

Kanab City Planning and Zoning Commission Meeting
September 18, 2018
Kanab City Council Chambers
26 North 100 East
6:30 PM

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

Not in Attendance: City Council Liaison Brent Chamberlain

Approval of Minutes: Correction needed on Page 1, line 29 (spelling error). A motion was made by Marty Ott and 2nd by Donna Huntsman to approve the minutes from Aug 21, 2018 with the amendments. Motion passed.

Public Comment: Amy Sorensen commented about an error in the minutes, Chris Heaton stated this has been identified. Amy Sorensen also identified that her name was spelled incorrectly in the minutes.

Public Hearing : A Public Hearing to Review and Discuss an amendment to the Kanab City Land Use Ordinance Chapter 18 - Multi-Family Residential Zone [RM Zone], intended to allow the sale of individual dwelling units, meeting specific requirements, may be platted for private ownership.

Mike discussed the amendment that is being proposed takes care of an issue that came up in previous meetings. It was discovered that our Ordinances, unless it is a planned development, could not be plotted for individual sale for condominiums and townhomes under a RM [residential multi-family] zoning.

Bob Nicholson discussed how the proposed amendment would allow the individual sale for condominiums and townhomes in a RM zone. Units would be built on a private building pad and typically would involve a common area. The individual would own the units commonly referred to as "between the paint" and a Home Owner's Association would need to be created to maintain the common areas. The proposed amendment recommends a minimum of 8 units, this is not set in stone but may be a reasonable number to maintain the costs of the Home Owner's Association and maintaining the common areas.

Jeff Stott explained that currently in the city we may see townhomes already being sold individually, such as El Pueblo, these were part of a planned development that involved at least ten (10) acres. He also mentioned another area of town, north of town, where duplexes are being sold individually and he believes that this may have been grandfathered in through an older ordinance.

Arlon Chamberlain makes a motion to go in and out of public hearing at the chair's discretion, Joan Thacher seconds, roll call vote unanimous.

Amy Sorensen asked what it would take to have 8 units on a plot, how big of a property would be required? Noticed that in the zoning and ordinances there was an error in the chart that needs to be corrected. Multi-family units are not permitted according to the table chart in the ordinance.

Sue Thompson asked how would somebody find out where the RM zones are located in the city?

Chris Heaton responded that the zoning map is located in the city offices or on the city website.

Ed Jacobsen asked if the minimum is 8 units are you now prohibiting fourplexes and duplexes or is that discussed somewhere else.

Mike responded that we no longer have RM 1-15 zones it is now all under RM and that the plans would have to follow the current setbacks.

Jeff Stott also commented that this does not affect duplexes that are already allowed in single family zones but they could not be sold individually it would have to be owned by one owner. Also, in the

RM zones a duplex or fourplex can be developed but under the current ordinance all units would be owned by one owner.

Jack Peter Asked the reason behind the minimum units and why couldn't a lower number of units be allowed.

Bob Nicholson responded that there is not anything magical about eight, but the thought was that the costs would be kept down with the Home Owner's Association and that it would be more successful. Amy Sorensen asking for clarification that if the minimum is less than eight units, the units could not be sold individually. Where would the units less than eight be established.

Bob Nicholson responded that they would be allowed in the RM zone and in the planned development.

Kathy Toukes asked does this pertain to the housing for 55+ age group that may possibly be coming to Kanab.

Bob Nicholson explained that this would enable such a development since a 10-acre requirement would not be required.

Sue Thompson asked about water hook ups and that in the past the number of hook-ups were limited. Mike explained that the water is not an issue.

Wally Thompson explained that in the past only so many hook-ups were allowed for a development. Ed Jacobsen asked how this would affect commercial zone.

Jeff Stott responded that this would only apply to the RM zones.

Mike responded that currently you can build apartments and condominiums on commercial zones but under one owner.

Scott Colson clarified that if we decide to add a requirement to commercial zone a new public hearing would need to be required.

Lance Jackson apologized for being late and asked for clarification on the proposed change. Janae Chatterley provided a paper copy of the proposed changes to Lance.

