

1 **Kanab City Planning and Zoning Commission Meeting**
2 **Mar 7, 2023**
3 **Kanab City Council Chambers**
4 **26 North 100 East**
5 **6:30 PM**
6

7 **Present:** Chair Boyd Cory; Commission Members Ben Aiken (6:35), Russ Whitaker, Ben Clarkson,
8 Taylor Glover; Heather Russell; Terry Edwards; Building Inspector Janae Chatterley and Colton
9 Porter; City Council Liaison Arlon Chamberlain; and City Attorney Kent Burggraaf.
10

11 **Not Present:** City Planner Bob Nicholson.
12

13 **Approval of Minutes:** Russ Whitaker made a motion to approve the minutes from the February
14 7th, 2023 meeting. Terry Edwards second. Unanimous vote; motion carried.

15 Boyd Cory (Chair) stated that we are changing the order for item 6 and item 7.

16 **Public Comment:** None.

17 Kent Burggraaf (City Attorney) suggested that we move the open and public meetings training
18 to the end of the meeting; approved by Boyd Cory.
19

20 **7. Discuss and recommend a zone change to City Council from RR-1 [Rural Residential] to**
21 **C-3 [Commercial] for parcel K-7-21-Annex and K-7-1-Annex located in the approximate**
22 **area of 700 South and 900 East off Terrel Dr.**

23 Janae Chatterley stated that the Property Owners Jeff Yates and Dirk Clayson, represented by
24 Jeff Yates, are requesting a zone change to rezone parcel K-7-21-Annex and K-7-1-Annex from
25 Rural Residential (RR-1) to Commercial Zone (C-3). The property owners would like to develop
26 Storage units or Mobile Home Park and a Commercial zone is required to do this. Ms.
27 Chatterley presented additional information included in her staff report.
28

29 **Public Hearing**

30 Catherine Terrel explained (paraphrased): I live out by where they are wanting to develop, and
31 have done some research, and it is true that the one side only has a 33-foot easement going
32 back into that property. I was told that in my quest for information that they must have a 50-
33 foot road to access to develop a commercial property. Also, with a mobile home park there is
34 no sewer in there, so that would all be septic. All of us that live out there, most of us at least
35 own five acres, and or single-family homes on at least five acres, and it is very rural. Garkane
36 has a substation there. That is not too much of an issue with anybody, but we have a lot of
37 property out there as well and I just do not think it's a good precedent to start putting
38 commercial property out in that area, because of the homes that are in that area. It is right
39 underneath Hillside Drive; I do not know if most of you are familiar with Hillside Drive. Most

40 people have beautiful homes up there, and I do not think any of them would like to look down
41 on a mobile home park. I just do not think that it is a good fit for that area. That is my main
42 concern. There are no roads there; if you look at the property, those are not roads they are just
43 dirt roads that go back. Pat Shirley is here; she owns the property directly adjacent to it. She has
44 a single-family house right there. And basically, if you tried to put that out to fifty feet, it would
45 be in her front yard. And with the traffic that would be going up and down through them with a
46 mobile home park and storage units, I just don't think it is a very good fit for that area.

47

48 Russ Whitaker asked what other properties belonged to Catherine in that area. They discussed
49 the locations and the plans that they had for their family property for the future. Catherine
50 stated that they are going to stay farm and agricultural property.

51

52 Jeff Yates explained (paraphrased): What I would ask you to do on these properties is like the
53 Garkane property. I do not know if it is RR-1 or RA, but it is being used as an industrial property;
54 they did not go in and have a zone change or anything like that. On the access to the property,
55 we own an easement and we have another easement from Garkane.

56

57 Russ Whitaker asked Jeff Yates to clarify where the easement was. Jeff explained
58 (paraphrased): Right now, that it is not a road, it is just an access, because the type of property
59 that it currently is. We are up against an industrial property. I think it is a good buffer between
60 the two. If you look right across the street from the Garkane property, that was just designated
61 C-3. And a lot of the properties along there were just designated commercial. I think we need to
62 look at what it is being used for. Garkane is using something that is zoned RR-1 as industrial
63 property, which kind of limits what we can do, because nobody wants to build single family
64 homes next to an industrial property. We believe this to be a good buffer and consistent with
65 some of the uses that are around it.

