

**MOAB CITY PLANNING COMMISSION MINUTES**  
**June 8, 2023**

The Moab City Planning Commission held its regularly scheduled meeting on the above date in City Council chambers. Audio is archived at [www.utah.gov/pmn](http://www.utah.gov/pmn) and video is archived at [www.youtube.com/watch?v=JGqdKKogMSs](http://www.youtube.com/watch?v=JGqdKKogMSs).

**Call to Order:** Planning Commission Chair Kya Marienfeld called the meeting to order at 6:05 p.m. Commission Members Jill Tatton, Jeremy Lynch and Miles Loftin attended. City Planning Director Cory Shurtleff, City Council liaison Luke Wojciechowski, Assistant Planner Krystyna Dillard-Crawford and Planning Intern Luke Williams also attended. There were three members of the public in attendance.

***Citizens to be Heard:***

Mike Toninelli stated he has been a resident since 1976 and has resided at his current location since 1984. He said the property neighboring his own was zoned as Rural Residential and all the neighboring properties were Rural Residential. He said the City rezoned the neighboring property to Commercial-4 when it was annexed in 2012 and he noted he was not notified about the rezone. He said City officials told him there was no public notice requirement when rezones occurred at the time of annexation. He said he understands the current project is moving forward yet he requested concessions regarding buffering, drainage and stormwater control. He requested that the commercial project should treat adjacent homes in a neighborly way. He said his property floods every few years by runoff from the subject parcel and asked for an eight-foot fence and cited examples of high fences around town, including in the yard of a former mayor. He spoke about concerns regarding tall buildings neighboring his property and blocking his solar access in winter, he asked for more privacy and love for the neighbors, and concluded by questioning the propriety of converting a home zoned Rural Residential to C4 without the knowledge of neighbors.

***Approval of Minutes:***

Commission Member Loftin moved to approve minutes for the May 28, 2023, Regular Meeting. Commission member Tatton seconded the motion. The motion passed unanimously.

***Jasper at Mill Creek Apartments Level II Site Plan—Conditionally Approved***

***Presentation and Discussion:*** Planning Director Shurtleff introduced the proposed level II site plan for 156 apartments at 1537 Mill Creek Drive. He explained several items would need to be addressed before a building permit would be issued. Shurtleff described the architecture of the three story buildings as well as the landscape plan. Commission Member Loftin requested more information regarding buffering for the neighboring properties. Shurtleff presented the landscape plan for review. Engineering requirements for fences taller than 7 feet were discussed. Commission Chair Marienfeld asked for background on the annexation and zoning of the property and nearby properties. She also asked the applicant to comment on concessions requested by neighbors regarding buffering and drainage. Jake Cantor addressed concerns by addressing location of parking and orientation of buildings to address shade trespass, along with tree plantings and Cantor said he was open to increasing the fence height to 8 feet. Shurtleff stated an amended motion with an additional condition could be imposed to require a taller, engineered fence. Shurtleff also brought up drainage considerations associated with the amendment. Joel Cantor spoke as the property owner. He said he builds apartments across the nation and wants to bring quality housing to the area. He stated he was sensitive to the neighbor's concerns. He referred to a lawsuit settled between Mr. Toninelli and the prior owner, Mr. Hogan. He said architects considered landscaping and parking and he countered the request for the tall fence with practicality concerns regarding wind load and unsightliness. He argued for landscape buffering in lieu of a fence. An engineer for the project, Chad Anderson, spoke about drainage, pointed out a gully and washes, and mentioned significant retaining walls in the plans. Commission Member Loftin brought up the neighbor's concern with security and Commission Member Lynch requested elevations and more information

regarding the fence and its potential height. Commission Chair Marienfeld concurred and added she did not want the final consideration of the fence to delay the rest of the project's progress. The property owner stated the change in the fence would cost more than \$150,000 so he was not in a position to proceed with his lender until he received his final approvals. He also brought up the settlement reached with the neighbor and the prior owner. He said the prior plans were approved and stated the neighbor was now requesting further concessions regarding the fence since the litigation was settled. Mr. Cantor said he was opposed to the fence and it sets an untenable precedent based on the neighbor's perceived security concern regarding the tenants. He argued that delay would ultimately cost tenants more and would stymie the goal of providing affordable housing to the City's workforce. Commission Member Tatton requested clarification that a six-foot fence is currently in the proposed plan. Commission Member Loftin said he appreciates the effort the developer put into accommodating the neighbor. Commission Chair Marienfeld stated the great interest the City has in this type of development as it meets the need for affordable housing. She also noted that it is the duty of the Planning Commission to ask questions on behalf of citizens and analyze the possibilities and perspectives. She brought up the different use in the area and noted that whether the development was appropriate is a different question, and she appreciated everyone's patience.

