

Moab Planning Commission Agenda Item
Jailhouse Café Expansion Level II Site Plan: Parking Payment-in-Lieu
Meeting Date: January 12, 2022

Title: Consideration and Possible Conditional Approval of Planning Resolution #01-2023, A Planning Resolution Conditionally Approving the Payment-in-Lieu Request for Parking for the Jailhouse Café Expansion Level II Site Plan on Property Located at 101 N Main Street, Moab, UT 84532.

Disposition: Discussion and Possible Action

Staff Presenter: Cory P. Shurtleff, Planning Director

Attachment(s):

Exhibit 1: Draft Planning Resolution #01-2023

Exhibit 2: Vicinity Map

Exhibit 3: Recorded County Plat

Exhibit 4: Proposed Architectural Plan

Exhibit 5: Project Narrative

Exhibit 6: Applicant Off-street Parking Exception Request Parking Study Analysis

Exhibit 7: City Off-Street Parking Analysis

Exhibit 8: DRT Planning and Zoning Report for Site Plan Application #22-0016

Exhibit 9: Planning Resolution 13-2022 Jailhouse Cafe Expansion Site Plan Payment In Lieu PH Notice on 111822 for 011223

Options:

1. Conditionally Approve Moab Planning Resolution #01-2023, with or without modifications; or
2. Continue or table action to a later meeting with specific direction to City Staff and Applicant as to additional information needed to make a decision; or
3. Deny the Parking Payment-in-Lieu Request, giving specific findings for decision.

Recommended Motion: I move that the City of Moab Planning Commission Conditionally Approve Planning Resolution #01-2023, A Planning Resolution Conditionally Approving the Payment-in-Lieu Request for Parking for the Jailhouse Café Expansion Level II Site Plan on Property Located at 101 N Main Street, Moab, UT 84532, 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 approve Payment-in-Lieu for 14 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, 30 spaces approved for exception by Planning Resolution #10-2022; and

- ii) The applicants submit payment for the maximum available Parking Payment-in-Lieu, at 30% of the proposed required parking spaces, totaling 14 spaces; and
 - (1) The Parking Exception and Parking Payment-in-Lieu approvals shall only be applied upon approval of the proposed Level II Site Plan Application #22-0016 for the Jailhouse Café Expansion.
 - (2) The Land Use Authority denial of the Site Plan Application shall terminate the Parking Exception granted by Planning Resolution #10-2022, and Parking Payment-in-Lieu granted by this Planning Resolution #01-2023.

Background:

The owner of record, William Petty, for 101 N Main Street, Moab UT 84532, submitted the Pre-Application materials and preliminary concept plans for the Jailhouse Café Expansion on June 24, 2021. Following the Pre-Application meeting review, it was determined that the proposed plans would require Parking exceptions from the Planning Commission to sufficiently meet development standards for building expansion in the C-3 Central Commercial Zone. The applicant, Eric Tscherter – Chamberlin Architects, and owner, William Petty, submitted the application and submittal materials for the Level II Site Plan on April 14, 2022. The Site Plan Application was reviewed by the Development Review Team (DRT) on April 20, 2022, with final materials reviewed on April 25, 2022. The DRT Planning & Zoning Report, following direction from City Administration, was sent to the applicant on May 27, 2022. The project team resubmitted a parking study, requesting special exception from the minimum parking requirements, approved through Planning Resolution #10-2022, on October 13, 2022. Prior to continued review of the submitted Site Plan, as compliance with minimum requirements is contingent on the Planning Commission’s approval of the parking payment-in-lieu request, the applicant is formally requesting a Special Payment-in-Lieu Exception to the Minimum Parking Requirements through Planning Resolution #01-2023. Public Hearing Notice was posted in the Moab Times Independent December 29, 2022, and January 5, 2023. There has been a Planning Resolution number change from #13-2022, to #01-2023 to accommodate the approval date changing to the new year 2023. At this time the request for Parking Payment-in-Lieu has been submitted for review by the Moab City Planning Commission, on January 12, 2023; proposed as a conditional approval.

Project Description:

Location: 101 N Main Street, Moab UT 84532

Property Owner: William Petty

Applicant: Eric Tscherter – Chamberlin Architects

Parcel: 01-0B25-0001 (6969.6 sf); 01-0B25-0002 (871.2 sf); 01-0B25-0020 (2178.0 sf)

Zoning: C-3 Central Commercial Zone

Proposed Use: Expanded Commercial Eating Establishment & Above ground-floor dwelling units of a nonresidential structure.

Project Size: 16,128 sf, 2 Apartment Dwellings, Tavern, Eating Establishment

Parking: 3 parking spaces/ parking exception requested

Narrative Summary:

Site Plan Narrative – Eric Tscherter, Architect

We are pleased to submit the attached information for your review and consideration for the above referenced project. Chamberlin Architects has been engaged by the Will Petty to help him with the design and construction of a mixed-use development on his property indicated below.

