



KANAB
— UTAH —

Kanab City Planning Commission

76 N Main, Kanab, UT 84741

435-644-2534

October 4, 2016 Meeting **Kanab City Planning Commission** **Agenda**

Facilitator: Chairperson, Joan Thacher

6:30 PM Call to Order and Approval of minutes of previous meeting
Motion; Second; Vote On Minutes

6:35 PM Public Comment Period, Call to the Public

Review: Administrative Review of final site plan for the La Quinta Inn located near the intersection of 100 E (Hwy 89A) and 400 S, Kanab, Utah. [Applicant; La Quinta Hotel, Agent Kim Campbell]

Approval: The final site plan is approved/denied/modified as presented for the La Quinta Inn located near the intersection of 100 E (Hwy 89A) and 400 S, Kanab, Utah.

Public Hearing: Public Hearing and Discussion for a Plat Amendment to Kanab Creek Ranchos Subdivision, subdividing Parcel K-134-707 in two [2] equal 2.51 acre parcels located at 2011 S. Hopi Dr, Kanab, Utah. [Applicant; Andy Gant]

Recommendation: Motion; Second; Discussion; Vote to Recommend a Plat Amendment to Kanab Creek Ranchos Subdivision, subdividing Parcel K-134-707 in two [2] equal 2.51 acre parcels located at 2011 S. Hopi Dr, Kanab, Utah.

Public Hearing: Public Hearing and Discussion on a proposed amendment to Kanab Land Use Ordinance Chapter 4-33 dealing with Short Term Residential Rental Property, also referred to as Vacation Rental Property. [Applicant; Staff]

Recommendation: Motion; Second; Discussion; Vote to Recommend an amendment to Kanab Land Use Ordinance Chapter 4-33 dealing with Short Term Residential Rental Property, also referred to as Vacation Rental Property.

Public Hearing: Discuss and Recommend revisions to the Kanab City Land Use Ordinance Chapter 1-6 [Definition of Bed and Breakfast Inn], and Chapter 4-22 [Temporary Lodging] Section 2 [Bed and Breakfast Inn] redefining to or not require providing breakfast for overnight guest. [Applicant; Staff]

Recommendation: Motion; Second; Discussion; Vote to Recommend revisions to the Kanab City Land Use Ordinance Chapter 1-6 [Definition of Bed and breakfast Inn], and

Chapter 4-22 [Temporary Lodging] Section 2 [Bed and Breakfast Inn] redefining to or not require providing breakfast for overnight guest.

Work Meeting.
-Staff Report
-Commission Member Reports
-Council Member Liaison Report

Times listed for each item on the agenda may be accelerated as time permits, or may be taken out of order as moved upon by the commission. If you are planning to attend this public meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting, and we will try to provide whatever assistance may be required. Please contact RaeLene Johnson at the Kanab City Offices. **See entire packet online a minimum of 24 hours before the meeting at: <http://www.utah.gov/pmn/index.html>**

Mike Reynolds [Kanab Land Use Coordinator] 435-616-0784

**KANAB CITY PLANNING COMMISSION MEETING
SEPTEMBER 20, 2016
KANE COUNTY COMMISSION CHAMBERS**

PRESENT: Chair Person, Joan Thacher, Commission Members Arlon Chamberlain, Michael Downward, and Melvin Watson, City Council Member Brent Chamberlain and, City Planner Bob Nicholson, Zoning Administrator Mike Reynolds, Attorney Jeff Stott and Treasurer RaeLene Johnson. Commission Members Curtis Cutler, Marty Ott and Stewart Allen were excused.

Meeting was called to order by Chair Person Joan Thacher at 6:30 p.m.

APPROVAL OF MINUTES: A motion was made by Michael Downward and 2nd by Melvin Watson to approve the minutes of September 6, 2016 with proposed changes. Motion passed unanimously. Members Cutler, Allen, and Ott absent.

PUBLIC COMMENT PERIOD: Steve Hogseth suggested that the Commission read the minutes well in advance of the meeting.

PUBLIC HEARING FOR A PLAT AMENDMENT TO KANAB CREEK RANCHOS SUBDIVISION: This item has been rescheduled for October 4, 2016.

