

**Kanab City Planning and Zoning Commission Meeting**  
**February 5, 2019**  
**Kanab City Library Multi-Purpose Room**  
**374 N Main Street**  
**6:30 PM**

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

**Not in Attendance:** Chair Pro Tem Scott Colson

**Approval of Minutes:** Correction needed on line 17, 35, 84, 93, 119, 125, 195 (spelling error) and to add Chris Heaton's comments about recusing himself from voting on the Public Hearing for the Best Friend's zone change. A motion was made by Donna Huntsman and 2<sup>nd</sup> by Joan Thacher to approve the minutes from January 15, 2019 with the amendments. Unanimous vote, motion passed.

**Public Comment:** Richard Anderson lives on Powell he commented that with the rezoning requests the roads are not being addressed. Roads are currently not being maintained. If the proposed project that is up for re-zoning is approved how do we know that it won't be re-developed or that they will develop what is proposed. With Commissions and ordinances changing how will that change any future developments or proposals.

Laura Klina commented that she had issues with finding housing when moving to Kanab and she wanted to share her support for additional housing in Kanab.

Wendell Head commented that he is in favor of new housing but just needs to be placed appropriately.

Collette Cox commented that with the various projects on the agenda she hopes that the vote will be to increase the housing in Kanab. She introduced Amber, a friend that came with her tonight. Amber has been struggling to find affordable housing and currently lives in a hotel with three children. She is also speaking for other friends and individuals she works with through the Chamber of Commerce that live in sub-standard housing.

Herb Alexander thanked the Planning Commission and the City Council for finally take up housing.

**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 Friend 's]** Mike explained that Best Friend's has provided the commission with a traffic study and sewer analysis that was requested during the last meeting. Best Friend's is committing to connect to the city sewer system, the traffic study was done by local engineers and sent to the city engineers who have found that the roads are adequate to handle the additional traffic. Mike reminded the commission that although this is a request to re-zone to a RM which is by definition considered high density, Best Friend's is only projecting 45 units which equates to 1.5 units per acre and that is consider Low to Medium Density. Medium Density is considered 3 to 3.5 units per acre.

Bart Batista discussed the finding of the traffic study stating that they used a conservative model for the traffic study and the additional traffic would only bring the roads to 50% capacity. After discussion with the City and the possibility of connecting to the sewer by trenching across the city roads they found that the difference between adding septic versus sewer was only 19,000 to 20,000.00 dollars. This option was appealing and would benefit the development and the city. Best Friends is committed to developing a community that is high quality and something to be proud of. He reminded everyone of the rigorous background checks that is required for every employee at Best Friend's. He commented that building the development East of town was not on

option the clay soils would increase costs and many areas East of town are listed as flood areas according to FEMA and the Kanab City Land Sensitivity Map. In addition, building East of town, in the county, is not favorable for the city or their employees. The city would lose out on taxes and impact fees and their employees want to live in the city limits and be close to the amenities the city has to offer.

Chris Heaton commented that his employer is representing Best Friend's and he will not be voting if the commission results in a tie vote. He explained that in previous meetings that traffic, septic and dog noise was a concern. Best Friend's was asked to complete a traffic study and analysis of sewer which was completed. The topic will be opened for Public Hearing, he outlined the process and said that the residents living within 140 feet of the proposed project get priority to speak first and those that tried to attend the last meeting but could not due to the capacity of the room get second priority.

Ben Clarkson made a motion to go in and out of Public Hearing at the Chair's discretion, Breck Judd seconds.

Samantha Lefevre commented that nobody is opposed to more housing this is about a zone change. She commented that she does not feel the zone change is in line with the Kanab City Plan Section 1-6 goal 1 strategy D states to support development that is sensitive to the individuals needs of both residential and commercial uses and to maintain an appropriate buffer. To change the property to a RM zone does not provide a buffer between her VLDR [Very Low Density Residential] property and the RM [Multi-Family Residential] property. She does not feel that this is the appropriate area for a zone change. In section 2-5 it discusses transitioning and maintaining balance she stated half of the project falls into low density and that any zoning should be low density, to put Residential Multi-family right in the middle is counter-intuitive. She spoke with a realtor and located other properties that could be used for this development and the drive is only 10 minutes from the proposed location.

