

DRAFT
MOAB CITY PLANNING COMMISSION MEETING
REGULAR PLANNING COMMISSION MEETING MINUTES
MAY 14, 2020

The Moab Planning Commission held a regular meeting on May 14, 2020. Per Executive Order 2020-5 issued by Governor Gary R. Herbert on March 18, 2020, this meeting was conducted electronically. An anchor location was not provided. A recording of the meeting is archived at: <https://www.utah.gov/pmn/index.html> and a video recording is archived at: https://www.youtube.com/watch?v=x_6ooLnzWAE.

Planning Commission Chair Kya Marienfeld called the regular meeting to order at 6:01 PM. Commission members Kya Marienfeld, Marianne Becnel, Luke Wojciechowski, Jessica O’Leary, and Becky Wells participated remotely. Commission members Ruben Villalpando-Salas and Brian Ballard were absent. Staff participating remotely were City Planning Director Nora Shepard, Assistant Planner Cory Shurtleff, and Recorder Sommar Johnson.

Citizens to be Heard:

There were no citizens to be heard.

Approval of Minutes: February 13, 2020, February 27, 2020, April 9, 2020, and April 23, 2020 Regular Meeting Minutes – Approved

Discussion: There was no discussion.

Motion and vote: Commission member Becnel moved to approve the minutes for February 13, 2020, February 27, 2020, April 9, 2020, and April 23, 2020. Commission member Wojciechowski seconded the motion. The motion passed 5-0 with Commission members Marienfeld, Wells, Wojciechowski, Becnel, and O’Leary voting aye by a roll-call-vote.

Review and Possible Recommendation to the City Council on the Annexation Petition Submitted by LBH, LLC, for 3.21 acres Located at 938 and 940 South Main Street, Moab, UT, and Further Recommends that C-4 General Commercial Zone should be the Assigned Zoning – Approved

Discussion: Planning Director Shepard provided an extensive overview of the annexation process and the proposed annexation petition. She explained that the property is currently zoned general business and rural residential in the County. She said there are commercial buildings on the property and the tax rate indicates it is currently a commercial use. She indicated there is not a specific site plan in mind at this point but Planning Commission will have an opportunity to review the site plan in the future. She explained that State law are the guiding provisions regarding annexations and Planning Commission’s role is very limited in that they make a recommendation to the City Council on an appropriate zone for the property. She said the property owners plan to develop a hotel and have agreed in the pre-annexation agreement to meet the intent of the proposed standards for overnight accommodations. She said although there is a moratorium on new overnight accommodations, this property owner has an active application with Grand County and based on financial reliance and legal concerns that is the reason for City Council’s consideration of the pre-annexation agreement.

Commission Chair Marienfeld asked if this development qualified as an in process overnight accommodation at the time of the temporary lodging restriction. Planning Director Shepard explained this development was not included in the overnight accommodation numbers for the City, but they may have been included in the numbers for Grand County.

Commission member Becnel expressed concern with recital "B" in the pre-annexation agreement stating it was a misstatement. Commission Chair Marienfeld agreed that the recital was confusing and implies that this development is an approved overnight accommodation but explained that the pre-annexation agreement has been entered into by the City Council. Planning Director Shepard stated the pre-annexation was approved by the City Council, but Planning Commission could forward a negative recommendation and include the opposition to the recital as a finding for that recommendation. Commission member Becnel said she was happy to entertain annexations if the conditions are met and are correct, but this pre-annexation agreement has a few problems that she is not comfortable with.

Commission member O'Leary asked if the annexation would create an island surrounded by City property. Planning Director Shepard explained that this annexation reconfigures the peninsula in a different way.

Commission member Wells asked if the goal was to annex property in this area. Planning Director Shepard explained that properties to the south were part of the USU annexation. Commission member Wells said it would make sense to continue annexation in that area. Planning Director Shepard explained that it is sometimes in the best interest of the City to annex parcels to benefit from sales tax revenue but also said that cannot be the only reason for annexation.

Commission member Wells said if they are willing to comply with the proposed standards for overnight accommodations, she does not see a reason not to annex and bring the tax revenue into the City.

Planning Director Shepard covered the standards that were agreed to in the pre-annexation agreement. Commission member Becnel asked if this would let them build a hotel in the C-4. Planning Director Shepard confirmed that based on the terms of the pre-annexation agreement, they would be allowed to build a hotel following the standards set forth in the agreement. She also said it was fair to say they have an active application with Grand County and could move forward under their process. Commission Chair Marienfeld said there is a signed agreement with the City Council with clear vested rights and she was not inclined to go against it knowing City Council will still have discussions either way. She agreed with Commission member Becnel that it is a slippery slope to let property owners flout the rules when others could not especially in a small community. Planning Director Shepard said it was her understanding that a different recital in the pre-annexation agreement basically said this development was vested for review under the old rules.

Commission member Becnel moved to not recommend this proposal based on inconsistent positions in our zoning law. The motion failed due to lack of a second.

Commission member Wells asked if the standards for RC and C-4 were getting close. Planning Director Shepard said there are some tweaks needed but they are not far off. Commission member Wells said she did not think this was negative because it would provide revenue and more housing but feels it needs to match the standards that are ultimately approved for overnight accommodations.

Commission member Becnel asked if a motion could be made conditional on future C-4 zoning law changes and not include any assumptions about building a hotel. She asked if the zoning could be applied to the parcel and have the development wait until the standards are adopted. Commission Chair Marienfeld did not believe that was possible because of the pre-annexation agreement.

Commission member Becnel said she still thinks that based on the recitals you are not able to make any

changes on it legally. There was no further discussion.

Motion and vote: Commission Chair Marienfeld moved to recommend that the City Council approve the annexation and zoning designation of C-4 consistent with the pre-annexation agreement but also recommends the additional condition that the developer comply with future C-4 overnight accommodations regulations if they are finalized prior to site plan approval. Commission member Wells seconded the motion. The motion passed 4-1 with Commission members O'Leary, Wojciechowski, Marienfeld, and Wells voting aye and Commission member Becnel voting nay in a roll call vote.