

**MOAB CITY PLANNING COMMISSION MINUTES  
REGULAR PLANNING COMMISSION MEETING  
July 11, 2019**

The Moab Planning Commission held its regular meeting on the above date in the Council Chambers at the Moab City Center, located at 217 East Center Street.

***Regular Meeting—Call to Order and Attendance:***

Planning Commission Chair Allison Brown called the meeting to order at 6:00 PM. In attendance were Planning Commission Members Brian Ballard, Kya Marienfeld, Jeanette Kopell and Becky Wells. Also in attendance were Planning Director Nora Shepard, Assistant City Manager Joel Linares, and City Recorder Sommar Johnson. No members of the public and media were present. An audio recording is archived at: <http://www.utah.gov/pmn/index.html> and a video recording is archived at: <https://www.youtube.com/watch?v=tHhw46thBs4&t=2332s>

***Citizens to be Heard:***

There were no citizens to be heard.

***Discussion Item: Discussion on Moving Forward with Zoning for Overnight Accommodations***

Planning Commission members held a discussion regarding moving forward with zoning for overnight accommodations. Planning Director Nora Shepard briefed the Commission on the status of ordinance 2019-18. She explained that City Council reviewed the recommendation from the Planning Commission and they had a few housekeeping changes they wanted to incorporate into the ordinance. Planning Director Shepard also spoke with the Commission regarding Mayor Niehaus's request to incorporate the living building standards into the Moab Municipal Code. She mentioned that International Living Future Institute (ILFI) does certifications and has offered to come down and do some workshops. Commissioner Wells asked Planning Director Shepard which parts she felt would be good or realistic to do. Planning Director Shepard responded that plumbing for grey water for landscaping as well as waterwise landscaping and rainwater collection could be used. She explained that the second parameter of the living building challenge is place and it includes transportation, fitting in with the natural and built environment, and discussion about urban agriculture, habitat exchange, and human powered living. She indicated the next one was energy which is mostly solar panels. She explained that the next one is health and happiness which talks about indoor environment, civil environment, and biophilia, and this one might be a little more difficult to make objective. Commissioner Brown stated respectfully that she hopes the Mayor understands that implementing very many of the living building challenge properties would be extremely expensive and very restrictive. Commissioner Kopell stated she tend to be pessimistic about these living building challenges because of the cost and because it benefits someone else's pocket. She explained that once you are certified to be a green builder you can charge whatever you want to be building and that does not really help people that need housing because it is super expensive. Commission Chair Brown concluded the conversation about the living building challenge for this workshop until further direction is given by City Council and requested to move on with the discussion for this meeting.

Commission Chair Brown previously asked the Commission to come with their list of ideas that they would like to see in the downtown and north and south overlay areas. Commissioner Wells began her list with the C-3 zone and the idea of splitting it into two zones: C-3 and C-3(M) or Main. She explained that C-3(M) would run along Main Street with a requirement to have retail

on the ground floor and parking behind the building. She stated C-3, which includes all the other C-3 zoning, would be restricted to two-stories high but could potentially be three-stories if long-term housing was included as one of the stories. She also included a possible scale of units at six per quarter acre or small studio sized units for development. She explained that her approach was to modify each zone to protect what we are looking for. She stated that a new zone should be created for areas around 500 West and 400 North in order to make it more of a community node and remove it from the C-2 zone. She also discussed the scale of units at six per quarter acre and one space per bedroom for required parking in the zone. Commissioner Wells stated she lumped C-4 and Resort Commercial together that would allow camp parks, hotels, long-term housing and mixed use and possible require a certain amount of the ground floor to be retail or restaurant since the parcels are typically big. She included requiring oversized trailer parking and limiting the height of the building to two-story unless long-term housing was provided and potentially restricting the housing to people that live and work in the community. Commissioner Wells included in her list for the area potential grey water systems, design criteria that include colors and styles for the entrance in to Moab, as well as transportation from the north area into town by requiring electric bike rentals on site or a shuttle system to reduce traffic coming into downtown. Commissioner Brown commented that a shuttle system for employees was on her list as well.

