

Kanab City Planning and Zoning Commission Meeting
July 7, 2020
Kanab City Council Chambers
26 North 100 East
6:30 PM

Present: Chair Pro Tem Scott Colson; Commission Members Donna Huntsman, Kerry Glover, Ben Clarkson, Boyd Corry (arrived @ 6:40) and Ben Aiken, Land Use Coordinator Mike Reynolds; Attorney Jeff Stott; City Council Liaison Celeste Meyeres; City Planner Bob Nicholson; and Administrative Assistant Janae Chatterley.

Not in Attendance: Chair Chris Heaton; City Council Liaison Arlon Chamberlain;

Approval of Minutes: A motion was made by Ben Clarkson to approve the minutes from 6/16/2020 with the correction on line 20; second by Donna Huntsman. Unanimous vote, motion passed.

Public Comment: None

Administrative Review and vote to approve or deny a site plan for landscaping only for Pizza Hut located at 421 S 100 E on parcel K-B-2-2 [Applicant; Pizza Hut]

Mike Reynolds explained that a few weeks ago Pizza Hut started work to change their landscaping. Pizza Hut didn't realize they needed to get approval or that they are part of the C-1 Design Standard. Pizza Hut submitted their Landscaping Plan for review which includes decorative rocks and boulders, shrubs and 2 trees. Donna Huntsman asked if there were any landscaping requirements when Pizza Hut was first built and does this landscaping design meet the current ordinance? Mr. Reynolds replied that he does not know what the landscaping requirements were when Pizza Hut opened, this landscaping plan is probably in the spirit of the ordinance. Planting additional trees in the front of the building may result in some sight line issues with the drive ways. Ben Clarkson asked if there were trees removed in the landscaping strips to the northeast and southwest. He believes that in the past there were trees planted in landscaped areas and the drive-thru areas but they were removed a number of years back and never replaced. He thinks the two trees they are adding are great but he would like it clarified that these are 2-inch caliper trees that are required per the ordinance and would like to see additional 2-inch caliper trees planted in the landscaping strips on the north, northeast and southwest of the building. Kerry Glover asked for clarification on if updating the landscape would require them to be compliant with the ordinance. Jeff Stott replied we would treat this as a recommendation to the owners on how to landscape in accordance with the ordinance. A building permit triggers a site plan, this was a situation where the City stepped in after the update began to let Pizza Hut know that there are specific requirements they would need to meet. The City is currently working on an amendment to the ordinance that would require a developer or owner to come back through the review process when updating their landscaping at this time the ordinance is not clear on maintaining or updating landscape. Mike Reynolds responded that he was not aware of trees ever being in the landscaping strips but they did remove a tree near the building on the north side. Planning Commission discussed if it is possible to add or require that additional trees are added to the landscaping. Scott Colson asked Jeff Stott for clarification on if this is a recommendation would a motion need to be made. Jeff Stott replied that the motion would be made with the wording that a recommendation is to include any additional trees or changes. Bob Nicholson believes that since this was a non-conforming property and they removed a tree it is within the Commissions right to ask that they become compliant. Jeff Stott clarified that through our current ordinance we could not force them legally to become compliant. There is a rationale to ask for additional trees or becoming in compliance. Ben Clarkson made a motion that we request for approval at this time that they install 5 shade trees of 2-inch caliper in the four different landscaping areas in way that would not conflict with the power lines. The rest of the river rock and shrubs will look adequate to enhance the neighborhood. Scott Colson asked for clarification on the motion if Mr. Clarkson is approving the site plan with a recommendation for additional trees. Ben Clarkson recommends to approve the site plan with the additional trees as a contingency. Mr. Colson asked Jeff Stott if it is possible that the motion has a

contingency for the additional trees.. Jeff Stott replied that it could be done but if the applicant challenges the motion it could bring up some issues that would have to be resolved later.
Donna Huntsman seconds the motion, unanimous vote; Motion Passes.

Administrative Review and vote to approve or deny a roof sign for Strawz convenience and drive-up store located at 1055 S Highway 89 on parcel K-17-27-Annex; this review is due to the confusion of terminology in the current sign ordinance [Applicant; Strawz and Star Signs].

Mike Reynolds discussed that the current sign ordinance is unclear on what is meant by the "roof line" some definitions would consider the roof line the part of the roof near the gutters or fascia. Mr. Reynolds believes that the intent of the ordinance was that the sign could not exceed the ridge or peak of the roof as the illustration shows, he would like to see this clarified in the new sign ordinance that is being reviewed. He is asking the Commission for approval of this sign since the ordinance does not provide adequate clarity on the roof line.

