The Moab Planning Commission held a workshop and a regular 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=AsDeolUJdaY&t=2610s.

Planning Commission Chair Allison Brown called the regular meeting to order at 6:00 PM. Commission Chair Allison Brown and Commission Members Jeanette Kopell, Kya Marienfeld and Jessica O'Leary were present. Commission members Brian Ballard and Becky Wells were absent. Staff present were Senior Project Manager Kaitlin Myers, Planning Director Nora Shepard, Assistant Planner Cory Shurtleff, City Manager Joel Linares, Assistant City Manager Carly Castle and City Deputy Recorder Joey Allred. Twenty-five members of the public and media were present.

Citizens To Be Heard:
There were no citizens to be heard.

Approval Of August 22, 2019 and September 12, 2019 Meeting Minutes:
Discussion: There was no discussion.
Motion and vote: Commission member moved to approve the minutes from August 22, 2019 and September 12, 2019. Commission Member O'Leary seconded the motion. The motion passed 4-0 with Commission members Kopell, Brown, Marienfeld and O'Leary voting aye.

Commission Chair Brown announced that the Commission would hold the public hearing on Walnut Lane first.

Public Hearing:

Public Hearing And Possible Recommendation To The City Council Of Ordinance 2020-01 Approving A Zoning Map Amendment For Property Owned By The City Of Moab At 193 Walnut Lane from R-2 Single-Household And Two-Household Residential Zone To R-4 Manufactured Housing Residential Zone, And Amending The City Of Moab Official Zoning Map:
Discussion: Senior Project Manager Myers gave a brief presentation explaining the proposed zone change to make the entire property an R-4 zone. The City purchased the property with the intention to redevelop it into affordable housing. One of the main goals of the City is to proceed with the development in phases so as not to displace anyone currently living in the trailers on the property as long as they are in good standing with their lease.

Commission Chair Brown opened the public hearing for the Walnut Lane Re-Zone at 6:29 PM and explained that comments would be limited to three minutes to give everyone a chance to speak. Joanna Ontorato of the Moab Multi-Cultural Center was present to provide Spanish interpreter services.

Bruce Louthan- “Bruce Louthan as it said on the card. Part of this appears to be just, for count conformity to make it, the City legal and having a trailer park in this area. Is it also possible that we’re thinking about the construction included modular?” Myers responded that the City has not yet decided at
this point. Louthan said, “That is a possibility.” Linares explained that it is a possibility as the City has looked at several options. They have looked at single apartment that are one building, multiple apartment buildings, different layouts and they’ve looked at modular that they can put in temporarily, use them and change them out later.” Louthan said, “a lot of those can be multiple stories or they can be multiple stories and multiple wide.” Linares agreed and said that the City doesn’t know yet. Louthan said, “to basically just conformity. The second question is, where you, you said you have essentially eight spaces that have been vacated, or you’re about to vacate them, where are those? Do you have another, where’s, approximately where’s the footprint you’re planning to put something?” Linares answered that the trailers to be removed are scattered throughout the trailer park. The City would need to move some around in order to make a hole that could be on either the northeast or southeast corners of the property in order to build the first phase of affordable housing. The City doesn’t have the detail that Louthan is looking for at this point. Once the property is rezoned, the City can put out an RFP to be able to develop a master plan of how to develop the property. Louthan said, “I yield back my time.” It was explained that changing the zoning is just the first step and other steps will come down the line once the City has a master plan for the development, but the City can’t get a master plan done until the zoning is changed. The master plan will come back before the public at least one time before it is approved. Linares said that every rule that applies to any developer that comes to the City applies to the City as well.

Josh Agrillo- “My name is Josh Agrillo and I currently reside in 250 Walnut Lane number one, and you guys said there were six trailer that was vacant. In January, I’ve been living there or four year now, and I’m just concerned on where you guys are gonna, cuz I’ve heard from the maintenance guy. I don’t know if my house and the following trailer, the next one, all those ones have been evicted. And then the other two burnt down. That’s where those six trailers are and what. That’s if, if that’s where the first phase of the redevelopment, where am I going to be placed?” Linares said that they don’t normally answer questions at a public hearing, but this is the first opportunity to get a lot of information out. The Commission agreed that it would be good to answer question at this public hearing. Linares explained that no one will be displaced and thus far the only people who have been evicted had not paid rent. The City had to take legal action to protect their legal rights. He said, “as the City makes the pattern to create a position for us to build a building, if you’re living in that zone, we would reposition you in a different location. You will not be evicted from the property, you could potentially be relocated on the property until that first phase was completed and then relocated to the first phase in order to build the next phases, but no on who is current on their rent, doing what they’re supposed to be doing, is going to be displaced in order to create a hole.” Agrillo said, “back in August or September, I did get an eviction notice, but it was because when I was paying my rent, the person I was paying out there put the wrong address. They put 291, farther, further up north, or further west, I guess it would be, and we cleared that up, because the cops were there to evict us and everything. So, I need you to know that it wasn’t.”

