

**MOAB CITY PLANNING COMMISSION
WORKSHOP MINUTES-DRAFT
November 21, 2019**

The Moab City Planning Commission held a workshop meeting on the above date in the Council Chambers at the Moab City Center, located at 217 East Center Street. 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=e5BhLGvAqh8>.

The Planning Commission Chair Allison Brown called the meeting to order at 5:02 PM. Commission Members Allison Brown, Kya Marienfeld, Jeanette Kopell, Marianne Becnel and Jessica O'Leary were present. Commission Members Brian Ballard and Becky Wells were absent. Staff present were Planning Director Nora Shepard, Assistant Planner Cory Shurtleff, Assistant City Manager Carly Castle, and Deputy Recorder Joey Allred. Seven members of the public and media were present.

Citizens To Be Heard:

There were no citizens to be heard

Approval Of Minutes:

There were no minutes to be approved.

Review And Possible Recommendation To The City Council For Approval Of Resolution 63-2019 Approving The Mick Minor Subdivision Of Property Located At 600 Mill Creek Drive, Moab, Utah 84532:

Discussion: Shurtleff presented the history regarding the property in question. This Resolution was to clean up an agreement between Dan Mick and the City to clear up property lines, but it was never recorded, and Mr. Mick couldn't subdivide the property without the deed being cleared up. That has now been accomplished and he would like to subdivide the property for his son to build a home. There was discussion of needing more density in R-2 zones. That is something that can be looked at in the future.

Motion and vote: Commission member Becnel moved to approve forwarding a positive recommendation to the City Council for the approval of Resolution 63-2019 the Mick Minor Subdivision, subject to the following condition: All engineering comments shall be addressed to the satisfaction of the City Engineer prior to review by the City Council. Commission member Kopell seconded the motion passed 5-0 with Commission members Brown, Marienfeld, Kopell, Becnel and O'Leary voting aye.

Review And Possible Recommendation To The City Council For Approval Of Resolution 64-2019 Approving The Bailey Minor Subdivision Of Property Located At 62 South 200 East, Moab, Utah 84532:

Discussion: Shurtleff presented the background of this property.

Motion and vote: Commission member Marienfeld moved to approve forwarding a positive recommendation to City Council approving the Bailey minor subdivision, subject to the following: All engineering comments shall be addressed to the satisfaction of the City Engineer prior to review by City Council. Commission member O'Leary seconded the motion. The motion passed 5-0 with Commission members Brown, Marienfeld, Kopell, Becnel and O'Leary voting aye.

Public Hearing

Planning Commission Public Hearing And Possible Recommendation To The City Council On Ordinance 2019-30, An Ordinance Amending The City of Moab Municipal Code, Sections 17.21 C-2 Commercial Residential Zone And The 17.31 RC Resort Commercial Zone To Allow New Overnight Accommodations, Subject To Revised Development Standards:

Discussion:

Shepard gave a brief presentation regarding the development of overnight accommodation standards in RC and C-2 zones. She explained the Moratorium and the history of how the City got to where they are with development standards to allow new overnight accommodations. She went over the new Ordinance and what has stipulated to and what has been amended within it, including: energy and water conservation, transportation, building height, building and project size site configuration, building design and materials and colors.

Commission Chair Brown opened the public hearing at 6:35 PM.

Amy Weiser- “My name is Amy Weiser and I’m hear today representing my employer that has property in both the RC and the C-2 zones. Can I have a little bit more than three minutes? I’m the only one that’s signed in and I have a lot of questions.” Commission Chair Brown said that she could. Weiser said, “Okay, I’ll go as fast as I can.” Shepard noted that comments could also be submitted in writing and the City Council will get it. Weiser said, “I just want to thank you, the Commission. I know you guys have been, you and Nora, have been working really hard, and I know you had an aggressive schedule and you’re; you’re rocking your schedule. So, I just, I just want to acknowledge that, and I know you guys are working really hard. So, I’ve got a couple questions. The water language that was in Nora’s agenda summary got cut short and it continues to get cut short in all of the proposed ordinances and, basically, the language in your narrative was great, but it says, it says maximum feasible rain water catchment system and to use the water for beneficial on-site uses such as reducing That I didn’t get in the other versions, so I was just hoping that would get included. It stops in the other version at ‘maximum feasible rainwater catchment system’ and then it just dies, and it says, ‘applicants shall apply for water rights.’ That it was great language and I was just hoping it would stay. Then landscaping requirements. I know that the Sustainability Director recommended some landscaping ideas and, and are the landscaping requirements in another section of the code? And if so, there’s no feasible reference to them in the proposed ordinances.” Shepard said, “we do have a separate section of the code that deals with landscaping ordinance keeping requirements. There’s also a section of the code that deals with projects greater than 30,000 square feet and those would continue to apply and there are some very specific landscape standards. We need to update our landscape standards based upon a lot of the work that Rosemarie has done on sustainability, so that is a follow-up to this, but for now our existing landscape requirements will apply. Weiser said, “thank you, you clarified that for me. Then I think you clarified for me my other question about the 20,000 square feet per building. So, you can do more than one building of overnight accommodations, each building cannot exceed 20,000 square feet and you can have a total of 60. There’s the 60,000 for maximum project. Does that include the required housing?” Shepard said, “no, and if a developer chose to include additional affordable housing beyond what’s already required with the Wa Hoo that would not subtract from the 60,000 square feet. So, if somebody wants to do a market or something else that would not count against them in terms of the accommodation allowances. Weiser said, “okay, great. And then the 80% energy usage. I was just wondering that you must produce the 80% of energy on your project site. I was just wondering if there’s any other cities in Utah that have something close to it, or in Colorado? It just seemed like the 80% was rather high.” Shepard said, “it’s consistent with some other communities. There are some communities that are going to Net Zero and we realize that that’s not realistic, so we’re recommending 82% which is a fairly high standard to me. We understand that and, again, it might be one that after we work with it for a while, we discover that maybe, you know, it’s too difficult to achieve, but at this point in time, that’s what we’re proposing.” Weiser said,

