

Kanab City Planning and Zoning Commission Meeting
April 5 2022
Kanab City Council Chambers
26 North 100 East
6:30 PM

Present: Chair Kerry Glover; Chair Pro-Tem Donna Huntsman; Commission Members Boyd Corry, and Terry Edwards; Administrative Assistant Margaret Heaton; Building Inspector Janae Chatterley and Colten Porter; City Attorney Kent Burggraaf; and City Council Liaison Arlon Chamberlain.

Not Present: Commission Member Ben Clarkson, JD Wright and Ben Aiken; and City Planner Bob Nicholson.

Approval of Minutes: Donna Huntsman made a motion to approve the minutes from March 15, 2022. Terry Edwards seconds. Unanimous vote, motion carries.

Public Comment:
None

4. Public Hearing to discuss and recommend to City Council a Preliminary Site Plan for a Planned Development Overlay [Catori Canyon] located between the Kanab Creek Ranchos Subdivision and Cedar Heights Subdivision
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5. Public Hearing to discuss and recommend to City Council a Preliminary Plat, Phase 1 [Catori Canyon] located between the Kanab Creek Ranchos Subdivision and Cedar Heights Subdivision.

Janae Chatterley explained to the commission that the Preliminary Site Plan and Preliminary Plat, Phase one, is not ready to be presented yet and suggests to continue it until April 19th 2022.

- Public Hearing -
- Public Comment-

Bob Kaczowka- Bob asked if the site plan would be available for public review.

Janae Chatterley stated that the Preliminary site plan was sent out with the notices to the individuals within 140 feet of the property. She added that when they are ready to present it, it will be part of the planning commission packet that is posted on the state web site and it will be presented here in a planning commission meeting.

Scott Young- Scott stated that he lives on Stage Coach Trail and occasionally he walks to town. Walking on Stage coach going up the hill near the S curve he feels like it's very dangerous and is concerned about having more traffic in that area. Scott asked if we are thinking about any way to making the walking in that area safer.

Janae stated that one of the things we haven't received back is a traffic study for the development. Once we get the study back and if it requires that road to be widened it would be on the developer to widen it. If the study comes back and it's not needed it will not be widened.

Louis Pratt- Louis stated that he does not believe that 140 feet is enough distance for the public notices because he lives 3 parcels away and did not receive anything. Louis stated that there is supposed to be a

second access going in behind his house and he should get notices. His main concern is the bridge on Stagecoach that has been around since the mid-90s that is not in the great shape.

Kristin Rauch- Kristin asked where the connecting roads were going to be. Kristin also asked if there would be any archaeological survey?

Janae stated that the connectors would be Stage Coach and Powell Dr.

Boyd Corry stated that the Preliminary site plan is not available yet and we are not sure where the roads will be and details are still unsure. They will know more once they receive the preliminary site plan.

Susan Edman- Susan's big concern is where the water be coming from. That's a high-density number of homes being put it. Are they going to add another water tank?

Craig Baird- Craig would like to know where the water is going to go. Specifically flood water because a lot of flood water comes out of that canyon during monsoon season and the road becomes a river.

-Public Comment closed-

Boyd Corry made motion for items 4 and 5 public hearings for Catori Canyon to be continued to April 19th. Donna Huntsman seconds the motion. Unanimous vote, motion carries.

6. Plat Amendment for Kanab Creek Ranchos Subdivision, unit #7; split parcel [K-134-724] into 3 separate lots, located at 2162 S Powell Dr. [Joe Clark; Representative Iron rock Engineering]

Janae Chatterley explained to the commission that Joe & Shanna Clark, property owners, represented by Iron Rock Engineering, are requesting to amend unit #7 of the Kanab Creek Ranchos Subdivision, splitting one 5.24-acre lot into 3 parcels. The 5.24-acre lot is located at 2162 S Powell and currently has a Single-Family home on the property. The property has street frontage along Powell Dr and street frontage along a private road to the North.

Donna Huntsman made a motion to send a positive recommendation to City Council for the Plat Amendment for Kanab Creek Ranchos Subdivision unit #7. Boyd Corry seconds. Unanimous vote, motion carries.

7. Plat Amendment for Kanab Creek Ranchos Subdivision, unit #3; split parcel [65-301] into 2 separate lots, located at 1556 S Lee Dr. [Baker; Representative Chris Heely from CJS Custom Homes]

Janae Chatterley explained to the commission that Brian & Rosa Baker, property owners, represented by Robert Platt from Platt & Platt Inc. and Chris Heely from CJs Custom Homes, are requesting to amend unit #3 of the Kanab Creek Ranchos Subdivision, splitting one 2.41-acre lot into 2 separate parcels. The 2.41-acre lot is located at 1556 South Lee Dr. The property has street frontage along Lee Drive.