Commission Chair Brow told him that as long he was in good standing now, he would be fine. Agrillo said, “And that’s it.”

Ginger Clark- “I just was wondering, what’s going to happen to me? I own the home. My parents built the trailer park in the 50’s okay? And when it is rezoned, does that do something to me in my home?” Linares said, “In no way will it affect your property as the rezone is for our parcel. We don’t own your parcel, and so the application would not rezone that parcel that you’re on, okay? Clark said, “So, I’m okay for now? Because someone told me that I was an object of the last Council meeting you had, but I want you all to know that I have not been asked if I would sell by anyone here. It’s been hearsay, okay? And so, I don’t know if I would, I don’t know but I would appreciate it. I had a man call me just after my grandson died and I said, ‘I need a week or so, then can you come down and talk to me?’ And I haven’t heard a word, so right now it’s up in the air, okay?” Linares said, “Well we’d love to talk to you.”
Jim Nelson—“I’m Jim Nelson and of course, you guys purchased the other part from my brother. I’ve been very apprehensive of selling because these people have nowhere to go. Eight years ago I proposed to move all 11 trailers out on property south of town. Of course, I’ve got all the equipment and stuff. They wouldn’t have been out of their bed one night, you know, just for temporary, but the County proceeded to tell me that they wanted $10,000.00 a lot impact fees for me just to temporarily move them out there. Well, since, in the last eight years, I’ve collected a lot of junk, but I’ve been offered to sell the court and I turned him down. They think I flipped out. I said, ‘what are you gonna do with my people,’ and they said, ‘well we’ll give them 90 days and started begging.’ I says, ‘well, it’s not for sale,’ and I still hold true to that, but what I’m here for is that if you do this zone change, you might as well do it to all. Do my court too.” Commission member Marienfeld asked him to point out which property he was talking about. He did and said, “I’m at 292. Therefore, if you guys decide to purchase, I would work with you of trying to help my people. You know, like I said, I’ve got 35-unit apartments, two and three-bedroom apartments. I was getting ready to send it off to the engineer and have it designed and when she told me that, I just thought, well I’m not gonna borrow $120,000.00 just to give to you guys when I’m not going to keep them out there on my property. Its commercial property on the highway, and it’s where my construction yard is, and so I backed out of it, you know? And, but these people have been, they’re just wonderful people and, sure they have their hard times and things, and there’s times I don’t get the rent on time, and, but they’re a, I’m not one to turn them out. And so if you guys got plans that you would work with, or I can work with you and, like I say, I’ve got trailer pullers. I got all the equipment. I got track hoes. I got everything and I was. I was gonna temporarily move them out there and build all these apartments’ and then move them back in, and then junk the trailers out, because they are, some of them are not, not fit to live in, but these people, they take a lot of pride with where they live. It ain’t much.” Commission Chair Brown suggested that he get with City staff and start talking about how he would like to do the rezone or if he would like to sell. Nelson said, “Well, if we can go ahead while you guys are doing yours instead of a spot lets go ahead and get that changed. Commission Chair Brown explained that they couldn’t do that at this meeting. Nelson said, “I just wanna let you know I’m not gonna be turnin’ people out. Thank you for your time.”

