FEBRUARY 25, 2021
PLANNING COMMISSION MEETING 6:00 P.M.

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), the Moab Planning Commission Chair has issued written determinations supporting the decision to convene electronic meetings of the Planning Commission without a physical anchor location. Due to the health and safety risks related to the ongoing COVID-19 pandemic and considering public health orders limiting in-person gatherings, Moab City Planning Commission will continue to hold meetings by electronic means. The public is invited and encouraged to view and participate in the Council’s electronic meetings by viewing the City’s YouTube channel: https://www.youtube.com/channel/UCi00z0Zgdmz4y1Fol0I7CJÅ. Individuals wishing to participate in the Citizens to be Heard portion of the meeting should submit their comments using this form: https://docs.google.com/forms/d/e/1FAIpQLSecep3kyu0F_18J6J5RO/aeUPnkw938GR8dvweOJjHaQfNgA/viewform?vc=0&c=0&w=1. Comments submitted for the Citizens to be Heard portion of the agenda will be incorporated into the meeting minutes as part of the permanent record.

1. 6:00 P.M. Call To Order

2. Citizens To Be Heard
   To have your comments considered for the Citizens to Be Heard portion of the electronic meeting, please fill out the form found here: HTTPS://DOCS.GOOGLE.COM/FORMS/D/E/1FAIpQLSecep3kyu0F_F8J6J5ROFAEUPTNKW938GR8DVWE0JH-AQFNGA/VIEWFORM?VC=0&C=0&W=1. You must submit your comments by 5:00 pm on the day of the meeting. Please limit your comments to 400 words

3. Approval Of Minutes
   3.1. Minutes: December 10, 2020
      Documents:
      MIN-PC-2020-12-10 DRAFT.PDF
   3.1.1. Minutes: January 14, 2021
      Documents:
      MIN-PC-2021-01-14 DRAFT.PDF

4. Action Item - Consideration And Possible Approval Of Planning Resolution #02-2021, A Planning Resolution Approving The Townhome Plat Application For The 3rd Street Townhomes, Property Located At 116 South 300 East, Moab UT 84532
   Documents:
   3RD STREET TOWNHOMES PLAT PC AGENDA SUMMARY 022521.PDF
   EXHIBIT 1 DRAFT PLANNING RESOLUTION 02-2021 3RD STREET TOWNHOME PLAT 022521.PDF
   EXHIBIT 2 VICINITY MAP 3RD STREET TOWNHOMES.PDF
   EXHIBIT 3 RECORDED COUNTY PLAT 3RD STREET TOWNHOMES.PDF
   EXHIBIT 4 DRAFT SURVEY PLAT 3RD STREET TOWNHOMES.PDF

5. Discussion Item
   5.1. Discussion Item - Upcoming Text Amendments To The Moab Municipal Code

6. Future Agenda Items

7. Adjournment
Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), the Moab Planning Commission Chair has issued written determinations supporting the decision to convene electronic meetings of the Planning Commission without a physical anchor location. Due to the health and safety risks related to the ongoing COVID-19 pandemic and considering public health orders limiting in-person gatherings, Moab City Planning Commission will continue to hold meetings by electronic means. The public is invited and encouraged to view and participate in the Council’s electronic meetings by viewing the City’s YouTube channel: https://www.youtube.com/channel/UCl00z0Zgdmz4y1FoI0l7CJA. Individuals wishing to participate in the Citizens to be Heard portion of the should submit their comments using this form: https://docs.google.com/forms/d/e/1FAIpQLSecp3kyu0F_f8J6J5ROfaeUPtNkW938GR8dvweOJjHaQfNgA/viewform?vc=0&c=0&w=1. Comments submitted for the Citizens to be Heard portion of the agenda will be incorporated into the meeting minutes as part of the permanent record.

Call To Order

Citizens To Be Heard

To have your comments considered for the Citizens to Be Heard portion of the electronic meeting, please fill out the form found here: HTTPS://DOCS.GOOGLE.COM/FORMS/D/E/1FAIPQLSECP3KYU0F_F8J6J5ROFAEUPTNKW938GR8DVWEOJJH-AQFNGA/VIEWFORM?VC=0&C=0&W=1. You must submit your comments by 5:00 pm on the day of the meeting. Please limit your comments to 400 words.

