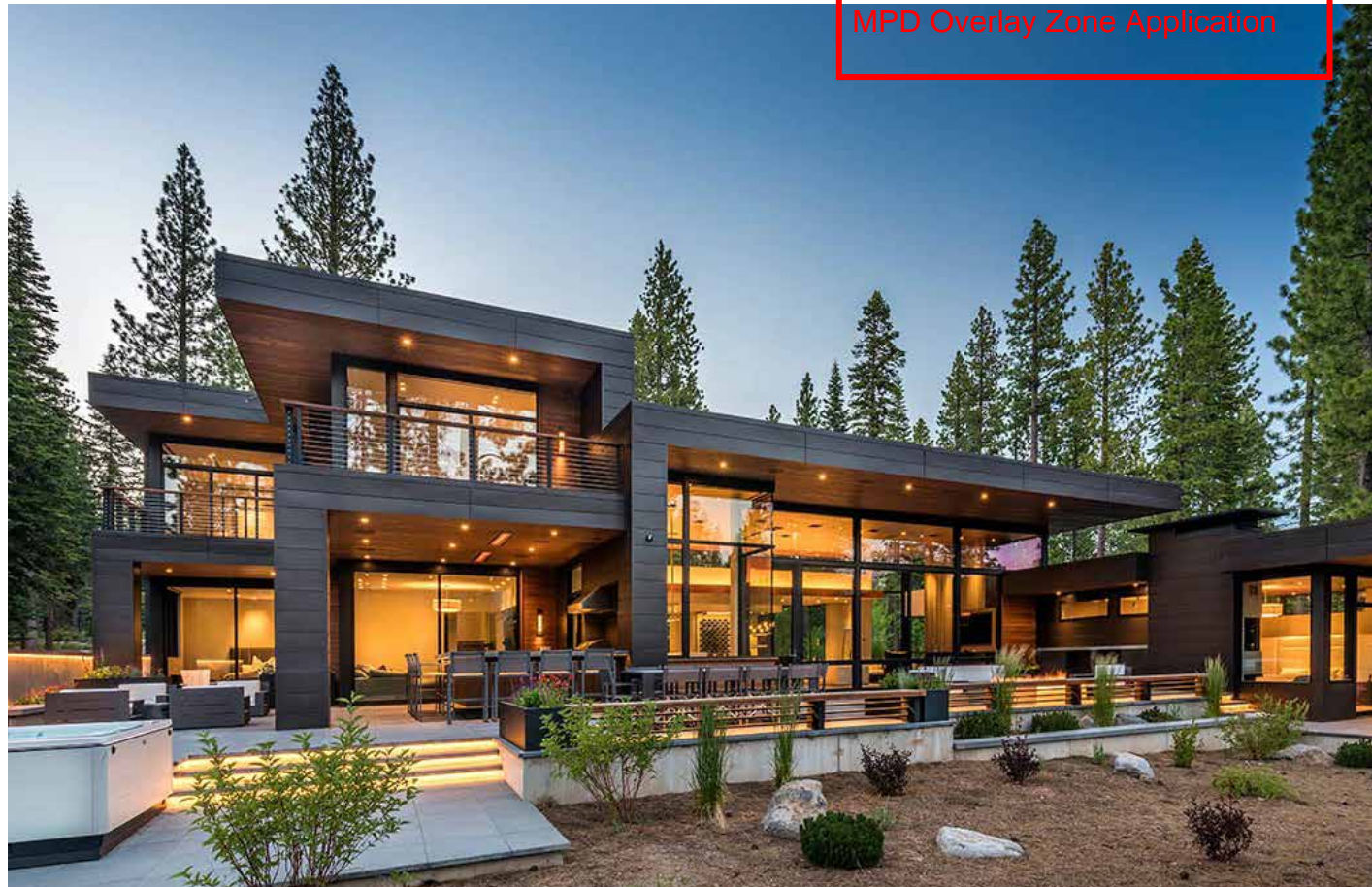
Exhibit A MPD Overlay Zone Application



- AV-3 ZONE - 85.98 ACRES
ROAD ROW 7.82 ACRES
OPEN SPACE - 43.03 ACRES
SINGLE FAMILY - 15
MULTI FAMILY - 68
- AV-3 ZONE - 90.68 ACRES
ROAD ROW 8.86 ACRES
OPEN SPACE - 26.34 ACRES
SINGLE FAMILY - 18

