

Kanab City Planning and Zoning Commission Meeting
April 16, 2019
Kanab City Council Chambers
26 North 100 East
6:30 PM

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

Not in Attendance: Commission Member Ben Clarkson

Approval of Minutes: Correction needed on line 136 (spelling error/grammar). A motion was made by Scott Colson and 2nd by Joan Thacher to approve the minutes from April 2, 2019 with the amendments. Unanimous vote, motion passed.

Public Comment:

Bart Battista made a comment that ever since he started coming to the meetings and the controversial Best Friends housing project, in the wake of that it seems that the city has decided to regulate everything. There are a lot of things that they think they need to control which it doesn't seem like there is a nuisance or problem, so why control it. One example is the septic for detached single homes in residential multi-family, this is already a health and safety issue governed by the Division of Environmental Quality that have standards. He does not believe it is a requirement to be an engineer or an environmental scientist to be on the Planning Commission or City Council. Why is this body inserting itself into an issue that is already regulated at the State or Regional level? He stated he is not from here and came from California where it is regulated like crazy for good and bad, he always thought that Southern Utah cherishes the idea of limited government. What is being done now doesn't seem to be that way. He believes that we should be cautious about over regulations and micromanaging growth. We don't know what growth will be and when you try to micromanage it you put controls in place that may backfire.

Boyd Corry asked if this was specifically in regards to the septic system and sewer discussion in the last meeting.

Bart Batista stated my comment was in general, it is like the Dark Sky Ordinance. He is not against the Dark Sky Ordinance but do we really have to regulate it, he doesn't feel that it is a nuisance. What is the right way to focus the nuisance ordinances? His concern is overregulation.

A Public hearing and discussion for a n amendment and revision to Kanab Land Use Ordinance Chapter 1 section 1-1 7 and any other related chapter to zoning. The revision or amendment will require applicant to provide a preliminary sketch and statement of intended use with all zone change application. [Applicant; Staff] .

Mike explained that this was requested by Mayor Robert Houston and that the city would like to know the intended use, in the form of a conceptual site plan, if an applicant is requesting a zone change. Currently we ask for the intended use but the applicant is not required to provide it, this proposal would make it mandatory. In addition, a 24-month time period is being proposed that would revert the zone change back to the original zone if the applicant fails to pull a building permit within the 24-month timeframe. The Planning Commission and City Councilors would then be able to determine if the intended use fits in with the city plan.

Boyd Corry compared this to a subdivision request in the last meeting and asked for clarification if that request would not be included in this since it was not a zone change.

Mike Reynolds responded that is correct.

Boyd Corry asked if the conceptual site plan would require engineering or if a sketch of the plans could be submitted.

Mike Reynolds that the conceptual would be a sketch.

Scott Colson makes a motion to go in and out of public hearing at the chair's discretion, Boyd Corry seconds.

Bart Battista made a comment that he thinks this goes with the comments he made earlier. When you make a zone change application you are typically changing to a zone that are not unknown. Zoning and the requirements are in the general plan so you know what is being done when you get the request. If a subdivision is being done the applicant already has to go through a preliminary and final plat. This seems to be a regulation that is not necessary.

Charlie Saba commented that he does not feel that requesting a conceptual plan is too much of a burden or to ask.

Bart Battista added to his comment that every individual thinks they know what proper growth is, people complain about Moab and that it grew in an unplanned and un-regulated way. He feels that herkie-jerky decisions lead down a path of un-planned growth and are reactive to the whims of individual that change yearly or periodically. The General Plan is the guiding document that was already implemented. He feels this is an over regulation.

Samantha Lefevre commented based on recent events and something that may help all individuals involved in zone changes, would be a site plan. A site plan should include roads, buffers are not in existence and a road could be used as a great buffer, she feels that Kanab Creek Drive acts as a buffer of the medium density to very low density in the Ranchos. She believes that having the roads and the buildings in the site plan would alleviate a ton of speculation and a lot to ease the mind.

Scott Colson is against this and feels we should be comfortable with a zone change to the extent of that zone change or not. Like Bart said we have the guidelines of what is allowed in a zone and we need to be completely comfortable allowing whatever is in that zone to take place on the property. Asking for a site plan is over regulation. As members of the Commission we should know what the zones allow and if a zone change request is submitted, we should be completely comfortable with that land being used to the full extent of that property or not.

Donna Huntsman asked Bob what occurs in other cities.

