

Kanab City Planning and Zoning Commission Meeting
January 15, 2019
Kanab City Council Chambers
26 North 100 East
6:30 PM

Present: Chair Chris Heaton, Chair Pro Tem Scott Colson, Commission Members Breck Judd, Donna Huntsman, Joan Thacher, Arlon Chamberlain, and Ben Clarkson; City Planner Bob Nicholson; Land Use Coordinator Mike Reynolds; Attorney Jeff Stott; and Administrative Assistant Janae Chatterley.

Not in Attendance:

Approval of Minutes: Correction needed on line 43 (spelling error). A motion was made by Scott Colson and 2nd by Breck Judd to approve the minutes from December 18, 2018 with the amendments. Unanimous vote, motion passed.

Public Comment: Wendell Head wanted a response on a discussion that took place at Kanab City Council, where he asked the Mayor if Best Friends had submitted a proposal. He asked if the Planning Commission would respond or explain why the Mayor said there was not a proposal. Chris Heaton responded that he could not speak for Mayor and that he was not aware of the conversation or what occurred at the City Council Meeting.

Public Hearing and Discussion for a proposed zone change to Parcel K-19-8-ANNEX from RA [Residential Agriculture] to a RM [Residential Multifamily] zone. The property is 30.46 acres of undeveloped property located at an approximate area just East of 857 S Hamblin Dr., Kanab, Utah. [Applicant; Karen Alvey and Best Friends] Mike Reynolds discussed that the proposal for Best Friends came about several weeks ago and was postponed at the request of Best Friends. The proposal is for medium to low density which is appropriate for the area the property is located. He displayed the projected plan and design for the commission and public to view. The smallest dwelling that is planned to be around 990 sq.ft. The future land map allows medium density and the projected plans are well below the medium density requirements. Chris Heaton commented that his employer is Iron Rock Engineering and if the vote is a tie he would not be voting. He explained the process of the Public Hearing and that any homeowner who received notification from the city would get precedence in the meeting. He asked that all comments are kept to three (3) minutes. Bart Batista, representative of Best Friends and the project, explained that the request was originally submitted back in November but was withdrawn. Flyers were provided to the neighboring properties of the projected plans, based on the conversations and feed back from the neighboring properties, Best Friends decided to reconfigure their plans with some of the concern that were provided during the feedback. Bart commented that with all the vacation rentals there are not adequate long-term rentals. Amenities are better in town and is staffs preferred location. He explained that there are logistical problems to do a housing project up at Best Friend's, there is not adequate water supply in the canyon near the Best Friends Headquarters for this size of housing project. He provided a description of the design plans for the homes and that they are Zip Kit Homes out of Cedar City, UT. He is aware of the concerns regarding the dogs and stated that not all Best Friend employees' own dogs. There will be a property management company managing the community. If a nuisance occurs for any reason the Rules of Residency can be adjusted to help prevent and eliminate those issues. Mike Reynolds reminded the commission that many times we are receiving or hearing hypothetical issues and that Kanab City has ordinances in place noise violations or other nuisances. This area should be addressed in the same manner as in any other part of the city.

Chris Jaussi, representative from Zip Kit Homes, discussed their design and how the building materials for the home can be adjusted to matching the communities and neighborhoods of Kanab.

Chris Heaton discussed how a decision is made at the Planning Commission for zone changes. He explained that the commission could make a recommendation to City Council to approve or deny the request and that the recommendation would then go to City Council to make the final decision.

Ben Clarkson makes a motion to go in and out of public hearing, second by Joan Thacher.

Chris Heaton asked for a show of hands for the residents that are living within 140 feet of the property.

Richard Gray asked where the property in discussion is located and the street locations. Asked why the street would not come off of Powell.

Mike displayed and explained that the street will come off of Hamblin Dr and would be the street access for the property with a private road. This is the applicants design and they have access between the two properties on Hamblin but do not have access on the properties between Powell.

Diana Bell asked how much of the property would be developed and to show it on the satellite view.

Mike explained that the whole property was being used but only about 1/3 of the acre would be actual housing, there is a lot of "green" or open space surrounding the buildings.

Bob Nicholson explained that most of the property will be left as open space.

Chris Heaton reminded everyone that we do not want a lot of back and forth comments. To please state your comment and we will try to address them after.

Kristen Griffiths has concerns about the size of the road that the new road will come into.

Commented that as a home owner they chose to build on this side of the Ranchos because everyone has about 3 acres, she wouldn't mind houses being built on this property if they had the same acreage for each house. She is also concerned about the turnover of employees/renters and possible increased crime rates.