Approval Of Minutes

Minutes: December 10, 2020

MIN-PC-2020-12-10 DRAFT.PDF

Minutes: January 14, 2021

MIN-PC-2021-01-14 DRAFT.PDF

Action Item

- Consideration And Possible Approval Of Planning Resolution #02-2021, A Planning Resolution Approving The Townhome Plat Application For The 3rd Street Townhomes, Property Located At 116 South 300 East, Moab UT 84532

3RD STREET TOWNHOMES PLAT PC AGENDA SUMMARY 022521.PDF

EXHIBIT 1 DRAFT PLANNING RESOLUTION 02-2021 3RD STREET TOWNHOME PLAT 022521.PDF

EXHIBIT 2 VICINITY MAP 3RD STREET TOWNHOMES.PDF

EXHIBIT 3 RECORDED COUNTY PLAT 3RD STREET TOWNHOMES.PDF

EXHIBIT 4 DRAFT SURVEY PLAT 3RD STREET TOWNHOMES.PDF

Discussion Item

- Upcoming Text Amendments To The Moab Municipal Code

Future Agenda Items

Adjournment

1. 6:00 P.M.
2.
3.
3.1.
Documents:
3.1.1.
Documents:
4.
Documents:
5.
5.1.
6.
7.
The Moab Planning Commission held its regular meeting on December 10, 2020, via a Zoom Meeting. An audio recording of the evening meeting is archived at https://www.utah.gov/pmn/index.html and a video recording is archived at https://www.youtube.com/watch?v=UxVQzq4Kap0

1. Call to Order

The Moab Planning Commission Chair Kya Marienfeld called the meeting to order at 6:01 PM. In attendance were Planning Commission Chair Kya Marienfeld, Commission members Jessica O’Leary, Luke Wojciechowski, and Marianne Becnel were present. Commission Members Rubin Villalpando-Salas, Brian Ballard, and Becky Byrd were absent. Staff in attendance included City Planner Nora Shepard, Assistant Planner Cory Shurtleff, and City Recorder Sommar Johnson.

2. Action Item - Written Determination of the Chair of the Public Body Pursuant To House Bill 5002 and Utah Code Annotated (UCA) §§52-4-207(4) (A) And (B)

At this time Planning Commission Chair Kya Marienfeld read the written determination aloud. Marienfeld stated that the determination will expire thirty (30) days after which the determination was made and it is possible for future determinations if circumstances warrant it at which time a written determination will be made. The document was signed on December 10, 2020.

3. Citizens to Be Heard

There were no citizens to be heard.

4. Action Item - Adoption of 2021 Planning Commission Meeting Schedule

Planning Director, Nora Shepard, stated the schedule is in the packets provided and went over what the schedule is planned for, including tentative dates for the Joint-City Council, Planning Commission Work Sessions.

Planning Commission Chair Kya Marienfeld asked for comments and questions at this time. There were no comments or questions.

Motion and vote

Commission Member O’Leary moved to approve Action Item - Adoption of 2021 Planning Commission Meeting Schedule. Commission Member Becnel seconded the motion. The motion passed 4-0 with Commission members O’Leary, Wojciechowski Marienfeld, and Becnel voting aye.

5. Approval of Minutes

Motion and vote
Commission Member Becnel moved to approve 5.1 Minutes: August 13, 2020, 5.2 Minutes: August 27, 2020, 5.3 Minutes: October 22, 2020, 5.4 Minutes: September 24, 2020, and 5.5 Minutes November 12, 2020. Commission Member O’Leary seconded the motion. The motion passed 4-0 with Commission members O’Leary, Wojciechowski Marienfeld, and Becnel voting aye.

6. Public Hearing
   6.1 Public Hearing - Consideration And Possible Recommendation Of Ordinance #2021-01, An Ordinance Approving A Zoning Map Amendment For Western Spirit Rezone, Property Located At 478 Mill Creek Drive, Moab UT 84532, Amending The Subject Parcel Zone From R-2 Single-Household And Two-Household Residential Zone, To C-5 Neighborhood Commercial Zone

The applicant joined the meeting at this time. Commission Chair Marienfeld asked to hear from the Planning staff for background on this agenda item.