PROPOSED MPDOZ ZONE BOUNDARY DESCRIPTION

A PART OF THE WEST HALF OF SECTION 26, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.
 BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 26 AND RUNNING THENCE NORTH 00°26'26" EAST 1479.13 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO THE SOUTH LINE OF THE TRAPPERS RIDGE AT WOLF CREEK P.R.U.D. PHASE 6; THENCE ALONG THE SOUTH LINE OF SAID TRAPPERS RIDGE AT WOLF CREEK P.R.U.D. PHASE 6, PHASE 7A, AND PHASE 3 THE FOLLOWING THREE (3) COURSES: (1) SOUTH 88°48'08" EAST 942.48 FEET; (2) SOUTH 00°12'16" WEST 177.22 FEET; (3) SOUTH 88°48'08" EAST 1537.86 FEET; THENCE SOUTH 18°43'07" WEST 794.95 FEET; THENCE SOUTH 64°21'31" WEST 942.83 FEET; THENCE SOUTH 06°50'26" WEST 798.28 FEET; THENCE NORTH 89°34'09" WEST 1295.09 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER NORTH 00°22'02" EAST 650.49 FEET TO THE POINT OF BEGINNING, CONTAINING 85.985 ACRES.





EAGLE CREST AGREEMENT TERMS

- No Storage or Commercial Zoning
- No Nightly Rentals
- Pushed Density Away from Existing Homes
- No Thru Traffic with Eagle Ridge
- Fully Night Sky Compliant
- Move Higher Density to North Side of Fairways Drive
- 18 (4-Plex) Town Home Buildings
- 10 (12-Plex) Condominium Buildings



Wolf Creek Resort
Zoning Development Agreement Amendment
Master Planned Development Overlay Zone
REVISED - July 2022

Project Narrative

Describing the project vision

The Zoning Development Agreement (ZDA) for Wolf Creek Resort was first established with Weber County in the early 1980s. The master plan has been altered and updated many times since it was originally approved. The intent of this request is to provide land use zoning in the commercial core area on newly acquired property and to incorporate both the Eagle Crest and Cobabe Ranch projects into the Wolf Creek Resort ZDA. The request also changes privately owned property in the Elkhorn Subdivision from RE-15 to O-1.

NO ADDITIONAL DENSITY is being requested with this zoning application. In conjunction with the underlining entitlements on properties outside of the Wolf Creek ZDA boundary, the request outlines the reallocation of density from the resort core to the Eagles Crest and Cobabe Ranch developments with an amended Zoning Development Agreement. The proposed changes will increase the Open Space acreage at the resort which is illustrated in the revised Master Open Space Plan exhibit.

The enclosed exhibits show the current and the proposed zoning changes at each project location. The Exchange is the commercial core of the resort. It contains restaurant, event, retail and office space. A condo hotel is part of the design plan consisting of 144 units in a 12 building phased layout. Along with the surrounding community, these condos contain the beds that will support the economic feasibility of the commercial and event activities. The Exchange is within the service area boundary of the Wolf Creek Water and Sewer Improvement District and will provide services when additional water source capacity becomes available.

Eagle Crest is on property that was part of the approved Eagles Ridge Planned Residential Development (PRUD) plan. The extension of Fairways Drive, which will connect 4100 North to Powder Mountain Road, goes through this area and is located west of the Fairways and south of the Bridges communities. The Master Planned Development Overlay Zone (MPDOZ) is now being proposed.

UPDATE: Concept plan revisions have been made by the owner after multiple community discussions which led to a design compromise. A summary of the changes are as follows;

- The storage facility component with 193 units north of Fairways Drive has been REMOVED and replaced with 10, 12 plex condo buildings (120 units). The extra 80 entitlements needed to support these units will come from TDRs.
- South of Fairways Drive, the 64 apartments and 48 townhomes were replaced with 72 townhomes. The layout of the units were pushed north to provide additional buffer space from the Eagle Ridge homesites.
- Owner has agreed the units will not permit short term rentals.

With this design change, the PRUD for Eagles Ridge will be updated to reflect the revised concept. The Wolf Creek Water and Sewer Improvement District will service the project when additional water source capacity becomes available.

Cobabe Ranch is located south of Trapper's Ridge and east of the Eagles Landing neighborhoods. The project is made of 18 three-acre homesites, 15 two-acre lots and 68 townhome units. The Master Planned Development Overlay Zone (MPDOZ) is being proposed to support variances to Weber County improvement standards. These include alternative parking standards, reduced front setbacks, lot size and widths, rolled curb and gutter, which are illustrated in the preliminary subdivision plans. To match the short term rental policy at Trapper's Ridge, the townhomes will require a three night minimum stay. Eden Water Works will provide culinary water, secondary will come from the Ogden Valley Canal and sewer will be treated by the Wolf Creek Water and Sewer Improvement District.