

Agenda

GRAND COUNTY Planning Commission

September 14, 2016
6:00 P.M. Regular Meeting
Grand County Courthouse
Council Chambers
125 E Center, Moab, Utah

Type of Meeting:	Regular Meeting
Facilitator:	Dave Tubbs, Chair
Attendees:	Planning Commissioners, interested citizens, and staff

6:00 PM

Citizens to be heard *Chair*

Staff

Action Items	Conditional Use – Day Care Center General for more than eight (8) children at one time – Located at 4508 Vista Verde Circle – in the Pueblo Verde Subdivision	<i>Staff</i>
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	Discussion – County Resource Management Plan	<i>Staff</i>
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Action Item	Approval of August 24, 2016 Meeting Minutes	<i>Chair</i>
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	Future Considerations	<i>Chair</i>
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	Community Development Updates	<i>Staff</i>
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	County Council Update – Mary McGann	<i>Council Liaison</i>
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ADJOURN

DEFINITIONS:

Public hearing = a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public meeting = a meeting required to be open to the public pursuant to the requirements of Title 52, Chapter 4, Open and Public Meetings; the public may or may not be invited to participate.

Legislative act = action taken by the County Council or Planning Commission; amending ordinances, adopting general plan, Annexations, zoning and rezoning; a reasonable debatable action that could promote the general welfare of the community.

Administrative act = action taken by the Planning Commission, County Council or staff interpreting ordinances and regulations, conditional uses, approving subdivision, site plans, issuing building permits; an administrative decision must satisfy the requirements prescribed under state law or the County Land Use Code, whichever is stricter.

**AGENDA SUMMARY
GRAND COUNTY PLANNING COMMISSION
(September 14, 2016)**

TITLE:	Conditional Use – Day Care Center, General for more than eight (8) children at one time – Located at 4508 Vista Verde Circle
FISCAL IMPACT:	N/A
PRESENTER(S):	Mary Hofhine, Planning and Zoning Administrator

**Prepared By:
MARY HOFHINE
GRAND COUNTY
PLANNING & ZONING
ADMINISTRATOR**

FOR OFFICE USE ONLY:

Attorney Review:

N/A

STATED MOTION :

Move to send a favorable recommendation to the County Council for Moab Munchkins Day Care Conditional Use as submitted.

STAFF RECOMMENDATION:

Approve

BACKGROUND:

The Grand County Land Use Code requires day care centers to comply with standards of Section 3.2.2.B, when providing day care for more than eight (8) children. The applicant is currently operating a permitted day care from this site for eight (8) children.

ATTACHMENT(S):

1. Applicants statement
2. Fire Department approval
3. State Health Department approval
4. HOA letter of approval
5. Google map of site – illustrates parking and fencing



STAFF REPORT

MEETING DATE:

TO: Grand County Planning Commission

FROM: Community Development Department *Staff*

SUBJECT: Conditional Use Permit - Moab Munchkins Day Care

STAFF RECOMMENDATION

Approve

BACKGROUND

This application is submitted by Jeff and Jessica Dunn, property owners. The applicant is requesting conditional use approval for an in-home Day Care, which is conditional use permit (Sec. 3.1 Use Table). The applicant currently provides day care for no more than eight children, a limited Day Care (Sec. 3.2.2. C.) and is requesting a conditional use permit to expand the care to allow more than eight children, General Day Care (Sec. 3.2.2.B) which is conditional use in the SLR zone district.

Location

The property is located at 4508 Vista Verde Circle, in the Pueblo Verde Subdivision. A letter from the HOA states there is no objection by them.

LAND USE APPLICATION REVIEW

APPLICABLE LUC

Day Care, General (Sec. 3.2.2. C)

1. Care may be provided for more than 8 children at one.
2. Day care centers shall comply with all applicable state regulations.
3. All outdoor play areas shall be enclosed by a fence or wall with a minimum height of 4 feet.

Conditional Use Criteria (Sec. 9.11.6)

A conditional use in the Small Lot Residential zone district shall be approved where the County determines that there will be no significant negative impact upon residents of surrounding property or upon the public. The following criteria shall be considered in the application review:

Effect on Environment

The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property, nor cause substantial or permanent interference with the right to peaceful enjoyment of property.