Commissioner Ballard expressed concern about being too restrictive in the C-3 zone. He questioned why housing should not be allowed on the ground floor and why we are requiring a commercial activity if there is a housing need. He explained that he knows someone with C-3 property and they have not developed it because they do not feel there is a need for the bottom floor to be commercial. Commissioner Ballard asked why we continue to pass things that make it more difficult.

Planning Director Shepard stated that the discussion needs to focus on overnight accommodations. She agreed that we need more long-term rentals and perhaps the Commission can look at loosening the regulations for housing in the C-3 zone but that doesn't address whether new overnight accommodations should be allowed in the C-3.

Commissioner Ballard recommended reviewing the parking requirements and start making it so it is not so restrictive. He indicated that parking requirements for residential are very restrictive and asked why they are not changing those things.

Planning Director Shepard stated she understood Commissioner Ballard's concerns but explained that does not address the overnight accommodation question. She said the overnight accommodation question has to do with overnight accommodation and nothing to do with long term rentals or places where people live full-time.

Commissioner Wells commented that maybe in C-3 not on Main Street that they look to allow residential on all floors. Commissioner Wells indicated that down the road they need to discuss the parking requirements for apartments and residential development.

Commissioner Marienfeld stated if the Commission is going to propose code changes rather than an overlay then it might be easier to clean up the C-3 ground floor concerns at the same time but not with an overlay.

Commissioner Kopell indicated she was pessimistic as to whether the Commission can make any changes in a timely manner. She stated as far as overnight rentals are concerned there are many problems within the commercial developments in general that haven't been worked on that she

did not have anything to include. She believes there are other things to worry about right now as opposed to something down the road.

Commissioner Ballard commented that instead of shutting down overnight accommodations that we should be encouraging something else to go with it.

Commission Chair Brown indicated that the proposed overlay zone language states that thirty percent of the development must be mixed-use.

Commissioner Marienfeld agreed with Commissioner Wells and Brown that shuttles should be incorporated especially if the idea is to concentrate the overnight accommodations to the north end of town. She believed the idea is that the area would be more self-sustaining where people could stay and play, go to a restaurant and souvenir shop. She believes those that live and work in the downtown area should have priority for parking and transportation infrastructure. She explained that she hoped there would be more market forces for someone to choose to do something other than overnight accommodations. She indicated possibly incentivizing multi-family housing on land that could be an overnight accommodation should be part of the discussion. Commissioner Kopell commented that there should be something that the City could do to encourage more multi-family housing development.

Commissioner Marienfeld stated that her multi-family housing ideas were completely separate from new overnight accommodations because the information received from Landmark Design was that any new overnight accommodation will require some portion of the land to be housing but she would like to find a way to make multi-family housing financially feasible for someone that owns a ton of property to make a little profit and feel good for providing housing to the community.

Commissioner Marienfeld also believes that ground floor retail or office space is a no-brainer for a complex over a certain number of rooms. She questioned what distinctions the Commission wanted to make for overnight accommodations. She explained that she did not see a distinction between a large hotel or smaller individual units contributing to the problem because they both take up land but there was a distinction in the resources required. She wondered if there was an incentive that could be tacked on to the assured housing policy that says if housing is built onsite then the housing policy requirement is satisfied within the overlay district.

Planning Director Shepard informed the Commission that some developments subject to the workforce housing ordinance have utilized the fee in lieu of construction and others have developed housing onsite.

Commissioner Wells commented that she thinks it would be cleaner to not do overlays and change the zone and the code. She said her experience is that overlays are confusing and people often don't understand the process for the overlay zone. She believes it is more straightforward to let people know what they can and cannot do in their zone.

Commissioner Marienfeld stated she would like specific direction from City Council because she has heard that the intent of the use-by-right is gone and not coming back and they want a path for new overnight accommodations but that it is not guaranteed.

Planning Director Shepard agreed with Commissioners Marienfeld and Wells and her preference would be to not have the second legislative step with creating the overlay zone, applying it somewhere, and requiring someone to come in and ask for a legislative action to

apply to their specific property. She indicated her preference would be to get the regulations in the zones and become permitted uses under a bunch of conditions. She stated it was a good discussion for the Commission to have with Council.