Boyd Corry made a motion to approve the roof sign for Strawz convenience and drive-up store located at 1055 S Highway 89 on parcel K-17-27-Annex; Kerry Glover seconds, unanimous vote. Motion Passes

A public Hearing and Discussion for a proposed zone change to Parcel K-17-37-Annex from RR-1 [Rural Residential to R-1-20 [Single Family Residential, 20,000 sq.ft.]. Parcel K-17-37-Annex is located in the approximate area of 1027 S Hillside Dr. in Kanab, UT. The purpose of the rezone is to subdivide and provide to additional parcels to build a residence for family members. [Applicant; Alan Seilhammer].

Mike Reynolds explained the request for the zone change is to subdivide the west side of the property. The proposed subdivided property would be less than 1-acre and would not meet a RR-1 zone. The request for zone change is to a R-1-20 to meet the lot size requirement. Staff has reviewed this and it does meet the Future Land Use map, there are two neighboring property that object to the zone change. One neighbor is present and the other property owner was unable to attend but did send an e-mail. Ben Clarkson makes a motion to go in and out of Public Hearing at the Chair's discretion, Boyd Corry seconds; unanimous vote.

Planning Commission asked for clarification on the current zoning as the application and the agenda do not match as one says RR-1 (agenda) and RA (application), after some review it was determined that the application is correct. Mike verified that the notices to the neighbors and to the public had the correct zoning designation. The agenda was the only item that had the incorrect zoning designation, Planning Commission was comfortable moving forward with the public hearing.

Scott Garrett commented that he is an attorney representing Scott Crane and Tamra Painter. The surrounding parcels are zoned RA. Tonight, you are sitting in a legislative capacity as you are considering the zone change. That is different than an administrative capacity. In a legislative capacity you have wide latitude in your decision making. Here tonight, you can make a decision you think is best. Mr. Garrett agrees that this falls within the Future Land Use map but would like to remind the Planning Commission that is a Future Land Use Map that projects out into the future and the Commission is not bound by the map. Mr Garrett feels it is important to look at consistency around the area, the surrounding parcels are all zoned residential agriculture and by changing the zone for this parcel would make it substantially different then the surrounding parcels. Changing the zone may set a precedence for future applications that come in. Mr Garrett pointed out different areas of the General Plan starting with page 10 under section 2.5 that discusses growth within the city core first; On page 12 there is discussion regarding preservation of open spaces; On page 11 there is discussion of density with the higher density being in the center of town and low density toward the outskirts of town; On page 13 it discusses adopting ordinance and policies of developing on hillsides. Mr Garret then discussed Chapter 11 in the Land Use Ordinance regarding sensitive lands. Mr Crane has a building at the base of the property and if the landscape changes it could cause some flooding onto his property. Mr. Garrett feels that these reasons listed in our General Plan and Land Use Ordinances is a strong reason to prohibit the zone change. Mr Garret discussed the infrastructure that would be needed if the land was developed. Mr Garrett feels that he has provided adequate reasons for denial of the zone change and on behalf of his clients ask the Commission to deny the zone change request.

Tom Avant from Iron Rock Engineer representing Alan Seilhammer commented that this area is master planned for medium residential density, which goes down to R-1-8 zone. This is not what we are requesting to go down to, we are

asking for R-1-20 which is low density. All the properties to the North are RR-1, the next least zone for density from RR-1 is R-1-20. The only reason they are requesting a R-1-20 is due to the road entering and continuing on the property. Mr Seilhammer would like to keep the private lane on the larger proposed property. The city is planning for development in this area and currently preparing to work on the road to the west of his property. Mr Garrett discussed setting a precedence by granting this zone change, the city recently granted a zone change to R-1-20 on the Browning property just north of Mr Seilhammer's property. Our clients do not intend to develop the property but if they did, they would be required to pay for and install the infrastructure needed for the development. Mr Seilhammer's plan is to split the property into two lots. The proposed lot has a nice building spot that does not sit on the hill side. I would like to submit to you that a precedence has already been set in this area, we are asking for low density and it meets the recommendation of staff.

Out of Public Hearing

Scott Colson asked for clarification that as a legislative action there is no precedence set for this, there is latitude in either direction. Having the Browning zone change does not lock us into this zone change nor does this zone change lock us into future zone change requests. Jeff Stott replied that he thinks when they are saying precedence, they are not saying that you have to do whatever was done before but to look at it as guidance.

In Public Hearing

Scott Crane commented that when the monsoon rains come, he has 3 inches of mud on his property, he has hired Casey Cox to come out and do some work that he hopes will alleviate the problem. Mr Crane is very worried that any excavation on this lot may cause flooding. Mr. Crane commented that his son has a glass company in his building and any water will cause damage to the inventory.

Out of Public Hearing

Mike Reynolds commented that Mr Crane has had flooding problems in the past, this has not been caused by the adjacent neighbors it is just water coming down the drive. If anyone built a house on the proposed property, they would be responsible for the run-off on the residence.

Commission discussed the reason for changing zone, Tom Avant explained that they want the private lane on his property not an easement through a different lot. Discussion discussed the private lane, if there is an easement or prescriptive right and who would be responsible in maintaining the private lane. Mike Reynolds commented that if or when they come in for a subdivision there would be a requirement to have an agreement for the private drive. This would not be decided or handled during a zone change.