Please accept the following as our General Project Report:

A. Project Description:

1. Location: 101 North Main, Moab, UT 84532
2. Acreage: 0.24 Acres.
3. Proposed Use: The property will be a mixed-use development consisting of space for dining and tavern on the 1st and 2nd floor with residential apartment(s) on the 3rd floor. Outdoor dining will be supported on the first floor level organized around the courtyard.
4. Project Scope: The property will be a mixed-use development consisting of the original Jail House Café building with the addition of a four story (basement plus three floors above grade) building on the west portion of the property. The basement will contain support space for the building MEP, public restrooms, bakery/restaurant storage and residential storage. The first floor will provide space for a new commercial kitchen and expanded dining for the Jail House Café which will include use of the existing historic café building for seating. The second floor will contain a tavern (bar) area, family dining and support space. The third floor will be shelled initially with plans for developing 2-3 apartments for the Owner and staff.
5. Building Height: 44' +/- above finished grade.
6. Building Area, gross
 - Basement: 4,128 gsf
 - First Floor: 4,600 gsf
 - Second Floor: 3,700 gsf
 - Third Floor: 3,700 gsf
 - Total 16,128 gsf

B. Public Benefit:

The expansion of the Jail House Café will allow the Owner the ability to increase the dining capacity of the café, upgrade the cooking facilities, expand dining fare from breakfast only to three meals/day and increase the housing available in the downtown area. The exterior spaces will be developed to provide a beautifully landscaped courtyard for dining and public respite off of Main Street.

C. Project Compliance, Compatibility, and Impact:

1. Adopted Plans and/or policies
 - Mixed-use commercial and residential development on a currently underdeveloped site in the downtown core.
2. Land Use in the Surrounding Area:
 - Existing land use is Central Commercial Zone (C-3).
3. Site Access and Traffic Patterns:
 - The site is bounded by Main Street on the east and 100 Street on the south. The site is pedestrian accessible from these two streets.

Vehicular service access including parking (3 spaces on-site) will come from the alleyway on the north side of the property.

4. Availability of Utilities:

Utilities are immediately available in the adjacent streets for all the primary utilities electric, gas, water, sanitary and storm. See civil drawings for additional information.

5. Special Demands on Utilities:

None are anticipated.

6. Effects on Public Facilities:

None are anticipated.

7. Parking:

The Owner has had a parking study performed, see attached. We are requesting an exemption to providing on-site parking in excess of the spaces identified on the site plan due to the availability of parking in the immediate vicinity of the project site for patrons and staff.

8. Hours of Operation:

Restaurant is projected to be open from 7am to 9pm. Tavern is projected to be open from 11am to 11pm.

9. Signage Plans:

No signing of the property except for required traffic signage and building mounted signage (to be developed) is anticipated.

10. Site Soils and Geology:

See attached Soils Report.

11. Impact of Project on Site Geology and Geological Hazards:

The project is not anticipated to negatively impact the existing site geology. The response to potential geological hazards is shown in the attached Soils Report.

D. Zoning and Development Code:

We hold that the planned development is in conformity with the current neighborhood's use and zoning.

E. Development Schedule and Phasing

Construction is planned to begin in the Fall/Winter of 2022 and is expected to take approximately 9-12 months. This is dependent upon receipt of the required planning approvals.

Applicant Parking Study Narrative:

This request is for the Planning Commission to consider a special exception to required number of parking spaces as permitted in the following section of the Moab Municipal Code:

17.09.220 Off-street parking and loading-Number of spaces. Paragraph Q. Special Exceptions to the Parking Requirements, Subsection 4. For businesses located on Main Street in the C-3 zone the applicant shall demonstrate that on-street parking is reasonably available for short-term parking. The Public Works Director and Zoning Administrator shall address visibility and safety concerns.

Specifically, the applicant is proposing a total of three off-street parking spaces on the property for use by the two new apartments to be developed. In

comparison, strict application of Moab City's off-street parking requirements for number of spaces will require applicant to provide a total of 47 spaces of off-street parking. The following information and discussion are on provided behalf of the applicant, in support of the special exception request.

Background Information

2022 marks the 29th year of business for the Jailhouse Cafe, a favorite breakfast spot for both locals and visitors. The property has been under the same ownership throughout and said owner is the applicant for the planned remodel/expansion. Proposed renovations involve a new full-service kitchen, indoor storage area, expanded seating areas, additional restrooms, indoor lobby/waiting area, and the addition of two residential apartments on the upper floor. The small historic building that gives the restaurant its name will be preserved and incorporated into the project. It's inclusion though, severely limits options to accommodate both the much-needed expansion and the number of off-street parking spaces required by Moab City Code. Fortunately, the Code recognizes the importance of business development in the downtown commercial core and permits the Planning Commission to approve special exceptions to the required number of off-street parking spaces specifically for properties in the C-3 Zone, downtown Main Street.

Request & Recommendation

Original Request: The Applicant was originally requesting that of the 60 total required spaces, 13 spaces be credited due to the existing commercial floor area, 3 spaces be provided in the proposed development, and that the Planning Commission grant exception to the remaining 44 spaces requirement. Justification and Narrative were provided in the submitted Parking Study Analysis and Narrative included in the exhibits.

