

Kanab City Planning and Zoning Commission Meeting
July 17, 2018
Kanab City Council Chambers
26 North 100 East
6:30 PM

Present: Chair Pro Tem Celeste Meyeres; Commission Members Chris Heaton, Breck Judd, Arlon Chamberlain, and Marty Ott; City Council Liaison Brent Chamberlain; City Planner Bob Nicholson, Land Use Coordinator Mike Reynolds; Attorney Jeff Stott; and Administrative Assistant Janae Chatterley.

Not in Attendance: Commission Members Joan Thacher

Approval of Minutes: Correction needed on Page 2 (spelling and grammar), A motion was made by Arlon Chamberlain and 2nd by Chris Heaton to approve the minutes from July 3, 2018 with the amendments. Motion passed.

Public Comment: None

Public Hearing to review and discuss for a zone change to Parcel K-77-A-5 from R-1-8 [residential single family] to RM [residential multi-family] on 2.7 acres. Tentative plans are to install approximately 30 townhomes. Mike discussed the request for the zone change, staff feels that it is consist with the area and would not be out of line. Celeste Meyeres asked if the parcel was in the Coral Cliff's PUD. Mike explained that it was part of the subdivision, that is split between commercial, multi-family, single-family, and R-1-8. Celeste asked for further clarification on PUD, Jeff explained this is not a PUD or HOA and would be handled as a request for zone change. Breck Judd motions to allow the chair to go in and out of public hearing, Chris Heaton seconds the motion. Matt Brown made comment that the zoning for the area was not correct with the county records. Amy Sorenson made comment that the CCRs are exempt for this parcel Gail Lock is concerned about the density and the number of units. Nathan Janes described the plan for the property and that they are trying to accommodate the same look and architecture that is currently in the neighborhood. They would like to maximize the property but will probably not build 30 units. Gail Lock asked about the square foot of the units. Nathan Janes responded around 1550 sqft and would be a two-story building. Dirk Clayson commented on the county records and that the zoning is incorrect and action will be taken to correct the error. Dirk felt that RM 15 is a concern with the transitional plan for the area. He felt that a RM7 or RM9 would be more suitable for the density. Nathan Janes commented that the city no longer zones multi-family parcels with numbers. The multi-family parcels are now zoned as RM with a ratio of 50/25/25. Mike Reynolds confirmed that was correct and that the ratio was added to have the footprint cover at least 50% with 25% landscape and 25% parking.

Lance Jackson commented that he is a resident of the cove and he opposed the zone change. He feels that this area is already appropriately zoned and that there are areas in the community for this type of development. He feels that changing the zoning is not an adequate transition.

Breck Judd asked about the other multi-family zonings in the area and how this would not be considered a good transition.

Lance responded that those lots are already zoned RM and that the transition needs to be with capability of the city plan. Lance questioned why this plan isn't being done in the zones that are already designated as RM. Lance commented on the congestion that this type of development will bring to the area, that traffic is already heavy in this area with the current commercial property and will get worse once the additional motel and cabins are completed.

Gordon Huntsman is concerned regarding hear-say that Wingate bought the old club house which will also add volume to the area.

Don Anderson bought property in this area with the understanding that it would remain residential. He is also concerned about price value and his privacy on his own property.

Jeff Jensen is concerned with the price value as well. He has had personal experience of townhomes being built behind his home in a previous residence and the value of the home dropped.

Roger Williams was also under the impression that the lot would remain single family lot when purchasing his lot. He wanted to know why we would recommend a change in the zone with out first seeing the proposed plans. He also commented that if they knew a little more of what the plans where they may be more in favor.

Mike Reynolds explained the ordinance and the steps of the process when reviewing a site plan.

Celeste Meyeres asked what point in the process would it be appropriate for the applicant to make promises about mitigating the intrusion on neighbors.

Jeff Stott commented that we are talking about a zone change and the applicant could get the zone change and then sell the property the next day if he wanted to. There are no promises with a legislative decision. If it came to an administrative decision meaning what is going on the site, appropriate to what ever the zoning is, the planning commission could make certain requirements depending on what is written in our ordinance.

Bob Nicholson made comment about zone changes and how it applies with the city plan.

