

CITY OF MOAB PLANNING RESOLUTION NO. 10-2022

A RESOLUTION CONDITIONALLY APPROVING THE PARKING EXCEPTION FOR THE JAILHOUSE CAFÉ EXPANSION LEVEL II SITE PLAN ON PROPERTY LOCATED AT 101 N MAIN STREET, MOAB, UT 84532.

WHEREAS, the following describes the intent and purpose of this resolution:

- a. The Applicant, Eric Tscherter, representative for the Owner of record, William Petty, for property located at 101 N Main Street, Moab, Utah 84532, has requested a special exception to the parking requirements as outlined in the Moab Municipal Code (MMC) 17.09.220.Q. through Planning Resolution #10-2022, for the submitted Site Plan Application #22-0016 Jailhouse Café Expansion; and
- b. The Applicant has furnished a site plan and description of the property located at 101 N Main Street, Moab Utah, 84532; Parcels 01-0B25-0001 (6969.6 sf); 01-0B25-0002 (871.2 sf); 01-0B25-0020 (2178.0 sf); and
- c. The City adopted Supplementary Requirements and Procedures Applicable within Zones, in addition to the Site Plan Review regulations, in order to promote the health, safety and the general public welfare of the residents of the City by establishing standards for development in zones including the C-3 Central Commercial Zone, of which regulate Off-Street Parking and Loading – Number of Spaces & Location and Control of Facilities; and
- d. Upon review, the proposed Site Plan would require accommodations through the available conditions for Special Exception to Parking Requirements, Replacement of Existing Buildings, and Parking Payment-in-Lieu procedures as outlined in the MMC Chapter 17.09, in order to attain sufficient compliance of standards; and
- e. The Applicant has provided a Parking Study Analysis in addition to the Architectural Plan, to request a Parking Exception for the additional parking required by the expansion of the existing development, including, of the 60 total required spaces, 13 spaces shall be credited due to the existing commercial floor area, 3 spaces provided in the proposed development, and 14 spaces Payment-in-Lieu leaving 30 spaces requested for exception; and
- f. Based on the available provisions outlined in the MMC conditions for parking accommodations in the C-3 Central Commercial zone, City Staff is recommending the Planning Commission consider conditionally approving the request for the parking exception with the inclusion of the Parking Payment-in-Lieu provision that allows developments to make a payment-in-lieu of providing parking spaces, up to 30% of the proposed parking required, amending the exception to, of the 60 total required spaces, 13 spaces shall be credited due to the existing commercial floor area, 3 spaces provided in the proposed development, and 14 spaces Payment-in-Lieu, leaving 30 spaces requested for exception; and
- g. The Moab Planning Commission reviewed the request and submittal materials for Special Exceptions to the Parking Requirements through Planning Resolution #10-2022 for the Site Plan Application #22-0016 for the Jailhouse Café Expansion in a regularly scheduled meeting held on September 8, 2022; and
- h. Following the consideration of the technical aspects of the pertinent code sections, the Moab Planning Commission, pursuant to Planning Resolution #10-2022, hereby finds, that all applicable provisions of the Moab Municipal Code have or can be met.

NOW, THEREFORE, BE IT RESOLVED BY THE MOAB PLANNING COMMISSION, the application for the Special Exception to the Parking Requirements for the Jailhouse Café Expansion Level II Site Plan is hereby **CONDITIONALLY APPROVED**, with the following condition:

- 1) All outstanding comments shall be addressed to the satisfaction of the Moab City Engineer and Planning Director prior to Building Permit Application Approval, including:
 - a) The Planning Commission grant exception for 30 spaces; given
 - i) Of the total 60 spaces required, 3 spaces shall be provided in the proposed development, 13 spaces shall be credited due to the existing commercial floor area; and
 - ii) The applicants submit and apply an approved request for the maximum available Parking Payment-in-Lieu at 30% of the proposed required parking spaces; such that
 - (1) 14 spaces make Payment-in-Lieu, 30 spaces excepted, 3 spaces provided, and 13 spaces credited, sufficiently covering the total 60 spaces required; contingent that
 - (a) The Parking Exception granted by the Planning Commission shall only apply if the submitted request for the Parking Payment-in-Lieu is approved following appropriate approval procedures; and shall only be applied upon approval of the proposed Level II Site Plan Application #22-0016 for the Jailhouse Café Expansion.
 - (b) The Land Use Authority denial of the Parking Payment-in-Lieu request, or Site Plan Application, shall terminate the Parking Exception granted by this Planning Resolution #10-2022

PASSED AND APPROVED in an open meeting of the Planning Commission by a majority vote of the Governing Body of Moab Planning Commission on October 13, 2022.

SIGNED: _____
Kya Marienfeld, Chair