Levi Lefevre agrees with Samantha's comments and added that Multi-family residential zoning is a poor zoning for this parcel, currently the ordinance would restrict future development but what happens in the future if the ordinance changes or the property is sold and allows more development. He does not feel like the traffic study is accurate and still has concerns with traffic safety. If this zone change is approved this would set a precedence for other developers requesting a zone change from RA to RM.

Wendell Head commented about the search for other affordable locations that Best Friend's has done and feels that an organization that could afford to spend a quarter of a million dollars could afford to spend money on a different location.

Josh Beazer commented that he works on the project under Iron Rock Engineer. He discussed how another developer could come in and buy this lot and sub-divided in to as many as 104 units. Best Friend's has made accommodations to provide a 150-foot buffer with their lay-out and would only be developing 45 units. If Best Friend's does not develop the property as proposed the property would revert back to a RA zone. This project will only have one land owner instead of one hundred four [104] land owners.

Hal Hamblin agrees with what the Lefevre's have said and commented that this project only benefits Best Friends employees. Allowing four dogs per house will create a dog town and there is a reason why Best Friend's keep their dog town on the North side of their property in the canyon. Think about the property rights of everyone in here that is affected by this, you have a charge to protect their property rights. As a commission you do not have to justify your vote to anyone.

Holly Sizemore is an employee of Best Friend's and does support this project. She is in a position at Best Friend's who has to hire employees frequently and when she moved here ten years ago prior to the air B and B bubble she almost had to turn down her job at Best Friends due to the housing crisis. She has had employees that have had to turn down job opportunities because they can't find appropriate housing. The zone change is necessary to help with the housing issues.

Doug Tiffin lives in the Ranchos and has lived here for four years. He does not feel that the comments about developing 104 units was appropriate and that it was a scare tactic. This isn't about what could happen this is about voting on what could or could not happen with this request.

He believes that Best Friend's should hire local people that already have housing. He commented about the dog park and how this would be private but would like to see the city develop a public dog park.

Richard Grey lives on Hamblin Dr and has questions about the sewer and which direction it will go. He does not understand the traffic direction and why it would connect with Hamblin instead of connecting at Powell. Asked how this proposed project benefits the city if the housing is only for Best Friend's employees.

Laura Klina commented that she believes that Best Friend's is trying to find a solution for their employees and the housing crisis. She also commented that locals may or may not be applying to Best Friend's but if they are and they are not chosen there is a reason why they were not selected. Ally Pratt is a Best Friends employee she has lived in four different housing and room-mates were necessary to pay for her living expenses. She also spoke on behalf of two other individuals that live in substandard housing. She commented that nuisances, such as dog barking, should be handled through the ordinances and law enforcement.

Karen Tall moved here about two years and was lucky to find affordable housing. She would like to see help for the community to make long-term rentals more available. The request for re-zoning this property could be beneficial for everyone.

Catherine Wallace asked about the impact fees and what would be required.

Olivia Placemoon lives in housing that is sub-standard. She wanted to address the concern over the dogs and stated that not all Best Friends employees have dogs. She also commented that everyone else is allowed up to four dogs with a permit.

Darcy Davis works for Ensign Staffing as part of her job she is required to go out and speak with employers in town to help them find staffing. She has found that every business is having a difficult time finding employees due to housing. This project may set a precedence for other business owners to do something similar to solve employee housing. Some of the business may not have enough staff which will hurt the businesses and in turn will hurt the community.

Employees are accepting jobs in other towns because they can not find housing in Kanab.

Larry Erdmann lives out in Vermillion Cliff. He feels that the comments about the project benefiting Best Friends are short-sided. Creating housing for the employees will open up units in the city for other renters. Landlords should be ashamed that they are allowing sub-standard housing. The City should be enforcing better housing and requiring standards for long-term housing.

Bruce Davis lives east of town, and he has an issue with everyone saying "move the project east of town or into the county." People live in the county for a reason and they like the solitude as well. Houses are even more spaced in the county. He feels that the problem in the city is that a living wage is not paid. He feels that company housing is like compound housing and isolates individuals.