"I'll get with you later, I was just wondering. I'm just going to check other communities that have it and just kind of read what theirs said and maybe see how it's going for them. In the transportation section it says there's an alternate, that says a narrative to reduce vehicle trips below ITE trip generation manual by 20%. So, either you provide the shuttle stop or you provide pathways, or you, and then there was an alternate. My question was, is that the reduce vehicle trips? What is the narrative number one? Do you, okay and then reduce vehicle trips by 20%, is that on your project site, or is that?" Shepard said that it was. Weiser said, "Okay, good." Shepard said, "contributed by your project according to ITE standards." Weiser said, "Okay, so some other way to produce, to reduce the trips by 20%." Shepard said, "acknowledging that we're just suggesting some ideas and there may be others." Weiser said, "Okay, okay, and then the mixed-use section 4c, to number two says, interface between public and private realm. I just want to know a definition for interface if there is one." Shepard said, "So, I added a definition of civic space, and this is something that I may want to play with, but it refers to places in which a community performs or engages in some part of its political or social life. More broadly, civic space can include spaces used for community activities including open air environments where public activities such as assemblies where speeches occur, because most civic spaces are intentionally designed for use by the public. They express values and culture of a community and have potential to shape how individuals behave, what they perceive and how institutions perform. So, that deals with specific space requirements in terms of interface. What we're talking about is, for example, on Main Street, we have Homewood Suites, and certainly they could have done more in terms of the Main Street experience for pedestrians and for people walking by, whether it be tourists, maybe, you know, having some outdoor dining and some things to kind of encourage people to interact with the use itself. Usually it's done with windows and something going on behind those windows other than just parking which tends to happen in projects, and you know, perhaps uses that the public might be interested in as well." Weiser said, "okay the reason I was asking is because the C-2 requires the commercial on the front on the first floor. So, I guess I'm just wondering if there's commercial on the first floor, and then there's an entrance that goes to the hotel somewhere in that, once you get in the hotel is the commercial retail the interface, or is there something, some transition that." Shepard said, "it would be the interface it's designed that way." Weiser said, "okay, and then the civic space, there was still a blank on what percentage that would be. Was that decided on, or?" Shepard said, "not yet. We need to come up with a number for that." Weiser said, "okay, and then under the mixed-use for the RC zone, it says that there's a 5% support commercial. Is that a maximum? It didn't, it just said, let me look at the language. I think it said you can, you are allowed to, but I was just wondering if there was a maximum." Shepard said, "no. The assumption is that you'll do, you know most hotels do a minimum 5% and that's fine. If you want to do additional commercial that is more oriented toward the public, then that could count toward getting, perhaps additional building height, or some of those kinds of things." Weiser asked, "but for the support commercial that might be it?" Shepard said, "it's an assumption that that's about, you know, what hotels usually provide at least 5% of support commercial." Weiser said, "I think it might be nice just to clarify if it's a maximum or if it's not. Okay, and then it, also under site configuration and building design. Most of them say we'll have examples. Are those graphics? I figured they'd be graphics. Are those coming before the Council?" Shepard said, yes, before the Council approves that, we will definitely have those. Cory's been collecting them." Weiser said, "okay, so will the public get to comment on those or no?" Shepard answered, "it depends on how City Council wants to do the public meeting." Weiser asked "okay, so, but they'd be available to see before the December 10th Council meeting? Okay, thank you. And then for the RC zone, it says that parking should be on, shall be on the side and the rear. It doesn't say anything about parking for C-2 that I could find, so I just want to clarify that." Shepard said, "it should say the same thing." Weiser said, "I didn't see anything, but maybe I missed it. In the RC it was under the building design, but I didn't see it there in the C-2, nor did I see anywhere else. So, it would be the same on the side and rear? Thank you very much."