Assistant City Planner, Cory Shurtleff, started the presentation. He went over the details of the rezone including the Location, 487 Millcreek Drive; Property Owner, Cycling Resources Inc; Applicant, Ashley Korenblat; Parcel Size, 0.53 acres; Current Zone, R-2 Single Household and Two Household Residential Zone; Purposed Zone, C-5 Neighborhood Commercial Zone; Existing Use, Commercial as Western Spirit Cycling; and Purposed Use, Commercial as Western Spirit Cycling Redevelopment. Shurtleff presented the vicinity map indicating the zones surrounding the subject parcel. He stated that the neighborhood to the east is zoned R-2 and that there is a section off of Oliver Street that is zoned R-4. He added there is C-5 zoning picking up just off of Fourth East. Next, he presented the Recorded County Plat Map and the Current and Purposed Zoning Maps. Shurtleff read the narrative provided by the applicant. He went over the background stating that there is additional background information in the packets. He stated that during the DRT meeting regarding this rezone, it was determined that the existing sewer main servicing this property was over capacity and that any redevelopment of the property that increases sewer, whether it is commercial or residential, would be required to install an upgrade sewer system or connection to available capacity main. He said that the applicant would not pursue an increase to the existing sewer capacity but would redevelop the existing current space. He went over the limitations of redevelopment and explained this further. He continued to give information on the background of this parcel. He mentioned that other residents in this area have similar concerns such as available land use options due to the quality of life change presented by this busier corridor. The Council and Planning Commission have discussed this concept on previous occasions. Although this rezone is just identifying this parcel, it is also trying to “move the ball forward” for other members of the community in this area. Shurtleff showed a map from the Community Notes Master Plan, which shows the subject parcel outside of the study area. He went over the overview of the Community Notes Master Plan on this slide. A comparison of the permitted uses of each zone was shown and he briefly discussed this. He included an overlay of a sewer capacities map, spoke about the sewer in this area, and why it would be cost prohibited to them to expand beyond the applicant’s current use. Shurtleff presented a broader map showing where new developments are taking place and how they “feed” through Mill Creek Dr. He asked that through this rezone presentation that the larger scope planning conversations continuing. Planning Director, Nora Shepard, said that “while this property owner plans to limit the use to not increase the sewer capacity, once it is rezoned to C-5, potentially other kinds of uses could be placed there that are more intense than what is currently being proposed by the applicant. It would require that upgrade in the sewer but this is being rezoned to the zone, it’s not being rezoned to the project plan. So once the zone is changed this property owner or other property owners could conceivably come in with some other kind of use that’s permitted
in the C-5 zone.” She added that at this point the change would not be significantly “more intense” than what is currently there but this could change in the future. Planning Commission Chair, Marienfeld, asked the applicant if she would like to speak at this time.

The applicant, Ashley Korenblat, thanked the Planning Commission Members for their service. She stated that their building is in really bad shape and they need to replace it. She said that when they started looking at options, they thought about moving. She said they looked at their needs over the next ten years and they are really comfortable in this space and are fine with the sewer limitations. She said that they have been thinking about how to move the building to buffer the street. She added that there are currently four bathrooms and the number of office workers fluctuates a bit but it will not grow enough to make a need for more bathrooms. She added that they looked at their needs and if they need to move but determined that they do not need to move. She said that only about 20% of the business is through Moab. She added that they had thought about what would be the best use of this property, long term, for the community. She felt that mixed-use office space would be the best use for this property, for the community. She added that to put a residential home here would be “brutal” due to the noise. Korenblat felt they could potion it to where it could be a buffer for residents in the area while still meeting their needs. This would be the same use that they have always had there. Shepard stated that if the zone change is not approved, it would be considered a non-conforming use which signifies remodeled or additions are not allowed. She added they could not change the footprint but could do smaller remodels. She said that the City’s rules would prohibit this upgrade without a change in the zone. Korenbalt said that they did consider smaller remodels but it “looked grim.” She said that they would not stay at this property if they felt that they were going to outgrow it. She added that this isn’t about more use but just about making the property nicer and more functional.