66

67 Kent Burggraaf commented (paraphrased): The State Legislature passed a bill, that, if signed by
68 Governor Cox, would restrict municipality's ability to limit road widths for residential
69 developments, the limit being 32 feet in width

70

71 Boyd Cory shared his findings on commercial zones in that area.

72

73 Planning Commission discussed the land use map in that area.

74

75 Pat Shirley asked if it were changed to a commercial zone what would that include as a C-3
76 zone? Boyd Cory explained that the two things that C-3 does include is the ability to build any
77 kind of storage facility or trailer park.

78

79 Pat Shirley explained (paraphrased): That is a flood zone and Garkane has a ditch around their
80 property to deal with the storm water. If it is taken out (the ditch), will the water flood my

81

82 house? Russ Whitaker stated that there are laws in place to protect you and prevent them from
83 flooding your property.

84

85 Ben Aiken made a motion to send a positive recommendation to City Council. Russ Whitaker
86 seconded the motion. A roll call vote was taken.

87 Ben Aiken: Yes

88 Ben Clarkson: Yes

89 Heather Russell: No

90 Terry Edwards: No

91 Russ Whitaker: Yes

92 Taylor Glover: No

93 Boyd Cory (Chair) voted yes to break the tie vote.

94 Motion carried.

95

96 **6. Discuss and recommend to City Council a Development Agreement for a Planned**
97 **Development Overlay [Ventana Village Resort] located on Parcel K-13-UTAH-ANNEX in the**
98 **approximate area of 550 E Kane Plex Drive.**

99 Janae Chatterley presented information, using a PowerPoint presentation, explaining the
100 different aspects of the Development Agreement. It was explained that the Planning
101 Commission is be presented with two versions of the development agreement, to be
102 considered for recommendation: One that includes provisions related to the creation of a
103 Public Infrastructure District (PID) and attainable housing; and one that did not have
104 reference to the creation of a PID, and replacing the definition and phrase “Attainable
105 Housing” with “Moderate Income Housing”. The two versions being necessary since the City
106 Council has not yet decided the issue of creating a PID.

107 The Planning Commission discussed Kaneplex Dr., the easement, “Attainable Housing”
108 proposed for the project, and the cost of “Attainable Housing”. They also discussed the
109 townhomes and the single-family homes in the project and the intended use—for vacation
110 rental of the properties or full time living. There was a traffic study done for the
111 development. The trail system for the development was discussed. The trails will be
112 privately maintained/owned but be open to the public. The trails can be joined to the
113 existing trails in the area. Applicant, Steve Laski, stated that “the pickleball courts and pool
114 will be available to the public for a small fee. But they will be available.”

115 It was also discussed that the developer is looking to use some of the short-term rental
116 revenues to be donated to the youth sports and recreation programs within the city, such as
117 4-H, school programs, athletic booster clubs, etcetera. And how they would donate that
118 revenue. The developers, Steve Laski and Devin Anderson, explained they are excited to give
119 back to the community and help however they can with youth sports that are sometimes
120 hard for parents to fund in a small town.

121 Ben Clarkson shared some concern about the length of time the Planning Commission has
122 had to review the draft development agreements.

123 Tom Avant, from Iron Rock Engineering and representing the developers, explained why the
124 Planning Commission was given a new document (recent version of the development
125 agreement) just before the meeting. He explained, something was discussed in the last day
126 or so, and instead of coming here and suggesting to make the new term a condition of the
127 recommendation, they decided to include it in the document, with wording that had been
128 sent to staff. This was to try and help the Planning Commission put forth a motion based on
129 the documents presented, versus adding to the motion a condition that would change the
130 documents provided.

131 Kyler Ludwig, City Manager, explained what a P.I.D. is and how they are asking for the PID,
132 and what it will entail for the Planning Commission and they discussed it at length.

133 Applicant Steve Laski and Planning Commission discussed about the existing road/easement
134 on the west side of the property. The dirt road has been used as an access to the BLM gravel
135 pit and a Garkane access for power lines along the west side of the property.

136 **Public Hearing:** Mike Noel, representing the Kane County Water Conservancy District,
137 explained that the District owns 400 acres of property, known as the Jackson Flat
138 Recreational Area. It's an area for local residents to come recreate. The District has a lot of
139 activities and events there. Mr. Noel had questions about the right-of-way along the west
140 property boundary and whether the right-of-way had lapsed. City staff explained what was
141 known about the easement on the west side of the property and the easement on the south
142 side of the property.