Mike Reynolds displayed the zoning map and explained where some of the RM zones are within the city.

Jack Peter likes the proposal and would like to see the minimum units dropped to 4 units.

Lance Jackson asked for clarification on how this would relate to the zone change request that occurred in previous meetings in the golf course area. He understands that the condos would be sold individually but the common area would be owned by everyone.

Chris Heaton responded that with the proposed ordinance a Home Owner's Association would need to be developed and with the proposed amendment 8 units would be the minimum requirement that could be sold individually.

Breck Judd responded that a condominium is different as they are owned by one individual but a townhome can be sold individually.

Chris Heaton wanted to clarify that, the proposed amendment includes both condominiums and townhomes.

Jeff Stott clarified that our ordinance does not define a difference between condos and townhomes for this proposal we are treating them all the same. In regards to the zone changes in the golf course situation, it was a request for a zone change from R1-8 to RM. In order to do what is being proposed with the amendment change to the ordinance, the requestor would first have to get approval for a zone change from R1-8 to a RM.

Ed Jacobsen asked when the zoning was established or if they were just made into RM

Chris responded that they have been this way for some time but could be subject to change.

Breck Judd mentioned that the General Plan is being reviewed for any possible changes to the zoning map.

Chris Heaton went out of Public Hearing

Arlon provided his thoughts regarding the proposed amendment, believes that the units could be done with four or five units.

Breck Judd asked for clarifications on setbacks and space required between the buildings.

Bob Nicholson responded that for a two-story set backs are 20 feet

Scott Colson agrees with Arlon but would like to go even further and remove the minimum requirement so that a duplex could be sold individually. This would allow a smaller RM that may not be able to fit a fourplex to develop a smaller duplex unit that could be split down the middle and sold individually.

Breck Judd has concerns with a duplex regarding insurance and if it would cover the units separately. Chris Heaton asked if that is currently an issue

Mike Reynolds explained that typically the HOA pays for the insurance on the building itself and the owners would pay for the insurance to cover the personal items within the walls of the unit or "between the paint".

Donna Huntsman believes that the challenge with the number of units may be a scalability issue, less than 8 units may have different costs for the Home Owner's Association.

Joan Thacher asked about the foot print and ratios of 50/25/25 would still apply.

Bob Nicholson explained that it would apply to the project and not to the individual units.

Jeff Stott went back to Scott's comments in regards to splitting the property down the middle. He is not sure how this would be done legally but may be done with deeds.

Arlon mentioned the twin homes in Red Shadows that are owned individually and the owners are responsible for their own landscaping and repairs.

Scott Colson comments that the proposal makes some assumptions that more people are better, which is not always the case. Other issues as far as costs or scalability should be worked out with the HOA and owners, not necessarily a decision or solution by planning and zoning.

Arlon asked Mike for clarification on the footprint ratios of the 50/25/25

Mike responded that the standard would still be required for the development or project.

Joan Thacher has concerns that the units would be bought and then used as vacation rentals. Would it be more of an incentive to build apartments if we do not allow units to be sold individually?

Donna Huntsman commented that currently vacation rental allowed within the ordinances even if it is owned by one owner.

Joan Thacher asked Mike if we have received requests from developers on building condos or townhomes.

Mike responded that several people are talking about it. He has heard the rumor about the senior housing development but no contact to the city has been made. He has two developers that are inquiring about building apartments.

Joan Thacher asked for clarification on where in the ordinances that currently is restricting condos and townhomes from being sold individually.

Jeff responded that she could find it in Chapter 18-5 and 18-6, it is also in the supplementary chapter (Chapter 4).

Breck Judd did receive clarification that insurance could be provided on duplexes and if we allow duplexes could we allow them to split the property down the middle.

Mike Reynolds responded that technically that could not be done as it would be an illegal lot under today's ordinance.

Bob Nicholson clarified that what Breck is discussing is more of a twin home and that may need to be discussed separately. This amendment proposes a common area for parking and landscaping.

