

Kanab City Planning & Zoning Commission Meeting
September 2, 2025
Kanab City Council Chambers
26 North 100 East
6:30 PM

Agenda Items:

1. Call to Order and Roll Call

In attendance – Commission Members Russ Whitaker (Chair Pro tem), Dennis Shakespear, Ben Aiken (Left at 7:20 PM), Kerry Glover, Terry Edwards; Building/Land Use Administrator Janae Chatterley, Council Liaison Arlon Chamberlain, City Attorney Kent Burggraaf

Not in attendance – Commission Members Marlee Swain (Chair), Nate Lyman, and Mark Gilberg

2. Approval of meeting minutes from July 1, 2025, and August 5, 2025

Commission Member Edwards made a motion to approve the August 5, 2025, meeting minutes. Commission Member Glover seconded the motion. Motion passed.

Russ Whitaker – YES

Dennis Shakespear – YES

Kerry Glover – YES

Terry Edwards – YES

Ben Aiken – YES

Mark Gilberg – Absent

Nate Lyman – Absent

Marlee Swain – Absent

3. Public Comment Period – Members of the public are invited to address the Planning Commission. Participants are asked to keep their comments to 3 minutes and follow the rules of civility outlined in Kanab Ordinance 3-601

Administrative Decision Items:

1. Discuss and recommend to the City Council a plat amendment to address the phasing and new boundary lines for the Ventana Resort Village. [Applicant Iron Rock Engineering]

Ms. Chatterley explained that the Ventana Resort Village phases 1 and 2 required a plat amendment to separate the workforce housing apartments into their own plat. She clarified that apartments currently in phases 1 and 2 would be moved into a new phase 1A for funding purposes. She noted that no easements would be vacated, staff and engineers had approved the changes, and only minor

survey corrections were needed. She mentioned that Tom Avant from Iron Rock Engineering was present to answer questions and concluded with a staff recommendation for approval.

Mr. Burggraaf noted that an amendment to the Ventana Development Agreement had recently been reviewed and that it served as a precursor to the current plat amendment.

Tom Avant, representing the applicant, stated that the request came from their underwriter, who required the apartments to be on a separate plat. He emphasized that nothing was changing other than moving the apartments into their own plat and renaming it.

Commission Member Glover made a motion to send a positive recommendation to the city council for the plat amendment for the Ventana Resort village, phases 1 and 2, affecting parcels K-131, Utah Annex, and K-36643, K-36644, and K-366CA2 based on the findings and conditions of approval as outlined in the staff report Plan 25-047. Commission Member Aikend seconded the motion. Motion passed.

Russ Whitaker – YES

Dennis Shakespear – YES

Kerry Glover – YES

Terry Edwards – YES

Ben Aiken – YES

Mark Gilberg – Absent

Nate Lyman – Absent

Marlee Swain – Absent

2. Discuss, approve, or deny a Conditional Use Permit for extended stays at J&J RV Park.

[Applicant: Julie Allen]

Ms. Chatterley explained that J&J RV Park wanted to add the extended stay option under Chapter 13 of the land use ordinances. She stated that their site plan met all requirements except the recreation area, but after speaking with the park manager, she confirmed they did have an additional recreation area not shown on the plan. This addition brought their recreation space up to 5600 square feet, exceeding the required 4400. She recommended approval since all requirements were now met.

Commission Member Shakespear asked about regulations regarding the age of RVs allowed for extended stays.

Ms. Chatterley clarified that while the ordinance required vehicles to be registered, it did not specify age limits, though some parks imposed such restrictions.

Commission Member Shakespear noted that some parks restricted RVs older than 15 years due to aesthetics and deterioration. He expressed concern about maintaining the park's condition and preventing unsightly vehicles.

Ms. Chatterley said other parks like Crazy Horse initially had year restrictions, but later required only proof of functionality. She added that chapter 13 did not mandate vehicle age, though chapter 8 on conditional use permits might allow conditions related to aesthetics.

