

**MOAB CITY PLANNING COMMISSION  
MEETING**

**:: MINUTES: JANUARY 10, 2019:**

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Members Present: Brian Ballard, Kya Marienfeld, Allison Brown, Jeanette Kopell,  
Marianne Becnel (Arrived at 6:01pm)

Members Absent: None

City Councilmembers: None

City Staff: Development Services Coordinator Sommar Johnson, Assistant City Manager Joel  
Linares, Deputy Recorder I Stephanie Haycock

Members of the Public: 1

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The Moab City Planning Commission held their regularly scheduled Planning Commission meeting on the above date in the Council Chambers of Moab City Offices, located at 217 East Center Street, Moab, Utah. A recording of the meeting is archived at <http://www.utah.gov/pmn/index.html>. The meeting was called to order by Chair Kopell at 6:00pm.

**1. Planning Commission Workshop – 5:30 pm**  
\*\*\*\* No Workshop This Meeting \*\*\*\*

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**1. Election of Chair and Vice Chair**

Commissioner Kopell moved for Commissioner Brown to be chair and Commissioner Marienfeld to be Co-Chair. Commissioner Ballard seconded the motion. There was no further discussion. The motion passed 4-0 Aye

**2. Citizens to be Heard**

There were no Citizens to be heard.

**3. Public Hearing – Proposed Ordinance 2019-05**

An Ordinance Amending Moab Municipal Code Section 17.21.020, Permitted Uses and Regulations, to Allow Drive-Ins or Drive Through Services for Eating Establishments No Larger Than One Hundred Twenty Square Feet

Development Services Coordinator Johnson gave a brief overview of Proposed Ordinance 2019-05. Commissioner Marienfeld asked for an example. Development Services Coordinator Johnson Said that Wicked Brew is the closest thing to an example but it is bigger than what is being proposed. Chair Kopell opened the public hearing at 6:04pm. Jerry Beerends came up to the table to speak. He wanted to clarify what zone this was specific to. Development Services Coordinator Johnson stated that it is specific for the C-2 zone. Mr. Beerends stated that he lives by 5<sup>th</sup> west. His intent was to put in a Coffee Drive Thru but after doing his due diligence he realized that it would not be mesh with the neighborhood. He doesn't think that allowing

Drive-Ins or Drive through Establishments are what's best for the character of a residential neighborhood that it is not compatible. That a drive thru in that area would just increase the traffic and that is not what the neighborhood needs. Drive through Services only serve a special interest and it would be at the expense of public health, safety, and welfare.

Andrew Domenick said he didn't do his due diligence before he filled out his application to do a Coffee Drive Through and it was approved by City Council. He stated he wishes he would have as it would have saved a lot of stress for all involved. Commissioner Marienfeld asked him to be more specific. Mr. Domenick stated that he was approved by City Council to open a Drive through Coffee shop on the corner of T & H Corner store. Commissioner Becnel asked for clarification. Development Services Coordinator Johnson stated it was a mistake made on the City's part. Commissioner Becnel asked what is allowed or not allowed in the C-2. Development Services Coordinator Johnson stated that it excludes Drive Ins and Drive through Services. Commissioner Becnel asked if they are having a walk up window. Mr. Domenick said that is depends on the outcome of this issue. Commissioner Brown asked if in the C-2 if we allow Drive Ins is it a different issue to allow walk ups. Development Services Coordinator Johnson stated that no a walk up establishment is allowed in the C-2 as the current code reads. Commissioner Brown said we need to look at this as it could effect a lot of C-2 zones in Moab.

Theresa Butler said that everyone keeps forgetting this is a valley and for the City to continuing changing the zoning would not be good for multiple reasons. We got to work within our boundaries and stop changing the rules. That is why our four fathers set boundaries. Ms. Butler stated that overnight rentals and other changes are too much.

Public Hearing was closed at 6:26pm.

Commissioner Ballard asked what zoning is Knowles. Development Services Coordinator Johnson stated that Knowles is in the County. Commissioner Brown stated that the C-2 is the buffer zone. The decision is whether or not the Drive Ins and Drive through Services would create more traffic in those areas. Commissioner Marienfeld said that for her it is turning the C-2 into a thoroughfare. It has the potential to impact several areas. Commissioner Kopell stated that her problem is in her time she has approved a lot of these C-2's and she has come to hate them. She hates Williams Way. She stated she knows she should be objective and she understands that but it is not what she envisioned it to be. It is not for the neighborhood. It is for everyone else but the neighborhood. She has to say on the record that she cannot believe that this went through City Council and they did not catch this. She is very disappointed. Commissioner Marienfeld the definition of the C-2 and she is trying to think of pulling in and out from the in and out on a corner store and there is a valid concern there. There was discussion about the C-2's inside Moab City Limits and the places this would impact. Assistant City Manager Linares said that he wanted to say on the Record the City is the one asking for the change, in no way is Mr. Domenick responsible. The Commissioner's stated that they feel like this is spot zoning. Commissioner Becnel said that the C-2 zoning should be beneficial to locals not tourists.

#### **4. Action Item – Planning Resolution 01-2019**

A Resolution Recommending to City Council Conditional Approval of Ordinance 2019-05 Amending Moab Municipal Code Section 17.21.020, Permitted Uses and Regulations, to Allow Drive-ins or Drive Through Services for Eating Establishments No Larger Than One Hundred Twenty Square Feet

Commissioner Marienfeld motioned to vote on Planning Resolution 01-2019 to send this to City Council with an unfavorable recommendation. Commissioner Brown seconded the motion. There was no further discussion. 0-5 Opposed they are sending this to the City Council with and unfavorable recommendation.

**5. Future Agenda Items**

Joint City Council/Planning Commission Workshop – January 22, 2019

Chair Kopell adjourned the meeting at 6:43 pm.