



# STAFF REPORT

## PLANNING & ZONING DEPARTMENT

### GRAND COUNTY, UTAH

**DATE:** March 29, 2022

**TO:** Grand County Planning Commission

**SUBJECT:** Saina Carey, Thompson Café: General Rezone Request - Range & Grazing (RG) to General Business (GB)

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**PROPERTY OWNER:** ABC, LLC

**PROP. OWNER REP:** Saina Carey

**PROPERTY ADDRESS:** 15 W. Old Highway 6 & 50, Thompson Spring, Parcel No. 07-0021-0073

**SIZE OF PROPERTY:** 1.83 acres

**EXISTING ZONE:** Range & Grazing (RG)

**EXISTING LAND USE:** 5 currently vacant structures on the parcel

**ADJACENT ZONING AND LAND USE(S):** Zones: Range & Grazing (RG), Uses: Residential, Vacant, & RV Park, Campground, Bed & Breakfast

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#### APPLICATION TYPE

General Rezone Request

#### APPLICATION PROCEDURE

*Decision Type:* Legislative

*Public Notices:*    Public Meeting at:  
   Planning Commission  
   County Commission

Public Hearing at:  
Planning Commission  
County Commission

Attachments:

1. Rezone Application Packet
  - a. Boundary Survey
  - b. Applicant Statement
  - c. Thompson Special Service District Will Serve When Parameters Change letter
  - d. Title (Available Upon Request)
  - e. Tax Roll (Available Upon Request)
  - f. Warranty Deed (Available Upon Request)
  - g. Application (Available Upon Request)

#### SUMMARY OF REQUEST

The Applicant seeks to rezone the property from Range & Grazing to General Business in order to accommodate the refurbishing of existing structures on the lot into mixed commercial uses.

Approval of a rezone request does not constitute approval for development. For commercial development, a property owner must submit a Site Plan Application and meet the standards and

requirements set forth in Section 9.16 Site Plan Review and Article 6 Development Standards including will serve approval from the local service district for water.

### **PROPERTY HISTORY**

The property consists of 5 existing structures on a 1.83 acre parcel of land that fronts Highway 94 and Old Highway 6 & 50. The structures on the property consisted historically of the old Silver Grill café on the corner and several dwelling units and accessory structures. The historic Silver Grill Cafe was in operation up until the mid-90's according to "A History of Grand County" by Richard A. Firmage (1996). The Cafe was also a filming location in the movie Thelma and Louise in 1991.

The Thompson Special Service District (TSSD) issued a moratorium on new water accounts in Thompson Springs, and therefore no new development can occur until the moratorium is lifted. The subject property does not have a current water account and therefore no development would be allowed as a result of this rezone, until a water account was approved by the TSSD or other County authorized water provider.

### **SITE IMPROVEMENTS / ADDITIONS / CHANGES**

The rezone request requires no current site plan improvements.

Later site improvements in connection to proposed additions of various mixed commercial uses on the property and updates to existing structures will be in accordance with requirements of Article 3 (Use Regulations), Article 5 (Lot Design Standards), Article 6 (General Development Standards), and Article 9 (Administration and Procedures) of the Grand County Land Use Code as well as Grand County Construction Standards and the International Building Code.

#### **I. Project Description**

The application is for a General Rezone request to change the current Range & Grazing (RG) zoning on a 1.83-acre parcel located on 15 W. Old Highway 6 & 50 in Thompson Springs, to General Business (GB), which would allow for an array of mixed commercial uses at the property, but only upon a "will serve" from the Thompson Springs Special Service District (TSSD) for water. The future proposed land uses include the refurbishing of the existing structures into a café space with outdoor entertainment area, a mixed retail space, large storage building and potentially a chapel.

#### **II. Consistency with 2012 General Plan**

A. Per Section 4.4 of the 2012 General Plan, the subject property is located within the Range, Resource and Recreation area of the Future Land Use Plan Designations Map

The Future Land Use designation of Range, Resource and Recreation encourages development that is consistent with residential densities that range from one dwelling per five acres up to one dwelling per three acres with a 50% open-space set-aside or fee-in-lieu and 25% affordable housing units or fee-in-lieu. In addition to residential uses this designation includes recreation/resort development, agriculture and development/extraction of natural resources.

1. While not proposing future residential uses, the rezone request to General Business is consistent with the intent of the Range, Resource and Recreation future land use in that the future proposed uses at the subject property are intended to give a variety of commercial uses that would accommodate tourists and local residents in a commercial setting including entertainment, food and retail.

B. The subject parcel is also located within the Rural Center Future Land Use Plan Designation Map

The Future Land Use designation of Rural Center is intended to vary in size from 5 to 30 acres in total and promotes uses such as neighborhood scale retail, small businesses, local commercial, local tourism, on site renewable energy, and residential neighborhoods. Residential density of up to 3.2 units per acre is permitted if it includes (a) 50% open spaces set aside or fee-in-lieu, (b) 25% affordable housing units or fee in lieu, (c) multi-modal options, (pedestrian/bicycle, at a minimum), and (d) no more than ½ of total dwelling units are multi-family.

