

1 **Kanab City Planning and Zoning Commission Meeting**
2 **April 18, 2023**
3 **Kanab City Council Chambers**
4 **26 North 100 East**
5 **6:30 PM**
6

7 **Present:** Chair Boyd Cory; Commission Members Russ Whitaker; Ben Clarkson 6:36 PM arrival;
8 Heather Russell; Terry Edwards; Taylor Glover; Ben Aiken; Land Use/Building Administrator
9 Janae Chatterley; Land Use Coordinator/Building Inspector Colton Porter; City Council Liaison
10 Arlon Chamberlain; and City Attorney Kent Burggraaf.

11
12 **Not Present:** City Planner Bob Nicholson
13

14 **Approval of Minutes:** Russ Whitaker made motion to approve the minutes from April 4, 2023,
15 Heather Russell seconded.
16

17 Taylor Glover: Yes

18 Terry Edwards: Yes

19 Ben Aiken: Yes

20 Russ Whitaker: Yes

21 Ben Clarkson: N/A Not present at this point.

22 Heather Russell: Yes
23

24 Motion Carries.
25
26

27 **Public Comment:** None.

28 **4. Discuss, approve, or deny a Conditional Use Permit for a Bed and Breakfast located at 51**
29 **East 200 South [Applicant; Charlene Hill]**

30 Janae Chatterley stated that the Property Owner, Charlene Hill is requesting a Conditional
31 Use Permit for a Bed and Breakfast at 51 East 200 South, which is zoned R-1-8. Per the
32 Business License Application, she will be renting out one (1) room of the residence to a
33 maximum of two (2) guests.
34

35 Heather Russell made a motion to approve the conditional use permit based on staff's
36 findings, Russ Whitaker second.

37 A roll call vote was taken.

38 Ben Aiken: Yes

39 Ben Clarkson: N/A Not present at his point.

40 Heather Russell: Yes

41 Terry Edwards: Yes

42 Russ Whitaker: Yes

43 Taylor Glover: Yes

44

45 Motion carries.

46

47 **5. Public Hearing to discuss and recommend to City Council a zone change to City Council from RA**
48 **[Residential Agriculture] to R-1-8 [Single Family Residential] for parcel K-39-43-Annex located in the**
49 **approximate area of 1250 South Highway 89A. [Applicant is Z7 Development LLC]**

50 Ben Clarkson Joined the meeting.

51 Janae Chatterley stated that the Property Owner Z7 Development LLC is requesting a zone
52 change to rezone parcel K-39-43- Annex from Residential Agriculture (RA) to Single Family
53 Residential (R-1-8). This parcel was recently annexed into the city and at that time a zoning
54 designation of RA was assigned.

55 Developer Representative Chase Stratton, stated that they have owned the property for two
56 years with the intent to bring their construction side of their business as far as ready-mix
57 concrete and a development opportunity for their business.

58 **Public Hearing and Public comment for items 5,6, and 7.**

59 Casey Glover stated that he is there in opposition to only the north and some of the east of
60 this master plan proposal. He would like to see the atmosphere of the neighborhood that he
61 lives in stay the way it is, more rural and laid back. And would like to see some compromise
62 in the size of the proposed lots.

63 Becky Glover stated that she wants to see the irrigated land in the area stay because it is
64 disappearing and we're not making any more of it in our town. For every acre of irrigated
65 land, the state awards an amount of state irrigation rights to our reservoirs, and we will lose
66 state water rights to our reservoirs. And would like to see the town keep its farming and
67 ranching heritage. She would like to see the other already approved developments be built
68 out before the irrigatable land is turned into developments.

69 Justin Perkins stated that he lives on 1100 south right by the proposed master plan and
70 would like to see the farmland stay in the area.

71 Hall Hamblin stated that he lives next to Kasie and Becky Glover and their barking dogs, he
72 would like to see the farmland stay and that the company that comes in doesn't have to stay
73 to what they apply for now.

74 Ben Aiken had to leave the meeting.

75 Tracy Glover stated that he has kept the peace at a few planning and zoning meetings over
76 the years and to say thank you and planning and zoning is a terrible job of government. His
77 concern is on the R-1-8 zoning of this development coming in right next to RA zoning areas.
78 Having 1/4 to 1/8 acre lots up against 2 acre lots is a bit of a stretch. Everyone's private
79 property rights need to be looked at.

80 Josh Beazer stated that he wishes to be a devil's advocate on the matter, his fear is that
81 there will not be somewhere for the kids to be able to build or buy a home in Kanab. The
82 subdivisions that have been in for years are almost built out and he cannot hire engineers
83 into Kanab because they cannot afford to build or buy here in Kanab. And that the smaller
84 lots are needed for people to be able to afford to move here and live here in Kanab.

85 Tracy Glover stated that he was unaware of the fact that this development has a component
86 of affordable housing in it and that he would like to hear more about it.

