

Kanab City Planning and Zoning Commission Meeting

June 1, 2021

Kanab City Council Chambers

26 North 100 East

6:30 PM

Present: Chair Scott Colson; Chair Pro Tem Kerry Glover; Commission Members Donna Huntsman, Chris Heaton, Ben Aiken, Boyd Corry, Ben Clarkson; Land Use Coordinator Mike Reynolds; Building Inspector Janae Chatterley; Deputy Recorder Tressa Clark; Administrative Assistant Celeste Cram.

Not in Attendance: City Planner Bob Nicholson; City Attorney Jeff Stott.

Approval of Minutes: A motion was made by Donna Huntsman to approve the minutes from 5/18/2021, second by Chris Heaton. Unanimous vote, motion passed.

Public Comment: None.

A Public Hearing to Discuss a proposed zone change to Parcel K-13-1A from R-1-8 [single family] zone to a RM [residential multi-family]. The property is 1.51 Acres located at 70 S 300 E Kanab, Utah. The intent of the applicant is to build multifamily living units. [Applicant; Cindy Turnquist]

Mike Reynolds discussed the project and read letters that were sent in by neighbors that could not attend the meeting. In the letters they expressed their concerns about narrow streets, sensitive lands, full use that the RM zone change would allow, and setting a precedence for the community. Scott Colson outlined the process of the public hearing.

Molly Adams commented that her and her husband Josh Adams oppose the proposed zoning change. "We have divided out our concerns, so I will bring up a couple of them. Josh and I oppose the zone change because of the blue clay and soil in our property and in the neighboring properties. An additional 2 million dollars was recently spent to adequately address the blue clay concerns affecting the new Kanab City Center. During the construction process of the new center, our property began to experience cracking. This cracking took place on the north-west corner of our lot that borders the hill. We began to have large cracks in our soil that were not previously there. At first, we could not determine the cause, then our neighbor Laurel and Russ Beasley were out one day in their yard and they said that their foundation was starting to have issues and they were beginning to have water seepage into their home because of the construction going on nearby. At that point they said they had never had water seepage into their homes previously, so we determined and could tell then that during the time that our cracking had begun, it had indeed begun during the construction time. Some of the cracks were 15 feet long, were 2-3 inches wide, and were quite deep. As we tried to water trees in that area, the water would run out from around where the trees were, and down into those cracks and it would never bubble up and out because that's how deep the cracks were. When the construction ceased the cracking stopped, and it is all mostly filled in now except for one large crack that you can still see parts of it. The ordinance regarding the conditional use permit in Kanab City states one of the ordinances says, quote: "The use will not be detrimental to health, safety or welfare of persons residing or working in the vicinity or injurious to property owners in the vicinity." We do strongly feel that would be injurious to our property

and our neighbors' properties due to the presence of the blue clay. Especially, since there would not be a hill in between that construction and the excavation, and it would be much closer to our homes. This is a major liability and potential liability for the developer and the city, should the project move forward and damage occur. We also feel this is a dangerous precedence to approve a multi-family zoning change in the middle of a block. Not only in the middle of the block, but the property is isolated by the existing home as well as surrounding homes. The location of the proposed construction on the property is not on the frontage of the property, but behind existing buildings, which is also another dangerous precedence. We feel this is spot zoning and doesn't benefit the surrounding properties. The purpose of the current zoning is to protect single family homes and properties. Another City ordinance found 8.6 B states that it, "must be necessary or desirable" we assure it is not necessary or desirable in this location. If this is granted in the middle of our back yards with no frontage, it will also likely be permitted in the middle of others back yards in the downtown area. We sincerely ask that the property in question remain zoned as single-family. Excuse me, I missed one other part from the blue clay. The property in question, the pool built there has had to be replaced twice because it has sunk because of the blue clay. So indeed, on the property in question, there is a blue clay issue.