Finding = The proposed facility is currently a State Licensed Day Care serving up to eight children, the expansion will allow up to sixteen children. The State licensing division, Fire Department, and Health Department, has reviewed the application and provided approvals.

Compatible with Surrounding Area

The proposed site plan, circulation plan and schematic architectural designs shall be complementary with the character of the surrounding area with relationship to scale, height, landscaping and screening, building coverage, and density.

Finding = the proposed use is in a residential area, a parking area is provided in the large drive way and side yard. The back and front yard are fenced to a minimum height of four feet.

External Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the county through the creation of noise, glare, fumes and odors, dust, smoke, vibration, fire hazard, excessive light, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.
Finding = The use is in a residential neighborhood, the HOA has provided a letter of acceptance.

Infrastructure Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the county through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.
Finding = additional parking is provided in the large driveway and adjacent graveled area. No new public infrastructure is required for the use.

Consistent with LUC and General Plan

The proposed use will be consistent with the purposes of this LUC, the General Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.
Finding = The area is compatible for the proposed use.

Parcel Size

The proposed use may be required to have additional land area, in excess of the lot area otherwise allowed by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.
Finding = No additional land area is required.

ATTACHMENTS

1. Applicants statement
2. Fire Department approval
3. State Health Department approval
4. HOA letter of approval
5. Google map of site – illustrates parking and fencing

Applicant Statement

To whom it may concern;

Jessica Dunn, Owner and primary caregiver at Moab Munchkins LLC would like to increase the children allowed in care from 8 to 16 children. The reasons for the increase are to allow workers and or secondary caregivers to bring their children to work. Secondly to help support the working families in Moab who have children. Moab Munchkins LLC currently has 10+ children on the waiting list.

Moab Munchkins LLC is a State Licensed Daycare participating in the USDA Food Program and is accepting payments through the Department of Workforce Services for low income families. We attend higher education trainings monthly to improve our abilities. We are dedicated to providing an enriching, safe and fun environment for the children. Moab Munchkins LLC is located in a family/child friendly neighborhood in Spanish Valley. We truly believe that we are bettering the community.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jessica Dunn', with a long horizontal flourish extending to the right.

Jessica Dunn

Moab Valley Fire Protection District

45 South 100 East, Moab, Utah 84532
(435) 259-5557

Commissioners:

Chairman: William H. Nelson

Tom Shellenberger

Ernie Lisonbee

Chief: Phillip Mosher

Assistant Chief: Monte Curtis

FIRE SAFETY INSPECTION CERTIFICATE OF FIRE CLEARANCE

Inspection Date: August 5, 2016 Inspection # 160805

Name of Facility: Moab Munchkins

Address: 4508 Vista Verde

Owner: Jessica Dunn

Phone: 435-260-0516

Occupancy Type: Child Care

This facility meets the minimum requirements for fire safety of a

R-4

Remarks:

Facility Representative: _____

Date: 8-5-16

Inspector: Phillip Mosher

Certification #: 1934612

Maximum Capacities

Applicant's Name Jessica Dunn Date 9/24/15
 Number of Applicant's Children Ages 4 through 12 1

Indoor Maximum Capacity

To determine the maximum capacity, first calculate the square footage of all rooms/areas of the home that the applicant identifies as those that will be used for child care. To do this, first divide each room and/or area into squares and/or rectangles sections. Then measure the length and width of each square and/or rectangle. When taking these measurements, use a tape measure and stretch it across the floor.

Use the following conversions when recording measurements:

- | | | |
|--------------------------|--------------------------|---------------------------|
| 1 inch equals .083 feet | 5 inches equal .416 feet | 9 inches equal .750 feet |
| 2 inches equal .166 feet | 6 inches equal .500 feet | 10 inches equal .833 feet |
| 3 inches equal .250 feet | 7 inches equal .583 feet | 11 inches equal .916 feet |
| 4 inches equal .333 feet | 8 inches equal .666 feet | |

Then, for each square and/or rectangle section, multiply the length times the width and add those numbers together. This is the square footage for that room/area. Add together the square footage of each room/area and divide by 35. (Carry each calculation out to three decimal points.) Do not round up to the next number.