Planning Commission Chair, Marienfeld, asked for questions at this time. Planning Commission Member, Becnel, asked the applicant what percentage of the built area would be business and what percent would be housing. She also asked about parking citing the neighbor’s concerns and how those would be addressed. Planning Director, Shepard, stated they want to maintain their current housing units and in terms of the parking, this project would have to go through a Site Plan Approval which the Planning Commission would see again at that time. At that time they will have to meet all the requirements, including parking. Korenblat stated that there would be an apartment with three to four tiny rooms in the basement. She continued, saying that they would have a commercial kitchen, which they have already. She said that there are a couple of containers and a shed currently on the property, so it would be the same footprint but just more together. Korenbalt left the meeting at this time due to technical difficulties. Marienfeld asked for any further discussion points at this time. Commission Member, O’Leary, stated she received three letters. She added that she lives near this property and confirmed that during the busy season it is very noisy. She said that in her opinion, having a residence on Mill Creek would not be “very enjoyable.” Marienfeld asked Commission Member, Becnel, to speak about living on Mill Creek Drive. Becnel stated that it is miserable. She added that she felt that either the vehicle noise needs to stop or the properties need to be usable to the residence. Korenbalt returned to the meeting at this time. Marienfeld filled Korenbalt in on the short discussion. She stated that she is very cautious about any “up-zoning” understanding that she is aware of the property and the applicant’s intended use but she doesn’t feel it should be recommended if the Planning Commission is not willing to allow any and all of the uses for the underlying zone. She encouraged everyone to check out the C-5 zone and gave some examples of what is allowed in the C-5 zone. Marienfeld asked that applicant the most significant thing that she could not do if this property was to remain in its current zone. Korenbalt said that the problem with not changing the zone would be really hard construction-wise. She noted that the current building is not sufficient and that
it is cinderblock. She stated that it’s the degree of the remodel and that she feels that if they had to keep the shell of the building, it starts to be a bit of a “silly” thing to spend money on. She added that they had thought about what they could do keeping the current zoning, for instance, building two housing units, but felt it really is the loudest place and she didn’t feel that you could have much of an outdoor scene as it would be really unpleasant. She stated that what is so great about this location is that it is so close to town and that a lot of their employees ride bikes to work. Marienfeld asked Planning Director, Shepard, to remind the Commission of the limitations for an existing non-conforming use. Shepard asked Shurtleff to display the code for the Commission Members. She stated that it is very restrictive and they cannot expand beyond their current footprint. Shepard stated that she and the applicant had tried to make it work within the limits of the nonconforming use but it just didn’t. The applicant added that it was “like putting a new building on a bad foundation.” Shurtleff presented the code at this time. Shepard read this part of the code to the Commission Member and stated it’s really quite limited.

Marienfeld opened the public hearing at this time.

There were no additional attendees. Shurtleff went over three letters that were received regarding the zone change. Marienfeld said these will be taken into consideration and closed the public hearing.

Marienfeld referenced a letter that asked the background on how this property became a nonconforming use. She asked Korenbalt if she had the background on this. Korenbalt stated that prior to Western Spirit purchasing this building in 1994, it had been a video store, Movid, and that it had been this for about 10 years. She added that prior to that it was an electrical contractor’s office. Marienfeld stated it sounded like it was a case of the zone being applied after the fact. Korenbalt spoke about the area and traffic around the area. Marienfeld stated that there are residential homes around Mill Creek, new homes are being built in this area and homes are being purchased. She said that she wanted to make sure that these individuals are not being undervalued because of something that they cannot control, i.e. traffic. Commission Member, O’Leary, brought up a comment about parking and asked if there is overflow parking planned. Korenbalt stated yes, they have overflow parking but it is rarely used. She said that during the bigger events, they normally rent condos for staff so that they are not parking on site. She stated that they certainly can commit to not using Oliver Street for parking. Commission Member, Byrd, stated that she does not feel C-5 zoning would devalue property along Mill Creek, she thinks that it would be a good thing. She added that C-5 zoning is a Commercial-Residential zone and it would kind of blend the commercial and residential. She said that it makes sense to give people some flexibility and that it should be continued up and down the road. Marienfeld commented on the C-5 zones and that it is the lowest impact commercial zone. Byrd added that this could potentially make great sound buffers for residents. Marienfeld asked Shepard if there is any height difference between the two zones. Shepard did not think there was.

Commission Member, Wojciechowski, stated that based on the comments it seems that the residents around the applicant are very happy with Western Spirits but there may be longer-term fear if Western Spirits moves. The applicant closed by saying that the hope is to build a building that would hold value to the neighborhood even if it was sold for future uses. The applicant exited the meeting at this time.

Marienfeld went over the options for a motion at this time and asked for Commission Members to share any last thoughts. Commission Member, Villalpando-Salas, asked what plans are for the lot where the Red Rock Elementary School was located. Planning Director, Shepard, said that they do not know what future plans are, this is school district property. Commission Member, O’Leary, expressed that she has some of the same concerns that were mentioned but she feels there is nothing in the C-5 zone that worries her enough to deny this rezone. Commission Member, Wojciechowski, stated that he felt that given the sewer issues that any sort of big changes will likely be cost prohibited and that changing the zone will
give the owners more flexibility. He added that the neighbors have said that they have been really great neighbors. Commission Member, Becnel, said that she felt that the residents in this area are great residents and business owners. Also, that the nature of the corridor is changing what this property means to them (residents). She feels that this is a good tradeoff for them to bring C-5 in, in exchange for their residential properties. Marienfeld agreed that the C-5 zone is a very well written zone and spoke about this in detail.