Josh Adams commented that he agreed with Molly Adams, and is reading a letter from a neighbor Randy Merrell that could not attend. "We feel that that location should not be accepted because the applicant has not complied with the requirements of the land use ordinance in chapter 9.3, only a very rough site plan with little to no detail. Few measurements are shown on how they plan to meet the number of required parking spaces for that many units, and the driveway shown will not meet the requirements for emergency equipment to service the complex. Other requirements will not meet the site setbacks, percentage of landscaping or separation of the buildings has not been detailed in the company site plan. Storm run off and sensitive lands have not been added as well. For these reasons we feel that this request should be denied until a further completed site map has been submitted."

Karen Kelly commented that a letter from the developer City Turnquist was sent to all of the neighbors that stated, "My vision is to transform the current single-family home and land into a small senior village, including 12-18 small scale homes, and apartments nestled around the existing building. From the road 300 East, you'll hardly notice anything new." As present property owners whose north property line directly meets the proposed site, we take exception to the statement, "you'll hardly notice anything new". Section 4-33 of the Land Use Ordinance Addresses A: "Protection of neighborhoods, and the community, including compatibility with existing residences." B: "The peace and quiet of residential neighborhoods and preservation of property values." Multiple two story buildings, now listening to him (Mike Reynolds) say this could go up four stories, that will overlook several neighbors' properties and house 36 people, plus up to 4 guests per building will be very noticed. We don't see people rushing to buy a house next to this development. Section 6-4 requires two parking spaces per dwelling, then 4-33-3 adds plus one additional per every four allowable guests. There is a safety issue with adding over fifty cars entering and exiting this property multiple times on a daily basis. Often cars travel south over the present hill at excessive speeds and cannot stop safely within the 120 ft turn into this entrance at the bottom of that hill. It is not a matter of if, but when someone will be seriously hurt if you allow significant traffic turning west into this property. George and I are very concerned about the possibility of having up to 36+ dogs allowed along side of our house. Could this possibly fall under a nuisance issue? We have tremendous concerns for a village project that is being done in phases. It is our opinion that

the element as presented with several years to complete is just a way to quickly initiate several VRBO rentals into a small space to help pay for the property, or possibly get it rezoned and resell it, leaving neighbors with a mess. Neighboring properties will have no control over any of the side affects these rentals will bring as multiple guests use the current pool and barbeque areas. Are we as a city ready to set a precedence of allowing what the Kelly's are deeming "commercial buildings" on the interior of our residential city blocks? Take the time to drive around you will find many interior blocks where this exact scenario could take place. For over 40 years, we have lived at this present location, and we have seen the affects of blue clay. It is not just in one corner of that property. Before anyone is allowed to develop this area further, they need to address the blue clay and the flooding, and not just send the mess down stream to neighbors on the south. We're asking you to vote to reject the zone change as it does not meet the requirements set forth in Section 18-6-8H, and other site requirements. Please don't allow a zone change that can become anything other than the exact site plan. A better site for a senior village of up to 18 homes can be found, and the current site should not be turned into multiple VRBO rentals.

Cleve Anderson commented about his volunteer work with Kanab City Fire Department for the last 6 years, and his main concern is for safety. The proposed site plan does not meet fire code, and emergency vehicles will not be able to access the building and turn around. Cleve also expressed his concern for the units being vacation rentals until at least 2027 and most likely kept vacation rentals long term, and eventually a hotel. Hotels are required to meet certain criteria for the safety of all occupants. Having a vacation rental village as opposed to a hotel, they only have to meet residential building code requirements and that poses significant risks for the surrounding homes. None of the units will be street facing and shoved into a back yard in the middle of a block. In case of emergency evacuation, guests may not be familiar with the surrounding areas and have trouble locating exits because there is no way to exit through the perimeter due to the neighbors' fences. He continued to express his concerns about flooding and the property would require a retaining wall, and it would revert the water into the neighboring yards and homes. Cleve states that he strongly opposes the proposed zone change.