Andrea Williams works for Best Friends and has lived in Kanab since 2010, she has lived in converted places and basements. About three years ago she found a nice place to rent. In November she was told by the landlord that they were going to put the house on the market at the beginning of the year. She has been looking for a new rental and hasn't been able to find anything. Kanab really needs this housing, everyone is going to say don't put it hear or don't put it there. Best Friends has been very thoughtful with the design and provided the studies that were requested. She would like to see this passed.

Out of Public Hearing

Bart Batista spoke responding to comments. He mentioned that in a recent publication in the Desert News it stated that Kane County is the 5<sup>th</sup> most expensive county to live in. The living wage is \$17.27 per hour, for his team that he manages the lowest paying employees is \$13.50 (entry level) and from there hourly wages go into the low \$20 range. Employees also receive a benefits package. Developers are not coming to develop properties because the properties are too expensive to develop. Best Friends is a non-profit organization legally they are not allowed to take non-profit funds and apply them to this project. Best Friends did provide studies and they do not show a requirement for upgrades. Best Friends will be paying impact fees for each unit

totaling around \$200,000. There is a buffer in the development, a RM zone requires that there is a 30% green space which is being allocated between the units and neighboring properties. Dog barking is not just a nuisance for Best Friend employees and is a nuisance throughout the city with all residents. This is a community problem that should be resolved with the ordinances that are already in place. The sewer line will be located on the south east corner of the property and will cross the neighboring property to Kanab Creek Drive.

Ben Clarkson asked Bart if the streets in the development will be private or public.

Bart responded that they are still considering this but leaning toward public roads.

Donna asked if more units will be added to the plans to accommodate the cost of the sewer.

Bart responded that after the cost analysis they did not feel this would be necessary and they are still planning on 45 units.

Thomas Avant with Iron Rock Engineering explained that there was about an \$80,000 difference between boring down under the creek versus trenching across the road. Being able to trench across the street made the sewer option more feasible.

Donna asked staff that since the definition of the RM is high-density with small lots and this request is med to low density if the zone change was approved, would this be an issue for future requests from developers.

Jeff Stott responded that from a legal perspective when you are making a legislative decision like this you have a lot of discretion. This would not be an issue.

Breck Judd asked about the new ordinance and the conditions that can be required in a RM zone change, this would give the city a lot of control over what happens to future developments, correct?

Jeff responded that any time a request is received to change the zoning to a RM the city or the commission can add conditions. If a zone change is made with a condition and the project is changed either right after or years after they would have to come back and get a new zone change with any updated changes.

Breck makes a motion to recommend approval of the proposed zone change for Parcel K-19-8-ANNEX from a RA residential agriculture to a RM residential multi-family. The property is 30.46 acres of undeveloped property located at an approximate area just east of 857 S Hamblin Dr in Kanab, UT with the condition that the proposed site plan is followed and sewer is installed, Ben Clarkson seconds. Breck Judd and Ben Clarkson yea, Donna Huntsman and Joan Thacher nay\*\*.

\*\*Reasons for voting, Donna Huntsman stated the reason she voted nay is that her role as a planning and zoning commissioner is to understand and comply with the existing ordinances and to be guided by the general plan and to understand the intent and purpose of the general plan. Chapter 15 of Land Use Ordinances states that the city promote orderly growth with an emphasis for new development to occur in the core community areas first. Re-zoning of adjacent undeveloped property should be compatible with developed property and should be transitional. Decisions should be guided by the general plan and the Future Land Use Map. She does not feel that this property is transitional, she has an obligation to the people that live there and knew what their property was zoned. They also knew what the property next to them was zoned and the property owner knew what the property was zoned.

Joan Thacher for similar reason to Commissioner Huntsman will also be voting nay, she strongly believes we need to follow the future plans.

Jeff Stott explained the next steps, with the vote being tied and the chair unable to vote the motion has failed. The applicant is able to appeal to City Council. The city council will review what happened with the planning commission and vote on what to do.