87 **Close Public Comment.**

88

89 The planning commission discussed at length with the applicant about the affordability of
90 the lots and that the developer does not want a resort type feel for this neighborhood.

91 The planning commission discussed irrigation land in Kanab and lot size averaging on the
92 project.

93 The planning commission asked the developer how they plan on making this project
94 affordable housing, and to convince the commission that the developer is not just trying to
95 come in and make a big profit but that they are attempting to make affordable homes.

96 Taylor Glover made motion to send a negative recommendation based on staff's findings,
97 Russ Whitaker second

98 A roll call vote was taken.

99 Taylor Glover: yes

100 Terry Edwards: yes

101 Ben Aiken: N/A (Not Present at this time)

102 Russ Whitaker: yes

103 Ben Clarkson: yes

104 Heather Russell: yes

105

106 Motion Carries.

107

108 **6. Public Hearing to discuss and recommend to City Council a zone change to City Council**
109 **from RA [Residential Agriculture] to C-3 [Commercial] for parcel K-39-42-Annex located in**
110 **the approximate area of 1500 South Highway 89A. [Applicant is Z7 Development LLC]**

111 Janae Chatterley stated that Property Owner Z7 Development LLC is requesting a zone
112 change to rezone parcel K-39-42- Annex from Residential Agriculture (RA) to Commercial (C-
113 3). This parcel was recently annexed into the city and at that time a zoning designation of RA
114 was assigned.

115 The planning commission discussed briefly what could be built on the commercial zoning
116 and what could be built on the requested zone.

117 Heather Russell made a motion to send negative recommendation to city council based on
118 the findings of staff, Russ Whitaker second.

119

120 A roll call vote was taken.

121 Taylor Glover: yes

122 Terry Edwards: yes

123 Ben Aiken: N/A (Not Present at this time)

124 Russ Whitaker: yes

125 Ben Clarkson: yes

126 Heather Russell: yes

127 Motion Carries.

128

129 **7. Public Hearing to discuss and recommend to City Council a zone change to**
130 **City Council from RA [Residential Agriculture] to M-2 [Manufacturing] for parcel**
131 **K-39-41- Annex located in the approximate area of 1650 South Highway 89A.**
132 **[Applicant is Z7 Development LLC]**

133 **Ben Aiken** rejoined the meeting.

134 Janae Chatterley stated that the Property Owner Z7 Development LLC is
135 requesting a zone change to rezone parcel K-39-41- Annex from Residential
136 Agriculture (RA) to Manufacturing (M-2). This parcel was recently annexed into
137 the city and at that time a zoning designation of RA was assigned.

138

139 The planning commission discussed how this M-2 fits the area well and that it
140 may bring more jobs to the city.

141

142 Terry Edwards made a motion to send a positive recommendation based on the
143 staff's findings and conditions, Heater Russel second.

144 A roll call vote was taken.

145 Taylor Glover: Yes

146 Terry Edwards: Yes

147 Ben Aiken: Abstained

148 Russ Whitaker: Yes

149 Ben Clarkson: Yes

150 Heather Russell: Yes

151 Motion Carries.

152

153 **8. Public Hearing to discuss and recommend to City Council text amendment to Kanab City Land Use**
154 **Ordinance Chapter 4-16: Maximum Height of Fences, Walls, and Hedges**

155

156 Janae Chatterley stated that the City Council has requested for the Planning Commission to review
157 Chapter 4-16 Maximum Height of Fences, Walls, and Hedges. They have suggested that the following be
158 reviewed:

- 159 • Create an intent or purpose for the section,
- 160 • Clean up and clarify the side and front yard fencing requirements for corner lots and interior lots,
- 161 • Discuss the setback requirement for a fence along the street side of a corner lot. On March 21, 2023,
162 We discussed the possible amendments in the Planning Commission meeting to direct staff on what
163 amendments were needed to the section. Bob Nicholson, City Planner provided a presentation on the
164 pros and cons of the setback for a fence. A public notice has been posted as required per the state code.

165

166 The planning commission discussed the fencing right of way and setbacks. And the feeling of
167 how the different setbacks make the yard area feel.

168

169 Ben Clarkson made a motion to continue the hearing to the next meeting, Heather Russell
170 second.

171

172 A roll call vote was taken.

173 Taylor Glover: Yes

174 Terry Edwards: Yes

175 Ben Aiken: Yes

176 Russ Whitaker: Yes

177 Ben Clarkson: Yes

178 Heather Russell: Yes

179 Motion Carries.

180

181 **9. Public Hearing to discuss and recommend to City Council text amendment to Kanab City Land Use**
182 **Ordinance Chapter 4-22: Temporary Lodging**

183

184 Janae Chatterley stated that the Staff is requesting Planning Commission to review the Temporary
185 Lodging requirements after finding a requirement of annual inspections provided by the Zoning
186 Administrator prior to renewal of Business Licenses. On March 21, 2023, Staff explained that the annual
187 inspection requirement by the Zoning Administrator hasn't been enforced in many years, this discussion
188 would determine if the requirement was still necessary or should be eliminated from the code. The
189 Planning Commission requested staff to amend the text to say "may" instead of "shall" this would still
190 allow the Zoning Administrator the opportunity for the inspection if there were a concern of non-
191 compliance or need for the inspection. A public notice has been posted as required per the state code.