Lisa Carter—“I’m Lisa Carter and I’m actually one of the representatives of the neighborhood that lives to the north, so I am in that R-2 and I. You asked me to check off I’m concerned. I’m not opposed to this because I do believe, having looked at some of that housing, that it needs to be developed. My concern is going from an R-2 to an R-4, and that neighborhood on the north end is pretty much R-2 single dwelling, single families, and I guess I just want to, you know. I know we’re in the planning stages and this is probably a little bit early for me to be speaking like this, but if you make that change to look at what contingencies might be used to mitigate more of a less abrupt R-4 from R-2 height. You know from putting a 30-foot building right behind my yard, that, that kind of stuff, and. And, you know I’m more than happy, and as are my neighbors on either side of me to be a part of this because I think most of us actually believe in the project. It’s just, how do we integrate it with what’s already there, which is predominantly in R-2 all around it except to the south.” Linares said that the City is aware that there is an issue, and being familiar with the property, he noted that the north property line that she was talking about currently has a four-foot-tall chain link fence and there is not much of a break between the two properties. What the City has talked about was having a taller solid fence around the perimeter of the property to give that break in the property. The City has also talked about having the larger high-density buildings closer to Walnut Lane and then doing something more in the nature individual homes with walking paths between them and making the property a livable space that is more of a community. Linares said, “There won’t be a 30-foot building in your back yard.” Carter said, “Great, so is the City going through the entire process?” Linares said, “Definitely.” Carter said, “Thank you.”
Commission Chair Brown asked if there was anyone else that would like to speak on the Walnut Lane rezone. No one spoke. It was then suggested that if there were citizens that wanted more information on the potential plans for Walnut Lane, they could talk to Myers and Linares in the hallway.

Commission Chair Brown closed the public hearing at 6:29 PM.

**Motion and vote:** Commission member Marienfeld moved to forward a positive recommendation to the City Council on Ordinance 2020-01 on the requested re-zone with specific findings supporting the recommendation. Commission member O'Leary seconded the motion. The motion passed 4-0 with Commission members Kopell, Brown, Marienfeld and O'Leary voting aye.

**Public Hearing And Possible Recommendation To City Council On Ordinance 2020-02 Approving A Zoning Map Amendment For Properties Owned By Community Rebuilds At 140 South 200 East Moab, Utah, From R-3 Multi-Household Residential Zone To C-2 Commercial Residential Zone; And At 150 South 200 East Moab, Utah, From C-2 Commercial Residential Zone To R-3 Multi-Household Residential Zone; And Amending The City Of Moab Official Zoning Map:**

**Discussion:** Assistant Planner Shurtleff gave a brief presentation to inform the members of the public of what is being proposed with the Ordinance and why. He explained that this ordinance is somewhat of a complicated expression between the reasons the rezone is being requested, because they are requesting two rezones of the same swap. The Community Rebuilds campus involves rezoning two properties that make up the Community Rebuilds campus. Switching the associated zones and uses for each property. To better utilize the properties in their location on the campus located at 140 East 200 South as parcel one and 150 East 200 South as parcel two. Parcel one is an R-3 Multi-household residential zone and parcel two is a C-2 Commercial Residential Zone. The current use of parcel two is additional housing for Community Rebuilds and operates a Community Rebuilds office space within that building. Community Rebuilds is asking to rezone that parcel to C-2 Commercial Residential in order to allow development for a Community Rebuilds office space on that lot as it has easier and better public access in addition to the housing already provided at the Ranch as well as rezone parcel two to an R-3 Multi-household Residential in order to provide more affordable housing for Community Rebuilds staff, Vista volunteers, workers and interns utilizing that office space more toward residential space. The office that Community Rebuilds uses now is in the commercial zone, but they have issues with fire access and accessibility for people with disabilities.

Commission Chair Brown opened a public hearing of the two re-zones of the Community Rebuilds property at 6:38 PM.

Kim Pettit said that she didn’t wish to speak, and Shepard told the Commission that Pettit had submitted a letter providing quite a bit of information that she had forwarded to the Commission earlier in the day.

Nate Rydman- “Nate Rydman, I’m the direct neighbor to the south of the access. I think the only concern I have is commercial creep, so to speak, and, you know, what the future might hold. I’ve got no issue with Community Rebuilds and what their plan is. I like it. It’s pretty nice, but if there’s another way to allow the office there, but not go to full commercial to. You know, a potential new owner of that property, in the future, could turn it into neighbors I don’t want. Does that make sense? Other varieties of commercial zone would probably be fine. I don’t know all the details, but that’s all. Okay, thank you.”