Marty Ott asked who would be responsible if there is flooding, fire, or natural disaster?

Scott Colson makes a motion to recommend to City Council a proposed amendment to Kanab Land Use Ordinance Chapter 18 [Multi-Family Residential Zone] to allow for a multifamily development to be platted for private ownership and the sale of individual dwelling units, with one correction to the amendment presented by staff, which would be to change the minimum of eight-units requirement to two-unit requirement.

Arlon recommends the change be a minimum of four-units and the separation between building have a minimum of a 10-foot requirement instead of the 12-foot requirement.

Chris explained that Scott can accept Arlon's suggestion and amend his motion or a vote can be done with the motion he made.

Scott is concerned that currently duplexes cannot be sold individually in the RM zone.

Arlon Chamberlain would like to see the twin homes addressed separately.

Scott asked for clarification on the differences between duplexes and twin homes.

Bob responded that duplexes are usually a rental unit where twin homes are individual ownership.

Scott would like to keep his motion with a minimum of two-units.

Breck Judd would like to second the motion that Scott made with additional changes to the requirement between buildings that Arlon recommended, minimum of 10 foot between buildings.

Scott agrees with Breck's recommendation and amends his motion to include the 10-foot minimum requirement between buildings.

Roll Call vote was taken, Breck Judd, Marty Ott and Scott Colson vote yea. Donna Huntsman, Joan Thacher, and Arlon Chamberlain vote nay. Chris Heaton as temporary chair votes nay. Motion does not pass.

Donna Huntsman motions to recommend to City Council a proposed amendment to Kanab Land Use Ordinance Chapter 18 [Multi-Family Residential Zone] to allow for a multifamily development to be platted for private ownership and the sale of individual dwelling units, with the changes to change the minimum requirement to the separation between buildings to a ten-foot requirement and a change to the minimum requirement of units to a four-unit minimum requirement. Breck seconds the motion, Marty Ott, Scott Colson, Donna Huntsman and Arlon Chamberlain vote yea. Joan Thacher votes nay. Motion carries.

Commissioners would like to see the subject of twin-homes brought back to the Planning and Commission meetings to be reviewed and discussed for an amendment to the Land Use Ordinances.

Discuss and Review the Kanab City Land Use Ordinance chapter 7 regarding signage in the commercial zones [Staff].

Mike Reynolds explained that a discussion needs to take place regarding the types of signs we want to allow in the city. The ordinance becomes confusing as to what is allowed and what is not allowed between the different commercial zones. Business are not aware of the requirements in the ordinances. A recent request has been received by the Kanab High School which does not currently meet our ordinances. They would like to install an electronic sign to notify of upcoming events, such as, games and graduations. Ordinances would need to be changed in order to allow the High School to install this sign. We do not have a finalized plan but are looking for any recommendations from the commissioners on how to proceed. Commission asked additional questions about height, location, changing/static message. There was some discussion on how the electronic sign would meet the new Outdoor Lighting Ordinance. Ryan from the sign company explained that the sign is designed to push the light down instead of up into the sky. Commission would like to see language in the Ordinance that restricts the electronic signs to schools or events and not to all businesses and that the sign fits the western theme the city currently adopted.

Discuss and review the Kanab City General Plan [Staff; Bob Nicholson]

Bob summarized the discussion for the last review that was done on the previous meeting and the requests from the last meeting such as the demographics and surveys. Review of the survey or community goals that were done in 2013 and the most recent demographics we have from the census. There was some discussion regarding the data and how current it is and if more current information could be gathered. Zoning map and Land Use map were provided to the commissioners. Discussion of how to move forward with the review and what to include in the General Plan. Question about if a new survey would be needed. Mike suggested that the commission come up with principal guidelines and identify issues that may need to be addressed prior to a survey being done. Chapter 1 and 2 will be reviewed during the next General Plan review.

Staff Report: None

Commission Member Report: None

Council Member Liaison Report: None

Arlon Chamberlain motions to adjourn the meeting.

Chairperson

Date