You only need to measure until you determine there is enough square footage for the requested capacity plus the number of household members ages 4 through 12. If the calculated capacity of the rooms/areas designated for child care is less than the capacity requested by the applicant plus the number of household members ages 4 through 12, calculate the capacity of rooms/areas not designated for child care but used by the applicant's related children under age four and add those capacities to the capacities of the areas/ rooms designated for child care.

If there is enough square footage for the requested capacity plus the number of household members ages 4 through 12, there is enough square footage for the requested capacity. The requested capacity is the maximum capacity of the license/certificate.

If there is not enough square footage for the requested capacity plus the number of household members ages 4 through 12, reduce the requested capacity accordingly. The reduced number is the maximum capacity of the license/certificate.

Room/Area	Measurements	Square Footage
Front	15.916 x 12.833	204.250
Dining + Family	12.833 x 27.166	348.621
Playroom Bedroom on left	9.416 x 12.916	121.617
TOTAL INDOOR SQUARE FOOTAGE: <u>674.488</u>		INDOOR MAXIMUM CAPACITY: <u>8/16</u>

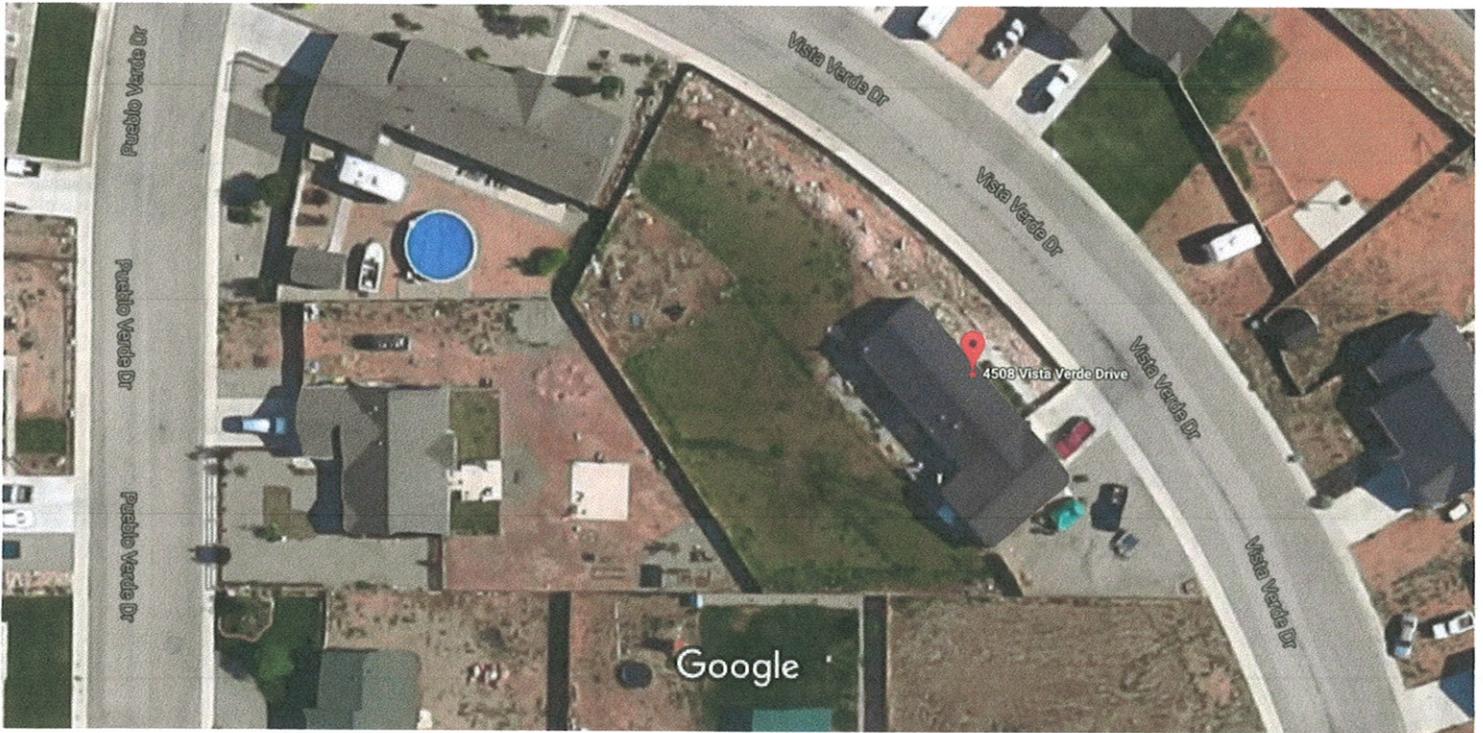
Outdoor Maximum Capacity

Use the same procedure for the indoor capacity, but divide by 40 instead of 35. You only need to measure until you determine there is enough square footage for the requested capacity.

Measurements of Outdoor Play Area 27 x 27 greater than
 OUTDOOR MAXIMUM CAPACITY 8/16 This is less than the indoor maximum capacity.

Use the back of this page if more space is needed.