Commission Chair Brown stated Rydman was correct that they wouldn’t have any control over what
might come next if they do this zone change. Shepard stated that the allowed uses in a C-2 zone are limited. In general, it is a lower intensity that the C-3 and C-4 commercial zones and it allows things like offices and does not allow nightly rentals currently. If the zone change is approved, parking will be a limiting factor for them, as well.

Commission Chair Brown closed the public hearing at 6:40 PM.

Commission Chair Brown re-opened the public hearing at 6:40 PM as Kim Pettit decided that she wished to speak.

Kim Pettit- “Kim Pettit. I own the property across the street. I did submit some information earlier today that Nora said that she forwarded to you, but Nora also sent me the group’s analysis already. I mean, in other words this.” Shepard stated that was the staff report. Pettit said, “Okay, the staff report, and I noticed that there was options and one of the options was that, rather than changing the zoning from R-3 to C-2 that, that you could amend the R-3 zone to permit small offices. Something like that. Which I think is a more appropriate situation rather than set a precedent by, you know, changing it to the C-2, then the next person. And we already have, you know, in 2009, just right in the same neighborhood, there was a push for the C-2 rezone with the Nizhoni property and the community did not want it and it was denied, and the, like Nathan was saying, what happens is, is that you set a precedent and there was a lot of interest in the area. The Cal Cochitta has been purchased by Curtis Wells and his wife, and they’ve changed the use from. Plus, there was a rezone that was appropriate for the, because it was a spot zone, and the City had requested it, but to begin that creep into the residential blocks, it just, it’s a downward slope from there. I mean you can say, well we’re going to deed restrict this, or we’re going to do that, but the next person who doesn’t have any history with the area. You know, I’m 30 years in the area. They look at things from a profit perspective and. Back in 2009, then City Manager Donna Metzler, told me during this rezone period of the Nizhoni property, that in fact the City wanted the C-2 zone to move into the blocks, and so they, they had suggested that Nizhoni applied for rezone, which I was completely opposed to, but like I said, it failed. But it seems the City might have an agenda, I mean that’s going back 10 years, so they may have an agenda that ultimately that, that’s what they’d like to see, and I’d like to preserve my right as a property owner to try and dissuade that from happening. And most especially this. The C-2 zone has been located there where, in the back the whole time, but when they developed the property, they didn’t. They’re, you’re talking about not having fire access because 200 does not go through, but. People can drive on it, but it doesn’t go through, but the flag lot access between the Fandango and the back C-2 property should have been at least paved to, you know, for all this activity that’s back there and possible fire damage. There’s just a gravel road that goes back there. It’s very narrow, and so I don’t know how fire control would get back there. I know whenever you’re subdividing a property or, that’s what you have to provide, is access and ingress and egress, so that it is C-2. It might be well advised that that zone be down zoned because it’s never. It’s not really adaptable to this this C-2 build out to the property line. And that’s it. Thank you.”

Commission Chair Brown closed the public hearing at 6:45 PM.

Shepard stated that Pettit made some good points. If a modification were to be made to the R-3 zone, that would be something that would affect R-3 property in the City. That is something that they could talk about in the future, this application is driven by the property owners now. Shepard said that the City has few people with the current staff that were with the City 10 years ago. She said, “I can assure you that we don’t have a hidden agenda, but we are reacting to a request from a property owner.” Commission Chair Brown said that she was also concerned about changing an R-3 to allow small offices. Commission member Marienfeld said that she was aware that there are small offices in the R-3 now. She thought that there are a variety of uses all over town that don’t technically comply with the underlying zone but
thought that small things like that are compatible with residential, but realizing that when they “changed
the code, it applies everywhere that it applies.” Commission member Marienfeld had questions for the
applicant.

