

Kanab City Planning and Zoning Commission

Kane County Commission Chambers

October 4, 2016

PRESENT: Chair Person Joan Thacher, Chair Pro Tem Mike Downward, Commission Members Marty Ott, Arlon Chamberlain, Stuart Allan, Business/Land Use Coordinator Mike Reynolds, City Council Liaison Brent Chamberlain, Reed Mann Attorney for the Kane County Planning Commission and secretary Katherine Ohlwiler.

NOT IN ATTENDANCE: City Planner Bob Nicholson, City Attorney Jeff Stott, Commission Members Curtis Cutler and Melvin Watson.

APPROVAL OF MINUTES: Mike Downward made a motion to approve the minutes from the previous meeting with changes. Marty Ott 2nd the motion. Motion passed.

PUBLIC COMMENT PERIOD: None.

ADMINISTRATIVE REVIEW AND APPROVAL FOR LA QUINTA: Kim Campbell, Architect for La Quinta, presented to the Commission samples of the materials to be used in/on their hotel. Mr. Campbell also went over the lights, layout of their proposed plan on the property and the pool. Michael Downward made a motion to approve the Site Plan as presented on La Quinta and made the finding that the application meets the requirements of Chapter 9 of the Land Use Ordinance as noted by staff. Marty Ott 2nd the motion. Motion passed by roll call vote.

PUBLIC HEARING AND DISCUSSION FOR A PLAT AMENDMENT TO KANAB CREEK RANCHOS SUBDIVISION, SUBDIVIDING PARCEL K-134-707 IN TWO EQUAL 2.51 ACRE PARCELS LOCATED AT 2011

SOUTH HOPI DRIVE, KANAB, UTAH: Mike Reynolds explained that this plat amendment meets all the requirements of the Land Use Ordinance and has no issues with the land split. Stuart Allan made a motion to go into Public Hearing. Mike Downward 2nd the motion. Motion passed. Celeste Meyers explained that she can see this lot from her house but it does not bother her that they want to go through the proper channels to make this lot split. Jim Page wondered why there wasn't a public hearing regarding the La Quinta Site Plan presentation. Reed Mann explained that the Commission was making an administrative decision on the La Quinta and therefore a public hearing was not needed. Chairperson Joan Thacher explained that it is not required to hold a public hearing. Brent Chamberlain explained the Site Plan met all the requirements and the Planning Commission isn't in the position to deny it, they could take public comment but they couldn't change their Site Plan if it does meet all of the requirements. Steve Hogseth explained that a gentlemen had made a comment to the Site Plan presentation but it was shut down yet it could have been an improvement, he went on to wonder how can you give feedback if you don't know what will be said. Mike Reynolds explained that everything that was presented met all of the requirements, and if the public had an idea to improve something they could go to the applicant and suggest that or suggest something to be put into the ordinances through the Planning Commission. Stuart Allan made a motion to go out of Public Hearing. Stuart Allan made a motion to recommend the Plat Amendment to Kanab Creek Ranchos Subdivision subdividing Parcel K-134-707 into two equal 2.51 acre parcels located at 2011 South Hopi Drive, Kanab, Utah with the findings that staff has reviewed this and found that it does not change zoning and is following a

precedence that has already been set by other properties that have been subdivided. Mike Downward 2nd the motion. Motion passed by roll call vote.

PUBLIC HEARING AND DISCUSSION ON A PROPOSED AMENDMENT TO KANAB LAND USE ORDINANCE CHAPTER 4-33 DEALING WITH SHORT TERM RESIDENTIAL RENTAL PROPERTY, ALSO REFERRED TO AS

VACATION RENTAL PROPERTY: Chairperson Joan Thacher recused herself from this because she has a vacation rental. Mike Downward Pro Tem took over. Arlon Chamberlain made a motion to go into Public Hearing. Stuart Allan 2nd the motion. Herb Alexander explained that he has a rental property in the county and wondered if there has been an opportunity for people who do have rental properties to get with the City and sit down with a big group and talk about it. Mike Reynolds explained that he has had a few people ask him about this issue but perhaps having a different meeting would be good. Celeste Meyers thinks it would be good to have a back and forth on equal footing about this topic being more of an interactive discussion. Charlie Saba recalled several people talking about buying their homes in a residential area which soon becomes clouded with rentals making it not so residential. Doug McNair wondered where section 4-33 was as it was being referred in the Land Use Ordinance and also wondered about the section under 3-C about multiple bedrooms in the same house. Mike Downward explained to Mr. McNair that section 4-33 is proposed. Larry Erdmann has vacation rentals in the county, he read through the ordinance and thinks some things are weird and unenforceable he explained that the vacation rentals do get rated by their customers and somewhat self-regulate themselves on some of the issues. Mr. Erdmann explained that someone having people stay in different rooms would classify as a Bed and Breakfast and he went on to talk about setback requirements and turning accessory buildings into livable spaces. Mr. Erdmann also explained that the public gets frustrated when they come to a meeting and are being told they could've looked online and dug through a PDF and dug through the State Website to find what the Commission is discussing is really hard to accept as a public, they want to be able to speak to the Commission when an issue arises and have a dialogue. Steve Hogseth wondered about TRT Tax. He believes there should be some sort of leniency with the business and wants to let everyone start with a clean slate. Larry Erdmann wondered if the City requires other businesses in town to show that they pay their sales tax. Doug McNair expressed that the no smoking ordinance should be looked at again because it could cause neighbor to neighbor issues and also the ordinance should make a property owner responsible. Celeste Meyers thinks that one of the things that made this City special was the support there was for home based businesses, some people buy a place thinking they will have a residential neighborhood and others buy knowing there are other business possibilities that could happen. Stuart Allan made a motion to go out of Public Hearing. Mike Reynolds explained the feedback he has received from the public on this issue. Mr. Reynolds believes a forum or a committee type group is necessary. Brent Chamberlain explained that not every business has the same state regulations. Having a forum to work through some of the complex issues would be very beneficial. Mike Reynolds will figure out with the Commission a plan for a public meeting/forum to discuss vacation rentals.

PUBLIC HEARING TO DISCUSS AND RECOMMEND REVISIONS TO THE KANAB CITY LAND USE ORDINANCE CHAPTER 1-6 [DEFINITION OF BED AND BREAKFAST INN] AND CHAPTER 4-33

[TEMPORARY LODGING] SECTION 2 [BED AND BREAKFAST INN] REDEFINING TO OR NOT TO REQUIRE PROVIDING BREAKFAST FOR OVERNIGHT GUESTS: Mike Reynolds explained the issue that came up with bed and breakfasts is one part of the ordinance says they may offer breakfast and the other part does not. Mike Downward made a motion to go into Public Hearing. Stuart Allan 2nd the motion.

Celeste Meyers expressed that she does run a bed and breakfast and in her opinion she would prefer to not have it required to serve breakfast but rather it be optional. The consensus was to continue this discussion with the vacation rental discussion.

STAFF REPORT: None

COMMISSION MEMBER REPORT: None

COUNCIL MEMBER LIAISON REPORT: None

Mike Downward adjourned.

Chairperson

Date