

MOAB CITY PLANNING COMMISSION MINUTES
February 25, 2021

The Moab Planning Commission held its regular meeting on February 25, 2021 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=yENa1Vi1ppM>

1. Call to Order

The Moab Planning Commission Chair Kya Marienfeld called the meeting to order at 6:02 pm. In attendance were Planning Commission Chair Kya Marienfeld, Planning Commission members; Marianne Becnel, Jessica O’Leary, Luke Wojciechowski, Becky Wells, John Knight, and Ruben Villalpando-Salas. Moab City Staff in attendance included City Planner Nora Shepard, Assistant Planner Cory Shurtleff, and City Recorder Sommar Johnson.

2. Citizens to be Heard

There were no citizens present to speak.

3. Approval of Minutes

3.1 Minutes: December 10, 2020

3.1.1 Minutes: January 14, 2021

Planning Commission Member Becnel motioned to approve the Planning Commission Meeting Minutes from December 10, 2020 and January 14, 2021. Planning Commission Member Wojciechowski seconded the motion. The motion passed 5-0, with Planning Commission Members Becnel, O’Leary, Wojciechowski, Knight, Marienfeld, and Villalpando-Salas. Planning Commission Member Wells abstained from the vote.

4. Action Item - Consideration and Possible Approval of Planning Resolution #02-2021, A Planning Resolution Approving the Townhome Plat Application for the 3rd Street Townhomes, Property Located At 116 South 300 East, Moab UT 84532

Moab City Assistant Planner Cory Shurtleff presented the details including the location; 116 S 300 E, property owner; Craig Parkes, applicant; Ben Byrd, parcel size; 0.32 acres, current zone; R-3 Multi-household, existing use; Residential Zone Multi-household, and the proposed use of Residential Zone Multi-household – Townhomes. Shurtleff presented a vicinity map of the parcel. He stated that the applicant has been granted a Building Permit to start construction of the multi-household residential development and that they are requesting a townhome plat of the development into individual ownership of each lot within this property. He presented the county’s recorded plat and the submitted draft plat. Citing the draft plat Shurtleff stated that the applicant has broken the parcel into five individual lots, which allow the east and west lots to compensate for the setback requirements. He indicated the access for the lots, which comes from 300 East. The next slide was extracted from the Building Permit Application to show how they are constructed and located on the lot. Shurtleff read the narrative from the applicant which stated:

“3rd Street Subdivision Third street subdivision is a split of a 13772 sq. R-3 city lot into 5 separate residential parcels. Moab city code allows "one multi household lot per 2000 sq foot" in R-3 per 17.48.030. The lots created will front on 100 S. with a shared access to the garages off of 300 E. This project has been started and is scheduled for an April Completion which will include the required Water, and Sewer Connections. The 3rd street HOA will be in place and oversee the shared access and other common elements of this subdivision. I have attached them with this submittal. Homes being built now on the property are 2 story, 1600sq. foot+-, with 2 car garages. Each home has a nice sized driveway in the back and a small yard area in the front.”

Shurtleff reviewed the background for the development and comments from the Engineering Department. He asked for discussion at this time. Planning Commission Member Villalpando-Salas asked to see the slide from the Building Permit Application. Shurtleff presented this and explained this further. He stated that the construction is a permitted use and what is being voted on is the plat to break up the ownership. Commission Member Villalpando-Salas asked if they have been sold. Planning Director, Shepard, stated that they are market rate, and she does not have the status of pre-sales.

Planning Commission Member Becnel commented regarding all projects, stating that she does not feel it is the best practice to vote with conditional approval and that in the future the Planning Commission should vote with all of the requirements already in place. She added that she understood the Ombudsman had warned against voting with conditional approvals. Planning Director Shepard said that this was in regard to conditional uses and that “we really don’t have them anymore.” She added that it isn’t uncommon if there are “little” things that need to be updated to put a condition on an approval. She said that they try to have everything met by the time they bring it to the Planning Commission, and she added that she agreed that it is not a good idea to have “a lot” of conditions on the approvals. Planning Commission Chair Marienfeld agreed as well and added that it is helpful when staff explains what the conditions are and what it means for the property.

Planning Commission Member Villalpando-Salas asked to have a further explanation on the condition. Assistant Planner Shurtleff stated it that is the plat showing the correct legal description.

Planning Commission Member O’Leary motioned to approve Planning Resolution #02-2021, A Planning Resolution Approving the Townhome Plat Application for the 3rd Street Townhomes, property located at 116 South 300 East, Moab UT 84532 which the condition that the legal description is fixed on the plat. Planning Commission Member Wojciechowski seconded the motion. The motioned passed 5-0, with Planning Commission Members Becnel, O’Leary, Wojciechowski, Knight, Kya Marienfeld, and Villalpando-Salas. Planning Commission Member Wells abstained from the vote.

5. Discussion Item

5.1 Discussion Item - Upcoming Text Amendments to the Moab Municipal Code

Planning Director Shepard stated that there are two text amendments that public notices have been completed. The first is in regard to noise regulations. Shepard said that currently these regulations are located in within the Zoning Code, Chapter 17, and that they should be located in the Health and Safety Regulations. This amendment would be moving the noise regulations from the Zoning Code to the Health and Safety Regulations. She added that this would make it easier for these regulations to be amended by City Council as they are starting to look at noise enforcement for ATVs.

The second is regarding a section in the state code, which is referred to as the Pending Ordinance Doctrine, which say that if the City initiates an amendment to the Land Use Codes that any applicant who applies between the time it is initiated until it is completed, the applicant is on notice that these new code

amendments could apply to their property. In the past Moab has not had a definition of what the “initiation” is.

Shepard said that there have received “a couple” applications. One of which, an applicant is requesting a text amendment to look at the Home Occupation Code regarding COVID. She stated that it would be a good opportunity to look at it as it hasn’t been updated recently. She added there may be a work session scheduled and suggested the Planning Commission Members review the Home Occupation Code.

Planning Commission Chair Marienfeld asked that Shepard explain “what Home Occupation means.” Shepard explained that certain uses are allowed to be conducted out of the home. She said that this is regulated by Zoning. She gave some examples of these uses. These are uses are uses that do not impact the neighbors. She added that the code has some specific prohibitions, and this is the list “we” would like to look at. She gave additional information about the applicant who had submitted the amendment.

Planning Commission Chair Marienfeld stated that she and other Planning Commission Members would like to prioritize reviewing parking requirements. Shepard stated that the City Council has a list of actions that “we” want to take. She said that the City Council will be attending a retreat on March 11th and 12th and they can be viewed on YouTube. She said she would also like to look at the parking requirements.

Marienfeld thanked everyone for prioritizing these meetings. Shepard added that the City offices will be opening on appointment basis. She spoke briefly about the Zoom Meetings for the Planning Commission and City Council and stated that for now the Planning Commission will continue to schedule meetings via Zoom.

6. Future Agenda Items

Shepard made the Planning Commission aware that the Planning Department is “slammed” stating that they have received eight new applications recently, which some are “big” such as Lion’s Back. She said that there are a number of site plans coming up that the Planning Commission will be the approval authority for.

Shepard spoke about the joint meeting with City Council briefly saying that there may be one scheduled after the City Council completes their strategic plan.

7. Adjournment

The meeting was adjourned at 6:34 pm.