143 Amanda Buhler, also representing the Water Conservancy District expressed concern that the road
144 to the BLM pit was not on the plans, explaining she has observed a trucks using that road all day, every
145 day. The District is working on putting in a trail system and adding more recreation on the adjacent lot,
146 and if that road goes away and BLM needs access, she questioned how that would work. She expressed
147 that if that access is not there for the BLM, it's going to cause problems for them and the District. The
148 District's adjacent property is the only other option for them to access that pit; the District owns all the
149 other property around it. If the District has to help the BLM gain access, that affects the District. The
150 District is paying for all the recreation.

151
152 Applicant Devin Anderson stated that they would like to work together with the Water Conservancy to
153 connect the trail system. The developer's intent is not to make a land locked property; they are talking
154 ten years from now before that road is relocated. The developer wants to provide that access, and to do
155 the right thing.

156
157 Dirk Clayson explained that he had concerns about the Water Conservancy lands around that property.
158 The road on that west side has been talked about. As a Former Commissioner, it was the County
159 Commission's intent to memorialize those roads. In the process, the County found a few errors like this,

160 where an existing road did not get memorialized. But if you look at that from a master plan standpoint,
161 it's a 90-degree intersection (where the dirt road easement meets Kaneplex Drive); it makes sense that
162 it should be there. If the other property was developed to have some recreational areas, that road
163 serves the purpose for that as well. He disagreed that the road could be internalized. He also expressed
164 concerned about the lack of access to the other end of this road. He also expressed concerns about the
165 traffic flowing in that area when big events are happening at and around the reservoir. Kane Plex Dr.
166 was never built to city standards. He agreed with the effort to make their trails accessible to public
167 areas. The benefit to the development to tie into the trail structure in the neighboring infrastructure is
168 far more valuable than for the neighboring infrastructure to change to fit the development. Mr. Clayson
169 wants to keep easements along the Arizona state line so public access can be maintained.

170

171 In response to a question, Kent Burggraaf explained the Planning Commission cannot go forward with a
172 recommendation for site plan approval without Planning Commission making a recommendation for the
173 Development Agreement (i.e., the development agreements could be recommended either
174 simultaneously with the site plan recommendation or in advanced of the site plan recommendation).

175

176 Planning Commission discussed more about the roads in that area.

177

178 Applicant Devin Anderson, explained that he had discussed the road access with the Water Conservancy
179 District and what they are interested in is the access to the pit. He suggested that if the Planning
180 Commission wants to change the wording so that access remains, that was acceptable to the developer.

181

182 Russ Whitaker made a motion to send a positive recommendation to the City Council to approve the
183 alternate Development Agreements, with the condition that the developers will maintain the access on
184 the west border to the BLM pit. Taylor Glover asked if Russ would amend his motion, Russ Whitaker
185 amended that they will also maintain the road connectivity between the one along the western
186 boundary and the one on the southern boundary of the property. Terry Edwards seconded the motion.

187 A roll call vote was taken.

188 Taylor Glover: Yes

189 Terry Edwards: Yes

190 Ben Aiken: Yes

191 Russ Whitaker: Yes

192 Ben Clarkson: No

193 Heather Russell: Yes

194 Motion Carries.

195

196 [Janae Chatterley requested to move up the site plan for the sign for the All-Women Town
197 Council. Chair Boyd Cory approved.]

198 **12. Planning Commission review to approve or deny a sign that will be located in the**
199 **Design Standards of the C-1/Downtown area.**

200

201 Janae Chatterley explained that the Kanab Heritage Board would like to construct
202 a monument sign near 75 North 100 West, honoring the All-Women Town
203 Council. The monument sign will be located on the City property near Comfort
204 Suites parking lot entrance. It will be located in a C-1 zone, be required to comply
205 with design standards, and requires approval from the Planning Commission. The
206 installation of a permanent sign on City property was approved by City Council on
207 February 28, 2023.

208 Janae Chatterley summarized for the Planning Commission where the monument sign will
209 be placed and Planning Commission discussed it briefly,

210

211 Heather Russell made a motion to approve the proposed monument sign, based on staff
212 findings and conditions found in the staff report 2023005; Russ Whitaker seconded the
213 motion.