Commission Member Shakespear suggested inspections might be a better safeguard, protecting both the park and the city. He supported the extended stay but emphasized the need for protection.

Ms. Chatterley confirmed that requirements included registration and proper utility hookups.

Mr. Burggraaf stated that conditions could address aesthetics and noted that violations could trigger review or revocation of the conditional use permit.

Commission Member Glover clarified that the decision before them was simply whether to allow an extended stay. He stated that additional restrictions should be left to the park owners.

Commission Member Shakespear agreed that it was mainly the owners' responsibility, but stressed that enforcing standards would protect them from issues such as difficult evictions.

Commission Member Aiken noted that rental housing did not have such requirements.

Commission Member Glover admitted he never paid much attention when driving past the park.

Mr. Chamberlain commented that RVs used frequently were usually well-maintained, though extended stays could deteriorate quickly.

Commission Member Shakespear noted that J&J Park was the nicest and cleanest in town, which motivated his concern about keeping standards high.

Commission Member Glover made a motion to approve the conditional use permit for the extended stay at 5804 East 300 South based on staff's findings and conditions listed in the staff report, Plan CUP 25-002, and the findings in Chapter 8, Section 8-6B, and Chapter 13 (Recreational Vehicle Park), Section 13.5. Commission Member Edwards seconded the motion. Motion passed.

Russ Whitaker – YES

Dennis Shakespear – YES

Kerry Glover – YES

Terry Edwards – YES

Ben Aiken – YES

Mark Gilberg – Absent
Nate Lyman – Absent
Marlee Swain – Absent

Legislative Decision:

3. PUBLIC HEARING Discuss and recommend a text amendment to Kanab City's Land Use Ordinance Chapter 15 – Establishing Zones. The purpose of the amendment is to update the ordinance with the new requirements in the Utah State Code to establish a process to modify the land use tables.

Ms. Chatterley stated that state law now required cities to provide a clear ordinance process for applicants to request text amendments when a desired use was not listed as permitted or conditional in a zone's land-use chart. She explained that the redline created that process formally, noting the city had informally accepted petitions for text amendments in the past.

Mr. Burggraaf explained that the draft reflected the minimum required by the new law, including an appeal right that was unusual for a legislative decision but mandated. He described a two-step path: first, an administrative classification by the land use administrator (Janae), determining whether a proposed business fits an existing category; second, if it does not, a request to add the use via text amendment for planning commission recommendation and city council decision. He recommended appeals occur only after both steps to avoid multiple appeals and excess cost, and he noted applicants could appeal both Janae's classification and the council's decision in a single appeal.

Ms. Chatterley added that fees differed: a text amendment cost roughly half an appeal, so consolidating appeals after both steps saved applicants money.

Mr. Burggraaf reiterated that combining the appeal preserved efficiency for staff and applicants and advised keeping that structure.

Commissioner Aiken asked who would hear appeals.

Mr. Burggraaf answered that a contracted hearing officer served as the appeal authority under Chapter 3.

Ms. Chatterley noted the practical cost implications again and supported the consolidated appeal approach.

Mr. Burggraaf confirmed the draft required exhausting both steps before appealing and emphasized the benefit of possibly resolving matters legislatively without an appeal.

Commissioner Glover confirmed that the structure appeared in the draft.

Mr. Burggraaf added that forcing the second step could often eliminate the need for an appeal since councils frequently added uses when appropriate.

Ms. Chatterley asked whether commissioners wanted to address the staff report's discussion questions.

Mr. Burggraaf outlined key policy choices for the commission: what the classification application should include; whether to allow skipping a formal classification when both the land use administrator and applicant agreed the use did not align; who should be the land use authority for classifications; timelines for council action; and whether to set criteria for council consideration when adding unlisted uses.

Ms. Chatterley read the current text-amendment application items (proposed code text, supporting research, reasons, and how the change supports ordinance objectives) and noted she could request additional information as needed.