Bob Nicholson said that he is most familiar with St. George and Santa Clara, they do not have this, except in a planned developed zone. That is typical for most cities in a Planned Development zone you get a site plan concurrent with the zone application. Where I can see this coming into play is in a commercial zone, in a commercial zone you have a wide array of potential uses.

Jeff Stott clarified that the Planning Commission and City Council do not have to add any conditions so if somebody comes in and says here is my conceptual site plan and the decision is to allow them to do whatever they want with in the zoning guidelines. However, if you want to put conditions on a zone change, he prefers that there is something that says you can. If in the future you want the ability to put a condition on a zone change this would allow it through the ordinance.

Boyd Corry commented that he fails to see a need for the time restriction, he has heard a lot of Kanab citizen say that there is a housing issue and the city needs to do something. He believes the more regulations we have the less development we are going to get to relieve the housing issues. He asked what do we consider low, medium and high density.

Joan Thacher provided the general plan.

Boyd Corry stated the different densities and commented that he has yet to be on the commission where an applicant requested a zone change for high density. Is this going to add a lot of headache and cost for developers?

There was discussion between the commission on what occurred in Moab, Utah and the different growth that occurred. The impact that vacation rentals have had on the housing in Moab. There was also discussion about cost of lots and cost of developments between County and City. The county has lower regulations and are more lenient.

Commission had more discussion on the conceptual plan and what it would require, what a site plan requires, whether a conceptual plan would be a burden or not for a developer. Conceptual drawing is just an idea of what the development would possibly look like. The site plan would require more detail on driveways, landscape, lighting and the buildings.

Joan Thacher commented that she has watched the City Council struggle with several items that have come before them. To make good decision we need to know what we are making decisions about. It is only fair to the residents to know what's going in next to them. She does not feel this is a problem and the applicant can apply for an extension.

Boyd Corry commented that he does not mind the conceptual site plan the issue he has is that if there is a significant change, they are subject to a new public hearing and reconsideration by Planning Commission and City Council. For a developer or investor, this makes it difficult and there will be no growth here in Kanab.

Chris Heaton suggested that we could look at the draft and discuss what we do like or items that we do not like. He doesn't like a lot of the items in the draft but one thing he doesn't mind is the conceptual site plan, most people already have an idea of what they will be doing and why they are asking for a zone change.

Donna Huntsman commented that the proposed draft is a little lengthy, she believes the intention of this is to simplify a zone change request for the applicant and City Council and to provide the information to move forward with the request. She does not feel it is inappropriate for the City or the Planning Commission to ask for clarity of what will be done. Her suggestion is to send it back to staff to reword and simplify the proposed draft.

Samantha Lefevre has spent a lot of time looking at the Future Land Use Map and is thinking about it on a broad spectrum. If you can give someone an idea of what is going to be there, so you say medium density that has a huge range. The community is seeing bold face that the council and the city is all in favor of growth and would sell us to the wolves.

Bart Battista commented that investors need to be insured that what they are signing on for can be developed. If you have to go back every time it takes away the insurance that this will go through. He believes this muddies the waters for developers, investors and partners.

Commission asked staff to go back and work on the proposed draft.

Jeff Stott commented that he needs to know from the Commission what they would like changed or what they are thinking before he can move forward with redrafting the proposal.

Boyd Corry believes that this draft would be more appropriate for commercial but suggested for residential that the requirement regarding coming back after any change be removed.

Scott Colson makes a motion to recommend that the city council does not adopt this.

There was some discussion between staff and the Commission on if the Commission or Council can currently ask for more information but not require it with the application. It was clarified that it can be asked but if the applicant did not want to provide the information they do not have to. The Commission and Council can not require them to provide this information with the current process.

Boyd Corry seconds the motion. Boyd Corry and Scott Colson vote yea, Donna Huntsman and Joan Thacher vote nay. Chris Heaton votes yea. Motion passes

Open discussion regarding Kanab City zoning, zoning map, and general plan.

Bob Nicholson provided a planning and zoning overview to the Planning Commission. He discussed the history of zoning and the current experimentation that different cities have been trying. There was discussion on the strengths and weaknesses of traditional zoning and alternatives to traditional zoning. Bob also discussed the General Plan and that this is the community's vision for the future and that the General Plan should include the community goals. He asked the Planning Commission members to read the entire General Plan and to take notes on what they like and dislike. This information will be reviewed during the Planning Commission meeting on May 21st. He suggested watching Jeff Speck's General Theory of Walkability (The Walkability City) on You Tube.

Staff Report: None

Commission Member Report: None

Council Member Liaison Report: None

Scott Colson motions to adjourn the meeting.

Chairperson

Date