

MOAB CITY PLANNING COMMISSION MINUTES
March 11, 20201

The Moab Planning Commission held its regular meeting on March 11, 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=Qq3rHanfUcA>

Written Determination of the Chair of the Public Body Pursuant to House Bill 5002 and Utah Code Annotated (UCA) §§52-4-207(4) (A) And (B)

At this time Planning Commission Chair Kya Marienfeld read the written determination aloud. Marienfeld stated that the determination will expire thirty (30) days after which the determination was made, and it is possible for future determinations if circumstances warrant it at which time written determination will be made.

1. Call to Order

The Moab Planning Commission Chair Kya Marienfeld called the meeting to order at 6:06 pm. In attendance were Planning Commission Chair Kya Marienfeld, Commission members; Jessica O’Leary, Luke Wojciechowski, Marianne Becnel, Becky Wells, and Ruben Villalpando-Salas were present. Commission Member John Knight was absent. Staff in attendance included City Planner Nora Shepard, and Assistant Planner Cory Shurtleff.

2. Citizens to Be Heard

Assistant Planner, Cory Shurtleff, stated that there are two citizens in the waiting room. Shurtleff checked to see if they wanted to speak or if they were here for an item on the agenda. Both citizens stated they were attending for an agenda item and would comment at that time.

No other citizens were in attendance.

3. Public Hearing - We Are Receiving Public Comments by Phone and Online Through Zoom. Citizens Are Limited to Two (2) Minutes for Comments. Written Public Comment May Be Directed to The Planning Department at Planning-Commission@Moabcity.org. To Ensure That the Planning Commission has the Opportunity to Review Written Comments Prior To The Meeting, Written Comments Will Only Be Accepted Until 5 Pm the Day Prior To The Public Hearing (March 10, 2021).

We are receiving public comments by phone and online through Zoom. Citizens are limited to two (2) minutes for comments.

Dial: 669-900-9128 Meeting ID: 851 4596 7275 Passcode (if needed): 443984

Link:

HTTPS://US02WEB.ZOOM.US/J/85145967275?PWD=AW9MSVQWNMP0MJBXELBJTSTLQY92QT09 Please note that when joining the meeting, you will be placed in a waiting room and will be added to the meeting by the moderator. Your comments will be recorded and on YouTube.

3.1 Public Hearing and Possible Recommendation to the City Council - ORDINANCE NO. 2021-04 A TEXT AMENDMENT REMOVING CHAPTER 17.74 “NOISE” FROM TITLE 17 “ZONING” OF THE MOAB MUNICIPAL CODE (“MMC”) AND RELOCATING THE NOISE PROVISIONS TO TITLE 8 “HEALTH AND SAFETY” BY CREATING SECTION 8.24 OF TITLE 8 “HEALTH AND SAFETY”

Planning Commission Chair, Marienfeld, opened the Public Hearing at 6:10 pm. Assistant City Planner, Shurtleff, confirmed that there was no present for this agenda item.

City Planning Director, Nora Shepard, explained that the currently the noise provisions are in the Zoning Code which is not typical. She clarified the noise provisions are usually in Health and Safety issue. She stated that noise provisions will be moved to a new section under Title 8 Health and Safety, and it will not change. It will be “cut and pasted” exactly how it is written. She added that this would make the amendment process different, making it easier for the City Council to make changes to it. Shepard said the City Council will discuss how they would like the noise ordinance to be modified at a Public Hearing on March 23, 2021.

Planning Commission Chair, Marienfeld closed the Public Hearing at 6:13 pm.

3.2 Public Hearing and Possible Recommendation to the City Council on ORDINANCE NO. 2021-05 AN ORDINANCE DEFINING THE POINT IN TIME AT WHICH THE CITY OF MOAB FORMALLY INITIATES PROCEEDINGS TO AMEND ITS LAND USE REGULATIONS

City Planning Director, Shepard, stated that the State of Utah Case Law have established the A Pending Ordinance Doctrine. She said that this means that if the City or County has initiated ordinance amendments, in applicants who apply within 180 days of the initiation of the ordinance revision, must follow the new rules. The applicant will receive a notification of this when they apply. She added that what needs to be in the code is a definition of what initiates proceedings. This ordinance would define the formal initiation as a Publication of a City Planning Commission or City Council agenda in which the amendment to the land use regulations is the subject of an agenda item, and/or public hearing, or the effective date of a resolution by the City Council stating that the City has formally initiated an amendment to the land use regulations and the proposed language of the amendment. She closed saying that this will allow us to use the existing provision in State Code.

Planning Commission Chair, Marienfeld, opened the Public Hearing at 6:15 pm. Assistant City Planner, Shurtleff, confirmed that there was no present for this agenda item.

Planning Commission Chair, Marienfeld closed the Public Hearing at 6:15 pm.

4. Action Item: Review and Possible Recommendation to the City Council on Ordinance 2021-04 A TEXT AMMENDMENT REMOVING CHAPTER 17.74 “NOISE” FROM TITLE 17 “ZONING” OF THE MOAB MUNICIPAL COD (“MMC”) AND RELOCATING THE NOISE PROVISIONS TO TITLE 8 “HEALTH AND SAFETY” BY CREATING SECTION 8.24 OF TITLE 8 “HEALTH AND SAFETY”

Motion and Vote

Planning Commission Member O’Leary made a motion to send a positive recommendation to City Council on Ordinance 2021-04 A TEXT AMMENDMENT REMOVING CHAPTER 17.74 “NOISE” FROM TITLE 17 “ZONING” OF THE MOAB MUNICIPAL COD (“MMC”) AND RELOCATING THE NOISE PROVISIONS TO TITLE 8 “HEALTH AND SAFETY” BY CREATING SECTION 8.24 OF TITLE 8 “HEALTH AND SAFETY”. Planning Commission Member Becnel seconded the motion. The motion passed 6-0 with Marienfeld, Wells, O’Leary, Becnel, Villalpando-Salas, and Wojciechowski voting aye.