Mr. Burggraaf said that was sufficient and stressed that applicants should submit all information up front if they might appeal.

Commissioner Glover asked if more was needed.

Ms. Chatterley stated the current approach worked, though staff often refined lay submissions into legally sound language.

Mr. Burggraaf raised the exception question: should applicants be allowed to skip a formal classification request—and its fee—when it was clearly inapplicable?

Commissioner Aiken confirmed the idea was to empower the land use administrator to let applicants bypass that step when both parties agreed.

Ms. Chatterley supported having that option, citing examples where a quick verbal determination already guided applicants toward a text amendment.

Mr. Burggraaf clarified the exception mechanics and suggested documenting mutual agreement to skip classification.

Commissioner Edwards favored allowing the exception to save applicants time and money while leaving room for a formal classification if there was disagreement.

Mr. Burggraaf proposed adding a checkbox or signed acknowledgement to the application to confirm mutual agreement that no existing use applied, with Ms. Chatterley either accepting the petition or directing a formal classification if she disagreed.

Commissioner Edwards supported the approach and asked for other views.

Commissioner Glover expressed support.

Mr. Burggraaf asked whether the exception should apply broadly (whether the use fits nowhere in the code or simply not in the applicant's zone). He recommended a broad exception and noted that the zone-fit analysis would be handled later when considering the text amendment itself.

Ms. Chatterley and Mr. Burggraaf agreed that broad language would be workable and that the land use administrator should remain the classification authority, with the ability to delegate during absences.

Commissioner Glover confirmed that the delegation would cover time away, and Mr. Burggraaf agreed.

Mr. Burggraaf proposed a 30-day timeframe for the city council to act after receiving the planning commission's recommendation, or at the next properly noticed meeting.

Commissioner Edwards and Commissioner Glover supported 30 days.

Ms. Chatterley noted most actions typically occurred the following week, though 30 days gave flexibility.

Mr. Burggraaf explained the notice rationale and confirmed the draft allowed the required public hearing to occur before either the planning commission or the city council, preserving flexibility.

Ms. Chatterley supported that flexibility, and Mr. Burggraaf said the commission could insist otherwise, but did not recommend it.

Mr. Burggraaf asked whether to include decision criteria for adding unlisted uses.

Commissioner Edwards stated that cases were too varied for a checklist and preferred the current discretionary approach.

Mr. Burggraaf agreed that the existing practice had been thorough and could be revisited later if necessary.

Commissioner Whittaker opened and then closed the public hearing and confirmed that a recommendation to the city council was required that night.

Commissioner Glover asked about the recommended motions.

Ms. Chatterley and Mr. Burggraaf confirmed the commission would recommend approval with the added exception language discussed.

Commission Member Edwards made a motion to send a positive recommendation to the City Council to adopt the proposed changes to the Chapter 15 of the land use ordinance as detailed in the staff report and the draft presented with the additional modifications to the draft discussed and noted with the additional insertion of the corresponding footnote, footnote below each land use chart with the land use ordinance. Commission Member Edwards seconded the motion. Motion passed.

Russ Whitaker – YES

Dennis Shakespear – YES

Kerry Glover – YES

Terry Edwards – YES

Ben Aiken – YES

Mark Gilberg – Absent

Nate Lyman – Absent

Marlee Swain – Absent

4. PUBLIC HEARING: Discuss and recommend a test amendment to Kanab City's Land Use Ordinance Chapter 9 – Site Plan Review. The purpose of the amendment is to clarify the application process.

Ms. Chatterley explained that the proposed amendment aimed to add exceptions where requiring a site plan review was unnecessary and only a formality. She noted that previously, only single-family dwellings and accessory buildings were exempt. She described situations such as tenant turnovers, where a new professional office might replace a restaurant and thus reduce parking requirements, yet the applicant would still be forced to pay the \$600 site plan fee even though no changes to parking, landscaping, or requirements were needed. She added that small modifications like storage additions or small entryways, which did not affect parking or landscaping, were also being subjected to site plan review unnecessarily. She proposed language allowing the land use administrator or building official to review and approve minor changes without requiring a full planning commission review.

