

Kanab City Planning and Zoning Commission Meeting
July 21, 2020
Kanab City Council Chambers
26 North 100 East
6:30 PM

Present: Chair Chris Heaton; Chair Pro Tem Scott Colson; Commission Members Donna Huntsman, Kerry Glover, Ben Clarkson, Boyd Corry and Ben Aiken, Land Use Coordinator Mike Reynolds; Attorney Jeff Stott; City Council Liaison Arlon Chamberlain; and Administrative Assistant Janae Chatterley.

Not in Attendance: City Planner Bob Nicholson

Approval of Minutes: A motion was made by Scott Colson to approve the minutes from 7/7/2020 with the corrections discussed; second by Kerry Glover. Unanimous vote, motion passed.

Public Comment: None

A public meeting to discuss, approve or deny a landscaping site plan modification for a multifamily development on parcel K-B-9-6 and adjacent duplex on parcel K-B-9-6C located in the approximate area of 320 South Main St., Kanab, UT. [Applicant; Lance and Julie Jackson]

Mike Reynolds reminded the Planning Commission that almost two months ago the Commission approved a temporary Certificate of Occupancy. The Certificate of Occupancy allowed 45 days to complete the landscaping. The landscaping has been completed but by accident less than 2-inch caliper trees were planted and the evergreen trees are less than 7-feet. Staff does recommend approval of a Permanent Certificate of Occupancy.

Ben Aiken asked what caliper of trees were planted. Mike Reynolds responded that they are ¾-inch to 1 ¼ inch. Kerry asked Lance Jackson if he could explain what happened. Lance Jackson explained that the ordinance is very vague and refers to commercial zones. There was a section that refers to one large canopy tree in a landscaped area. There are existing trees on the lot that were pruned and trimmed that cost \$6000, he was not aware that any other trees that were being planted needed to be 2-inch caliper trees. He feels that with all the existing trees he meets code even without the trees that were just planted. Boyd Corry commented that he does not feel that the caliper should matter it is the height and more important a commitment that the tree will live and grow. Mr. Corry commented that the landscaping looks great. Ben Clarkson commented that it is not the height that is important according to the arborist that came and spoke with the city it is the survivability a 2-inch caliper trees have a higher chance of survival. Mr. Clarkson feels strongly that a minimum number of trees should be required and this specific project and the number of existing trees that were left satisfied and pleased him. Mr. Clarkson thinks that the site plan should show what was actually approved and asked Mike Reynolds about the site plan for this project. Mr. Reynolds responded that the site plan doesn't designate the size of trees, the ordinance does. Mr. Clarkson feels that the expectation should be that the sizes and types of trees are listed on the site plan. Mr. Clarkson believes that not all trees needs to be a 2-inch caliper only the minimum trees that are required. Mr. Clarkson thinks that Lance Jackson has planted more trees then the required minimum and some of the evergreens are short, however, there are several that are 7 feet. Mr. Clarkson feels that Mr. Jackson has invested in and planted more trees than required so the trees that are not 2-inch caliper are not even necessary to begin with. Mr. Clarkson commented that since this site plan review, the Commission has been more diligent on receiving landscaping plans that are more detailed on the existing and new trees as well as the type and including that 2-inch caliper are required. Scott Colson agrees that Mr. Jackson has done an excellent job with his landscaping, his concern is that everyone should be treated the same and fairly. The ordinance clearly states that the trees should be 2-inch caliper. If we are asking other property owners and we currently are pushing back on other property owners who haven't put in 2-inch caliper trees, it is going to be difficult for the Commission to apply the ordinance fairly. Donna Huntsman stated that it is our job to make sure the ordinance is adhered to but reviewing the ordinance she has found it to be very confusing. Mrs. Huntsman feels that the Commission should be telling the applicants what the ordinance is and to be clear on what to expect.