1. The mixed uses that the property owner is proposing would be consistent with the Future Land Use Map designation for the area by providing a variety of commercial uses that promote tourism, small business and local commercial.

### **III. Future Intentions for Thompson Springs**

- A. It should also be noted that the Thompson Springs area in general is anticipated to be evaluated for a broad rezone based on the outcome of the Land Use Analysis that is scheduled to be completed by the Fall of 2022. It is anticipated that this area of Thompson Springs will likely be rezoned to Commercial in order to create a commercial hub for the community. Such commercial development would be on hold until the realization of additional water sources.

### **IV. Water Resources**

- A. While not a requirement of a rezone application, the Planning and Zoning department is requesting a water analysis for property owners applying for rezones in Thompson Springs due to the current moratorium on new water connections with the Thompson Special Service District.
  1. The submitted analysis, completed by TSSD demonstrates that there is not currently a water account connected to this property and that the TSSD cannot supply water for future development until the state of water resources for the Thompson area changes.
    - a. While development cannot occur on the subject property at this time, the TSSD recommended that the County favorably consider this rezone application as, there are efforts currently underway to address the water deficit such that the TSSD will be able to provide water connections at a

future date. (see attached TSSD letter)

## **V. Conformance with Grand County Land Use Code (LUC)**

A. The Proposed rezone is in conformance with LUC Article 9, Administration and Procedure and article 9.2.2 - Application for Zoning Map or Text Amendment. in the following ways:

1. A complete application was submitted by the property owner's representative in accordance with provisions of the Grand County Land Use Code Article 9.2.2.
2. The application was reviewed by the zoning administrator and deemed a complete application on January 28, 2022, per article 9.2.2

### **B. 9.2.5 Issues for Consideration (A-K)**

In making its determination, the Planning Commission and the County Commission shall consider staff reports, written and oral testimony presented, and the following criteria:

A. *Was the existing zone for the property adopted in error?*

It may have been the case that the Range and Grazing zone was designated in error, as the historic principal use on the property was commercial.

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.)?*

The Thompson Springs area is undergoing many changes as of late, including a replat of the entire town to improve street design and the general layout of lots. A land use analysis is slated for the summer of 2022 to evaluate zoning for the entire town. Historically, Thompson experienced a boom and a bust, and is now on the upswing of that, showing signs of being a viable commercial and residential node (of course within limitations of water availability) outside of the Moab valley and just off a major Interstate freeway.

C. *Is there a need for the proposed use(s) within the area or community?*

neutral

D. *Will there be benefits derived by the community or area by granting the proposed rezoning?*

The community may gain the benefits of revitalization, as the rezone may encourage renovation of rundown structures, and general cleanup of the area. The rezone will also provide local retail services, a restaurant/cafe and a venue for gathering and outdoor entertainment.

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 (see pages 44-48 of the Grand County General Plan)?*

(see above section on consistency with the General Plan)F.

F. *Should the development be annexed to a city?*

No, the subject property is not within the City's future annexation boundary.

G. *Is the proposed density and intensity of use permitted in the proposed zoning district?*

The proposed uses of mixed-use commercial, would be permitted in the proposed zoning district of General Business.

H. *Is the site suitable for rezoning based on a consideration of environmental and scenic quality impacts?*

The site is suitable for the rezoning to GB as it is located in the historic commercial district of Thompson Springs, and was historically used for commercial purposes. With a rezoning of the property, once water resources are available the property owner will have the ability to improve the scenic quality of the area.

I. *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?*

The proposed uses are compatible with surrounding properties, being in the historic commercial center of Thompson Springs. Adverse impacts may include an increase in visitor traffic and increase in water demand. Currently the TSSD regulates development in relation to water demand. (statement included below)

J. *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?*

Rocky Mountain Power and Dominion Energy serve parcels in the Thompson Springs area.

Water resources are provided by Thompson Special Service District and they have provided the following comment:

"Despite the TSSD not being able to sell water shares to ABC Thompson LLC or anyone else at this time, the Board does believe that the property in question is in a great location for General Business zoning and believes that the County should allow the rezone to move forward."

K. *Does the proposed change constitute "spot zoning"?*

The subject parcel is surrounded by Range and Grazing, but also adjacent to Light Industrial and across the street from Highway Commercial.

B. The Public Notice requirements were met for this Public Hearing in accordance with Utah State Code § 17-27a-205.

1. The property owner placed two (2) posters on the property provided by the Planning and Zoning Department in a prominent and visible location on the subject property within five feet of the property line a minimum of 10 days before the Public Hearing. One poster was placed along each street/road frontage.
2. The Planning & Zoning Department placed public notices in accordance with Utah State Code 17-27a-205 on the County website a minimum of 10 days before this hearing.
3. The Planning & Zoning Department placed public notices related to this Public Hearing according to Utah State Code 17-27a-205 on the Utah Public Notice website a minimum of 10 days before this hearing.

**VI. Planning Commission Recommendation:** The Planning Commission considered the rezone request at a public hearing on February 28, 2022 and voted unanimously to send a favorable recommendation to the County Commission, citing that the property sits within what appears to be the historic commercial center of Thompson and a recent rezone request for the same was approved on the neighboring property.