Ariana Lowe- "I'm Ariana Lowe, thank you all for being here. I was wondering if there are any provisions

in the draft that you are gonna allow for control of how fast things are approved and then built, sort of like the County's drafting?" Shepard answered, yes, and that was the metering that I was talking about. The Planning Commission is recommending to the City Council that we limit the number of, whether it's total square footage or whether it's number of units per year, and the Planning Commission asks that that be based on rational factors like water usage or that the ratio between our overnight accommodations and our permanent residents, which is an important ratio, but it be fact based, and we're having a work session with the City Council tomorrow to talk a little bit more about that. So, yes there is a desire. What that looks like, I don't know at this point in time, and certainly we can before it's December 10th we will amend the code to include that language." Lowe asked, "so, maybe you could elaborate on right of use that Utah has as far as all developers or property owners being able to engage right of use with their property? Is that something that Moab's in danger of falling prey to?" Shepard answered, "we're always trying to balance private property rights with the interests of the community. That's kind of what zoning is, you know? That's what it's all about, and so we have to expect those, respect that there are private property rights. We can't say, 'no, you can't develop anything on your property.' We have the right granted to us by the state and also by the feds to govern ourselves in our community for public health, safety and welfare, and zoning falls under that category, and we are allowed to regulate uses, sizes, aesthetics, setbacks, building height, all of those things are allowed. We are also allowed to change those, so that's basically what we're doing at this point, and why we have a public hearing, and why we did a couple of months of public input, you know, at the beginning of this process, and it is proposed to be a change even now without allowing overnight accommodations, the RC and the C-2 zones have a number of commercial uses that they could do. So, now we're not saying you can't build anything. They could come in and do, you know, some of the. In RC they could do multifamily, they could, you know. There are a variety of commercial uses that can be done. So, they could do that today and this just cracks the door open a little bit wider." Lowe said, "and then I guess, my last question is this Dark Sky Ordinance, is this something that's already built into the plan?" Shepard answered, "we've already adopted it." Lowe said, "it seems like some of the hotels are not quite as Dark Sky as others." Shepard said, "they have five years to amortize, so, and as new developments come in, we're requiring that they comply with the Dark Sky ordinance, both in exterior lighting and inside, and so that's implicit because it's in our code now, which is adopted, so all these buildings would have to be Dark Sky compliant. I could certainly add something for emphasis." Lowe said, "I was just wondering, cause it seems like there was quite a discrepancy." Shepard said, "yeah, they're kind of all over. They have time." Lowe asked, "like, ever new hotels?" Shepard replied, "it depends on when they actually filed for an application. So, if they had an application in before the night sky ordinance was adopted, they can, they don't have to meet it, but what we're telling people with the new hotels that are coming online, is they're going to have to, in five years, anyway. So, it would maybe be best to become compliant when you first opened, and we've had good success with that." Commission Chair Brown said, "and the City has not yet implemented the enforcement of those codes, either. So, people are not shutting off their lights when they should be and that's a big thing." Shepard added, "it's gradual." Lowe said, "thank you."

Brown asked if there was anyone else who would like to speak. When no one came forward, she closed the public hearing at 6:52 PM.

Continued Discussion: Shepard told the Commission that she had been asked by the Chair if the Commission could forward a recommendation to the Council knowing that there were still some holes in the metering portion and some other areas, with the knowledge that the Council would go through the process and come up with the metering that they are comfortable with. She gave the Commission some options how they might move forward. Commission member Marienfeld said that metering was very important and that it needed to retroactively apply to projects that are already in the pipeline. She believes that would assuage some of the community's concerns about re-opening the application process when the Moratorium ends. She had also been looking up code and wanted to make sure "commercial

space” is clearly defined to show that it won’t just cater to the guests. Perhaps a breakdown or list of examples. She now believes that 60,000 square feet is way too large for C-2 zones. Commission member Becnel asked if the setbacks or lot sizes for C-2 had been changed at all. C-2 hadn’t been discussed. Marienfeld recommends that they just do RC right now because she believes that C-2 is one of the more controversial zones for overnight accommodations. The Commission reiterated that they think that the RC zone should have a maximum project size of 60,000 square feet, but no building size maximum in keeping with energy efficiency. However, they would like input from City Council. There was discussion of civic and open space in the RC zone. They are thinking that they would like it to have a flat commercial requirement rather than end up with an empty lot called open space as is listed in the C-2 zones. The Commission agreed to go back to a maximum of 40,000 square feet project size in the RC zone and use the extra 20,000 square feet or an extra story to incentivize the building of more affordable housing and/or commercial (On or off-site housing). Perhaps a 1 to 1 ratio number of additional square footage for overnight accommodations equal to the number of square footage provided for commercial space or affordable housing with overall project size not to exceed 60,000 square feet. The Commission felt that they need direction from Council regarding the square footage that would be required for on-site commercial.

Commission Chair Brown asked Shepard what kind of legislative pressure she is under regarding opening overnight accommodations. Shepard said that the City had made a commitment to some state legislators to allow new overnight accommodations somewhere around the first of the year and that commitment was to provide, “not just lip service, but to really come up with something that would allow somebody to apply in a meaningful way.” Some of the Commission members don’t think that this is ready but would like Council’s input.

Future agenda items:

There are three minor subdivision plats coming up. There is another minor plat, Henry Shaw and Four-Corners.

The meeting was adjourned at 7:42 PM.