214

215 A vote was taken and was unanimous.

216 A roll call vote was taken.

217 Taylor Glover: Yes

218 Terry Edwards: Yes

219 Ben Aiken: Yes

220 Russ Whitaker: Yes

221 Ben Clarkson: Yes

222 Heather Russell: Yes

223 Motion Carries.

224

225

226 Chair Boyd Corry asked to adjourn for 5 minutes.

227

228 **8. Discuss and recommend a zone change to City Council from M-1 [Manufacturing] to RR-**
229 **1 [Rural Residential] for parcel K-134-701 located in the approximate area of 2291 South**
230 **Hopi Dr.**

231 Janae Chatterley stated property owners Kathleen and David Gardner
232 represented by Iron Rock Engineering, are requesting a zone change to rezone
233 parcel K-134-701 from Manufacturing (M-1) to Rural Residential (RR-1). This is a
234 5.33-acre undeveloped parcel located next to the sewer lagoons, currently zoned
235 Manufacturing. The property owners intended use is residential. Manufacturing
236 zones do not allow residential use unless it is incidental to the primary use of the
237 business.

238 **Public Hearing:** No comments.

239 Planning commission discussed the zone change request.

240
241 Ben Aiken made a motion to send a positive recommendation to City Council to
242 change parcel K-134-701 from M-1 to RR-1; Terry Glover seconded the motion.
243 A roll call vote was taken.

244 Taylor Glover: Yes
245 Terry Edwards: Yes
246 Ben Aiken: Yes
247 Russ Whitaker: Yes
248 Ben Clarkson: Yes
249 Heather Russell: Yes

250 Motion Carries.

251 [Ben Clarkson rejoined the meeting during the end of this item.]

252

253

254 **9. A discussion and recommendation to City Council on a Zone Change of Parcel K-7-9-**
255 **2A-Annex from RR-1 to R-1-15 located off Chinle Dr. in the approximate area of 450**
256 **South and 650 East [Applicant Arlon Chamberlain]**

257

258 Janae Chatterley explained an application for a zone change had been received by the property
259 owner of parcel K-7-9-2A-Annex, represented by Arlon Chamberlain. Ms. Chatterley explained
260 the details of the request and City staff's analysis, as included in the staff report.

261

262 Applicant Arlon Chamberlain stated the requested zoning does not match the other adjacent
263 lots but his own lot is $\frac{3}{4}$ acre. He stated that eventually the surrounding fields will be
264 developed, and it will just blend in with the rest of the houses at that time.

265

266 Russ Whitaker made motion to send a positive recommendation to City Council to assign zone
267 R-1-15 to parcel K-7-9-2A-Annex, based on findings and conditions in staff report 2023008;
268 Heather Russell seconded the motion.

269 A roll call vote was taken.

270 Taylor Glover: Yes
271 Terry Edwards: Yes
272 Ben Aiken: Yes
273 Russ Whitaker: Yes
274 Ben Clarkson: Yes
275 Heather Russell: Yes

276 Motion Carries.

277

278 Motion passed.

279

280 **11. A discussion and recommendation to City Council for a Conditional Use Permit to allow**
281 **a Private Lane on Parcel K-7-9-2A-Annex located off Chinle Dr. in the approximate area**

282 **of 450 South and 650 East [Applicant Arlon Chamberlain]**

283

284 Janae Chatterley stated, this is an application for a Conditional Use Permit for a private lane,
285 submitted by Arlon Chamberlain. Arlon Chamberlain is requesting a Private Lane on Parcel K-7-
286 8A-Annex that will provide access to Parcel # K-7-9-2A-Annex.

287

288 Taylor Glover moved to send a positive recommendation to City Council for the Conditional Use
289 Permit for a private lane based on staff's findings and conditions listed in the staff report, file
290 20232009, and adopting the findings in Chapter 8, Section 8-6(B). Russ Whitaker seconded the
291 motion.

292 A roll call vote was taken.

293 Taylor Glover: Yes

294 Terry Edwards: Yes

295 Ben Aiken: Yes

296 Russ Whitaker: Yes

297 Ben Clarkson: Yes

298 Heather Russell: Yes

299 Motion Carries. Motion passed.

300

301 **13. A discussion, approval, or denial for a Conditional Use Permit for a Bed'n'Breakfast**
302 **on Parcel 72-457 located at 617 W Vance.**

303 Janae Chatterley stated property owner, Sara Bichler, is requesting a Conditional Use Permit for
304 a Bed and Breakfast at 617 West Vance Drive, which is zoned R-1-8. Per the Business License
305 Application, she will be renting out one (1) room of the residence to a maximum of two (2)
306 guests. Ms. Chatterley further explained the information and analysis included in the staff
307 report.