Kathy Horton is also concerned about the streets and traffic as well as accessing or vacating in normal situations and during emergency situations.

Levi Lefevre does not have an issue with the projected plans. He is more concerned with the traffic and streets. There is already congestion with the residents that live in the Ranchos. He feels like the development should be required to install sewer and not be on septic systems. Feels that since duplexes are not allowed in the Ranchos unless they are on sewer, he feels that this development would be counterintuitive to allow on septic. He would like the city to re-visit the future land map and keep that area as a low density and not as medium density.

Samantha Lefevre her property butts up to this property. She is concerned about the high turnover rate with employees and tenants changing frequently. She has small children and a transient population is a concern for her. Her and her husband decided to buy her property due to the low density and large lot size. The properties there are agriculture and rural residential they have horses, goats and dogs. She has concerns on more dogs in the area and the effects that would have on her own animals.

Michael East had a question for the city attorney, Jeff Stott. In a previous meeting it was discussed that only two dogs were allowed per property or with a permit up to four dogs with a permit. He would like to know if that has changed.

Jeff Stott explained that the ordinance does read that but that the city is not currently practicing that with apartment complexes or other types of multi-family developments. That would need to be clarified and addressed. A literal reading would say that but in an apartment complex that is one property with one owner there are more than two dogs there.

Krista Werlinger commented that she bought the property in the Ranchos because it was open and considers the proposed area her backyard. Concerned about the streets and traffic.

Andrew Corry is concerned about traffic and possible moving violations or accidents near his mother's property and any damage to the property that may occur with those accidents.

Darlene Judd resident of the Ranchos she is concerned about increased traffic since the Ranchos only has two entrances/exits. Speed is also a concern, currently the speed limits are not being followed and additional traffic will enhance the problem.

Wayne Halverson resident of the Ranchos also agrees with the concerns already voiced regarding speed and traffic. He also asked about impact fees and property taxes with their 501(c)3.

Marjorie Wolfe commented that it doesn't seem like Best Friend's hires locals and she feels that locals should be hired first before relocating workers to Kanab.

Collette Cox is the President of Kanab area Chamber of Commerce is attending on behalf of the Chamber of Commerce, housing for employees especially hospitality employees is one of the greatest challenges facing our businesses in Kanab. It is very hard to recruit and retain employees not only for Best Friends but also the hospitality businesses. Hospitality and tourism are the cornerstone of our local economy. Implementing the ordinances that allow a minimum square footage of 720 on homes was an important first step to opening up some building projects. This project with Best Friends will be huge not only for them but for other businesses in the area, because these 45 units that will be built that will open up 45 other units in town. I encourage you to think outside of the impact just on Best Friends and the staff but the impact this will have on the local economy.

Jim Rasmussen commented about isolating employees in one place, he felt that this accentuated the us versus them mentality that exists here in Kanab. Duplicated concerns about traffic and street concerns, would like to see the street corner corrected at the Kanab Creek Drive and 1100 South before any developments are done.

Richard Anderson duplicated the concerns about speeding in the Ranchos. Most of the traffic is on Powell from Stewart to the creek, not only do they get most of the traffic they get the ATV, UTV and dirt bikes. Also voiced concern about putting high density in a low-density area. If this is approved what about the other properties on Powell drive, there is a large area that could be developed if somebody wanted to develop it.

Steve Judd had questions about the old Four-Season Hotel that Best Friends purchased and what was being done with that. He also voiced concerns that if the hear say is true and an Elementary School is built in the Ranchos this will add even more traffic.

Michelle Page asked why Best Friends sold all of their rental homes. She was under the impression that this was done because Best Friends did not want to be in the real estate or rental business.

Richard Grey concerned about traffic and streets, and safety of the residents using the roads for walking, horseback riding, and bike riding. He does not feel like this is the best use of the land. Concerned about the turnover rate of employees and safety in the community.

Mike Aziz relocated to Kanab to retire he is concerned about the increased traffic and the volume all at one-time as the employees are heading to and from work.

Diana Bell is concerned about changing the density and setting the wrong precedence for future developments.

Chris Heaton asked the Public to voice concerns that have not been heard. We have heard about the street and traffic concerns and septic/sewer. He asked if there are any other factual concerns that anybody would want to voice.

Hal Hamblin asked if the zone change occurs and approval given for the project could more houses be added at a later date. He strongly encourages the commission to keep open space. He voiced that the dog issue needs to be addressed and if it would be employees or volunteers occupying the residences. Please think of the property owners and the rest of the citizens of Kanab when you make your decision.

Stacy West feels that there are other properties available for this type of development.

Hal Hamblin asked if water is an issue in the canyon near the Best Friend's headquarters could the city extend the water lines up to them.