ADMINISTRATIVE REVIEW: Mike Reynolds explained the color and design for State Bank of Southern Utah's new metal roof and gutter located at 98 West Center Street. They are changing from shingles to metal. Melvin Watson felt it was great. It is consistent with the ordinance. A motion was made by Arlon Chamberlain to approve the color of the new roof at State Bank. It meets the color pallet of the downtown area. Motion 2nd by Melvin Watson. Commission Members Ott, Cutler and Allen absent.

PUBLIC HEARING ON PROPOSED CHANGE TO KANAB LAND USE ORDINANCE 20-4 ESTABLISHING A MAXIMUM HEIGHT OF 45 FEET FOR COMMERCIAL BUILDINGS AND ALLOW AN ADDITIONAL 3 FEET FOR A PARAPET WALL FOR A MAXIMUM HEIGHT LIMIT OF 48 FEET: Mike Reynolds explained that this was needed when the new motel La Quinta wanted to go to 65 feet. The Commission agreed to stay with the present maximum height of 48 feet. The new Hampton Inn has a 45 foot height with a 3 foot parapet wall. A motion was made by Arlon Chamberlain and 2nd by Melvin Watson to go into a public hearing to discuss the above proposed ordinance. Motion passed unanimously. Members Ott, Cutler and Allen absent. Kathy McKenzie wanted to know what the maximum height of hotels was before the last two hotels were built. Michael Downward explained that the maximum height was 35 feet with no limit on the parapet. Steve Hogseth wanted to know if the

proposed height for La Quinta is still on the table. Mike Reynolds said the physical building has been resolved with a maximum height of 48 feet. JoAnn Rando Moon was concerned with the chocolate brown color of the hotel. She was told that the colors have not been brought before the Commission yet. Celeste Meyeres said she liked chocolate brown. A motion to go out of public hearing was made by Michael Downward and 2nd by Melvin Watson. Motion passed unanimously. Members Ott, Allen and Cutler absent.

Michael Downward suggested clarification on the parapet. He was wondering if someone was building a 44 foot building, do they only get 3 feet of parapet. He suggested removing the 3 feet. Mike Reynolds said the maximum height is 48 feet no matter how much is parapet. A motion was made to make a recommendation to the City Council for changes to the Kanab City Land Use Ordinance Section 20-4 establishing a maximum height of 45 feet for commercial buildings and allow an additional 3 feet for a parapet wall for a maximum building height limit of 48 feet by Melvin Watson and 2nd by Mike Downward. Motion passed unanimously by roll call vote. Members Ott, Cutler and Allen absent.

**PUBLIC HEARING ON A PROPOSED CHANGE TO KANAB LAND USE
ORDINANCE SECTION 4-12 HEIGHT EXCEPTION LIMITING APPLICATION ON
COMMERCIAL BUILDINGS AND GUIDELINES:**

Michael Reynolds explained the previous ordinance addressed the need for a conditional use permit, but since the ordinance has been changed to allow a 48 foot building, this section needs to be addressed stating what is allowed with a conditional use permit particularly for a commercial building. The different exceptions for conditional use permits were discussed. A motion was made by Melvin Watson and 2nd by Michael Downward to go into a public hearing to discuss the above mentioned proposal. Motion passed unanimously. Members Ott, Cutler and Allen absent. Caralee Woods asked if this wording in the Ordinance absolutely tells an applicant that's it. You can't come and asked for a staircase or anything else. That's all you get on a conditional use basis. Jim Page asked what were stairways on roofs. Some commercial buildings have a structure with an enclosure with stairways to get to the roof. Steve Hogseth asked about steeples. Could a motel request a conditional use permit for a steeple? Melvin Watson felt that steeples are pretty well defined. Jeff Stott stated that technically someone in a commercial zone could request a steeple, but it would have to come before the Commission for a conditional use permit. He recommended keeping the wording as steeple or eliminate it all together. Caralee Woods said that she could see a 35 foot apartment building. She asked if that is considered commercial. She was told that it is commercial. Jim Page felt that steeples should be eliminated altogether. Arlon Chamberlain said it should be listed in the exceptions. Jeff Stott said that the Commission is trying to eliminate so many conditional use permits. A motion to go out of the public hearing was made by Melvin Watson and 2nd by Arlon Chamberlain. Motion passed unanimously. Members Ott, Cutler and Allen absent. Melvin Watson made a motion to recommend to the City Council changes to the Land Use Ordinance Section 4-12 Height Exception limiting application on commercial buildings and guidelines as follows: Building Height Exceptions applies to

