MOAB CITY PLANNING COMMISSION MINUTES
December 10, 2020

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 Platt 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
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 remodels 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. Korenblat 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. Korenblat left the meeting at this time due to technical difficulties. Marienfeld filled Korenblat 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. Korenblat 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.