Amanda Buellar has concerns about the volume of the houses that may be built on the lot and how many stories they will be. Her parent's property was bought with the understanding the parcel was for a Single-Family Home.

Val Jackson voiced concerns that a similar situation happened in Orem and he did not want to see that happen here.

Dirk Clayson provided additional background information to Breck Judd's question on how the area had multi-family zoning around the single-family residential zoning. He suggested that the developer or committee keep the zone as R-1-8 next to the houses that are already present but the remaining parcel be changed to a RM.

Gordon Huntsman voiced concern that these townhomes will be bought as affordable housing and the owner will turn them into VRBO.

Nathan Janes commented that he hears everyone's concerns and is taking them into consideration.

Arlon Chamberlain understands the residents' concerns and that the area is a planned development with certain zones and the residents bought with that understanding. The Country Club Drive is only a 50 foot right away and Fairway Drive where the higher density zoning is designated is a 60 foot right away that allows for more traffic. Feels there needs to be some type of boundary between a low density and high-density zones.

Marty Ott is anxious to see site plan.

Chris Heaton feels the transition is appropriate and fits in with the developed area between the commercial, single-family homes and multi-family homes. He does agree with Arlon on how this was a planned development and how there were zones set a side for lower density and higher density.

Julie Jackson had a concern about if the zone change was approved that there are no requirements on how the site-plan is developed.

Celeste Meyeres asked Jeff Stott about Dirk's suggestion of leaving some of the parcel as R-1-8.

Jeff responded that the applicant is asking for a zone change and that would be up to the applicant if he would like to change his request.

Bob Nicholson commented that you could leave the zoning as R-1-8 and that the recommendation could be done by the commission.

Mike responded that we do have some zones with two zones, such as Agriculture and Residential zone but that there is not a split or separation in the lot.

Jeff has concerns with this discussion and what the ordinances currently state, the cleaner process would be to subdivide the lot if the applicant chooses to change his request.

Breck Judd is in favor of the zone change, he feels that the needs and planning that was set 30 years ago do not meet the demands of the present market.

Mark Burgess asked for clarification on if the lot stays R-1-8 a two-story home still be developed based on the current ordinances.

Mike Reynolds confirmed that is correct.

Arlon Chamberlain asked for clarification on the 25% landscaping

Mike clarified that 12% of it would need to be in the front.

Roger Williams commented that one to five two-story home is a lot different to thirty two-story homes on that property. He doesn't understand why the commission is in favor to the zone change, this effects the residents that are currently living there.

Stephanie Williams commented that she is very opposed to this and would like the commission to take the residents vested interest in the area.

Lance Jackson reiterated that this was a planned development and made a comment that what resident or potential buyer would ever be able to count on if the planned development is open to be changed at any time.

Celeste Meyeres commented that she believes and understands that no one really can without a doubt know that the land is never going to be changed unless they purchase it themselves. That the needs of the community can change zones.

Mike Reynolds agreed and that towns change by the community and that this is a tough choice and decision.

Breck Judd commented that there is another development in town that has townhomes right next to single-family homes and that the value of these house did not drop in value. Demand and supply is what controls the market not what is on the property.

Mark Burgess commented that before they can do the site plan they have to do the zone change. He was wondering if the two can be combined to address the issues.

Jeff responded that in the past we have done a site plan approval based on a zone change but that it is more expensive on the applicant's part.

Nathan Janes would like to hear from the residents who have property that butt up to the property line and their thoughts on a suitable compromise, such as one-story homes next to the property line.

Jeff Jensen commented that if there were some open space between the houses and townhomes it may help but that he has personal experience with this situation and that house value dropped when town homes went in behind him on a previous property.

Dirk Clayson representing his mother commented that having a single-story unit would be significant then having a two-story house. He asked for clarification on if the townhomes would be sold individually and platted.

Nathan Janes confirmed that he will be selling them individually.

Roger Williams speaking for Judy Gile would prefer the one-story homes next to the property line.

Don Anderson also agreed that this would be more suitable but asked about set-backs.

It was confirmed that one-story homes have a 10-foot set back. He stated that if it is 10-foot set back he would put a For Sale sign in his yard.