Marjorie Wolfe asked how many of the units that will be opened up in the city will be turned into VRBOs.

Terry Simpson commented that housing is an issue but this is the wrong location. The dog barking will echo down the creek, concerned about sewage leaking into the creek and contaminating the water. She believes it is a good project just not the right location and if forced it will only cause more friction in the community. Feels like the community should come together to try and solve the problem and not try to force a development in an area that may not be the best location.

Collette Cox commented that as the Planning Commission and the City Council votes that they would remove the thought of Best Friends and that this is a Best Friend's project, if this was the school district, BLM or Stampin' Up we may not have this large of a turnout. She urges the commission to be unbiased and focus on the concerns voiced and housing issues in Kanab. Housing is at a crisis level in Kanab.

Dave Bishoff asked about the housing size of 900 sq.ft. and if this is the new standard for housing sizes in Kanab.

Richard Anderson been a member of Best Friends for many years this is not about us and them it is about the development.

Wendall Head lives on Vermillion, the residence of the Ranchos would reject regardless of who is behind the project. He feels like the wrong location was chosen.

Jo Stewart grew up in Kanab and just moved back. We chose to live in town because they like the density. When they built the Ranchos it was a subdivision, subdivision implies at some point zoning. I also understand now that it is incorporated as part of the city. Those things you can't pick and choose what you live by, if you want to live in a city you follow the zoning. Kanab is not going to get smaller, now is the time to look at the future not the past. We are going to have denser housing people are moving in. Look at the big picture, Kanab is a great place, if you were to take this project and move it out East you will have the same issues with a different group.

Glenn Parrent feels like the VRBO market is going to slow down in the next few years and the houses will be turned back into long-term rentals.

Rose Molina moved here to work at Best Friends when she was looking for places to live there were not any rentals and she had to buy a house sight unseen. She would have loved to have the opportunity and less stressful situation of renting a home to ensure she was secure in her employment and liked the area. During her process of becoming a Best Friends employee she went through one of the most rigorous back ground checks she has ever endured. They hold their employees to a very high standard.

Kathy Horton feels like the infrastructure needs to be addressed before a development like this is built.

Jeff Wright would like the dog issue addressed on if two or four dogs would be allowed.

Mike responded the question is how many dogs would be allowed on the property where you have one owner but single units. It is a matter of the spirit of the law, the technical part of the law and what the law is intended for. There are various views on that and until that is straightened out, I can not give you an answer on that. Other than to tell you if it was a single-family residence it would be entitled to two dogs but they could apply for a permit for up to four dogs with a fenced yard.

Wayne Halverson asked if the four-dog limit would apply to foster dogs.

Kent Douglass concerned about sewage leaking into creek.

Joshua Baird asked if the city works with a geologist to help with the flooding.

Paul Mont asked what it would take to get water up to the canyon.

Richard Grey is also concerned with the stormwater and run-off.

Mike Aziz asked where the storm water will be directed.

Krista Werlinger is concerned about water issues.

Chris Heaton went out of Public Hearing.

Mike Reynolds discussed the zoning requirements for the sq.ft. allowed in each zone

Bart Batista addressed the concerns the public commented on. The property was selected because it was the most affordable property in the area. Going East of town adds to the commute time for the Best Friend's employees and does not provide the conveniences of the city. The cost

to build out east can be more expensive if they run into clay soil. Properties out East of town are not affordable. The housing is for employees not for volunteers. They do not have the water rights in the canyon and do not have sufficient supply of water for this project. Best Friends does not want to be in the rental business. They will be hiring a third-party property management company that will manage the properties. The old Four-Season Hotel that Best Friends bought is going to be a hotel. There is already an issue with traffic and streets in the Ranchos even without the project. Best Friends will be paying impact fees for each house which will go to city improvements, the impact fees are split into different categories and some of those categories include transportation and public safety. Best friends do employ local residents, in his department has close to 50 employees and 40 of them are locals, there are a lot of jobs available at Best Friends he does not feel there is a bias at Best Friends when hiring. Perc test have been done at the site and meet the State regulations for Septic. Best Friends will be required to pay impact fees.

Josh Beazer commented that it will add \$160,000 to improve Kanab City.

Tom Avant mentioned that the Parcel does not border the creek, there is a parcel between this property and the creek.

Breck Judd would like to see the infrastructure in place and feels that sewer should be put in. Believes the traffic issues need to be addressed. Believes the development does meet the future land use map that was created by previous planning commission, if the infrastructure is done, he would not be opposed to the request.

Donna Huntsman asked Bart Batista if a water tank or cistern could be used in the canyon to have water trucked in.

