

**Kanab City Planning and Zoning Commission Meeting**  
**March 5, 2019**  
**Kanab City Council Chambers**  
**374 North Main St**  
**6:30 PM**

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

**Not in Attendance:** Commission Member Donna Huntsman

**Approval of Minutes:** Correction needed on line 65, 115, and 139 (spelling error/grammar) the Commission wanted ft<sup>2</sup> changed to square foot (sq.ft.) and a name correction from Bart Batista to Francis Batista. A motion was made by Breck Judd and 2<sup>nd</sup> by Scott Colson to approve the minutes from February 19, 2019 with the amendments. Unanimous vote, motion passed.

**Public Comment:** Wendell Head asked if somebody could provide the reason the Planning Commission appointed a new Commission Member. Chris Heaton replied that Arlon Chamberlain a previous Commission Member was appointed to City Council and this left a vacancy in the Planning Commission.

**A Public Hearing and discussion on a proposed zone change to Parcel K-19-8-ANNEX from a RA [Residential Agriculture] to R-1-8 and R-1-15 [Residential Single Family] zones. 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 explained that this is a new request, the applicant is requesting a zone change from Agriculture to Residential Single Family, R-1-8 and R-1-15. This request is consistent with the General Plan, staff has reviewed this and recommends approval. A preliminary plat and final plat would have to be completed for the development of the property. The future land map designates this area as medium density and low density.

Bob Nicholson explained that the requests meets the city general plan and future land use map that was approved in 2015. During this approval process they designated the land as medium density residential consistent of 3-5 house per acre. R-1-8 typically has about 4 homes per acre and R-1-15 has about 2 homes per acre. This request is consistent with the plan and the purpose of zoning is to implement the plan. He discussed the General plan, Section 2.7 Goal #2, Strategy A, that states to encourage desirable and compatible mixtures of residential densities throughout the city.

Chris Heaton explained the process for the Public Hearing and recused himself from any voting due to his employer representing Best Friends.

Joan Thacher makes a motion to go in and out of Public Hearing at the Chair's discretion, Breck Judd seconds.

Wendell Head is unclear how this is different than the previous application and how the density differs from the last request. He also asked when the application was received.

Mike Reynolds responded that the previous request was to change the zoning to multi-family and this request is to change the zoning to single-family. He explained that multi-family allows a higher density then single-family zones and that the zoning is different. The request was received on February 12, 2019.

Richard Anderson reviewed the traffic study that Iron Rock did on the previous application and wanted to know why the study was not extended to all of the Ranchos. If the study was extended to all of the Ranchos that use both Powell and Kanab Creek Drive the traffic volume would exceed the average daily traffic allowed for the roads in the Ranchos. He commented that the roads in the

Ranchos are 25 years old and less than 24 feet wide, the study shows these as 26 feet wide. Powell is considered a major collector which is described in the master transportation plan as 51 feet wide with sidewalks. In his opinion there are no short-term or long-term plans to fix or upgrade the roads in the Ranchos. He believes the city is liable for maintaining 35 mph on West Powell, per the master transportation plan to have a 35 mph zone the road should be 51 feet wide. He previously brought up his concerns to City Council regarding the speed limit on West Powell and nothing has been done to lower the speed limit.

Samantha Lefevre believes that the Future Land Use Map contradicts the City General Plan per Section 1.6 Goal #1 Strategy D it discusses a buffer between diverse land use and supports development that is sensitive to the individual needs of both residential and commercial uses. In this same section, #3 under strategy D, it discusses preventing a negative impact in communities, she feels that this development is definitely creating a negative impact. She does not feel that medium to low density for this property supports or provides a buffer to her very low-density property.

Richard Grey would like the commission to consider the people that already live near this property, consider the roads being safe and secure. He does not feel that increased traffic that would be channeled on to Hamblin Drive to be fair and that it would be a disaster.

Betty Williams read a letter that she received in the mail that encouraged residents of the Ranchos to come to the meeting and voice concerns regarding the density and that the North Ranchos should not be changed and turned into the Kanab Creek Ranchos also known as the South Ranchos. The concerns that are listed include, acreage for the homes will be smaller than what is already in the North Ranchos, any parcel North of this parcel may have the same changes, traffic, evacuation for emergency situations, outdoor lighting, street lights, increased noise and decreased value of the 1-5 acre lots.