**Motion and vote**

Commission Member, Byrd, motioned to forward a positive recommendation of the Consideration and Possible Recommendation Of Ordinance #2021-01, An Ordinance Approving A Zoning Map Amendment For Western Spirit Rezone, Property Located At 478 Mill Creek Drive, Moab UT 84532, Amending The Subject Parcel Zone From R-2 Single-Household And Two-Household Residential Zone, To C-5 Neighborhood Commercial Zone. Commission Member, Wojciechowski, seconded this motion. The motion passed 6-0 with Commission Members, Becnel, O’Leary, Byrd, Villalpando-Salas, Wojciechowski, and Marienfeld voting aye.

**7. Action Item**

7.1 **Action Item - Consideration And Possible Approval Of Planning Resolution #03-2020, A Planning Resolution Conditionally Approving A Level II Site Plan Application For The Grand County EMS Building On Property Located At 100 North 540 East, Moab UT 84532**

Moab City Assistant Planner, Cory Shurtleff, presented the Site Plan Application and the details, including Location; 100 N 540 E, Property Owner; Grand County, Applicant; Andy Smith a representative of Grand County, Parcel Size; 1.33 acres, Current Zone; R-3 Multi-Household Residential Zone, Purposed Use; Public facility for Grand County EMS, Proposed Size; 12,891 mixed occupancy space, and Purposed Parking; 27 spaces required. Shurtleff explained the parking and parking agreement further. He shared the vicinity map stating it was just off of 400 East. He showed the existing EMS Building. He shared the recorded county plat map and spoke about the easements. He continued, showing the conceptual drawing submitted. Shurtleff read the applicant's narrative aloud, adding that the current building has been demolished. Next, the background of the property was presented. He stated the background was “pretty straightforward.” The next slide showed the site map to identify the parking locations and proposed additional parking. He spoke about the shared parking agreement as well. The elevation from the site plan was presented. Shurtleff presented and went over the blueprints pointing out the mixed occupancy for the EMS Staff. Shurtleff went over the Conditions of Approval which include 1) All Engineering comments shall be addressed to the satisfaction of the City Engineer prior to the final inspection or issuance of the Certificate of Occupancy, 2) All Planning comments shall be addressed to the satisfaction of the City Planning Director prior to final inspection or issuance of Certificate of Occupancy, and a) outdoor lighting/ fixtures shall be compliant with relevant Moab Municipal Code sections.

Applicant, Andy Smith, joined the meeting. Andy stated he was open to questions. There were no questions at this time. Commission Chair, Marienfeld, went over the motion options at this time.

**Motion and vote**
Commission Member, Wojciechowski, motioned to approve Planning Resolution #03-2020, A Planning Resolution Conditionally Approving A Level II Site Plan Application For The Grand County EMS Building On Property Located At 100 North 540 East, Moab UT 84532 subject to the following conditions: 1) All Engineering comments shall be addressed to the satisfaction of the City Engineer prior to the final inspection or issuance of the Certificate of Occupancy, 2) All Planning comments shall be addressed to the satisfaction of the City Planning Director prior to final inspection or issuance of Certificate of Occupancy, and a) outdoor lighting/ fixtures shall be compliant with relevant Moab Municipal Code sections. Commission Member, O’Leary, seconded this motion. The motion passed 6-0 with Commission Members, Becnel, O’Leary, Byrd, Villalpando-Salas, Wojciechowski, and Marienfeld voting aye.

8. Future Agenda Items

Planning Director, Nora Shepard, spoke about future items including a Strategic Planning Workshop with City Council, the Lion’s Back Project, and SILTA’s development at the new USU Campus. She added that financing is loosening up. Planning Assistant, Shurtleff, added the Kane Creek Condominiums will likely be requesting an extension in February and that he expects a couple of pre-applications would be presented soon. Commission Chair, Marienfeld, asked about the timing and expectations on UTV regulations. Shepard stated that she has been having conversations with the City Attorney and City Assistant Manager and that they would work on Land Use Changes to not allow new ATV, UTV, and OHT business. She spoke about this and stated that they are in the process.