Bart Batista has looked at it for an individual lot but to do that for a 45-unit development, would be extremely expensive.

Tom Avant said the estimated usage for residency is 400-800 gallons of use a day per home.

Times that by 45 would be the amount of water that would have to be trucked in a day.

Donna Huntsman would like to see the dog issue addressed. She likes the project plan and even though this meets the future land use map she doesn't feel like it would be right time to change the zoning. Home buyers have spent a lot of money to buy in this area with certain expectations. Kanab is growing and some hard choices have to be made to find the right place for these developments.

Scott Colson asked if staff/engineering has looked at the project.

Mike Reynolds responded that we have looked at the preliminary information from their engineer. The property meets all the requirements for State and City. This is not high density, the number of homes on the property is medium to low density. Once they submit the preliminary plan they are locked in and that number can not change with the new ordinance that was passed.

Scott Colson mentioned that he has been coming to the planning commission meetings for about a year and a half and there are not a lot of neighborhoods or communities that are looking for high density projects in their neighborhoods. When a community says to the planning commission that this should be moved somewhere else you are asking us to have a different group here with the same concerns you have. He discussed sewer and traffic issues and that this project is not what is causing the problem, this is an existing problem that needs resolution. He mentioned that someone could come in a purchase this property and develop it in 1-acre lots, this project is a good compromise to what could be developed. Discussed property owner rights and that a property owner should be able to use their property the way they would like. Asked Iron Rock Engineering about the septic.

Tom Avant answered that the state allows a septic every 15,000 sq.ft. on municipal water.

Scott asked Bart if there has been any discussion about resolutions to traffic.

Bart responded that not much communication has occurred but they are open to the discussion.

Tom Avant mentioned that the impact fees are set up to address some of the issues, impact fees are separated into different categories for traffic, drainage, sewer, etc. The impact fees are designed to go toward upgrading infrastructure.

Bart Batista added that sewer may increase the project price and the management company would like more units to balance out those costs. This would involve getting easements through everyone's property down to the sewer ponds or trenching down and under the creek and through existing roads to connect to the sewer line.

Joan Thacher discussed the future land map and that it does not show this area as a RM property due to this she would not be in favor of this zone change. If we allow this zone change then others may want to do it.

Arlon Chamberlain biggest concern is the traffic and roads in the area and feels this needs to be remedied by the city. He did ask about the storm water drainage and if there were plans to prevent flooding.

Tom Avant commented that they will be using some retention basins to slow down the flow of the water but would meet city requirements on flow, entry and exit points off the property.

Arlon Chamberlain mentioned that the dog issue does need to be addressed does not have an issue with the density. The main issue is the traffic that would be increased in the area.

Ben Clarkson agrees with what the commission discussed regarding the traffic and the sewer. He continued to say that speed is an issue in all of the community. Best Friends has been very accommodating and sensitive to people's suggestions or concerns. The property next to this are also on the market and they may not be as accommodating and develop a much higher density as allowed for the area. His biggest concern is sewer and feels like it needs to be brought to this property so any neighboring properties that may be developed would need to as well. He asked Bart if these properties would be platted and sold in the future.

Bart responded that is not the intention and would require that everything is brought up to city requirements for subdivision.

Ben Clarkson mentioned that we need to support and encourage our law enforcement for any noise nuisances or traffic violations. It is not appropriate to say that we should not develop something on the chance of increased criminal activities.

Breck Judd asked for clarification on subdividing the property and the requirements

Mike Reynolds responded that they would have to go through the subdivision process and it would have to come to planning commission. Any subdivision over 10 units is a major subdivision and would require sewer.

Scott Colson asked about Creekside and if they were required to bring in sewer.

Mike Reynolds responded yes that it was a major subdivision and would have been required.

Donna Huntsman asked if there was any consideration to breaking up the development into multiple locations.

Bart responded that he does not believe it was considered breaking up the development would be more expensive.

Chris Heaton asked for a motion to table the discussion, approve or deny the request

Commission discussed what we would ask Best Friends to bring back if they table the discussion.

Mike Reynolds commented that the sewer is a non-issue as the ordinance currently does not require that sewer is installed for the RM zone.

Discussion regarding if analysis for soil tests were done and it was confirmed that the initial PERC test have been done but there is more testing that would need to be done if the project was approved.

Jeff Stott explained that a site plan would need to be submitted and the city would review that. Conditions could be requested such as a traffic study.

Breck Judd does not feel it is right to allow the development if sewer is not installed. The commission has denied other developers in the Ranchos for duplexes because sewer would not be installed.