Mr. Burggraaf agreed, pointing out that the current process wasted applicant money and commission time when changes did not affect code requirements.

Commission Member Edwards supported the idea, stating it made complete sense.

Commission Members Shakespear and Aiken both expressed approval of the clarification.

Commission Member Whittaker opened the public hearing.

No comment from the public was provided.

Commission Member Whittaker closed the public hearing.

Commission Member Glover made a motion to send a positive recommendation to the City Council to adopt changes to Kanab City's land use ordinances identified in Exhibit A of the staff report for 20250902.1. Commission Member Edwards seconded the motion. '

Russ Whitaker – YES

Dennis Shakespear – YES

Kerry Glover – YES

Terry Edwards – YES

Ben Aiken – YES

Mark Gilberg – Absent

Nate Lyman – Absent

Marlee Swain – Absent

5. Continued Item - Discuss and recommend a text amendment to Kanab City's Land Use Ordinance Chapter 6 – Parking Requirements. The purpose of the amendment is to allow access for public parking spaces from a public street.

Ms. Chatterley recapped prior discussion and explained the revised language, clarifying that single-family and two-family dwellings were excluded and that "community benefit" uses (such as hospitals, parks, courthouses, and government or political subdivision offices) could have parking accessed directly from a public street without requiring a development agreement. She stated private businesses would still need a development agreement to use city property for their own parking. She added a consistency fix, aligning multifamily parking from 2.25 to 2.0 spaces per dwelling to match Chapter 18, and noted an intended minimum 25-foot driveway width for adequate ingress/egress, with final references to design standards for driveway spacing near intersections.

Mr. Burggraaf clarified that the amendment specifically addressed perpendicular or angled parking accessed directly from the city right-of-way. He stated private properties seeking such street-accessed stalls would require a development agreement because it would otherwise not conform to the ordinance, while government or community-benefit projects could be permitted without that agreement.

Commission Member Glover recalled the previous discussion and indicated the changes matched the commission's earlier direction.

Commission Member Whittaker opened the public comment.

No comment from the public was provided.

Commission Member Whittaker closed the public comment.

Commission Member Shakespear made a motion to send a positive recommendation to the City Council to adopt changes to Kanab City's Land Use Ordinance Chapter 6 – Parking Requirements based on the findings identified in Exhibit A, staff report 42025085.2. Member Glover seconded the motion.

Russ Whitaker – YES

Dennis Shakespear – YES

Kerry Glover – YES

Terry Edwards – YES

Ben Aiken – YES

Mark Gilberg – Absent

Nate Lyman – Absent

Marlee Swain – Absent

6. PUBLIC HEARING Discuss and recommend an application for a zone change on parcel K-C-6-1 from C3 (Commercial Zone) to RM (Multi-Family Zone). Parcel is located at 220 West 300 North [Applicant: Michael Lai, owner of the Cowboy Bunkhouse]

Ms. Chatterley explained that the Cowboy Bunk House, located in a C-3 commercial zone, was seeking a zone change to allow long-term rentals. She stated that residential use was recently removed from commercial zones, and the owner needed the change to remodel the building and bring it up to code. She noted the property's history as a hostel and group home, but pointed out that the previous owners had not obtained the required permits. She described the surrounding zoning as a mix of commercial, county agricultural, and residential areas, with nearby multi-family housing. She added that the future land use map designated much of the surrounding area for medium and high-density residential, making the proposal semi-consistent with planning goals. She emphasized that this was a legislative decision, not one with a staff recommendation, and shared the applicant's reasoning that the project would support affordable housing options.

Commission Member Glover clarified zoning to the west of the property.

Commission Member Edwards noted that some nearby properties were already used residentially.

Ms. Chatterley responded that those were grandfathered in, but emphasized that this property had always been commercial in use.