5. Action Item: Review and Recommendation to the City Council on Ordinance 2021 -05 AN ORDINANCE DEFINING THE POINT IN TIME AT WHICH THE CITY OF MOAB FORMALLY INITIATES PROCEEDINGS TO AMEND ITS LAND USE REGULATIONS

Motion and Vote

Planning Commission Chair Marienfeld made a motion to send a positive recommendation to City Council on Ordinance 2021 -05 AN ORDINANCE DEFINING THE POINT IN TIME AT WHICH THE CITY OF MOAB FORMALLY INITIATES PROCEEDINGS TO AMEND ITS LAND USE REGULATIONS. Planning Commission Member Villalpando-Salas seconded the motion. The motion passed 6-0 with Marienfeld, Wells, O’Leary, Becnel, Villalpando-Salas, and Wojciechowski voting aye.

6. Action Item - Consideration and Possible Approval of Planning Resolution #03-2021, A Planning Resolution Approving the New Condominium Plat Application for The Kane Creek Condominiums, Property Located At 443 Kane Creek Blvd, Moab UT 84532

City Assistant Planner Shurtleff stated the applicant, Matt Niesen, and developer, Tye Shumway are in the waiting room and would join the meeting at this time.

Shurtleff started the presentation reviewing the location; 443 Kane Creek Blvd, property owner; Kane Devco LLC, applicant; Matt Niesen, parcel size; 2.07 acres, current zone; R-3 Multi-Household Residential Zone, existing use; vacant, and proposed use; 47 Unit Condominium Residential. Next, Shurtleff presented the vicinity map indicating 500 West and Kane Creek Blvd for reference. The recorded county plat was presented showing an existing boundary that extended into the City’s right of way. This will be reconciled with a dedication to the City. The proposed Condominium Plat to Phase I was presented and showing two buildings located on the south end of the property. The proposed Condominium Plat to Phase II was presented. Exerts of the approved site plan, approved in late 2019 or early 2020, were presented. Shurtleff briefly went over the narrative from the applicant and the background. He went over the process for a Condominium Plat.

Planning Commission Member O’Leary asked Shurtleff to clarify Mr. Shumway’s role. Tye Shumway stated that he is part of the development team and may be part of the building process as well. O’Leary asked if the Site Plan which was approved is valid for a year, meaning that the Planning Commission does not have to re-approve the Site Plan. Shurtleff confirmed this and added that the platting process is a matter of ownership capacity. Planning Commission Member Villalpando-Salas ask if there is a vacant lot for another building. Niesen explained the phases and spoke about the open space. He added that there could possibly be more units added in the future under the PAD. O’Leary asked if neighboring lots have been notified, stating that this development would affect 4 lot’s views “pretty substantially.” Planning

Director Shepard stated that the Site Plan has already been approved, and currently there are no provisions in the code regarding this and when the code is “revamped” this may be something to consider. She added that this complies with the code requirements.

Planning Commission Chair reviewed the options of resolution.

Motion and Vote

Planning Commission Chair Marienfeld made a motion to approve Planning Resolution #03-2021, A Planning Resolution Approving the New Condominium Plat Application for The Kane Creek Condominiums, Property Located At 443 Kane Creek Blvd, Moab UT 84532. Planning Commission Member Becnel seconded the motion. The motion passed 5-0 with Marienfeld, O’Leary, Becnel, Villalpando-Salas, and Wojciechowski voting aye. Planning Commission Member Wells abstained from the vote.

7. *Future Agenda Items*

Work Session to Discuss Seasonal Parklets

Planning Director, Shepard, stated that last year we adopted temporary permissions, based on Covid conditions, to allow parklets (outdoor dining) in the public right of way (ROW). She added that we wanted to possibly make this a permanent, seasonal option that would be considered through the Land Use Code. She said that the Land Use Code will be amended for the consideration of these parklets. Shepard presented the Parklet Information Packet. She briefly went through the packet. Shepard stated that the City Council is supportive of making this a permanent, seasonal option and that they were not interested in limiting the number of parklets or number per block. Currently the code allows some outdoor dining but in general outdoor dining had been considered a conditional use. The code no longer has conditional uses which makes a gap in the code. Shepard reiterated that the City Council is in favor of this code amendment.

Planning Commission Chair Marienfeld asked if the current parklets will be able to remain in use regardless of this not being in the code yet. Shepard stated that they will be issued now under Covid and we hope to have this in the code by June so that they can remain. Planning Commission Member O’Leary voiced her support for the parklets. Shepard asked the Planning Commission Member to review the packet that they received.

Shepard stated that additional non-conforming uses will be discussed in the future. She said that the City Council is discussing priorities and the hope is to give the Planning Commission direction on these priorities. She added that the City Council is interested in a Joint Work Session. The City Council is discussing reopening in-person public meetings. She discussed options for the Planning Commission. In-person meetings were discussed briefly.

8. *Adjournment*

The meeting was adjourned at 6:55 PM.