Breck Judd made a motion to deny, until Best Friends brings in the sewer, second by Joan Thacher.

Discussion between staff and the commission occurred before roll call vote was done regarding tabling the request until some of the conditions of sewer and traffic study be addressed.

Scott would like to make a motion to table the discussion for a traffic study.

Breck Judd rescinded and withdrew his motion

Scott Colson motions to table the discussion until Best Friends has the opportunity to have a traffic study is done and completed.

Arlon Chamberlain asked if there is anything else the commission would like to see done. He would like to see what can be done with the sewer concern. Bringing the sewer to this side of the creek would be an advantage and any property with in 500 feet of a sewer line would be required to hook to sewer.

Scott Colson amended his motion to table the discussion with the applicant returning with more information such as a traffic study and a cost analysis for sewer, Ben Clarkson seconds, roll call vote - Breck Judd, Scott Colson, Arlon Chamberlain and Ben Clarkson Yea, Donna Huntsman and Joan Thacher nay, motion passes.

A Public Meeting to review and discuss the applicant's application for a minor subdivision [Littles, A Minor Subdivision] splitting parcel K-17-5-Annex into two [2] lots located at 635 S 175 E... current zoning is R-1-8 [Applicant; Lane and Susan Little] . Mike Reynolds explained that request for the minor subdivision, the requests meet the ordinances.

Donna Huntsman asked the intent of the subdivision.

Mike Reynolds responded that it appears it is for single-family residence.

Arlon Chamberlain makes a motion to recommend to City Council to approve splitting parcel K-17-5-Annex into two [2] lots located at 635 S 175 E, Breck Judd seconds, unanimous vote.

A Public Meeting to review and discuss, approve or deny final site plan to construct a Two-Family Dwelling [Duplex] on parcel K-B-9-6C in compliance with Kanab Land Use Ordinance Section 17-8. K-B-9- 6C is located at the south east corner of 300 S and Main St. [Applicant; Lance Jackson] Chris Heaton makes a comment that this should be changed to north east corner. Mike Reynolds discussed the applicants request to build a duplex on the R1-8 parcel, he displayed the site plan for the duplex to the commission.

There was a discussion regarding the sq.ft. requirements, Mike explained that this meets the size requirement per zone.

Ben Clarkson makes a motion to approve site plan based on meeting Kanab City Land Use Ordinance, Scott Colson seconds, unanimous vote.

A Public Meeting to review and discuss, approve or deny final Site Plan to install a monument sign on Parcel K-17-11 located at 1527 West Center St. in the C1 commercial zone. [Applicant; Sam Aiken] Representative for the applicant commented that the sign design will be different then what was submitted with the request. It was explained that the new drawings would need to be submitted to Mike Reynolds and brought back through to the Planning Commission.

Review, Discuss, Approve, or Deny a conditional use permit for a 6-foot high block wall to be erected along Hwy 89A in front of Kanab Corral RV resort located at 483 S 100 E on parcel K-1-Annex. This would be a decorative split face block wall providing a sound barrier to the RV Park. Mike explained that this was discussed ant the previous meeting but needed to come back to the commission as a conditional use permit.

Arlon makes a motion to approve the conditional use permit for the Kanab RV Corral RV Park at K-1-Annex, with the finding that the wall use is necessary or desirable and will contribute to the general well-being of the community, the use will not be detrimental to the health, safety or welfare of persons residing, or working in the vicinity, or injurious to property or improvements in the vicinity, the proposed use will comply with the regulations of this ordinance, the proposed use is in harmony with the intent and purpose of the Kanab City Master Plan, second by Donna Huntsman, unanimous vote

A Public Meeting for a review and discussion, approve or deny final Site Plan to install a Flat Mount sign and large window decals on storefront building at parcel K-16-6A1 located at 87

West Center in the C1 commercial zone. [Applicant; World Finance Corporation] Mike explained that a request was received for a flat sign on the parcel in the C1 commercial zone. They have also provided pictures to add lettering to the windows on the face of the building. The design does not meet the Classic Western Theme for the C1 commercial zone. However, there is not an ordinance in Chapter 7 that would prevent or discusses window signs. Commission did not have an issue with the flat sign but did not like the lettering for the windows. Commission felt that a discussion with the business owner and to request that the lettering in the window is altered or not installed. Ben Clarkson makes a motion that we authorize Mike Reynolds to use his discretion in resolving the sign, second by Breck Judd, unanimous vote.

Staff Report: Mike discussed the Realtor Workshop in-service that was provided on January 15th.

Commission Member Report: None.

Council Member Liaison Report: None.

Scott Colson motions to adjourn the meeting.

Chairperson

Date