Charlie Saba made comment that in the county they had a situation very much like this, it was a zone change and it was made very clear that with a conditional use permit there were certain requirements that had to be followed and no exceptions could be made.

Would the city have any ordinances like that?

Jeff Stott responded yes but per State law this is a legislative decision, which means that they can make any decision at their discretion.

Mike Reynolds made comment that we have granted a zone change contingent on something that occurs. If not met the zoning can revert back to the original zoning.

Out of Public Hearing

There was some discussion between the commission and staff on how to proceed and if conditions can be included in the motion.

Marty Ott would like to see a site plan based on a zone change.

Breck Judd makes a motion to recommend to the city council to approve the zone change to Parcel K-77-A-5 from R-1-8 [residential single family] to RM [residential multi-family] on the 2.7 acres. No second, motion not approved.

Arlon Chamberlain commented that since the developer mentioned that the units would be platted and each unit will be sold individually, that this would be a mini-PUD. That if a site plan is provided showing the development he wouldn't have an issue with looking at that.

Arlon Chamberlain makes a motion to continue the zone change on parcel K-77-A-5 to discuss at the next meeting on August 7, 2018. Chris Heaton seconds, roll call vote is unanimous.

A review and recommendation on a request for a Minor Subdivision [three lots] on Parcel K-17-40A-Annex [9.54 acres]. Parcel K-17-40A-Annex is located at 630 E 1100 S Kanab, Utah. The two [2] new parcels being created on Parcel K-17-40A-Annex will be facing and using Maple Lane as the primary access. All parcels will remain a minimum of 2 acres maintaining the current RA zone. [Applicant; Jonathan & Donna Bowman]

Chris Heaton recused himself.

Mike explained the request for the minor subdivision and it meets the ordinances of maintaining the minimum 2 acres.

Arlon Chamberlain makes a motion to approve the minor subdivision [Hacienda Subdivision] splitting Parcel K-17-40A-Annex into three parcels with the note that they meet the minimum requirements for the zone and they front on the Maple Lane. Breck Judd seconds, roll call vote unanimous. Motion carries

Discuss and possibly make a recommendation to Kanab City Council on a site plan for a proposed commercial operation [Kanab Kitchen] at the old Hulet building located at 211 E 100 N on parcel K-25-9j. The issue of concern is on and off-site parking. [Applicant; Matt Brown]

Breck Judd recuses himself.

Mike explained that this is a proposal for an ice cream production, distribution and restaurant. The issue with the property is that the building encompasses the entire lot and does not leave a lot of parking.

Matt Brown discussed his proposal with the commission and that the building would not conform to the current code and due to it's layout would not be able to come into conformance for the parking. He is asking that a recommendation for approval is given to City Council to allow use of the city street and property for on-street parking.

Arlon Chamberlain makes a motion to city Council that we recommend a preliminary site plan for the Hulet building with the caveat where there have been other instances that the city has allowed on-street parking with improvements. With the street having a 99 foot right away this would facilitate this use. Chris Heaton seconds, roll call vote unanimous. Motion carries.

Continuation from the July 3, 2018 Planning Commission meeting; review and discuss to amend Kanab Land Use Ordinance Chapter 6-7A [Maintenance of Parking Lots - Surfacing], and any other chapters related to parking lot surfacing in all residential and commercial zones to allow an alternative to hard surfaces [Staff]:

Mike Reynolds reminded the commission about request and that staff still recommends denial. Jeff Stott has prepared a proposed change to the ordinance that includes the conditional use requirements. Celeste Meyeres provided a summary of the changes. Mike Reynolds brought up a concern from the last meeting about the mud and silt in the alternative parking lot. Mike provided pictures of the site being cleaned up after one of the floods where mud and silt were being removed by front end loaders and graders were used to clean up the parking lot. Not sure how the alternative parking will be cleaned up once it is installed. Josh Beazer commented that a discussion with the architect happened after the flooding and they are swaying towards a hard surface.

Commission discussed providing a recommendation for future developments on alternative parking lots. No motion was made.

Staff Report: None

Commission Member Report: None.

Council Member Liaison Report: None

Celeste Meyeres calls for meeting to adjourn Marty Ott seconds, meeting adjourned.

Chairperson

Date