Bruce Davis is a resident of the county and feels that this zone change could set a precedence for the city and for the county. He quoted the Kanab City Land Use Ordinances Chapter 15, Section 15-7, the city promotes orderly growth with an emphasis for new development to occur in the core areas first, recognizing that adjacent undeveloped property be compatible with developed property. Commission's decisions should be based on compatible transitional planning and should be guided by the General Plan and Future Land Use Map. He does not feel that the proposed zone change is compatible with the surrounding neighborhoods.

Colette Cox urges the commission to approve the zone change, she feels that developments of this additional housing as well as the other developments that were recently approved will close the housing gap Kanab is experiencing. She provided an update about Amber, who she introduced in the last meeting, Amber was living in a hotel with her children she was able to secure housing and is doing well but had to secure housing outside of Kanab.

Anna Davis wants to live where there is open space, she feels this is unfair and unjust to change zones when individuals have bought and invested in their home and properties.

Walt Thirion has mixed feelings about this project, he feels Best Friends is a fantastic contributor to the community and he likes to support what they are doing. He also very adamant about keeping the unique characters of Kanab. He does support this type of project but does not know if this is the right place for it. He has lived in Austin Texas where he watched it change from a small university city with a lot of character to a huge metropolis. One thing they did right when the growth began was channel developments within the city, from industrial, big box stores, estates, and housing. Kanab is going to change, it is up to us on how it is going to change. Kanab needs to have these kinds of projects but we need to make sure the change is done correctly and that the infrastructure is in place.

Linda Anderson moved here from California that has bumper to bumper people, she does not feel that an additional 45 houses would have much of an impact. She struggled finding rental housing in Kanab and had to buy a house.

Richard Grey discussed that this application has had a negative impact on Hamblin, recently a house just went on the market and believes that this application is negatively impacting the sale of the home.

Chris Heaton went out of public hearing.

Bart Batista clarified that they are not appealing the previous request, that this submission is a new request. He explained that they took the recommendation and responses from the Commissioners during the last meeting and decided to submit an application that complies with the General Plan and Future Land Use Map. This application currently does not have a housing plan or reference to rental homes, the development plans will be provided during the preliminary plat review and in synchronization with the City Planner, City Engineers and City staff within the City Ordinances. They are not requesting any exceptions or allowances. He does not feel this will set a precedence, the previous request would have set a precedence since it did not meet the City Plan and future land use map, this request is in accordance with the General Plan. He responded to the comment about unjust and unfair saying that this is private property it is not open space, BLM or Federal land. This is a private property and the owner wants to sell their land, buyers (us) would like to develop it per the general plan. There is a housing problem in Kanab and as a whole he believes this zone change is smart planning.

Ben Clarkson asked if the plan is to develop the property with single-story homes.

Bart Batista responded at this time there is not a housing plan that has been decided on, they are still looking at what can be done to plat the property.

Boyd Corry asked if the houses will be available through a realtor and to the community.

Bart Batista responded that the plan is to have some of the houses for sale to the community.

Breck Judd asked if any development would still connect to City sewer.

Bart Batista responded that per the ordinance they would be required to connect to City sewer.

Joan Thacher asked about the road in the Master Plan that would connect to Powell.

Thomas Avant responded that the future road is part of the City Master Transportation Plan.

Commission Members and Staff discussed roads, new traffic studies, and what infrastructure would be required. It was clarified that would be discussed with the preliminary plat review and with the engineers. Any infrastructure that would be required with the development would also be discussed during the preliminary and final plat review.

Joan Thacher discussed the Master transportation plan and that it does not appear there are any plans to improve the roads in the Ranchos.

Joe Decker, City Manager, explained with impact fees we have to use them in six-year periods for projects, the projects that are listed in the transportation plan are designated for the next six-years, it doesn't mean that the roads in the Ranchos will not be part of the following six-year plan.

Scott Colson commented that no resident coming to a Public Hearing for a zone change is excited about the changes in their neighborhood. Most neighbors are adamantly opposed to zone changes or subdivisions in their neighborhoods. At some point Kanab has to make decisions that are difficult and that may leave some individuals unhappy. Our job is to listen to the subjective information that is presented to us. He leans more on the objective points that are presented, he believes in property rights. It becomes a slippery slope when we start picking whose property rights we do or don't favor. He also feels that good communities are not built on zoning laws or ordinances, they are built on good neighbors and good people. If you want to have good neighbors and live in a good community be a good neighbor yourself. A lot of time and effort are put into these decisions and we are always looking for more input and more people to participate. Segregating areas by zoning ends up penalizing members of our communities who may be lower income, there will always be someone out there who has a larger piece of property.