Jeff Stott explained that under Chapter 9 it states, that a site plan approval may include such conditions consistent with the consideration of this chapter, as the Planning Commission deems reasonable and necessary under the circumstances to carry out the intent of this Chapter. Mr. Stott reads this to mean that if the Commission as a group can come up with findings that support under the circumstance's conditions. Findings will support your decision for future site plan reviews and why an exception was allowed in this circumstance. Ben Clarkson discussed Chapter 9-8 H that states, Retention of existing trees and plants: existing trees, native vegetation and rare plants shall be retained wherever possible and may be accepted in lieu of new plantings, unless they are an undesirable species. Mr. Clarkson believes that this covers the 2-inch caliper trees and meets the requirement. Mike Reynolds commented that Mr. Clarkson has listed something that the Commission can use as a finding. The existing trees may not be in every landscaped area but they are clustered, the new trees that have been planted are in separate landscaped area and that is where we run into a problem. Mr. Reynolds believes that Mr. Jackson has met the intent and spirit of the Chapter 9. Boyd Corry makes a motion to approve the landscaping site plan modification for a multifamily development on parcel K-B-9-6 and adjacent duplex on parcel K-B-9-6C at 320 S. Main Street with the addendum of the existing trees already on the property. Not only does this meet the letter of the law it also meets the spirit of the law with the plantings of the additional trees.

Planning Commission discussed the finding and that with the existing trees allowed in Chapter 9-8 H this meets the requirements of Chapter 9. Donna Huntsman seconds the motion. Boyd Corry adds a condition that the trees are kept alive for 10 years. Unanimous vote; Motion passes.

Continuation of 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]

Mike Reynolds explained this is an ongoing project, the proposed draft in the packet is the most current revision. Staff recommends putting some type of requirements for residential signs by limiting the size of the sign.

Scott Colson made a motion to go in and out of public hearing at the chair's discretion, Kerry Glover seconds; unanimous vote.

Commission discussed commercial residential signs; different types that should be allowed and if any restrictions should be added on non-commercial signs. Jeff Stott commented that the nuisance statement in the proposed draft would allow regulations around non-commercial signs. Commission discussed the size of the sign for promotional and commercial signs. Commission increased the promotional sign to 64 sq.ft. and removed the last part of the sentence in (i). Commission also changed the set back to 5-foot from the curb or property line and added a requirement that signs are in good repair in (ii).

Tyler Cornell suggested that the size of the property frontage would dictate the size of the sign.

Commission discussed temporary signs, how many signs would be allowed for a business, what should be covered under temporary signs and if a permit would be required. Commission would like to have number 5 and number 8 under B moved into its own section, add "significant changes (e.g. additions or uses) to the business" to the pennants requirements and to remove number 6 under B.

Jay Mickelson suggested that the Commission not limit the number of temporary signs.

Tyler Cornell asked if the number of signs would be regulated per business or per property.

Commission discussed some changes under the A-Frame requirements; under letter b, added language regarding the maximum size requirement and a requirement that the sign be brought in at night; under letter c, the size was increased to 32 sq.ft.

Commission discussed Electronic Message Sign; Donna Huntsman would like to add language from the Internal Sign Association (ISA). Commission would like me to add the language from the ISA to the proposed draft for review next meeting.

Jay Mickelson asked about the height on free standing sign. He understood in the last meeting that the height would be based on the signs at Stage Stop. Stage Stops signs measured at 35 + feet, he is concerned that if the height requirement is kept under 35 feet and the sign(s) at Stage Stop are damaged he would be non-conforming and have to replace them. Commission and staff discussed the previous meeting. Janae Chatterley understood that the Commission wanted the height to be 25 foot unless Stage Stop's sign measured higher than 25 feet in which case the

height would be set to 30 foot. Mike Reynolds commented that the signs at Stage Stop are currently non-conforming based on the current sign ordinance. Planning Commission discussed each section beginning at the Section 7-12 Commercial Residential Signs through the last section of the proposed draft. Updates will be made by Janae Chatterley to be reviewed during the next meeting.

Staff Report: Complaints have been increasing

Commission Member Report: None.

Council Member Liaison Report: None.

Kerry Glover motions to adjourn the meeting, unanimous vote.



Chairperson



Date