

**Moab City Council Public Hearing and Potential Action Agenda on the Final MPD
for the Lionsback Resort Development**

Meeting Date: June 8, 2021

Title: Resolution No. 13-2021 conditionally approving the Final Master Planned Development (MPD) for the Lionsback Resort and Final Plat for Phase 1.

Disposition: Public Hearing and potential action on the Final MPD and Final Plat for Phase 1.

Staff Presenter: Nora Shepard. Planning Director

Attachment(s):

- Exhibit 1: Location Map
- Exhibit 2: Approved Preliminary MPD (using the SAR Zoning)
- Exhibit 3: Pre-Annexation Agreement (2008)
- Exhibit 4: Development and Phasing Agreement (2009)
- Exhibit 5: Final MPD and Phase One Plans
- Exhibit 6: Approved Ground Water Source Protection Plan
- Exhibit 7: Public Comments
- Exhibit 8: Resolution No.13-2021
- Exhibit 9: Draft Subdivision Improvement Agreement (SIA) for Phase One.

Disposition: This project has already received preliminary MPD approval. The purpose of this meeting is to hold a public hearing and take action to the City Council on the Final MPD and final plat for Phase One.

Planning Commission Recommendation:

The Planning Commission held a public hearing on this item on May 13, 2021. After that public hearing, a new public notice was sent out of this City Council hearing.

There were no comments at the Planning Commission public hearing. Two comments had been received and are attached as Exhibit 7. The Planning Commission forwarded a positive recommendation to the City Council. The vote was unanimous. I would recommend that you view the video for the Planning Commission meeting of May 13, 2021.

Action Options:

1. **Approve** the Final MPD and final plat for Phase One. for Lionsback Resort to the City Council
2. **Continue** the item with specific direction from the City Council as to what additional information is needed to make a decision
3. **Deny** the Final MPD and Phase One plat based on specific findings for such a recommendation

Staff Recommendation: Staff recommends that the City Council hold the public hearing, discuss the proposal and approve the Lionsback Final MPD and final plat for Phase One.

Possible Motion:

I move to approve the City of Moab Resolution No. 13-2021A Resolution approving the Lionsback Resort MPD and Phase One final plat.

Background:

The Lionsback Development has a lengthy and somewhat complicated history with the City of Moab. The following is an abbreviated summary. The property is owned by the School and Institutional Trust Lands Administration (SITLA). The developer is LB Moab Land, LLC. The objective was to create a “more natural” resort experience for Moab visitors than the existing accommodations offered at the time.

There was no zoning in place that would allow this type of development in the City. In response, the City developed and adopted a new zoning designation of Sensitive Area Resort Zone (SAR).

From 2006-2008, LB Moab removed the former Lionsback campground and closed multiple jeep roads that were being created off of Hells Revenge.

In 2007 and early 2008, the developer requested Annexation and Master Planned Development Approval (MPD) under the SAR Zoning. The MPD and Pre-Annexation Agreement were eventually approved in late 2008 and the property was subsequently annexed.

After MPD approval, the City was sued over the entitlement process. The City and LB Moab joined forces and were successful in the lawsuit in 2012.

After the dismissal of the lawsuit, LB Moab reevaluated the market demand and determined that they wanted to redesign the original hotel concept with a new one. Instead of 50 hotel/condo units spread out in 9 different buildings, they requested an amendment to the MPD to allow a 150-room hotel. The City of Moab confirmed in April 2016 that the 50 three-bedroom hotel/condo units converted to a 150-room hotel met the existing entitlements and the minor modifications would be handled during the final plat approval process. The City and LB Moab were then sued again. That lawsuit was recently decided in favor of the plaintiffs and against the determination made by the City of Moab. The revised plan for the hotel complex considered in 2016 is no longer applicable.

At this time, the governing documents for the Lionsback are the Pre-Annexation Agreement recorded in December 2008 (Exhibit 3) and the Development and Phasing Agreement executed in September 2009 (Exhibit 4). The actions taken by the City in 2016 are invalid.

The 2008/2009 approvals remain valid and in place. In essence, the project as approved in 2008/2009 is vested.

Summary:

The entitled project was approved as a Preliminary MPD under the SARS Zoning in December 2008 (see Exhibit 2 Approved MPD site plan).

Size and Location

- 175.12 gross acres
- 48 acres to be developed
- 73.28% Open Space
- Located and accesses from Sand Flats Road (see Exhibit 2 – Location Map)
- Approximate commercial footprint of 54,000sf
- Approximate residential footprint of 365,000sf

Approved Uses

The total number of proposed residential units is 257 units, including:

- 50 hotel suites
- 30 one story casitas (11300-1500sf)
- 30 two story casitas (1300-1500sf)
- 40 one story village casitas (1800-2100sf)
- 45 two story casitas (1800-2100sf)
- 20 one story hillside casitas (2500-3000sf)
- 14 two story hillside casitas (2500-3000sf)
- 18 employee housing uses
- The maximum units that could be allowed in the SAR would be approximately 400 units.