Breck Judd commented about property rights and asked whose rights are more important, the entity selling the property, the entity buying the property, or the entity living adjacent to the property. He responded by saying that everyone has equal rights and no rights are more important than the other. Land Use Ordinances and Zoning Maps are what direct the city to make decisions. Kanab City has implemented a General Plan and a future land use plan, hundreds of hours were spent by city staff, experts and input from the community to create this plan. He believes in personal property and equal opportunity rights.

Breck Judd makes a motion to recommend to the City Council to approve proposed zone change to Parcel K-19-8-ANNEX from RA to R-1-8 and R-1-15 as proposed in the application. Scott

Colson seconds. Boyd Corry, Ben Clarkson, Scott Colson and Breck Judd vote yea, Joan Thacher votes nay, motion passes.

Scott Colson has requested to be excused for the rest of the meeting.

**Public Meeting and discussion for a recommendation for a major subdivision Final Plat [Crimson Cliffs Villas], located at 285 E. 650 S, Kanab, Utah 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 that this is the final plat for the Crimson Cliff Villas, the preliminary plat was approved in a previous Planning Commission Meeting and by City Council. Staff is recommending an approval with the condition that the engineers final review is approved. There are a few minor details that need to be finalized. The outdoor lighting and landscape review will be done with the construction plan and Planning Commission review.

Ben Clarkson asked if the setback between building has been resolved.

Mike Reynolds responded that it has been resolved and there is now a 20-foot setback between buildings, this meets the requirement in the ordinance.

Ben Clarkson asked about the power supply and where they will be pulling power from.

Mike Reynolds responded that Garkane has looked at the plans and has not mentioned any concerns.

Ben Clarkson has concerns about the existing driveway for his property, it appears the curb and gutter will be extending into the driveway, which would change access to his property.

Mike Reynolds stated that he has discussed this with the City Manager and the city street is supposed to curve to the Right (South) of the existing property. The property line is legal and the curb and gutter is supposed to go to the end of the property. Access to the property will still be there it just may be off of the new designated road.

Joe Decker explained that they have signed documents from the property owners that allows an easement for the road. The primary reason the road sweeps to the south is to allow for the setback requirement on the existing property.

The agreement shows that the driveway will need to come off of 650 South going North to South, not East to West as it currently does.

There was discussion with Staff and the Commissioners on if there was a prescriptive easement or recorded easement to access the existing property through the existing driveway. It was decided that the Commission could add an exception to delay the curb and gutter in order to research if there is an easement in place or if the existing property owner will need to move the driveway based on the property line and directions of the designated streets.

Ben Clarkson recuses himself from voting due to owning the adjacent property.

Breck Judd makes a motion to recommend a major subdivision final plat located at 285 E 650 S Kanab, UT on parcel K-17-6-ANNEX. With the condition that the lighting and landscape be approved by the Planning Commission and the final plat be reviewed and approved by the City Engineers, curb and gutter on the South East corner be determined at a later time by city staff and property owners, Boyd Corry seconds, unanimous vote, motion passes.

**A Public Hearing to Discuss and Recommend to the Kanab City Council revisions and amendments to the Kanab City Land Use Ordinance and Subdivision Ordinance to require all multi-family residential units [detached or attached] be connected to the City sewer system regardless of the zone designation .**

Mike Reynolds explained that there is an additional handout provided, with information on when a sewer connection is required for two-unit dwellings and a three or more-unit dwellings per zone.

The ordinance become confusing on when a sewer connection is required for multiple unit dwellings. The purpose of this discussion is to consider updating or revising the ordinance to make the Land Use Ordinances more consistent between the different zones regarding sewer connections for multiple unit dwellings.

Jeff Stott discussed the draft proposal in the packet and that there is an error on #2, the ranchos should not be included in the proposed changes. He explained there are two options, 1.) Regardless of zone, any dwelling with more than one dwelling unit (except guesthouses) must be connected to sewer; 2.) Regardless of zone, all dwelling units on any lot that has more than two dwelling units, including platted multi-family lots, must be connected to city sewer. The second option would allow for duplexes in commercial or multifamily to not have sewer. Jeff clarified that the proposed draft includes the Ranchos but that was an error as this is currently not allowed.

Boyd Corry asked Joe Decker about future plans to have sewer throughout the city.

Joe Decker stated when we did the Master Plan for the sewer a preliminary cost of extending sewer to the Ranchos was also done, which was a little more than 21 million dollars. This would increase property tax \$1,000.00 per lot for about twenty years.