Dave Owens commented that he understands the codes, restrictions and guidelines. The proposed site plan sounds good, but his concerns are that it is a 6-year phased plan, going from vacation rentals to senior living. That in itself will be two large changes going from vacation rentals to senior living for the surrounding residents. He is also concerned that the market may not allow for it to happen in 6 years. Depending on the market, they may not have the resources to finish it in 6 years, or it could be done sooner. He states that there is a lack of frontage, lack of parking for potential boats and toy haulers. He referenced back to when the Hampton was being built, and that they would also probably have to put their supplies in the road due to lack of space, potentially blocking the road where it already has less frontage. Dave spoke on his previous work history and his concern for nuisance control and that it is a large problem with vacation rentals with late nights causing problems for surrounding properties. He also asked, because it will eventually be senior living, if the parking lot would have to be ADA approved with handicap parking? According to the current site plan, it doesn't even look like there is room for what is minimally required without ADA regulations. He expressed concern for setbacks, fire safety, emergency vehicle access, and traffic issues. He verified that if the developer wanted to make any large changes, it would have to go back to city council and be approved again, and what is to guarantee that it will actually be senior living? He is concerned that once it is approved, the developer may just resell the property or turn it into something other than the proposed site plan, and wants to know if there could

be restrictions or CC&R's on their zone change approval. His last concern is that when you search the developer's website, the only property on their site is the proposed property, and that the headlights of potential visitors will be in the surrounding properties yards and back windows.

Lynette Johnson commented that she shares all the same concerns as listed above and is opposed.

Leslie Eddy commented that she shares all the same concerns as listed above and is opposed.

Nancy Merrell commented that she shares all the same concerns as listed above and is also worried about the powerline that is in the rear of the property, and the easement that would be required.

Lisa Ladd commented that she shares all the same concerns as listed above and is opposed.

Alex Anderson commented that she shares all the same concerns as listed above and is opposed.

Howard Davis expressed that his concern is that seniors love having garages, and that they may not buy the units if they aren't able to have access to a garage, so they may be undesirable.

Greg Reed expressed that he initially came to the meeting tentatively in favor of the developers proposed zone change but after hearing the neighbors express their concerns, he is now opposed to the zone change.

Cindy Turnquist (Developer) Addressed some concerns. Starting with the proposed zone change not requiring an engineered site plan. If/when they do an engineered site plan, it will have measurements and address drainage. She continued to explained why she chose to develop the senior living facility here in Kanab. Cindy then talked about why she would need to use them as vacation rentals to offset the costs of development. She expressed that she chose this property because it has good walkability for the senior citizens, and that the development will be built in phases. Also, that none of the buildings will be four stories high, preferably one story.

The Planning Commission discussed at length to move forward with the conceptual zone change, or to move forward looking at a zone change based on what is allowed for the zone. They voiced their concerns and discussed amongst themselves their pros and cons of approving/denying the proposed zone change.

Boyd Corry makes a motion to recommend denying to City Council for the proposed zone change to Parcel K-13-1A from R-1-8 [single family] zone to a RM [residential multi-family], Donna Huntsman seconds. Ben Clarkson aye, Donna aye, Chris Heaton nay, Kerry Glover aye, Boyd Corry aye, Ben Aiken nay. Zone change denied.

Staff Report: Mike Reynolds stated that there was nothing new to report

Commission Member Reports: Commission discussed possibly amending chapter 18-1-B of the Kanab Land Use Ordinance. They also addressed parking requirements in a Multifamily Zone.

Council Member Liaison Report: Celeste Meyeres stated that Council discussed the recommendation made by the City Planning regarding the ordinance recommendations pertaining to accessory building and cargo containers and whether or not to require them to be painted. Arlon stated that Council continued it to another meeting for further discussion.

Ben Aiken made a motion to adjourn the meeting second by Chris Heaton, unanimous vote.



Chairperson

07-12-2021

Date