Other approved uses

- Service Facility
- Storage Units
- Sports Gazebo with restrooms and picnic area
- Picnic Gazebo
- Internal trail system
- Sports facilities including tennis, platform tennis, volleyball, putting green, golf driving cage, lawn games area, bocce, playground equipment and volleyball/basketball

Open Space and Trails (Exhibit 3)

- Active, passive and internal open space
- Open Space to be conveyed as common open space
- Natural open space, passive recreational open space, active recreational open space and public pedestrian amenities

- The circulation plan includes motorized and nonmotorized streets, trains and parking areas, emergency access, public pedestrian amenities. There will be an easement to maintain the Hells Revenge Trail.

Phasing

- Project to be developed in five phases
- Both the Pre-Annexation Agreement and Development Phasing Agreement spell out the timing and requirements for Subdivision Improvements for each of the 5 phases. Phases can be modified by the Developer

Other project requirements

- Improvements to Sand Flats Road
- Utilities
- Drinking Water Source Protection Plan
- Landscaping and Irrigation plans

Final MPD and Phase One

The applicant now seeks approval for the Final MPD and Phase One (Exhibit 5) of the development. The Final MPD is consistent with the Preliminary MPD. The Preliminary Approval anticipated that Phase One would consist of a 50-unit (3 bedrooms each) condominium hotel and 34 Casita units. The developer is not moving forward with the Hotel complex currently. The Development and Phasing Agreement allows the developer to modify phasing. Some modifications to the overall plan have been made in consideration of the new phasing.

Infrastructure Improvements

The Developer and SITLA elected to move forward with the offsite infrastructure and Phase 1 Casitas. It was determined that the total offsite infrastructure budget was approximately \$5 million, and the water and sewer infrastructure improvements would be dedicated to the City. Design of the offsite infrastructure began in July 2019 and construction commenced in June 2020. Construction for the offsite infrastructure is scheduled for completion July 2021. The water and sewer are being constructed to existing City Standards, which is an upgrade from the original plans, in anticipation of the dedication to the City. The internal project roads will be private roads, constructed and maintained by the developer and the future Homeowners' Association.

A stormwater management plan has been reviewed by the City Engineer. The proposed stormwater plan meets current standards, which is an improvement from the Preliminary MPD.

A Drinking Water Source Protection Plan (DWSP) has been approved by the City Council. All construction has been and will be in compliance to that plan. This plan is attached as Exhibit 6.

A Subdivision Improvement Agreement is required for each phase of the development. That can be found as Exhibit 9.

Plan Refinements

As a part of the Final MPD, some of the required improvements have been modified slightly to meet current standards and to take into consideration the reduced scale of Phase One. The Development and Phasing Agreement sets forth specific tasks to be completed with each phase. The Stormwater Management Plan, the Water System and the Sewer System are under construction and comply or exceed the requirements for Phase One approved in 2009. Other utilities, such as electric, cable, and telephone will be provided. All the utility companies have been involved in reviewing the current design for utilities.

The Development and Phasing Agreement required improvements to Sand Flats Road that included shoulder improvements on each side of the road. After review of the existing situation, the applicant and City Staff agree that instead of simply providing a wider shoulder, the developer will build a multipurpose non-motorized trail adjacent to Sand Flats Road to provide a higher level of safety for pedestrians and bicyclists. Additional Right-of-Way will be dedicated to the City. One curve on Sand Flats road will also be modified slightly to improve safety.

Because the hotel complex is not being constructed at this time, secondary/emergency access to the 34 new casitas will be via a slightly modified Hells Revenge OHV Trail. This will also serve as access to the new water tank that is under construction. The applicant is working with the City and OHV user groups on the realignment.

Process

MMC 17.65.110 gives the following direction on the process for a Final Master Planned Development as follows:

“17.65.110 Final MPD.

After the preliminary plan has been approved by the Planning Commission, the applicant shall submit prints of a final plan to the Planning Commission through the Zoning Administrator for approval thereof, showing in detail the following information:

A. Site Plan. Detailed site plan with complete dimensions showing precise locations of all buildings and structures, lot or parcel sizes and locations, designations of open spaces and special use areas, detailed circulation pattern including proposed ownership;

B. Building Plans. Preliminary building plans, including floor plans and exterior elevations;

C. Landscape Plan. Detailed landscaping plans produced and stamped by a registered landscape architect showing the types and sizes of all plant materials and their locations, decorative materials, recreation equipment, special effects, and sprinkler or irrigation systems;

D. Parking Plan. Dimensioned parking layout showing location of individual parking stalls and all areas of ingress or egress;

- E. Engineering Plan. Detailed engineering plans and final subdivision plat showing site grading, street improvements, drainage and public utility locations. Also, submission of the engineering feasibility studies if required by the Zoning Administrator;*
- F. Covenants. A copy of protective covenants, articles of incorporation, bonds and guarantees, as required by the Zoning Administrator and/or the City Attorney;*
- G. Title. A certificate of title showing the ownership of the land;*
- H. Certificate of Acceptance. A certificate of acceptance by the City Council for any dedication of public streets and other public areas, if any, that are made by the owners;*
- I. Accuracy of Survey. A certificate of accuracy by an engineer or land surveyor registered to practice in the state of Utah;*
- J. Consistency with Approvals. All final MPD submittals shall be reviewed for consistency with this chapter and all preliminary MPD approval conditions.”*

The submitted materials for the Final MPD are consistent with the Preliminary MPD. The Final MPD and Phase One includes all the above required detail for Phase One.