*674 sq. feet of use
 1 per 250 sq. ft for parking
 3 parking spaces required*

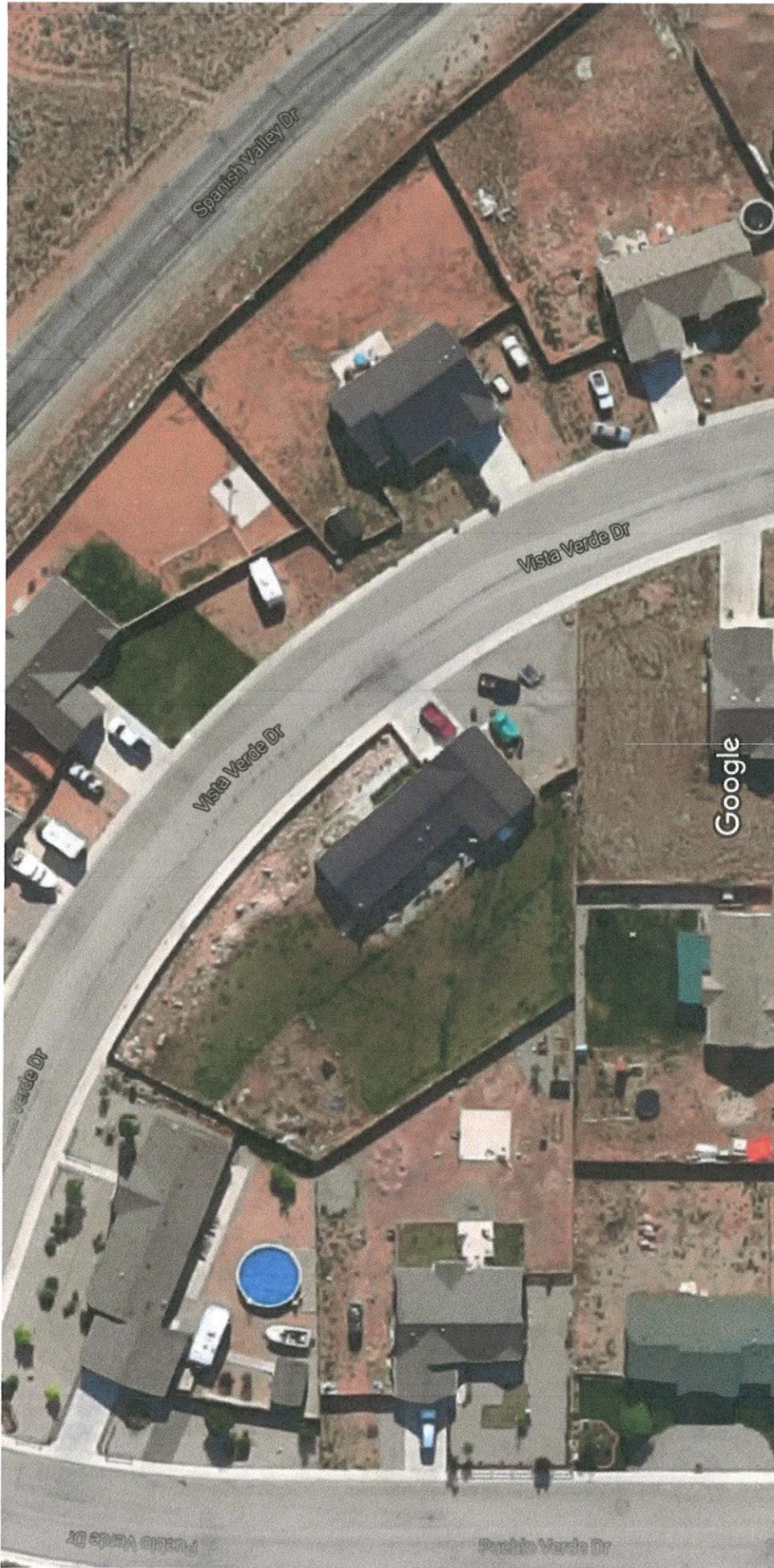


Imagery ©2016 Google, Map data ©2016 Google 20 ft



4508 Vista Verde Dr
Moab, UT 84532





Greetings;

Jessica Dunn has presented her interest in expanding her home based daycare to the residents of Pueblo Verde.

As of August 25, 2016 there have been no objections to, or concerns about this.

A handwritten signature in black ink, appearing to read "Michael McCurdy". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael McCurdy

HOA President of

Pueblo Verde Subdivision

DRAFT - unapproved
Grand County Planning Commission
Minutes

August 24, 2016

A regular meeting of the Grand County Planning Commission convened on the above date in the Grand County Courthouse, 125 East Center.

Members Present: Dave Tubbs, Joe Kingsley, Gerrish Willis, Cricket Green, Bob O'Brien, and Mike Duncan.

Members Absent: Ryan McCandless

Staff Present: Mary Hofhine and Zacharia Levine

Council Liaison: absent

Zacharia Levine introduced Kaitlin Myers, a Vista intern and will be here for about a year, she will be working with staff on assured housing plan.

The Chair convened the meeting at 6:00 pm and asked that all cell phones be turned off or silenced.

Citizens to be Heard – Bill Tucker with Sees (Citizens for Community Collaboration) invited the Planning Commission to a presentation regarding Retaining and Enhancing a Livable Moab, on September 19th at Star Hall. The planning manager and city engineer from Ogden City will describe how Ogden transformed itself from a down-and-out area to a nationally acclaimed city. Each speaker will detail the process for creating Ogden's vision and how the City works with residents and businesses to make it all happen. In this presentation, you can expect to learn about the benefits of planning, downtown revitalization, financing public works, historic preservation, and infrastructure development for community well-being. This event is hosted by Sees and the League of Women Voters.