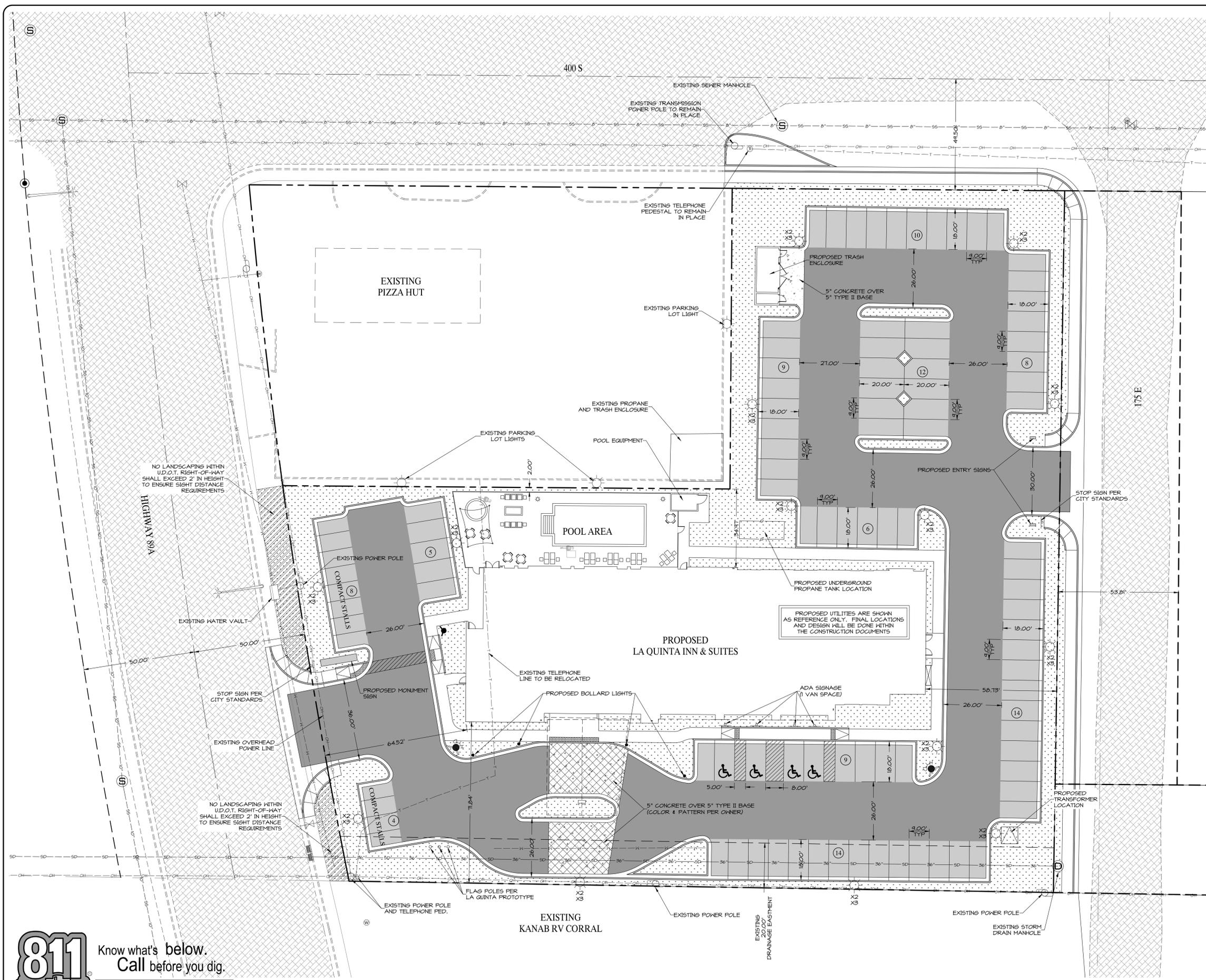
commercial zones, communication antennas, steeples on non-commercial buildings, FAA required lighting. Then the building exceptions that apply to non-commercial zones, steeples, flag poles wireless communication and chimneys. Motion 2nd by Michael Downward. Motion passed unanimously by roll call vote. Members Ott, Cutler and Allen absent.