Commission Member Aiken remarked that the area had long been planned for high-density residential and that the proposed change aligned with the city's vision. He and Commission Member Shakespear both expressed support, noting the benefits of adding affordable long-term housing.

Commission Member Shakespear asked about landscaping requirements.

Ms. Chatterley explained that a site plan review would be triggered by the change of occupancy, which would include landscaping, parking, and code compliance updates.

Commission Member Whitaker opened the public hearing.

No comment from the public was provided.

Commission Member Whitaker closed the public hearing.

Commission Member Aiken made a motion to send a positive recommendation for the zone change from C3 to multi-family zone for the parcel located at 220 West 300 North, based on the findings and conditions of approval as outlined in the staff report 25-001. Commission Member Glover seconded the motion. Motion passed.

Russ Whitaker – YES

Dennis Shakespear – YES

Kerry Glover – YES

Terry Edwards – YES

Ben Aiken – YES

Mark Gilberg – Absent

Nate Lyman – Absent

Marlee Swain – Absent

Work Meeting:

7. Continued Item - Discuss Land Use Ordinance regarding dog boarding in residential zones as a home occupation.

Ms. Chatterley explained that the city council initially misunderstood the request, thinking it meant large kennels with unlimited dogs. After discussion, council members agreed to allow dog boarding but only up to the same limit currently permitted for residential households with an additional dog permit, which is four dogs. She noted there would need to be requirements for mitigating nuisances, such as barking, with the possibility of issuing warnings and revoking licenses if issues persisted.

Mr. Chamberlain confirmed that the city council reached that consensus.

Commission Member Glover noted that this approach aligned with what the applicant had originally sought.

Ms. Chatterley added that residents already owning four personal dogs would not qualify for boarding since they were at the maximum.

Commission Member Shakespear stated support for allowing dog boarding as long as protections were in place for neighbors to appeal and have operations shut down if nuisances arose. He emphasized the potential for disturbance in closely spaced neighborhoods.

Ms. Chatterley outlined how complaints—such as barking, odors, lack of care, or animals escaping—were typically handled. She explained that animal control currently responded to complaints about household dogs, and coordination with the police chief was common. She said it would need to be clarified whether land use staff or animal control would handle enforcement for dog boarding permits.

Mr. Burggraaf added that a general ordinance addressing licensing would also be created alongside the land use ordinance change, ensuring mechanisms existed to revoke business licenses if necessary.

Ms. Chatterley agreed, noting that business licenses already contained steps for revocation. She explained that the land use ordinance would need to be updated to add dog boarding to the use chart, while the general ordinance would contain operational conditions similar to those in additional dog household permits and kennel licenses.

Mr. Burggraaf said the planning commission would not make recommendations on the general ordinance, but it would be beneficial for them to review it alongside the land use proposal to see how the conditions aligned.

Commission Member Glover remarked that it had taken a long time to reach this point.

Ms. Chatterley stated that a draft ordinance would be prepared for the next meeting, pulling requirements from existing dog household and kennel regulations, including sanitation, nuisance control, and enforcement measures. She added that the city council could still revise the proposal and extend the process by another 30 days if needed.

Staff Report:

Ms. Chatterley mentioned upcoming trainings, including those by the Utah League of Cities and Towns, Utah Land Use, and APA. She explained that tentative agendas were not yet available, but encouraged members to review past conferences and reach out if they were interested in attending so she could assist with registration. She offered to either check back in a few weeks for agendas or send an email update once the schedules were posted.

Commission Member Report:

Council Member Liaison Report:

Adjournment:

Commission Member Gloven made a motion to adjourn the meeting. Commission Member Edwards seconded the motion. Motion passed.

Russ Whitaker – YES

Dennis Shakespear – YES

Kerry Glover – YES

Terry Edwards – YES

Ben Aiken – Absent

Mark Gilberg – Absent

Nate Lyman – Absent

Marlee Swain – Absent