Community Rebuilds Executive Direction Rikki Epperson and Community Rebuilds Planning Vista Reid
Saunders came forward. Commission member Marienfeld asked why they hadn’t chosen C-1 and was told
that they couldn’t optimize the parking that way. Epperson said that they want to own their impact and
not disturb the beautiful quiet neighborhood. Epperson showed the Commission what she was talking
about on the diagram provided by Shurtleff. Shurtleff said that he had been working through this
potential layout with Kenny Fallon of Community Rebuilds in October. Due to the size of the parcel and
the objective that Community Rebuilds “is trying to reach, which to a certain extent, what seemed
reasonable to manage certain requirement that they would have to meet, is about as tightly fixed between
the landscaping requirements, off street parking requirements and then area requirements.” He used the
diagram to show the different setbacks and the very few options they had for the potential layout of the
property. It was explained that the Ranch is a sort of side program where they provide short-term service
worker housing (not nightly rentals) for Vista volunteers, Youth Garden Project interns and temporary
staff or interns of Community Rebuilds. There is currently not a building located on the spot that they
would place their new headquarters. Commission member Marienfeld said that she had heard through
community members that Community Rebuilds was discussing a deed restriction on the property.
Epperson said that they want to preserve this spot and the bunkhouse spot as workforce housing and full-
time primary residents. Commission member Marienfeld said that the City may be rezoning areas in the
future with an overlay zone that would allow people to apply for overnight accommodations within those
zones and asked if Community Rebuilds would not seek to apply for overnight accommodations to
preserve the property value if that were to happen? Epperson said, “Absolutely not.” As Community
Rebuilds is a non-profit organization, if they were to fulfill their mission and if they wanted to sell the
property in the future, they would not be able to earn any assets from the property, so there would no
point in applying for overnight accommodations. Epperson said that even with the Ranch, she has Vistas
who come and can’t find a place to live as the Ranch is full. There was extensive discussion on all of the
valid points made by the citizens that spoke during the public hearing and the Community Rebuilds staff.

**Motion and vote:** Commission member Marienfeld moved to approve a positive recommendation of
Moab City Ordinance 2020-02 to the City Council on the finding required by Municipal Code 17.04.06
map amendment criteria with the recommendation that City Council consider holding another public
hearing before approving that ordinance. Commission member O’Leary seconded the motion. The
motion passed 4-0 with Commission members Kopell, Brown, Marienfeld and O’Leary voting aye.

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**Discussion And Possible Recommendation To City Council On Ordinance 2019-30, An
Ordinance Amending the City of Moab Municipal Code Section 17.31 RC Resort
Commercial Zone To Allow New Overnight Accommodations Subject to Revised
Development Standards.**

**Discussion:** It was suggested that this item be addressed in January.

**Motion and vote:** Commission member Marienfeld moved to table this agenda item. Commission
member Kopell seconded the motion. The motion passed 4-0 with Commission members Kopell, Brown,
Marienfeld and O’Leary voting aye.

**A Resolution Conditionally Approving A Level II Site Plan For The Henry Shaw Hotel, A
Commercial Development On Property Located at 836 South Main Ave. Moab, Utah
84532, In The C-4, General commercial Zone:**

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Discussion and possible action: Shepard introduced this agenda item and gave a brief background. The developers applied for site plan approval just before the moratorium went into effect, so they are vested. They will be required to provide the assured workforce housing. Shurtleff gave an overview of the project that included its scope and size, as well as assured workforce housing. The proposed project is a three-story 112,922 square foot, 211 room hotel with 11 additional units that have been incorporated and designated as assured workforce housing of 390 square feet interior in size apartments within the hotel that would be accessed from the exterior of the project. The project contains 247 parking spaces including a variety of oversized bus and ADA accessible spaces. There was discussion regarding the square footage requirement of the assured workforce housing ordinance. The code expresses that each unit should be not less than 1,000 square feet. The discrepancy between the plans and the code has been addressed by the City and communicated to the City Council and the City is moving forward. Therefore, the discrepancy between the express square footage of those assured workforce housing units and where the City’s code is, is being acknowledged. Shepard addressed the issue. She said that assured workforce housing being on site is a great solution and they have mentioned to Council that they will be going before them with an amendment to the workforce housing ordinance to remove the minimum of 1,000 square feet and alter it. If Council doesn’t agree to the alteration, those rooms will turn back into guest rooms and the developer will look at other options for affordable housing. There was discussion about approving a site plan before Council has made a decision about amending the minimum square footage requirement for assured workforce housing.

Motion and Vote: Commission member Marienfeld moved to table conditional approval of a level 2 site plan for the Henry Shaw Hotel action item 5.1 Resolution number 65-2019 until City Council has reviewed amending the affordable workforce housing ordinance as needed to approve the current site plan. Commission member Kopell seconded the motion. The motion passed 4-0 with Commission members Kopell, Brown, Marienfeld and O’Leary voting aye.

Future Agenda Items: Elect a Chairperson and Co-Chair.

Adjournment: The meeting was adjourned at 7:18 PM.