**Motion and Vote:** Commission Member Lynch moved that the City of Moab Planning Commission conditionally approve **Planning Resolution 06-2023**, a planning resolution conditionally approving the Level II Site Plan for the Jasper at Mill Creek Apartments, Level II Site Plan on property located at 1537 Mill Creek Drive Moab, Utah 84532, with the following conditions: 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. provide the irrigation and landscape plans for review; b. geotechnical report recommends additional investigation on the detention pond due to a potential collapsible soil caused by infiltration. What are the measures you plan to take to mitigate this hazard? c. provide the retaining wall detail signed by a structural engineer; d. show the overflow structure details. e. provide a revised drainage study; f. resolve discrepancies in the Outdoor Lighting Plan in compliance with MMC 17.09.060-17.09.069; and g. provide verification that Parcels 01-0017-0001 and 01-0017-0002 have been consolidated. Commission Member Tatton seconded the motion. The motion passed unanimously.

### ***Shamrock Annexation Ordinance—Approved***

**Presentation and Discussion:** Planning Director Shurtleff reviewed the annexation process and pointed out the proposed zoning of the subject parcels as C-4 Commercial. He noted the Boundary Commission determined objections were nonqualified and the proposal was now ready for Planning Commission and City Council consideration. He described noticing requirements for the annexation, explained the origin of the annexation was proposed by the property owner rather than the municipality, and he noted the proposed uses for the property including mixed use commercial and workforce housing. Commission Chair Marienfeld pointed out the current County zoning of the property was Highway Commercial and the annexation would continue that use in the City's C-4 zone. She also said she looked forward to the public hearing at the City Council meeting in the event of a positive recommendation from Planning Commission.

**Motion and Vote:** Commission Member Lynch moved that the City of Moab Planning Commission forward a Positive Recommendation to the Moab City Council on **Ordinance 2023-10**, an ordinance approving the annexation of property located at 1480 South Highway 191 in unincorporated Grand County jurisdiction. Commission Member Loftin seconded the motion. The vote passed unanimously.

### ***Radcliffe Hotel Parking Agreement—Conditionally Approved***

**Presentation and Discussion:** Planning Director Shurtleff presented the proposal to use the adjacent former automobile dealership property for 27 offsite parking spaces for the existing north parcel in order to expand the dining facility into a full restaurant. Shurtleff brought up emergency access concerns with the current site and proposed uses of the south property for parking, emergency egress and a dining room. He said there was a complication in the proposal regarding a necessity for hotel valet parking

services due to the rules for off-site parking for the site. Commission Member Loftin clarified the elements of the conditional approval and spoke in favor of improved emergency access.

**Motion and Vote:** Commission Member Loftin moved that the City of Moab Planning Commission conditionally approve **Planning Resolution 07-2023**, a planning resolution conditionally approving the shared parking agreement request for Radcliffe Hotel on property located at 471 S Main Street & 481 S 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 the recording of approved agreement, including: a) an emergency and public access easement is placed on parcel 01-0001-0022 for the benefit of parcel 01-0001-0026, to allow emergency services and public access circulation from the Radcliffe Hotel onto and through the old dealership property; b) a building permit application is submitted and approved to construct a “curb cut” access between properties, sufficient to circulate emergency and public access; and c) a site plan application is submitted and approved for the eating establishment use and expansion on parcel 01-0001-0026. Commission Member Lynch seconded the motion. The motion passed unanimously.

### ***Permitted Use Concept & Residential/Commercial District Inversion—Discussion***

Planning Director Shurtleff explained there was a large increase in home-based business license applications due to the high cost for commercial spaces, which are at a premium. He raised the possibility of a zoning change to accommodate home-based businesses. He also mentioned community-based organizations such as nonprofits and a struggle for affordable space. He cited examples of bakeries, coffee roasters, outfitters and guide services. Commission Member Loftin brought up consideration of properties that are not appropriate for multi-family housing in the commercial zones and spoke about accommodating small business development within the context of large developments. Shurtleff explained market forces were angling occupancy toward higher-margin commercial development such as tourist amenities. Discussion ensued regarding the dearth of commercial kitchen space and the influx of nonprofits to the Free Health Clinic campus. Downzoning and the specter of new overnight accommodations were mentioned. Shurtleff brought up the forthcoming rewrite of the City code in the coming year with an aim to refine zoning, along with hurdles involved with allowed uses regarding home businesses.

### ***Future Agenda Items:***

Planning Director Shurtleff mentioned an upcoming discussion of the revised landscape code and the Dark Skies ordinance.

**Adjournment:** Commission Chair Marienfeld adjourned the meeting at 8:11 p.m.