**PUBLIC HEARING ON PROPOSED AMENDMENT TO KANAB LAND USE
ORDINANCE CHAPTER 4-33 DEALING WITH SHORT TERM RESIDENTIAL
RENTAL PROPERTY, ALSO REFERRED TO AS VACATION RENTAL PROPERTY:**

Joan Thacher made a full disclosure that she has a vacation rental, but she will remain as chairperson since she doesn't have a vote. Mike Reynolds said that the purpose of the ordinance isn't to eliminate vacation rentals. A motion to go into a public hearing to discuss the above mentioned amendment by Melvin Watson and 2nd by Arlon Chamberlain. Motion passed unanimously. Members Ott, Cutler and Allen absent. Mr. Doug McNair read a list of comments he had written regarding the proposed changes for short term leases of residential properties. He felt that the Commission was too quick to make regulations in response to misrepresented situations and complaints. He wanted to go on record as saying that Mr. Rogers had spoken to him only once about his rental unit, asking if we'd modify our porch light so that it didn't shine into his window. That was what was done immediately. He believes that short-term residential rentals are a golden opportunity to improve tourist services. He requested that the commission rather than reacting hastily to one or two complaints, alienating many small businesses in the process, that they delay consideration of this ordinance and the interpretation of other relevant ordinances which impact his businesses until they meet directly with a representative of the affected business people. Bryant Shakespear addressed the Council. He said he has a short term rental. It has been a more positive experience than his long term rental. There were more complaints from long term rentals. The returns are greater, and the money stays in the community not like large chain hotels. Judy Percell stated she comes to Kanab three or four times a year and stays at vacation short term rentals. They are always well-kept. She has never had a bad experience. Austin Soderquist said he rents out rooms in his house. The whole family has a great experience meeting people from all over the world. The Homeowners Association where he lives is not allowing him to do that anymore, so he is moving to Fredonia. La Estancia lost a homeowner, and will now have a rental. Melvin Watson said the Commission just wants businesses licensed, paying taxes, and doing everything by the book. It is any easy process to follow the steps. Caralee Woods wanted to know how you find people who are not following the law. Is there away to get punitive damages? She said she doesn't like people to cheat the system. Jeff Stott said that it will become necessary to put your business license number on the advertising site. Mr. Gotzetnberg said he applauds the amendment. There needs to be a definition of a vacation rental. Everyone needs to pay their TRT tax which at the present time is 13 ½ per cent. It was noted that after October 1, 2016, Air B & B will be collecting all the taxes. Jody Vandine addressed the Council. She works at the Hampton Inn. She wants to be a part of the community. The Hampton Inn will send people to other motels when they are full. She

would also like to help out the short-term rental businesses by sending people their way also. Celeste Meyeres had concerns about the Short Term Rental businesses being targeted with extra regulations. Why is their smoking 25 feet from other business, but 30 feet from short term rentals? She also didn't think it was fair that business licenses cannot be approved unless they show proof of having paid all sales and TRT taxes regarding bookings for their property from the previous year. Also mentioned the garbage that needed to be removed within twenty four hours of tenants leaving the property. Melvin Watson explained that other businesses are not next door to residential homes. When people purchased their homes, they thought they were in a residential zone. Jean Hogseth stated that everyone start with a clean slate. Pam Comstock wanted to know who she should she report a problem with a short-term rental when the owner lives out of state. The Commission discussed absentee landlords. Nichols Meyeres was concerned with not as many people getting the information. He felt that this should be tabled until every item could be talked about. More people need to have input. Mike Reynolds read two letters that had negative comments for the short-term rentals. They felt like the homeowners insurance would raise because the homes turn into a motel. It also pits neighbor against neighbor. There is also a fear of strangers in the neighborhood. Keep businesses in town. A motion was made by Melvin Watson and 2nd by Michael Downward to go out of public hearing. Motion passed unanimously. Member Ott, Cutler and Allen absent. Mr. Bob Nicholson asked the Commission about absentee owners. He asked if that was an acceptable way to operate. The Commission agreed to better advertize the meetings to reach more people. A motion was made by Arlon Chamberlain and 2nd by Melvin Watson to table this item until there can be more public input. Motion passed unanimously. Members Ott, Cutler and Allen absent.