Commissioner Brown stated she was scared of the overlays because they are walking down the path of subjective decisions, similar to the conditional uses that we had. She likes the idea of having the regulations in code.

Commissioner Wells stated that people want to know what they can and cannot do and it needs to be clear. Planning Director Shepard agreed that it is the uncertainty that people hate. Commissioner Marienfeld agreed and feels the Commission is on the same page but they will have to see what the City Council wants in that regard.

Commissioner Marienfeld believes it makes sense to err on the side of a little stronger regulations because the overlay is more subjective which means there would be more opportunities along the way to say no if some unforeseen thing came up.

Commissioner Brown started her list with campgrounds stating that long-term housing for employees should be onsite. She stated that, in general, oversized trailer parking should be required at some sort of percentage of the spaces required for the building.

Commissioners Ballard and Kopell agreed that oversized parking needs to be required. Commissioner Kopell expressed her concerns about requiring oversized trailer parking with all new developments.

Commissioner Brown stated she would like any overnight accommodations limited to two stories or a building height of no more than twenty-five feet, unless one of the stories is used for affordable or employee housing. She indicated downtown should be two stories, no exceptions. She said in the north it could be three stories as long as one of the stories is long-term or affordable housing. She asked if additional parking would be required if the ground floor is office or retail space.

Planning Director Shepard stated we have off-street parking requirements for different types of uses but it is possible that we could change the ratios if you are trying to get people to build a better product that is not just a sea of parking.

Commissioner Brown hoped that some pressure could be put on developments in the north area to provide some sort of employee and visitor shuttle to designated pick up spots downtown. She stated two or three hotels could put the shuttle together to help with parking congestion downtown and help employees get to their jobs.

Commissioner Wells did not think that was an unreasonable demand and she believes that would be a natural demand for the business owner to want to provide that service for people.

Commissioner Brown also questioned whether a definition should be included of what mixed uses are and what civic uses are. She did not feel it was very clear in the information that Landmark provided. Commissioner Brown referred to the information provided by Landmark regarding general open space requiring the development of parcels over five acres to provide a minimum of five percent open space as publicly accessible civic open space. She would like to see if that can be increased to ten percent with the possibility of waiving it if it were employee housing. In addition, the requirement proposed by Landmark that thirty percent of the

development must be dedicated to mixed uses, she would the ability to waive the requirement if that percentage is used as affordable or employee housing. She explained that the development could dedicate the percentage to mixed use or dedicate the percentage to affordable housing, but it would be in addition to the workforce assured housing policy requirements.

Commissioner Marienfeld questioned what, if anything, could be done to make to incentivize a property owner to keep the rent for retail and office space affordable. Commissioner Wells believes the market will take care of that concern.

Planning Director Shepard stated that in Salt Lake they required all the new apartment buildings to have flex space on the first floor with the idea that it would begin as the sales office but could eventually morph into a different use.

Commissioner Wells felt that it should be specified that the ground floor retail or office space cannot be related to the hotel or overnight accommodation so is not used simply for their office space or gift shop. Planning Director Shepard clarified that it should not be support space for the overnight accommodation.

Commissioner Wells stated that she thinks overnight accommodations on Main Street should be allowed to be three stories. She said the lots are very small so they would need to go up. Planning Director Shepard explained that if you allow three story buildings on Main Street then it incentivizes the one-story building owners to sell. She explained that she did not want to see everything on Main Street demolished for bigger buildings.

Commissioner Brown expressed concern about making too many changes to overnight accommodations or the overlay zone until the Council gives clear direction to the Commission. Planning Director Shepard suggested having City Council attend the Planning Commission meeting during a workshop on July 25, 2019 instead of the Planning Commission attending the City Council meeting on July 23, 2019. Commissioner Brown suggested the Commission focus on the regulations for overnight accommodations downtown first and then expand from there. She also discussed starting in the north but expressed her desire to start in one place and work from there. Commissioner Brown also stated she would like City Council to review their maps and decide if they wanted to adjust the boundaries.

***Adjournment:***

Commission Chair Brown adjourned the meeting at 7:10 PM.