Public Hearing – Land Use Code Amendment Section 9.17 Site Plan Review. Currently the Land Use Code requires site plan review approval by the Planning Commission. Site plans are administrative and as long as the applicant meets the requirements of the code a site plan shall be approved. Review by the Planning Commission becomes redundant and creates additional time constraints on the applicant.

The Chair opened the public hearing – there was no public comment.

Gerrish Willis asked if having the Commission review site plans was helpful. Staff explained that site plan review is administrative and reviewed by other County staff to assure the required standards are met. Building permits will not be issued until the minimum standards are met.

With no other comment the Chair closed the public hearing and called for a motion.

Gerrish Willis moved to forward a favorable recommendation for approval of the code amendment to the Land Use Code, Section 9.17 Site Plan Review. Seconded by Joe Kingsley and all voted in favor.

Site Plan Review - Star Point Enterprises, Don Hamilton applicant is requesting to expand the Star Point Office Space on 2431 Spanish Trail Road, by the addition of two, 2000 square foot, mini-storage buildings.

The property is located within the Highway Commercial (HC) zone district. Current uses include a 60 x 70 building used for office space and storage. The HC zone district is designed for high density housing and commercial activities. Prior to the issuance of a building permit for commercial use, LUC Sec. 9.17 requires that the site plan be reviewed and approved. Staff has determined that the site plan has demonstrated required minimum standards and recommends approval as submitted.

