

KANAB CITY PLANNING COMMISSION MEETING  
SEPTEMBER 20, 2016  
KANE COUNTY COMMISSION CHAMBERS

PRESENT: Chair Person, Joan Thacher, Commission Members Arlon Chamberlain, Michael Downward, and Melvin Watson, City Council Member Brent Chamberlain and, City Planner Bob Nicholson, Zoning Administrator Mike Reynolds, Attorney Jeff Stott and Treasurer RaeLene Johnson. Commission Members Curtis Cutler, Marty Ott and Stuart Allan were excused.

Meeting was called to order by Chair Person Joan Thacher at 6:30 p.m.

APPROVAL OF MINUTES: A motion was made by Michael Downward and 2<sup>nd</sup> by Melvin Watson to approve the minutes of September 6, 2016 with proposed changes. Motion passed unanimously. Members Cutler, Allan, and Ott absent.

PUBLIC COMMENT PERIOD: Steve Hogseth suggested that the Commission read the minutes well in advance of the meeting.

PUBLIC HEARING FOR A PLAT AMENDMENT TO KANAB CREEK RANCHOS SUBDIVISION: This item has been rescheduled for October 4, 2016.

ADMINISTRATIVE REVIEW: Mike Reynolds explained the color and design for State Bank of Southern Utah's new metal roof and gutter located at 98 West Center Street. They are changing from shingles to metal. Melvin Watson felt it was great. It is consistent with the ordinance. A motion was made by Arlon Chamberlain to approve the color of the new roof at State Bank. It meets the color pallet of the downtown area. Motion 2<sup>nd</sup> by Melvin Watson. Commission Members Ott, Cutler and Allan absent.

PUBLIC HEARING ON PROPOSED CHANGE TO KANAB LAND USE ORDINANCE 20-4 ESTABLISHING A MAXIMUM HEIGHT OF 45 FEET FOR COMMERCIAL BUILDINGS AND ALLOW AN ADDITIONAL 3 FEET FOR A PARAPET WALL FOR A MAXIMUM HEIGHT LIMIT OF 48 FEET: Mike Reynolds explained that this was needed when the new La Quinta hotel wanted to go to 65 feet. The Commission agreed to stay with the present the tallest building height of 48 feet. The new Hampton Inn has a 45 foot height with a 3 foot parapet wall. A motion was made by Arlon Chamberlain and 2<sup>nd</sup> by Melvin Watson to go into a public hearing to discuss the above proposed ordinance. Motion passed unanimously.

Members Ott, Cutler and Allan absent. Kathy McKenzie wanted to know what the maximum height of hotels was before the last two hotels were built. Michael Downward explained that the maximum height was 35 feet with no limit on the parapet. Steve Hogseth wanted to know if the proposed height for La Quinta is still on the table. Mike Reynolds said the physical building has been resolved with a maximum height of 48 feet. JoAnn Rando Moon was concerned with the chocolate brown color of the hotel. She was told that the colors have not been brought before the Commission yet. Celeste Meyeres said she liked chocolate brown. A motion to go out of public hearing was made by Michael Downward and 2<sup>nd</sup> by Melvin Watson. Motion passed unanimously. Members Ott, Allan and Cutler absent.

Michael Downward suggested clarification on the parapet. He was wondering if someone was building a 44 foot building, do they only get 3 feet of parapet. He suggested removing the 3 feet. Mike Reynolds said the maximum height is 48 feet no matter how much is parapet. A motion was made to make a recommendation to the City Council for changes to the Kanab City Land Use Ordinance Section 20-4 establishing a maximum height of 45 feet for commercial buildings and allow an additional 3 feet for a parapet wall for a maximum building height limit of 48 feet by Melvin Watson and 2<sup>nd</sup> by Mike Downward. Motion passed unanimously by roll call vote. Members Ott, Cutler and Allan absent.

PUBLIC HEARING ON A PROPOSED CHANGE TO KANAB LAND USE  
ORDINANCE SECTION 4-12 HEIGHT EXCEPTION LIMITING APPLICATION ON  
COMMERCIAL BUILDINGS AND GUIDELINES:

Michael Reynolds explained the previous ordinance addressed the need for a conditional use permit, but since the ordinance has been changed to allow a 48 foot building, this section needs to be addressed stating what is allowed with a conditional use permit particularly for a commercial building. The different exceptions for conditional use permits were discussed. A motion was made by Melvin Watson and 2<sup>nd</sup> by Michael Downward to go into a public hearing to discuss the above mentioned proposal. Motion passed unanimously. Members Ott, Cutler and Allan absent. Caralee Woods asked if this wording in the Ordinance absolutely tells an applicant that's it. You can't come and asked for a staircase or anything else. That's all you get on a conditional use basis. Jim Page asked what were stairways on roofs. Some commercial buildings have a structure with an enclosure with stairways to get to the roof. Steve Hogseth asked about steeples. Could a motel request a conditional use permit for a steeple? Melvin Watson felt that steeples are pretty well defined. Jeff Stott stated that technically someone in a commercial zone could request a steeple, but it would have to come before the Commission for a conditional use permit. He recommended keeping the wording as steeple or eliminate it all together. Caralee Woods said that she could see a 35 foot apartment building. She asked if that is considered commercial. She was told that it is commercial. Jim Page felt that steeples should be eliminated altogether. Arlon Chamberlain said it should be listed in the exceptions. Jeff Stott said that the Commission is trying to eliminate so