**Public Hearing and discussion for a proposed zone change on Parcel K-B-9-6 from R-1-8 [single-family residential] to RM [residential multi-family] on .475 acres. Parcel K-B-9-6 is located in the approximate area of 320 South Main St. in Kanab, Utah. The intent of the applicant is to build multi-family units of two individual sets of twin homes providing for four units. [Applicant; Lance Jackson].**

Mike explained and displayed the site plan. The proposed zone change does meet the requirements of the land use map. The Planning Commission just approved a duplex on the neighboring property.

Ben Clarkson asked for clarification on the location of this property and the approval from last week.

Donna asked if the property complies with the lighting ordinance.

Mike explained that we have not received the construction plans. That would be part of the site plan review which will have a review of the lighting plans.

Breck Judd motions to go in and out of public hearing at chair's discretion. Ben Clarkson seconds. No Public Comments

Out of Public Hearing

Chris asked about the driveway and if it needed to accompany emergency vehicles.

Joe Decker, Fire Chief, said he has not seen the site plan but driveway can only service 2 units, not two duplexes and will have to be 24 feet wide. That would be a discussion during the site plan review.

Ben Clarkson makes a motion to recommend approval to City Council to re-zone Parcel K-B-9-6 from a R-1-8 [single family residential] to RM [residential multi-family] on .475 acres with the condition that the driveway is addressed. Breck Judd seconds. Unanimous vote, motion passed.

**Public Hearing and discussion for a major subdivision preliminary plat [Crimson Cliffs Villas], located at the approximate location of 245 E. 650 S., Kanab, UT, on parcel K-17-6-ANNEX. The project is consisting of 17 parceled and platted townhomes zoned, RM [Residential Multi-family] [Applicant; Nate Janes]**

Mike explained the request is for a major subdivision on a RM lot, the plans are to plat the townhomes for private ownership. The preliminary plat has been issued and will need to go through a final plat. The engineers working on this project have been in contact with staff and the city engineers. It meets the ordinance and there are some fire reviews that need to be addressed before the final plat.

Joan Thacher asked how big are the units.

Nate Janes responded that they are 1600 sq.ft. living space with a garage that is 400 sq.ft.

Joan Thacher makes a motion to go in and out of public hearing at the chair's discretion. Breck Judd seconds.

Ben Clarkson commented at this time he will not be recusing himself from voting but that he wanted it on record that he owns property next to this property.

Darcy Davis asked what was the intended use of the units. She is concerned that the townhomes will be used as vacation rentals and not long-term rentals and if there would be any restrictions.

Nathan Janes explained that the intended use is to sell the townhomes and there will be a HOA.

Darcy Davis is concerned that these will be used for vacation rentals and feels that by renting them out as vacation rentals is taking away from long-term rentals that could be used for employees, she would like to see Kanab adopt restrictions that other communities may be applying towards vacation rentals.

Chris Heaton explained the location of the proposed project.

Laura Klina asked about the cost of the units.

Nathan Janes explained that the intended use is to sell the townhomes, the owner would decide the intended use. The cost of the units is still being determined and that they are planning on making them affordable.

Jeff Stott explained that in a RM zone there must be a 20-foot separation between two-story buildings.

Ben Clarkson asked about Chapter 18-8 asked if the units had to be 40 feet wide and face a city street

Jeff Stott responded this regulation only applies to a side by side dwelling not dwellings that are 3 or more units. He also commented on that the development would require an HOA.

Donna Huntsman motions to recommend approval to City Council for the preliminary plat for Crimson Cliffs Villas, located at the approximate location of 245 E 650 S in Kanab on parcel K-17-6-ANNEX subject to a 20-foot set-back between buildings. Breck Judd seconds. Ben Clarkson abstains from voting, Joan Thacher votes yea. Motion passes

**Public Meeting for a review and discussion, approve or deny final site plan a twenty-four [24] apartment units consisting of two 12-unit building located at North East Corner of 300 S. and 300 E. on Parcels K-45-5 and K-45-6. [Applicant; Gary and April Cooper]**

Chris Heaton commented that his employer is representing the Cooper's and he will not be voting if the commission results in a tie vote.

Mike Reynolds explained that the project is for a two 12-unit apartment building. Staff has been working with the engineers. The existing buildings will be removed and these two buildings will replace them. The lot is zoned C2 which allows apartment buildings.

Ben Clarkson asked about the height of the buildings.