Adjournment: The meeting was adjourned at 7:21 PM.
The Moab Planning Commission held its regular meeting on January 14, 2021, via a Zoom Meeting. An audio recording of the evening meeting is archived at https://www.utah.gov/pmn/index.html and a video recording is archived at https://www.youtube.com/watch?v=4AVIdiwqbDU

**Action Item - Written Determination of the Chair of the Public Body Pursuant To House Bill 5002 and Utah Code Annotated (UCA) §§52-4-207(4) (A) And (B)**

At this time Planning Commission Chair Kya Marienfeld read the written determination aloud. Marienfeld stated that the determination will expire thirty (30) days after which the determination was made and it is possible for future determinations if circumstances warrant it at which time a written determination will be made.

1. **Call to Order**

The Moab Planning Commission Chair Kya Marienfeld called the meeting to order at 6:04 pm. In attendance were Planning Commission Chair Kya Marienfeld, Commission members; Jessica O’Leary, Luke Wojciechowski, Marianne Becnel, John Knight, and Rubin Villalpando-Salas were present. Commission Member Becky Byrd was absent. Staff in attendance included City Planner Nora Shepard, Assistant Planner Cory Shurtleff, and City Recorder Sommar Johnson.

At this time Planning Commission Chair Marienfeld, introduced the new Planning Commission Member, John Knight. Commission Member John Knight spoke briefly about his experience.

2. **Citizens to Be Heard**

There were no citizens present to speak. City Record Sommar Johnson stated that she received comments from Wayne Hoskisson, thanking the Planning Commission for being sensitive to the difficulty of including the public in public hearings. Johnson read this comment aloud.

2.1 **Election of Chair and Vice-Chair For 2021**

**Motion and vote**

Planning Commission Member O’Leary made a motion to elect Kya Marienfeld as Planning Commission Chair for 2021. Commission Member Wojciechowski seconded the motion. The motion passed 5-0 with Commission Members O’Leary, Knight, Becnel, Wojciechowski, and Marienenfeld voting aye. Planning Commission Member Villalpando-Salas abstained from the vote.

**Motion and vote**

Planning Commission Chair Marienfeld made a motion to elect Jessica O’Leary as the Planning Commission Vice-Chair for 2021. Commission Member Villalpando-Salas seconded the motion. The motion passed 6-0 with Commission Members O’Leary, Knight, Becnel, Wojciechowski, Villalpando-Salas, and Marienfeld voting aye.

3. **Public Hearing**

3.1 **Public Hearing**
Commission Chair Marienfeld spoke about Public Hearings through zoom, and where information can be found for Public Hearings.

3.1.1 Public Hearing - Action Item - Consideration And Possible Recommendation Of Ordinance #2021 -01, An Ordinance Approving A Zoning Map Amendment Of Property Located At 478 Mill Creek Drive, Moab UT 84532, Amending The Subject Parcel Zone From R-2 Single-Household And Two-Household Residential Zone, To C-5 Neighborhood Commercial Zone.

Planning Commission Chair Marienfeld opened the Public Hearing at this time.

There were no comments. The applicant is present.

There was a brief discussion at this time. There were no public comments. The Public Hearing was closed at 6:12 pm. Chair Marienfeld stated that the discussion on this item can be found on the City’s YouTube channel during the December 10, 2020 meeting.

Motion and vote

Commission Member Villalpando-Salas made a motion to forward a positive recommendation to the City Council on Ordinance #2021-01, An Ordinance Approving A Zoning Map Amendment for Western Spirit Rezone, Property Located At 478 Mill Creek Drive, Moab UT 84532, Amending the Subject Parcel Zone From R-2 Single-Household and Two-Household Residential Zone, To C-5 Neighborhood Commercial Zone. Commission Member, Wojciechowski, seconded this motion. The motion passed 6-0 with Commission Members, Becnel, O’Leary, Knight, Villalpando-Salas, Wojciechowski, and Marienfeld voting aye.

4. Action Item

4.1 Action Item - Consideration And Possible Approval Of Moab City Planning Resolution #01 -2021, A Planning Resolution Approving The 1 -Year Extension Of The Conditionally Approved Level II Site Plan #01 -2020, For The Four Corners Community Behavioral Health (FCCBH) - Moab Clinic And Clubhouse, Located At 76 E 300 North, Moab, UT 84532

City Assistant Planner, Cory Shurtleff, spoke about the options. City Planning Director, Nora Shepard, stated that in the code it is allowed to grant a 1 (one) year extension for Site Plan Approvals, which is what is being requested. She stated that due to COVID, the City has been supportive of extensions. due. Shepard mentioned that the Building Permit is approved, although, it has not been paid for and issued at this time.