Donna Huntsman made a motion to send a positive recommendation to City Council for the Plat Amendment for Kanab Creek Ranchos Subdivision Unit 3. Terry seconds, unanimous vote. Motion carries.

8. Planning Commission review to approve or deny a Site Plan [Brown Box] located at 42 E Center St

Janae Chatterley explained to the commission that MJB Venture, property owner, would like renovate 42 E Center Street and add a new business to the Kanab Downtown area. Parcel K-15-16 is zoned C-1, the new business is a change in use from the most recent business approved at this address in addition to the change in use, the renovations being done require that the Planning Commission complete a Site Plan Review under Kanab City Land Use Ordinance, Chapter 9 – Site Plan Review. Janae also explained that the Brown Box will need a separate building permit for their signs.

Donna motioned made a motion to approve a Site Plan for Brown Box located at 42 E Center Street. Terry second, unanimous vote. Motion carries.

10. Public Hearing to discuss and recommend to City Council a code amendment application regarding permanent foundations for manufactured homes. Land Use Ordinances requiring review – Chapter 5 Non-Conforming Buildings and Uses; Chapter 19 Kanab Creek Ranchos KCR-720; Chapter 4-26 Residential Zones Design Standards

Janae Chatterley explained to the Planning Commission that Kanab City Land Use Department received a Code Amendment Application from Don Cox requesting the Planning Commission discuss and amend the requirements for a permanent foundation on manufactured homes under Chapter 4-26 Residential Zones Design Standards and Chapter 19 Kanab Creek Ranchos KCR-720 or allow an exception that a replacement of a non-conforming home due to an accidental incident (e.g. fire or natural event) be allowed under Chapter 5 Non-Conforming Buildings and Uses. This application was discussed during the February 15th Planning Commission meeting. Planning Commission requested no amendments to the Land Use Ordinances.

-Public Comments Open-

Shawna Cox- Shawna commented that she doesn't believe that the concrete slab is necessary. It doesn't help with the structure or safety of the home. Shawna said they have put in hundreds of homes and none of them have had issues with the foundation 30 to 35 years later. She doesn't believe that the City Council or Planning Commission should make ordinances on something that has to do with loan requirements.

Linette Foster- Linette believes that making people pay for a concrete slab is not fair because it has nothing to do with the structure or safety. It is an FHA requirement for home loans.

Don Cox- Don explained that he has been setting homes for 45 years and the homes that he did set 34 years ago are not having any foundation issues. A dirt set is completely possible to do and keep it from sinking into the ground. He believes it's a financial burden to put on the people to force them to spend \$15,000 on a foundation that they don't need. Don believes that in a previous version of the ordinances it said that he has a year to replace or restore the home if it was damaged in fire, act of God or war time. Don also stated that he received a letter from an engineer saying that a foundation is still possible with dirt but it would need different anchoring systems.

Linette Foster- Linette stated that we have a shortage of affordable rentals in town. The Cox's supply a lot of long-term rentals to our community and to put this expense and burden on them is hindering an affordable rental to come back on the market.

Robert Cienfuegos- Robert stated that he lived in the house that burnt down for 20 years. That the property had issues with flooding but it has never affected the house not being on a foundation.

-Public Comment ended-

Janae stated that a neighbor saw the home going in and agreed that a slab foundation is needed but didn't not agree on the stem wall. Janae agreed that HUD does approve homes set on the ground but it would take some kind of soil test. Boyd Corry asked if we are reviewing this to make changes? He also asked if he was reading the ordinance correctly, the people are allowed to use wood, concrete, metal, or masonry as foundation? He also agreed that he didn't know why we did block around the homes when the premade skirts around the homes still look better. Janae and Boyd continued to discuss requiring a foundation and if they should be concerned with what the bank requires for a loan.

Janae stated that she would need a soil tested to identify the type of soil there and then if it can hold the weight of the home.

Donna Huntsman commented that the way she reads the ordinance that it doesn't have to be a concrete foundation. It could be made out of other material that is approved in the ordinance. The commission members discussed their opinions on the ordinance for foundations on stem walls at length.

Donna Huntsman made a motion to table the potential recommendation to City Council for Chapter 5 Non-Conforming Buildings and Uses; Chapter 19 Kanab Creek Ranchos KCR-720. Terry seconds, unanimous vote. Motion carries.

