



STAFF REPORT

DATE: January 11, 2023

TO: The Honorable Mayor and City Council

FROM: Michael Maloy, AICP, Planning Director

SUBJECT: Consideration of a request from Herriman 73 Partners LLC to amend the Herriman City Zoning Map for ±8.23 acres of property located approximately at 12400 S Mountain View Corridor from A-1-43 Agricultural to AMSD Auto Mall Special District. (City File No. Z2022-175)

RECOMMENDATION:

On January 4, 2023, the Planning Commission conducted a public hearing and voted 6-0 to forward a *positive* recommendation to the City Council to amend the Herriman City Official Zoning Map for property located at 12400 S Mountain View Corridor from ±8.23 Acres of A-1-43 (Agricultural) Zone to AMSD (Auto Mall Special District) Zone.

ISSUE BEFORE COUNCIL:

Should the City amend the Herriman City Official Zoning Map for property located at 12400 S Mountain View Corridor from ±8.23 Acres of A-1-43 (Agricultural) Zone to AMSD (Auto Mall Special District) Zone?

BACKGROUND/SUMMARY:

The property owner recently acquired the subject property and requested Herriman rezone it from A-1-43 (Agricultural) to AMSD (Auto Mall Special District). The property is within the Auto Mall MDA, which indicates the property should be zoned AMSD, not A-1-43.

The property owner also submitted applications for preliminary subdivision plat and site plan approval for the subject property, which are currently being reviewed by staff.

A zoning map amendment is a legislative decision. City Code requires the Planning Commission to hold a public hearing and make a recommendation to the City Council. The City Council then holds a public meeting and makes a final decision on the application.

Notice of a public hearing was published in three (3) places as required by State Code on December 22, 2022. Staff also mailed notices to all property owners within 300 feet of the subject property and affected entities. No public comments for or against the proposal have been received by staff or the Planning Commission during the public hearing process.

DISCUSSION:

City Code 10-5-8.E: A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the City Council as described in subsection 10-5-6A of [City Code]. In making an amendment, the following factors should be considered:

1. Whether the proposed amendment is consistent with goals, objectives, and policies of the General Plan;

Staff Finding – Because the property was formerly owned by the Utah Department of Transportation (UDOT) and was considered part of the Mountain View Corridor, the subject property does not have a current land use designation in the General Plan. However, all adjacent property is designated as General Retail. The City also recently approved the AMSD (Auto Mall Special District) MDA, which indicated the property should be rezoned to AMSD (as proposed).

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

Staff Finding – The proposed rezone is surrounded by AMSD zoning on the north, west, and south sides. There is commercial zoning further to the south between the AMSD Zone and 12600 S Mountain View Corridor (located on the east side of the subject property). As such, staff finds the proposal 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

Staff Finding – Adjacent and surrounding parcels are currently zoned commercial. As such, the subject property is a prime location for commercial land uses, which will provide regional auto shopping services.

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 Finding – All affected City Departments, including Engineering, Public Works, Police, and Fire, have reviewed the proposal and found that the public facilities and services needed for the subject property are adequate or will be made adequate through the development permit review process.

ALTERNATIVES:

The City Council may consider the following alternatives:

Alternatives	Pro – Considerations For	Con – Considerations Against
Approve rezone as submitted	Approval facilitates commercial development within the city [RECOMMENDED ACTION]	None identified by the Planning Commission or staff
Approve proposal with conditions	None identified by the Planning Commission or staff	A zoning condition would likely be unnecessary as the MDA already considered the impacts of rezoning the property to AMSD
Postpone proposal (with or without date)	The Council may identify additional issues that warrant further research and review based on the information provided. A motion to postpone should identify what additional information is required	Staff has not identified any findings that would warrant postponement; this alternative action would require additional staff time and cause a potentially unnecessary delay
Deny proposal	Following the public meeting, the Council may find that a motion for denial is warranted to protect the public interest. (Council should identify findings and applicable standards in motion.)	Staff has not identified any findings that warrant denial. Furthermore, this alternative would be inconsistent with prior actions of the Council

ATTACHMENTS:

- A. Vicinity Map
- B. Draft Ordinance