A motion to adjourn was made by Michael Downward and 2nd by Melvin Watson. Motion passed unanimously. Members Ott, Cutler and Allen absent.



SITE DATA

PARCEL NUMBER: K-B-2-5
 EXISTING ZONING: C-2
 PROPOSED ZONING: C-2

EXISTING USE: UNDEVELOPED
 PROPOSED USE: HOTEL

TOTAL PARCEL AREA:
 18,862.06 SQFT
 1.81 ACRES

BUILDING AREA:
 12,241 SQFT (FOUNDATION)

SETBACKS:
 FRONT: 0'
 SIDE: 0'
 REAR: 2'

LANDSCAPING

REQUIRED LANDSCAPING:
 WITHIN PUBLIC RIGHT-OF-WAY
 ADDITIONAL 6' (MIN) FOR PROJECT FRONTAGE

PROVIDED LANDSCAPING:
 WITHIN PUBLIC RIGHT-OF-WAY ALONG PROJECT FRONTAGE
 6' ON PROPERTY ALONG PROJECT FRONTAGE

WITHIN PUBLIC RIGHT-OF-WAY: 2,403 SQFT
 TOTAL ON-SITE: 15,473 SQFT

PARKING CALCULATIONS

GENERAL REQUIREMENT: 1:1 GUEST ROOM
 TOTAL ROOMS: 94
 REQUIRED PARKING: 94

TOTAL A.D.A. PARKING STALLS REQUIRED (D.O.J. 2010)(1-100): 4
 TOTAL VAN ACCESSIBLE STALLS REQUIRED (D.O.J. 2010)(1-100): 1

TOTAL A.D.A. PARKING STALLS PROVIDED: 4 (INCL. VAN)
 (INCLUDED IN OVERALL PARKING CALCULATIONS)

TOTAL PARKING STALLS REQUIRED: 94
 TOTAL REGULAR PARKING STALLS: 87
 TOTAL COMPACT PARKING STALLS: 12 (12% OF TOTAL PARKING)
 TOTAL PARKING PROVIDED: 94

SITE SIGNAGE

MONUMENT SIGN: 2'x8' (APPROXIMATE)
 ENTRY SIGN(S): 1'x3' (APPROXIMATE)

FINAL SIZE AND DESIGN OF ALL SIGNS TO BE DETERMINED
 BY PROJECT OWNER AND LA QUINTA

OWNER/DEVELOPER

LA QUINTA INN, KANAB
 5448 RAM COURT
 RANCHO CUCAMONGA, CA 91131
 (909) 262-5423
 CONTACT: ROMIK PATEL

- LEGEND**
- PROPERTY LINE
 - - - RIGHT-OF-WAY/ROAD EASEMENT
 - ==== PROPOSED CURB & GUTTER
 - ==== EXISTING CURB & GUTTER
 - [Hatched Box] EXISTING PAVEMENT
 - [Dotted Box] PROPOSED LANDSCAPE AREA
 - [Diagonal Hatched Box] PROPOSED LANDSCAPE WITHIN UDOT ROW - NOT TO EXCEED 2' IN HEIGHT
 - [Dark Grey Box] 2.5" ASPHALT OVER 8" TYPE II BASE
 - [Light Grey Box] 3.5" ASPHALT OVER 8" TYPE II BASE
 - (10) NUMBER OF PARKING SPACES
 - EXISTING OVERHEAD POWER
 - EXISTING STORM DRAIN
 - EXISTING SEWER LINE
 - EXISTING WATER LINE
 - [Sun Symbol] PROPOSED AREA LIGHTING

DATE: 09/28/16
 JOB NO.: 9154-15
 DESIGNED BY: FMD
 CHECKED BY: MSR
 DWG: PRELIM LAYOUT

ROSENBERG
 ASSOCIATES
 CIVIL ENGINEERS • LAND SURVEYORS

352 East Riverside Drive, Suite A-2
 St. George, Utah 84790
 Ph (435) 673-8888; Fx (435) 673-8397
 www.rncivil.com

PRELIMINARY SITE PLAN
 FOR
 LA QUINTA INN & SUITES
 KANAB, UTAH

SHEET
 1
 1 OF 1 SHEETS

811 Know what's below.
 Call before you dig.

NOTICE: EXISTING UTILITIES ARE SHOWN ON PLANS FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. THE CONTRACTOR IS RESPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL UTILITIES. THE ENGINEER BEARS NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR SHOWN INCORRECTLY.