With no discussion, the Chair entertained a motion.

Joe Kingsley moved to approve as submitted, Bob O'Brien seconded and all voted in favor.

Site Plan Review – Slickrock Lodge, Millstream Properties, Brad Lyle representative. Review of site plan for a Lodge with eleven (11) bedrooms and a Bed and Breakfast with seven (7) bedrooms, to be located on 1343 So Highway 191 in a split zone district of Highway Commercial and Rural Residential. The property is located on a split zone of Highway Commercial (HC) and Rural Residential (RR) zone districts the County Council has endorsed allowing mixed zone district densities. The HC zone district is designed for high density housing and commercial activities, the Lodge will be sited on the commercial site. The RR zone district is a residential zone district and a home will be built on site for the use of a Bed and Breakfast.

Site plan review is administrative in action; staff is recommending a conditional approval of the site plan. We are still working with the engineer on the drainage plan, staff is asking for additional parking, lighting cut sheets are being requested, and a letter of approval from Rocky Mountain Power. Staff stated that no building permits will be issued until the conditions are met.

The applicant explained that the business plan is to use the site as a group destination, not necessarily as a hotel and are working within the County Land Use Code to accommodate the business plan. They will work with staff to get the missing components for the approval, prior to building permit.

Discussion – the Commission questioned the need for extraordinary parking needs and the access. The applicant explained that they have added the extra parking, but haven't provided the plan to staff yet. The access has been approved by the County Road Supervisor.

Bob O'Brien moved to approve with the following conditions being addressed before a building permit is issued:

1. The County Engineer shall approve, in writing, the storm water drainage plan prior to building permit.
2. Extraordinary parking and employee parking shall be included on the site plan.
3. Lighting cut sheets will need to be provided at building permit.
4. A letter of approval from Rocky Mountain Power.
5. A plan for signage and a permit are required.

Gerrish Willis seconded and all voted in favor.

Site Plan Review - Springhill Suites Motel, Lodging Logistics is the applicant, Julie Smith was there as the representative. Courthouse Wash Subdivision received final plat approval from the Grand County Council on July 19, 2016. The proposed use of Lot 3 is a Springhill Suites, which represents the second and final phase of hotel development on the property. The Applicant has provided the necessary application submittals, but awaits legal resolution to a survey discrepancy on the western edge of the subdivision. Building permits will be withheld until FEMA approval is received and the illegal billboard adjacent to US Hwy 191 is removed. The applicants brought the FEMA approval documents to the meeting.

The applicant's representative, Julie Smith, asked the Commission if the bill board could be left up until Certificate of Occupancy, the owner is working on getting the sign permitted by UDOT. Preston Paxman explained that the sign was under his ownership until a few years ago when he sold it to a sign company. They were unaware that the permit had lapsed and are currently working to get the permit reinstated.

Staff explained to the Commission that it would be harder to withhold a certificate of occupancy once a building is built.

The Commission discussed the issue and was sympathetic to the applicant, but they have been aware of the lapsed UDOT permit for at least a year.

Bob O'Brien moved to approve the site plan for Lot 3 of the Courthouse Wash Subdivision for a Springhill Suites Motel, with the following conditions:

1. Final site plan approval will be granted administratively following resolution of a resolution of a survey discrepancy on the western edge of the subdivision boundary, and
2. The non-compliant billboard adjacent to US Hwy 191 is removed or permitted prior to issuance of a building permit.

Seconded by Mike Duncan.

Dave Tubbs asked if the motion was for the billboard to be removed at certificate of occupancy or building permit. Staff re-read the motion for clarification that the motion was for the non-compliant billboard to be removed before a building permit can be issued.

The Chair called for the vote.

Dave Tubbs, Gerrish Willis, Bob O'Brien, and Mike Duncan voted in favor of the motion, Joe Kingsley and Cricket Green voted against the motion. Motion carries.

Approval of Minutes. The July 27, 2016 minutes were approved as written.

Community Development Department Update: Code amendments were approved by the Council.

County Council Liaison report: Ms.McGann was not in attendance.

Adjournment - meeting adjourned at 7:30 pm.