Mike responded that the buildings are 32 or 34 feet and meets the height requirement for the zone.

Ben Clarkson asked if the set-back would apply in the side, front and rear.

Bob commented that they do not have the 20-foot setbacks in the commercial zones.

Josh Beazer stated that there are if there are adjacent residential properties and there is a 20-foot set back in the site plan.

Public asked about entrances to the development.

Mike responded that yes there is one on the Highway (300 South) and one on 300 East. The drive on 300 East has been moved down but he did not have the update in time for the meeting.

Thomas Avant mentioned there is an additional entrance on 300 East.

Public asked if there will be any issues with approval from Utah Department of Transportation (UDOT) on the entrance coming off of HWY 89

Mike responded that this was between them and UDOT, the site plans include the driveway.

Thomas Avant explained that this is an unlimited highway and UDOT is pretty agreeable to provide approval.

Donna Huntsman motions to approve final site plan of a twenty-four apartments units consisting of two 12-unit building on Parcel K-45-5 and K-45-6 with the condition that the site plan meets Chapter 9. Breck Judd seconds, unanimous vote motion passes.

**Public meeting for a review and discussion, approve or deny final site plan to install a monument sign [The Suites of Kanab] on parcel K-17-11 located at 157 West Center St. in the C1 commercial zone [Applicant; John Schouten]**

Mike explained this request was reviewed last week but the submission of the drawing for the sign design was not accurate. New drawings were submitted to show an example of what the sign will look like. This is a monument sign that will be interiorly lighted and staff recommends approval with the condition it meets the lighting ordinance.

Ben Clarkson makes a motion to approve final site plan to install a monument sign on parcel K-17-11 with the condition that the sign meets the sketch and written description and lighting ordinance, Donna Huntsman seconds. Ben Clarkson asked if all the signs will be removed and if it is only one sign. Mike confirmed that the old signs will be removed and that the additional office sign that was presented in the last meeting was not allowed, the applicant may come back and ask for a flat sign for the office and would be reviewed at that time. Unanimous vote, motion passes.

**Review, discuss, approve, or deny a final site plan with a conditional use permit on a new location for Kanab Farm and Ranch to be relocated at 2073 Hwy 89A on parcel K-21-4-ANNEX. The conditional use request is to allow delay of certain commercial upgrades for up to 2 years. [Applicant; Joe Johnson]**

Mike explained and displayed the remodel of the store and the request for a conditional use permit to postpone the installment of a hard surface for the parking lot for up to two years. Staff recommends approval.

Jeff Stott explained that this property has been an issue with storage of junk cars and right now would be a good time to add a condition that the junk cars are removed.

Ben Clarkson asked the applicant if there is a time period that is reasonable to have the cars removed

Joe Johnson responded that the junk cars will be removed before they open, the owners are committed to removing the cars.

Ben Clarkson makes a motion to approve the site plan and conditional use permit for the Kanab Farm and Ranch to be relocated at 2073 HWY 89A on parcel K-21-4-ANNEX with the condition that the upgrade of asphalt for the open parking and the drive be postponed for up to two years and that the previous owner's junk cars be removed within 90 days, Breck Judd seconds.

Unanimous vote, motion passes.

**Review, discuss Kanab General Plan as time allows.**

Chris Heaton has asked to postpone the General Plan discussion.

Bob Nicholson requested that the commission write down things that are special about Kanab and what you are most proud about.

**Staff Report:**

**Commission Member Report:** Chris Heaton thanked Arlon Chamberlain for fifteen years of service as a commission member.

Donna Huntsman asked how the commission can add something to the agenda, she would like to revisit the Vacation Rentals requirements.

Jeff responded normally things come through due to an applicant, city staff, city council or a commissioner request.

Ben Clarkson asked about nuisance ordinances specific to dogs and the number allowed by property or unit

Jeff responded that is something that could be passed right to City Council.

Joan Thacher would also like to revisit the Vacation Rental requirements on the next agenda.

Mike Reynolds asked for an e-mail if there is a request to add something to the agenda. He discussed that a new draft of the sign ordinance will be on the agenda in the near future.

**Council Member Liaison Report:** None.

Breck Judd motions to adjourn the meeting.

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Chairperson

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Date