

CITY OF MOAB PLANNING RESOLUTION NO. 01-2023

A 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.

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 approval for Payment-in-Lieu for parking requirements as outlined in the Moab Municipal Code (MMC) 17.09.230.B. through Planning Resolution #01-2023, 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 provided a Parking Study Analysis in addition to the Architectural Plan, upon which requested a Parking Exception for the additional parking required by the expansion of the existing development, which was approved through Planning Resolution #10-2022, 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 30 spaces approved for exception, leaving 14 spaces to be acquired through Payment-in-Lieu; 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 Payment-in-Lieu, providing parking spaces, up to 30% of the proposed parking required, such that, 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 30 spaces approved by the requested exception, leaving 14 spaces provided through Payment-in-Lieu; and
- g. The Moab Planning Commission reviewed the request and submittal materials for Special Exceptions to the Parking Requirements Payment-in-Lieu, through Planning Resolution #01-2023 for the Site Plan Application #22-0016 for the Jailhouse Café Expansion in a regularly scheduled meeting, following Public Hearing, held on January 12, 2023; and
- h. Following the consideration of the technical aspects of the pertinent code sections, the Moab Planning Commission, pursuant to Planning Resolution #01-2023, 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 Payment-in-Lieu, 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 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.

PASSED AND APPROVED in an open meeting of the Planning Commission by a majority vote of the Governing Body of Moab Planning Commission on January 12, 2023.

SIGNED: _____
Kya Marienfeld, Chair