11. Public Hearing to discuss and recommend to City Council a code amendment application regarding minimum size of guest houses. Land Use Ordinance requiring review, Chapter 4-10 Area of Accessory Buildings.

Janae Chatterley explained to the Planning Commission that Kanab City Land Use Department received a Code Amendment Application from Emil Fischer requesting the Planning Commission discuss and amend the minimum size requirements for a guest house under Chapter 4-10 Area of Accessory Buildings. The application was discussed during the February 15th Planning Commission meeting.

Kerry Glover called a 5 minute recess.

Emil Fisher explained his reason for requesting an amendment in more detail for the Planning Commission members so they had a better understanding of his dilemma.

-Public Comment opened-

Celeste Meyeres- Celeste asked if lot spitting would fix the problem.

-Public Comment closed-

Janae Chatterley explained that he would have to do a zone change and then a lot split but there is not enough frontage to split it where he would like.

The commission members discussed if this is something they need to revisit this in the future.

Donna Huntsman made a motion to table the item 11, Boyd seconds. Unanimous vote, motion carries.

12. Public Hearing to discuss and recommend to City Council a code amendment application regarding the fence requirement around pools, spas and other similar structures. Land Use Ordinance requiring review, Chapter 4-16 Maximum Height of fences.

Boyd Corry asked if Kanab City didn't have an ordinance about fencing around your pool or hot tub would that mean they could sue the city. Kent Burggraaf replied to Boyd's saying no but it does open a possibility that someone could try to come up with a creative lawsuit.

The commission members discussed the ordinance.

Janae Chatterley also brought up the difference in the ordinance in Land Use and Building code. The discrepancy is that the Land Use Ordinance says you need a building permit for any kind of fence but the building code says you need a building permit only if it's over 7 feet and that she would like the Land Use Ordinance to be the same as the building code.

Donna Huntsman made a motion to send a positive recommendation to City Council to adopt the changes to the city ordinance as identified in exhibit B of the staff report for file 20220405.1. Terry second, unanimous vote. Motion carries.

9. Continued Public Hearing to discuss and recommend to City Council the amendments or the Kanab City Land Use Ordinances, Chapter 4-18: Curb, Gutter & Sidewalk

Janae Chatterley explained to the Planning Commission that Land Use Ordinance Chapter 4-18 “Curb, Gutter and Sidewalk” was previously reviewed on February 9, 2021 in regards to the zones that curb, gutter and sidewalk should be installed and the contiguous or not contiguous requirements. City Council approved amendments as seen in exhibit D, before these amendments were publicly posted, Chapter 4 was reviewed for a text amendment change on a different section with the older version for curb, gutter and sidewalks in section 4-18, this motion and approval was posted and took precedence over the amendments approved by City Council on February 9, 2021. This review is to discuss and recommend amendments to the curb, gutter and sidewalk requirements. A legal review of the previous amendments has determined that there is still some confusion on the definition of contiguous and how to apply the improvement requirements in the ordinance.

Donna Huntsman brought up that line of credit needed to be changed to letter of credit and Janae Chatterley agreed to get that fixed.

Donna Huntsman made a motion to send a positive recommendation to City Council to adopt Exhibit B of the Staff report for file 20220301.2 with the amendment that “line of credit” be changed to “letter of credit”.

Terry Edwards seconds, unanimous vote. Motion carries.

13. Discuss code amendment application [Iron Rock Driveway Access in Chapter 6-5]

Janae Chatterley explained that Iron Rock is requesting that the residential lots be allowed more access points based on square footage of the lot, like commercial instead of only allowing 2 access points. She added that when you have a larger lot, you are not limited to only 2 access points. They are asking because of a specific lot on Plum tree. This lot is a corner lot and the owners own the back lot as well, and they joined those lots together. The owners are wanting to put a shop and have a driveway access coming from the secondary street frontage but they already have two access points. Janae stated that the Ordinance reads that a circular driveway is considered two access points. The commission discussed the access points briefly. Donna Huntsman said she would like to see a change saying that circular driveways are only considered 1 access point.

Janae Chatterley said that she will get the notices out and she will bring this back first part of May.

Staff report: None

Commission Member Report: None

Council Member Liaison Report: Arlon Chamberlain stated that City Council made slight adjustments to chapter 6 & 13 but passed what Planning Commission had recommended.

Terry made a motion to adjourn. Donna Huntsman seconds. Unanimous vote, meeting adjourned.