



TO: Planning Commission; Town Council; Mayor
FROM: John Barlow, Apple Valley Town Administrator
DATE: January 27th, 2021
RE: Staff Review of Rezone Application for AV-1365-J-1

APPLE VALLEY PLANNING COMMISSION APPLICATION STAFF REPORT

Application Type: Rezone Application
Owner/Applicant Name: Mark & Laurel Pierson
Project Address: 2400 East Ranch Road
Parcel/Lot Number: AV-1365-J-1
Current Zoning: Open Space Transitional (OST)
Proposed Zoning: Rural Estate 20 Acre (RE-20)
Legislative/Administrative Proceeding: Legislative
Approval Authority: Apple Valley Town Council
Appeal Authority: Apple Valley Appeal Authority

Date of Public Hearing: February 3rd, 2021
Location of Public Hearing: Apple Valley Town Hall, 1777 Meadowlark Drive, Apple Valley, Utah 84737
Body of Public Hearing: Apple Valley Planning Commission
Notice to Mailed to Neighbors: January 21st, 2021

Summary of Application

The Applicant is requesting an amendment to the zoning designation for AV-1365-J-1 from Open Space Transitional (OST) to Rural Estate 20 Acre (RE-20) for the stated purpose of building a primary residence.

This would move the property from an allowed density of zero residential units to one residential unit. Further, it would allow for the Rural Estate uses that may or may not be permitted under OST. The permitted uses for rural estate zones can be found in AVC 10.10.050 and are as follows;

Permitted Uses: Uses permitted in [Rural Estate] zone are as follows:

- Single-family dwellings not less than 1250 sq.ft. on the main floor;
- Accessory buildings and uses, following issuance of a building permit for a permanent dwelling;

- Home occupations;
- Raising of crops, gardens, and horticulture;
- Residential facility for persons with a disability (see AVLU 10.28 for supplementary information);
- Residential facility for the elderly (see AVLU 10.28 for supplementary information);
- Churches;
- Park or playgrounds;
- The keeping of animals and fowl for family food production, but not for commercial use.
- Animal Allowances/Restrictions: (restrictions listed)

Standards for Approval/Denial

Apple Valley ordinance does not outline a standard for approval; however, the staff recommends at least considering the following:

1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Staff Analysis

Please keep in mind that the list of consideration above and discussed below are NOT a comprehensive list of consideration, but a recommended minimum amount of consideration.

PZ Commission can make a recommendation based on: ANY RATIONAL BASIS. This is the most flexible level of discretion given to you under the law.

Is the applicant request consistent with the General Plan's (GP) goals, objectives, and policies?



The general plan has this property designated as Residential 1 Acre. The applicants request is consistent with the general plan.

Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?

Yes, the neighboring properties are zoned similarly and their current use is similar.

Will the proposed amendment adversely affect adjacent property?

No.

Is there adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection?

Staff recommends that the PC consider the level of infrastructure when considering this application. It would be reasonable to conclude that there is inadequate infrastructure to support the requested level zoning; however, the town has granted this level of density to properties in the same vicinity.

Infrastructural issues:

Water and Fire: The Fire Chief and the Water Superintendent have both had conversations with the property owners. The infrastructure could support this level of development; however, there are necessary improvements that the applicant would have to do before construction. Specifically, dedicate part of the property for frontage, extend the waterline to ensure there is a hydrant within 400' feet of any house/facility, and create road access to any house.

The water extension will require state and local approval. The applicants are working toward that end.

Public Works: There is not dedicated street. The de-facto street has road base and is very narrow. As stated above, a road dedication before construction would be required.

No infrastructure issue is so egregious that it should absolutely prohibit the approval of this application. However, the PC should be aware of these issues when considering future density in this area.



Staff Recommendation

Staff recommends approving this application for the reasons above. Staff will formally notify the applicant of the infrastructure and access issues and work to help resolve them.

Caution

Ask yourself the following questions before voting.

1. Do I have a conflict of interest that has not been disclosed?
2. Am I granting this application based on who the applicant is?
3. In our discussion or in my own personal deliberations, did I/we consider the applicant's:

- Color
- Disability
- Family Status
- Sex/Gender
- Race
- Religion
- National Origin
- Familial Status
- Military Service

If the answer is yes to any of the questions above, STOP. Consult with Town Staff, or the Town Attorney.



Sample Motions

(Approve without conditions) I move we recommend that the Town Council approve the zoning map amendment requested for AV-1365-J-1 based on the findings set forth in the staff report and (if applicable) for the following additional reasons:

_____.

(Approve with conditions) I move we recommend that the Town Council approve the zoning map amendment for AV-1365-J-1 with the following conditions: [list conditions] _____.

(Deny) I move we recommend the Town Council deny the zoning map amendment requested for AV-1365-J-1 based on the findings set forth in the staff report and (if applicable) for the following additional reasons:

(Postpone) I move we table this application until the next regular planning commission meeting, and direct staff to report back about _____.