192

193 Ben Aiken made a motion to send a positive recommendation, Taylor Glover second.

194

195 A roll call vote was taken.

196 Taylor Glover: Yes

197 Terry Edwards: Yes

198 Ben Aiken: Yes

199 Russ Whitaker: Yes

200 Ben Clarkson: Yes

201 Heather Russell: Yes

202 Motion Carries.

203

204 **10. Public Hearing to discuss and recommend to City Council text amendment to Kanab City Land Use**
205 **Ordinance Chapter 7: Signs**

206

207 Janae Chatterley stated that the Staff recommendation to amend the Sign ordinance to remove the
208 language or identification of "political" signs and to only identify these types of signs as a temporary
209 sign. Staff received a request from the Kane County Office of Tourism to consider extending the height
210 and size requirement of temporary and permanent signs. During the March 21, 2023, Planning
211 Commission meeting, Staff explained that it is necessary to remove the word "political" from the
212 temporary sign requirements. Staff explained the request from the Kane County Office of Tourism on
213 increasing the height and size requirement for temporary and permanent signs. The Planning
214 Commission discussed the requests and directed staff to what amendments they would propose. A
215 public notice has been posted as required per the state code.

216

217 **Public Comment: none**

218

219 The planning commission discussed the sign ordinance and what signs are allowed and how long signs
220 should be left out for temporary signs.

221

222 Ben Aiken made a motion to send a positive recommendation to city council identified in the staffs
223 report, Terry Edwards second.

224

225 A roll call vote was taken.

226 Taylor Glover: Yes

227 Terry Edwards: Yes

228 Ben Aiken: Yes
229 Russ Whitaker: Yes
230 Ben Clarkson: Yes
231 Heather Russell: Yes

232 Motion Carries.

233

234 **11. Public Hearing to discuss and recommend to City Council text amendment to Kanab City Land Use**
235 **Ordinance Chapter 13: Recreational Vehicle Parks**

236

237 Janae Chatterley stated that the Staff is requesting that the Planning Commission review the
238 hardscape requirement for the Extended Stay area of a RV Park. There were some changes made
239 regarding hardscaping requirements throughout RV Parks, staff felt that the requirement for the
240 hardscape in the Extended Stay area may have been overlooked during the previous review and
241 amendments. During the March 21, 2023, Planning Commission meeting, Planning Commission agreed
242 that this was an oversight and that an amendment to remove the hardscape for the extended stay
243 should occur. A public notice has been posted as required per the state code.

244

245 Planning commission discussed briefly on the matter.

246

247 Russ Whitaker made a motion to send a positive recommendation based on staff's report,
248 Heather Russell second.

249

250 A roll call vote was taken.

251 Taylor Glover: Yes

252 Terry Edwards: Yes

253 Ben Aiken: Yes

254 Russ Whitaker: Yes

255 Ben Clarkson: Yes

256 Heather Russell: Yes

257 Motion Carries.

258

259 **12. Public Hearing to discuss and recommend to City Council text amendment to Kanab City Land Use**
260 **Ordinance Chapter 2: Planning Commission**

261

262 Janae Chatterley stated that A request by the Planning Commission was made to amend the ordinance
263 so that the Planning Commission Chair was a voting member of the board. Staff has drafted a suggested
264 amendment allowing the Planning Commission Chair a vote and language on what should occur if there
265 was a tie during the voting process. A public notice has been posted as required per the state code.

266

267 Planning commission discussed briefly on the matter.

268

269 Taylor Glover made a motion to send a positive recommendation, Terry Edwards second

270

271 A roll call vote was taken.

272 Taylor Glover: Yes

273 Terry Edwards: Yes

274 Ben Aiken: Yes

275 Russ Whitaker: Yes

276 Ben Clarkson: Yes

277 Heather Russell: Yes

278 Motion Carries.

279

280 **Staff Report:** Janae Chatterley stated that the members of the planning commission need to be
281 sworn in who have not yet been.

282

283

284 **Council Member Liaison Report:** None.

285

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

287

288 A roll call vote was taken.

289 Taylor Glover: Yes

290 Terry Edwards: Yes

291 Ben Aiken: Yes

292 Russ Whitaker: Yes

293 Ben Clarkson: Yes

294 Heather Russell: Yes

295 Motion Carries.

296

297 Meeting adjourned.

298

299