Janae Chatterley read the letter Tamra Painter submitted via e-mail (letter is attached to minutes).

Donna Huntsman made a motion that we do not recommend the zone change from RA [Residential Agriculture] to R-1-20 [Single Family Residential] for parcel K-17-37-Annex located in the approximate area of 1027 Hillside Dr. Ben Clarkson seconds; Roll Call - Donna Huntsman yea, Ben Clarkson yea, Boyd Corry yea, Kerry Glover nay, Ben Aiken abstains. Motion Carries.

A Public Hearing to discuss and recommend to the Kanab City Council revisions and amendment to the Kanab City Land Use Ordinance, entire Chapter 7 [Sign Ordinance]

Boyd Corry makes a motion to go in and out of public hearing at the Chair's discretion.

Roxanne Leonard, Owner and Broker of Kanab Realty on Center Street, commented that she is concerned about the blade signs not being allowed in C-1 zone. Currently many of the stores have blade signs except a few businesses. Boyd Corry asked for her to define blade signs. Roxanne responded that the ordinance refers to it as a projection sign. Jay Mickelsen, representative of Stage Stop and Glazier's Market, commented he is concerned about the cost to replace non-conforming signs with the proposed height of the signs at 18 foot. Mr Mickelsen would like to see an exception to the size on a second sign in Section 7-8, C, 1 & 3; He is requesting that window signs are expanded to 70% of the window instead of the proposed 30% in Section 7-10; would like to see pennants/inflatables extended beyond grand openings to re-openings or additions to the business in Section 7-13, B, 7; Section 7-13, B, 8, C regarding A-Frame size would like this extended to consider the size of the property (e.g. Denny's Wigwam or Honey's); Section 7-17, F requested clarification on if this refers to permanent or temporary; Section 7-21, C pointed out a conflict in #5 with other regulations.

Francis Batista commented on two different sections; Section 7-13, 8, B has conflicting guidelines for A-frame signs under the temporary sign requirements; Section 13-5 believes the requirement on how to obtain a sign permit should be moved to 7-3, A.

Ryan Kane from YESCO sign company responded to multiple sections that are proposed to be amended. Section 7-8, C concerned about the proposed 18-foot height for a sign. Mr Kane commented studies show that this can be an impediment to safety and encourages the City to allow a 30-foot height and for a second freestanding sign recommends a size of 75% of the first sign. Section 7-9, A Mr Kane has concerns about the language to calculate the sq.ft. of the building front, he suggests to word it as the frontage façade or elevation. Section 7-11, C, 1 Mr, Kane rarely sees that base for a monument sign included in the size requirements, he recommends allowing 80 sq.ft. for the signage area. Section 7-11 has a grammar error. Section 7-16, C requesting to allow a higher height allowance (4-foot) and sign area (6 sq.ft.) for entrance/exit signs. Section 7-17 C Mr Kane has seen conflict on the size of electronic portion of an electronic sign and encourages that Kanab City allows 80% overall for the sign

Tom Avant commented that Iron Rock Engineering can provide Kanab City with the overall height of the free-standing signs in Kanab. Mr Avant suggested that in the downtown district from x to x blade signs are allowed on the south side of highway 89.

Out of Public Hearing

Planning Commission discussed each section beginning at the first section through Section 7-11 Monument Signs of the proposed draft. Updates will be made by Janae Chatterley and reviewed during the next meeting for accuracy. Scott Colson continued the Public Hearing and discussion for Sections 7-12 Residential Signs through the last section of the proposed draft to the next meeting.

Staff Report: None.

Commission Member Report: None.

Council Member Liaison Report: Celeste Meyeres reported that the budget was approved during the last City Council Meeting.

Kerry Glover motions to adjourn the meeting, Ben Clarkson seconds.



Chairperson

7/22/2020

Date

DATE: July 7th, 2020

RE: OBJECTION of parcel zone change

Concerned Resident:

Tamra Painter
1038 S. Hillside Dr.
Kanab, UT 84741

Dear Kanab City Planning Commission and Land Use Coordinator:

I am in **opposition** of Alan Seilhammer's proposed zone change from RA to R-1-20 on his 3.81 acres. As the property owner of 1038 S. Hillside Drive, I am concerned about the development of this area for several reasons:

*This area of Hillside Dr. has been deemed "sensitive lands" by our city.

*Our driveway is NOT maintained by the city and cannot support the increase of traffic.

*The road and other infrastructure will not support the increase of homes and septic systems
(**possibly an increase of 7 homes if rezoned to R-1-20**)

*Increase of light and noise pollution of the Hillside Dr. area.

*Spot zoning of this parcel does not improve or advance the purpose of neighbors who purchased rural residential property for quality of life and quiet surroundings.

Thank you for maintaining the aesthetic of our rural community.

Tamra Painter
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435-899-8841