Discussion between Commission members and staff regarding future developments and if the decision is to change the ordinance and require sewer connections there would be additional costs to developers to develop properties that currently do not have sewer lines close by.

Joan Thacher makes a motion to go in and out of public hearing, Breck Judd seconds

Amy Sorensen her initial response seems that number 2 is the logical option. What is the impact of putting a duplex in the Kanab Creek Ranchos on a septic?

Mike Reynolds responded that he is receiving more complaints regarding saturation and smell in the KCR zone.

Jeff Stott explained that right now in our ordinance you can have duplexes in the single-family residential zone if you have sewer. The discussion is to determine if we want to extend that requirement to all zones or extend the requirement to all zones that have three or more units. This will add a little more consistency.

Mike Reynolds explained some of the complications with the current ordinance and that in certain situation a developer could come in and ask for a 30-unit apartment complex and not be required to connect to sewer.

Amy Sorensen asked for clarification with #2 on the draft proposal and if this would allow duplexes on a septic.

Jeff Stott clarified that would not be correct and reminded everyone that was an oversight and would be removed from the proposal. This has more to do with commercial and multi-family.

Walt Thirion commented there is a very big difference between a two-studio duplex and a 6-bathroom duplex on a quarter acre lot, he encourages the commission to look at capacity.

Chris Heaton responded that this is a very good point and that in his experience the State will deny more than he thought they would. The development has to work for it to be approved.

Tom Avant suggests that we double the minimum square footage that is allowed for septic systems, as an example the minimum sq. footage is 12,000, for a duplex you would double the required lot size to 24,000 sq. ft. would be required. For a multi-family residence, it is allowed to have a standard septic system for up to 6 homes anything over this would require a large septic system and that is not allowed by the Health Department.

Josh Beazer asked why are we being more restrictive then what the State code is requires.

Breck Judd likes Tom Avant's suggestion, He feels this is a very fair way to do it.

Jeff Stott needed clarification if Tom's suggestion was meeting State code or if it would be a city-imposed code.

Tom Avant wasn't sure if the State code implies that a duplex requires double the square footage. That State code is for Single Family Residence.

Breck Judd makes a motion to table the discussion until State Code can be reviewed, Boyd Corry seconds, unanimous vote. Motion Passes

**Public Meeting for a review and discussion, approve or deny final site plan with a conditional use permit to install a freestanding sign with architectural design panels at the Kane County Hospital on parcel K-C-4-1 located at 355 N Main St in the R-1-8 residential zone. [Applicant; Kane County Hospital]**

Mike Reynolds explained there is an additional design as a hand out that shows the applicant separated the lettering from the architectural design. There is still the question on if this is a free-standing sign, an architectural design, or a monument sign. The sign company is attending the meeting and could answer some of these questions.

Jeff Stott explained that legally the ordinances does not allow freestanding signs in the residential zone. The residential zone only allows for monument signs or civic signs. The wording of the sign is under 80 sq.ft. and detached from any architectural design or the wall.

Discussion between Commissioner members, staff, and the sign representative regarding how the sign and the architectural design is attached, which parts are a monument sign, if there is any lighting, and what is considered part of the design. The architectural design is detached from the lettering and base of the sign, there is not any lighting associated with this sign. The commission has decided that the lettering is the measurable part of the sign.

Ben Clarkson makes a motion to approve the final site plan of a conditional use to install a freestanding sign with architectural design panels at Kane County Hospital on Parcel K-C-4-1 as the original drawing, Breck Judd seconds,

Chris Heaton had a few questions on if the sign is away from the building. Mike explained that the sign will sit away from the building about a foot. Boyd Corry likes the new design that was submitted better then the original design. Ben Clarkson has amended his motion to include that the sign portion will not exceed 80 sq.ft. Roll call vote, Breck Judd, Ben Clarkson, Boyd Corry yea, Joan Thacher abstains. Motion Passes.

**Public Meeting for Review and discussion, approve or deny a Conditional Use Permit to allow a five-year delay in installing curb, sidewalk, hard surface parking and asphalt at the 300 East area during the development of commercial property located in the area of 348 S. 350 E. alongside parcel K-B-13-7A. This project is for the relocation of Honey 's Market Nursery. The conditional use permit would also allow for the approval to install one original historic log cabin for display. [Applicant; Susan Honey]**

Mike explained that the applicant has asked for a delay.

**Staff Report:** None

**Commission Member Report:** None

**Council Member Liaison Report:** None

Breck Judd motions to adjourn the meeting.

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Chairperson

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Date