Amendment to Original Request: Following additional discussion with City Staff on September 12, 2022, the Applicant and Project Team have amended the original request represented in the submitted Parking Study Analysis and Narrative, adjusting the proposed requested number of excepted spaces from 44 spaces to 30 spaces, now including the 14 spaces Payment-in-Lieu. This amendment brings the applicant's request into consistency with the Staff Recommendation provided based on existing code provisions and directive from City Administration.

Recommendation: City Staff recommends, based on the available provisions outlined in the MMC conditions for parking accommodations in the C-3 Central Commercial zone, the Planning Commission consider conditionally approving the request for the parking Payment-in-Lieu that allows developments to make a payment-in-lieu of providing parking spaces, up to 30% of the proposed parking required; 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, 30 spaces approved for exception, and 14 spaces Payment-in-Lieu.

Process: Off-street Parking and Loading – Number of Spaces. Special Exceptions to the Parking Requirements; and Replacement of Existing Buildings.

Section 17.09.220 of the Moab Municipal Code (MMC) regulates the Off-Street Parking and Locating – Number of Spaces. Subsection 17.09.220.Q. Special Exceptions to the Parking Requirements, permits the Planning Commission to approve exceptions to the minimum parking requirements determined for defined permitted land uses. Subsection 17.09.220.S. Replacement of Existing Buildings, provides conditions for existing buildings in the C-3 Central Commercial zone to be replaced or expanded with the parking requirement for the proposed redevelopment to apply only to the new additional area of the building.

Section 17.09.230 of the Moab Municipal Code (MMC) regulates the Off-Street Parking and Loading – Location and Control of facilities. Subsection B of this section provides the standards and procedures for Parking Payment-in-Lieu conditions.

17.09230.B. In the event that the Zoning Administrator determines that off-street parking cannot be reasonably provided in accordance with the provisions of this title, a commercial property owner, in the C-3 zone and designated portion of the C-4 zone, may be allowed to make a payment-in-lieu of providing parking spaces, according to the following conditions:

- 1. A commercial property owner must fill out a payment-in-lieu of parking application and pay a review fee as established by resolution.*
- 2. The City Planning Commission must review any payment-in-lieu of parking requests and after holding a public hearing, may approve or disapprove such requests.*
- 3. The established payment-in-lieu rate shall be established by resolution. Such fees shall be deposited into a parking facilities development fund and all expenditures from this fund shall be directly spent or encumbered only for the propose of operation, maintenance and administration of parking or transit facilities. The fee shall be paid to the City of Moab according to the following schedule: fifty percent of the fee shall be paid prior to an issuance of a building permit and the remaining fifty percent shall be paid prior to the issuance of a certificate of occupancy permit.*
- 4. To encourage higher building density in the downtown businesses district, owners of land or businesses in the C-3 central commercial zone have the option to use payment-in-lieu of parking rather than to reasonably provide parking spaces at the time of erection of any main building or at the time such buildings are structurally enlarged or converted to increase the use or capacity of the buildings.*
- 5. To encourage more harmonious development patterns in the general commercial district, owners of existing businesses in the C-4 general commercial zone located between Mill Creek and Pack Creek as*

designated on the official Moab City zoning map, have the option to use payment-in-lieu of parking rather than to provide additional on-site parking spaces at the time buildings on the parcel are structurally enlarged or converted to increase the use or capacity of the buildings.

6. Payment-in-lieu of parking shall be permitted to provide no more than thirty percent of the parking spaces required by this chapter of any particular use or development.

Section 17.67.050 of the Moab Municipal Code (MMC) regulates the Review Procedures for a Level II Site Plan Application. The Planning Commission acting as the Land Use Authority shall provide the approval of Site Plan Applications based on the Approval Criteria identified in MMC Section 17.67.060.

17.67.050

D. Level II Applications. Level II applications shall first be reviewed by the DRT, which shall issue a staff report identifying recommendations for the project. The land use authority for Level II applications shall be the Planning Commission, which may approve, approve subject to conditions, or deny the application.

17.67.060

Approval criteria.

A. The following criteria govern site plan approval:

- 1. Compliance with applicable Moab ordinances and building codes;*
- 2. Availability of necessary utilities, including culinary water, sewer, electricity, natural gas, and the like;*
- 3. Consistency of the design with Moab advisory documents; and*
- 4. Accuracy and truthfulness of submittals or representations in the application.*

B. Discretion to Grant Conditional Approval. The applicable land use authority has discretion to impose conditions during the review process that address: (1) deficiencies in the application; (2) performance of the design in providing efficient access, vehicle circulation, connectivity, pedestrian/nonmotorized vehicle access; (3) buffering of off-site impacts; (4) storm water management and flood damage prevention; (5) landscaping and architectural design; (6) utility design issues; and/or (7) other provisions of Moab ordinances or advisory documents.

C. Statement of Reasons in the Event of Denial. Where an application is denied, the land use authority shall provide a statement of reasons explaining the basis for its denial.