Planning Commission Chair Marienfeld asked for a quick presentation to review. Shurtleff presented the details of the project at this time, including the location; 76 E 100 N, property owner; Four Corners Community Behavioral Health, Applicant; MHTN Architects, parcel details; 1.92 acres in C-5 Commercial Zone, proposed use; professional office space and clinic, project size; 16,400 sf, and proposed parking; 35 spaces including 4 ADA. Shurtleff presented the location on the vicinity map and the draft plat. He continued by showing part of the site plan showing the elevation view, floor plan, and civil site plan. He stated that “as a part of this Level II Site Plan, the Planning Commission approved that
parking exception reducing the number of required vehicles from 55 to 35 spaces based off of the study that was provided for the Planning Commission.” Shurtleff asked for questions at this time. There were no questions.

**Motion and vote**

Planning Commission Member Wojciechowski moved to approve Moab City Planning Resolution #01 -2021, A Planning Resolution Approving The 1 -Year Extension of The Conditionally Approved Level II Site Plan #01 -2020, for The Four Corners Community Behavioral Health (FCCBH) - Moab Clinic and Clubhouse, Located At 76 E 300 North, Moab, UT 84532. Commission Member Becnel seconded the motion. The motion passed 6-0 with Commission Members, Becnel, O’Leary, Knight, Villalpando-Salas, Wojciechowski, and Marienfeld voting aye.

5. **Future Agenda Items**

Moab City Planning Director stated that they are working with the County on new ATV regulations to address nuisance and noise issues. She stated that the Commission can expect to see something in the first quarter of this year regarding amending some code sections, and definitions in the code. She indicated that there are a lot of internal inconsistencies in the definitions and land use categories. She continued to say that they want the business license categories to be consistent with the land use categories. Shepard said that right now no new business licenses for ATV related businesses are being issued. She stated that they would move forward with amending the code and where they would be allowed and what conditions would be placed on them. She added that the Mayor is working with individuals at the State Legislator and there is some legislation being introduced to allow local government to have more control over what happens on our city streets with regards to ATVs.

She stated that the WAHO and PAD Ordinances will be reviewed for cleanup purposes. She said that Walnut Lane will be processed as a PAD but some items need to be reviewed and modified to the PAD for this (Walnut Lane) to move forward. She added that mostly it would be to clean it up regarding language and terminology to make it consistent. Moving on, she stated that it is expected to receive Phase 1 Lionsback. She spoke about the plans for the Public Hearing and the decision on this.

Planning Commission Chair Marienfeld asked about proceeding with the Walnut Lane Project and if there is a way to get this going sooner. Shepard stated that an application is almost filed. She spoke about the Walnut Lane plans briefly. Marienfeld asked if the PAD needs to be modified ahead of time or if it can be done alongside the Walnut Lane process. Shepard stated that the only real “sticking” point is parking. There was a brief discussion about the parking. Shepard stated that the City Council will be holding their annual meeting and at that time priorities for the year will be discussed. Marienfeld stated that the first joint meeting of the year is on the calendar for January 26, 2021, at 6:00 pm.

**Adjournment:** The meeting was adjourned at 6:34 PM.
Moab Planning Commission Agenda Item
3rd Street Townhomes Plat
Meeting Date: February 25, 2021

Title: Consideration and Possible Approval of Planning Resolution #02-2021, A Planning Resolution Approving the Townhome Plat Application for the 3rd Street Townhomes, property located at 116 South 300 East, Moab UT 84532.

Disposition: Discussion and Possible Action

Staff Presenter: Cory P. Shurtleff, Assistant Planner

Attachment(s):
- Exhibit 1: Draft Planning Resolution #02-2021
- Exhibit 2: Vicinity Map
- Exhibit 3: Recorded County Plat
- Exhibit 4: Draft Survey Plat

Options:
1. Approve with or without modifications;
2. Continue action on the item and give specific direction to the applicant and staff as to additional information needed;
3. Deny the Application.

Motion for Recommendation: I move to approve Planning Resolution #02-2021, A Planning Resolution Approving the Townhome Plat Application for the 3rd Street Townhomes, property located at 116 South 300 East, Moab UT 84532.