308 Russ Whitaker made motion to approve the conditional use permit for a bed and breakfast
309 located at 617 West Vance Drive, based on staff's review and the findings in Chapter 8-6(B),
310 listed in the staff report, file 2023007; Heather Russell seconded the motion.

311 A roll call vote was taken.

312 Taylor Glover: Yes

313 Terry Edwards: Yes

314 Ben Aiken: Yes

315 Russ Whitaker: Yes

316 Ben Clarkson: Yes

317 Heather Russell: Yes

318 Motion Carries.

319 Motion passed.

320

321 **14. A discussion, approval, or denial for a Conditional Use Permit for a Private Dog**
322 **Kennel on Parcel 34-69 located at 1126 W Grand Canyon Dr.**

323

324 Janae Chatterley explained that property owners, Michael and Jody Amacher are requesting a
325 Conditional Use Permit for a Private Kennel at 1126 West Grand Canyon Drive, which is zoned
326 RR-1. Currently the property owners have four (4) dogs which are licensed in the City and a one-
327 time fee for an Additional Dog Household Permit was paid in 2018. Their four dogs are
328 household pets and are kept inside during the day and night, they are allowed outside for
329 exercise, play and elimination purposes. They would like to adopt a fifth dog to add to their
330 family. The property owners were not able to attend the scheduled meeting but did provide a
331 letter in their absence. Ms. Chatterley provided further information and staff's analysis, as
332 provided in the staff report.

333

334 Heather Russell made motion to approve the Conditional Use Permit for a private kennel
335 located at 1126 West Grand Canyon Drive, based on staff's review of the ordinances and the
336 findings in Chapter 8, Section 8-6(B) listed in the staff report, file 2023003; Ben Aiken seconded
337 the motion.

338 A roll call vote was taken.

339 Taylor Glover: Yes

340 Terry Edwards: Yes

341 Ben Aiken: Yes

342 Russ Whitaker: Yes

343 Ben Clarkson: Yes

344 Heather Russell: Yes

345 Motion Carries

346

347 **10. Discuss and recommend to City Council a Preliminary Site Plan for a Planned**
348 **Development, Ventana Village Resort, located on Parcel K-13-UTAH-ANNEX in the**
349 **approximate area of 550 E Kaneplex Drive.**

350

351 Janae Chatterley explained that the developer, Mountain West Development, and their
352 representative, Iron Rock Engineering, have applied for approval of a preliminary site plan of for
353 their planned development. Ms. Chatterley explained what was submitted for the preliminary
354 site plan, the local ordinances pertaining to this request, and staff's analysis of the proposed
355 preliminary site plan, as included in the staff report and as explained during the presentation
356 for agenda item 6.

357

358 Ben Clarkson asked about the number of floors for the Attainable Housing. Steve Laski stated
359 they would be 3 stories.

360

361 Planning Commission discussed having larger parking for trucks and trailers at the resort with
362 the applicant.

363

364 Russ Whitaker made motion to approve the preliminary site plan for Ventana Resort Village,
365 based on the findings and conditions of approval as outlined in staff report, file 2023002, and
366 contingent on the recording of an approved development agreement. Heather Russel seconded
367 the motion.

368 A roll call vote was taken.

369 Taylor Glover: Yes

370 Terry Edwards: Yes

371 Ben Aiken: Yes

372 Russ Whitaker: Yes

373 Ben Clarkson: Yes

374 Heather Russell: Yes

375 Motion Carries.

376

377 Motion passed.

378

379 Chair Boyd Cory postponed the Open and Public Meetings Act training until next meeting.

380

381 **Staff Report:** Janae Chatterley, discussed the need for a second meeting this month.

382

383 **Council Member Liaison Report:** none.

384

385 Ben Aiken made a motion to adjourn; Heather Russell seconded the motion.

386

387 A vote was taken and was unanimous.

388 A roll call vote was taken.

389 Taylor Glover: Yes

390 Terry Edwards: Yes

391 Ben Aiken: Yes

392 Russ Whitaker: Yes

393 Ben Clarkson: Yes

394 Heather Russell: Yes

395 Motion Carries.

396

397 Meeting adjourned.

398

399