many conditional use permits. A motion to go out of the public hearing was made by Melvin Watson and 2<sup>nd</sup> by Arlon Chamberlain. Motion passed unanimously. Members Ott, Cutler and Allan absent. Melvin Watson made a motion to recommend to the City Council changes to the Land Use Ordinance Section 4-12 Height Exception limiting application on commercial buildings and guidelines as follows: Building Height Exceptions applies to commercial zones, communication antennas, steeples on non-commercial buildings, FAA required lighting. Then the building exceptions that apply to non-commercial zones, steeples, flag poles wireless communication and chimneys. Motion 2<sup>nd</sup> by Michael Downward. Motion passed unanimously by roll call vote. Members Ott, Cutler and Allan absent.

**PUBLIC HEARING ON PROPOSED AMENDMENT TO KANAB LAND USE ORDINANCE CHAPTER 4-33 DEALING WITH SHORT TERM RESIDENTIAL RENTAL PROPERTY ALSO REFERRED TO AS VACATION RENTAL PROPERTY:**

Joan Thacher made a full disclosure that she has a vacation rental, but she will remain as chairperson since she doesn't have a vote. Mike Reynolds said that the purpose of the ordinance isn't to eliminate vacation rentals. A motion to go into a public hearing to discuss the above mentioned amendment by Melvin Watson and 2<sup>nd</sup> by Arlon Chamberlain. Motion passed unanimously. Members Ott, Cutler and Allan absent. Mr. Doug McNair read a list of comments he had written regarding the proposed changes for short term leases of residential properties. He felt that the Commission was too quick to make regulations in response to misrepresented situations and complaints. He wanted to go on record as saying that Mr. Rogers had spoken to him only once about his rental unit, asking if we'd modify their porch light so that it didn't shine into his window. That was done immediately. He believes that short-term residential rentals are a golden opportunity to improve tourist services. He requested that the commission rather than reacting hastily to one or two complaints alienating many small businesses in the process, delay consideration of this ordinance and the interpretation of other relevant ordinances which impact his businesses until they meet directly with a representative of the affected business people. Bryant Shakespear addressed the Council. He said he has a short term rental. It has been a more positive experience than his long term rental. There were more complaints from long term rentals. The returns are greater, and the money stays in the community unlike large chain hotels. Judy Percell stated she comes to Kanab three or four times a year and stays at vacation short term rentals. They are always well-kept. She has never had a bad experience. Austin Soderquist said he rents out rooms in his house. The whole family has a great experience meeting people from all over the world. The Homeowners Association where he lives is not allowing him to do that anymore, so he is moving to Fredonia. La Estancia lost a homeowner, and will now have a rental. Melvin Watson said the Commission just wants businesses licensed, paying taxes, and doing everything by the book. It is an easy process to follow the steps. Caralee Woods wanted to know how you find people who are not following the law. Is there a way to get punitive

damages? She said she doesn't like people to cheat the system. Jeff Stott said that it will become necessary to put your business license number on the advertising site. Mr. Gotzetzberg said he applauds the amendment. There needs to be a definition of a vacation rental. Everyone needs to pay their TRT tax which at the present time is 13 h per cent. It was noted that after October 1, 2016, Air B & B will be collecting all the taxes. Jody Vandine addressed the Council. She works at the Hampton Inn. She wants to be a part of the community. The Hampton Inn will send people to other motels when they are full. She would also like to help out the short-term rental businesses by sending people their way also. Celeste Meyeres had concerned about the Short Term Rental businesses being targeted with extra regulations. Why is their smoking 25 feet from other business, but 30 feet from short term rentals? She also didn't think it was fair that business licenses cannot be approved unless they show proof of having paid all sales and TRT taxes regarding bookings for their property from the previous year. She also mentioned the garbage needed to be removed within twenty-four hours of tenants leaving the property. Melvin Watson explained that other businesses are not next door to residential homes. When people purchased their homes, they thought they were in a residential zone. Jeanne Hogseth stated that everyone should start with a clean slate. Pam Comstock wanted to know who she should report a problem with a short-term rental when the owner lives out of state. The Commission discussed absentee landlords. Nichols Meyeres was concerned with not as many people getting the information. He felt that this should be tabled until every item could be talked about. More people need to have input. Mike Reynolds read two letters that had negative comments for the short-term rentals. They felt like the homeowner's insurance would raise because the homes turn into a motel. It also pits neighbor against neighbor. There is also a fear of strangers in the neighborhood. Keep businesses in town. A motion was made by Melvin Watson and 2<sup>nd</sup> by Michael Downward to go out of public hearing. Motion passed unanimously. Member Ott, Cutler and Allan absent. Mr. Bob Nicholson asked the Commission about absentee owners. He asked if that was an acceptable way to operate. The Commission agreed to better advertise the meetings to reach more people. A motion was made by Arlon Chamberlain and 2<sup>nd</sup> by Melvin Watson to table this item until there can be more public input. Motion passed unanimously. Members Ott, Cutler and Allan absent.

A motion to adjourn was made by Michael Downward and 2<sup>nd</sup> by Melvin Watson. Motion passed unanimously. Members Ott, Cutler and Allan absent.

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Chairperson

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Date