Applicant: Ben Byrd, Developer

Background:
Ben Byrd, applicant and project developer, submitted the City of Moab Pre-Application Meeting Request Form, with associated materials on June 24, 2020. This application was reviewed by the City of Moab Development Review Team on July 8, 2020, with comments sent back to the applicant. As the proposed development scope did not require additional Staff review through a Site Plan Application, the proposed development was submitted and processed through the Building Permit Application process. Nearing project completion, the applicant has submitted the Townhome Plat Application, via the Condominium Conversion Application, to record the Townhome Plat ownership division of the 5 unit multi-household dwelling.

Project Summary:
Location: 116 South 300 East, Moab UT
Property Owner: Craig Parkes
Applicant: Ben Byrd
Parcel Size: 0.32 Acres
Current Zone: R-3 Multi-Household Residential Zone  
Proposed Use: 5 unit Townhome Residential; Multi-Household

**Narrative Summary:**
The applicant has provided the following summary of the project:

“3rd Street Subdivision
Third street subdivision is a split of a 13772 sq. R-3 city lot into 5 separate residential parcels. Moab city code allows "one multi household lot per 2000 sq foot" in R-3 per 17.48.030.

The lots created will front on 100 S. with a shared access to the garages off of 300 E. This project has been started and is scheduled for an April Completion which will include the required Water, and Sewer Connections. The 3rd street HOA will be in place and oversee the shared access and other common elements of this subdivision. I have attached them with this submittal.

Homes being built now on the property are 2 story, 1600sq. foot+-, with 2 car garages. Each home has a nice sized driveway in the back and a small yard area in the front.

**Process: Condominium Conversion**
Section 17.79.030 of the Moab Municipal Code allows the Planning Commission to approve the plat conversion of a Townhome Plat via Condominium Conversion, having been reviewed and recommended by Planning Staff, as it is defined by below:

17.79.030  
Condominium conversions.

*Existing structures shall not be converted to condominium ownership without first receiving review and recommendation of the City planning staff. The Planning Commission shall review all staff recommendations and approve, deny, or approve subject to conditions all condominium conversion applications. (Ord. 06-10 (part), 2006)*
CITY OF MOAB PLANNING RESOLUTION NO. 02-2021

A PLANNING RESOLUTION APPROVING THE TOWNHOME PLAT APPLICATION FOR THE 3rd STREET TOWNHOMES, PROPERTY LOCATED AT 116 SOUTH 300 EAST, MOAB UT 84532.

WHEREAS, the following describes the intent and purpose of this planning resolution:

a. Applicant, Ben Byrd, on behalf of Craig Parkes (Owner), has submitted the Townhome Plat Application via the Condominium Conversion Application, for the five (5) unit multi-household dwelling conversion to a Townhome Plat property, located at 116 South 300 East, Moab UT 84532; and

b. The Applicant submitted to the City of Moab the appropriate application and documents for review and approval of the proposed 3rd Street Townhomes as required in the Moab Municipal Code (MMC) Chapter 17.79.030; and

c. The townhome lots are located on a 0.32 acre property in the R-3 Multi-Household Residential Zone and the proposed use is allowed as a permitted use in this zone; and

d. As required in MMC Chapter 17.79.30, existing structures shall not be converted to condominium ownership without first receiving review and recommendation of the City Planning Staff, then approval from the Planning Commission; and

e. The purpose for this Townhome Plat Application is to change the designation of the constructed units, into individual townhome lots as defined in MMC chapter 17.06.020, for the purpose of allowing individual ownership of the dwelling units in each lot; and

f. Following the consideration of the technical aspects of the pertinent code sections, the City of Moab Planning Commission, pursuant to Planning Resolution #02-2021, hereby finds that the application to record the 3rd Street Townhome Plat can meet or exceed the pertinent code requirements.

NOW, THEREFORE, having considered public comment, staff comments, and discussion of the pertinent aspects of the proposed townhome plat application, by adoption of Planning Resolution #02-2021, does hereby find, determine, and declare, that the applicable provisions of the Moab Municipal Code and the intent of the Moab General Plan can be met;

AND, FURTHERMORE, BE IT RESOLVED BY THE CITY OF MOAB PLANNING COMMISSION, the 3rd Street Townhome Plat, on the property located at 116 S 300 E, Moab UT 84532, is hereby APPROVED.

PASSED AND APPROVED in open meeting by a majority vote of the Governing Body of the City of Moab Planning Commission on February 25, 2021.

SIGNED: ________________________________
Emily Niehaus, Mayor

ATTEST: ________________________________
Sommar Johnson, Recorder