43 South 100 East, Suite 100 T 435.628.6500
St George, Utah 84770 F 435.628.6553

alphaengineering.com

September 7, 2016

Kanab City
Attn: Mike Reynolds
76 North Main
Kanab, UT 84741

RE: Kanab Creek Ranchos No 7 Lot 707 Amended Subdivision 2nd Review

Dear Mike,

We have completed a second review of the proposed subdivision to split Lot 707 in the Kanab Creek Ranchos No 7 Subdivision, Kanab, Utah, as submitted by TC Engineering. All of the comments from our previous review have been addressed, and therefore we recommend approval of the plat. Upon Council approval a mylar should be submitted to our office for signature.

Please let us know if you have any questions regarding this review.

Sincerely,

Glen Carnahan, P.E.
ALPHA ENGINEERING COMPANY

Draft amendment to the Kanab Land Use Ordinance dealing with Short term residential rental property.

CHAPTER 4 SUPPLEMENTARY REGULATIONS

Draft #1 (8-18-16 BN)

4-33. Short Term Leases of Residential Properties.

1. **Purpose:** The purpose of this section is to promote the health, safety and general welfare of the residents of Kanab City by establishing zoning regulations for short term leases of residential property to ensure:
 - a) Protection of neighborhoods and the community, including compatibility with existing residences.
 - b) Promote the peace and quiet of residential neighborhoods, and preservation of property values.
2. **Definitions:** A Short Term Rental Property, also referred to as a Vacation Rental Property, is property which is used by any person or entity, for hostel, hotel, inn, boarding house, or other transient lodging use where the term of occupancy, possession, or tenancy of the property is for twenty-nine (29) consecutive days or less, for direct or indirect compensation. For this section, compensation means money, rent or other consideration given in return for occupancy, or use of the property.
3. Short term Residential Rental Properties (also known as Vacation Rental Properties) in residential zones cannot operate until they have met the following terms:
 - i) Must obtain a business license in accordance with Section 9 of the Kanab City General Ordinances.
 - ii) Any new structure built for the purpose of renting out must have a ten foot minimum set back.
 - iii) Any previously built accessory building converted for the purpose of renting must first have a ten foot minimum set back.
 - iv) Living space cannot be shared by more than one private renter (no separate bookings for any space that has common/shared living areas).
 - v) There must be an additional off-street parking space beyond the number of vehicles already normally parked at the property for every increment of four guests allowed to book.

- vi) Owners are responsible for enforcing the following rules, as well as informing all guests of such rules by posting them on the booking website and by including a physical copy at the rented dwelling:
 - a) Quiet hour from 10 pm to 7 am
 - b) No smoking outside anywhere within 30 feet of adjacent property.
 - c)

- 4. **Exception to the requirements of this section:** A single-family owner-occupied dwelling which is part of a Home Exchange where the owners are trading rights or money to use each other's home for a short-term period. The exchange is only for a dwelling which is usually owner-occupied, and the total number of home rentals or exchanges shall not exceed six home exchanges per year, unless a Conditional Use Permit is approved for more than six rental periods per year.

9-10 Short Term Rental Property

It is unlawful for any person to keep, conduct, operate or maintain a "short term rental property" as defined in section 4-33 of the Kanab Land Use Ordinance within the city without a business license. The following requirements are in addition to the requirements of this section, and apply to both residential and commercial short term rental properties:

A. License Not Transferable: A short term residential rental property business license is not transferable between persons or structures. While a single owner can operate more than one vacation rental under the same license, each individual property must be inspected and must meet all short term rental requirements. Any person holding such license shall give written notice within thirty (30) days to the business license official after having transferred or otherwise disposed of legal or equitable control of any Short term residential rental dwelling unit licensed under this article.

B. Transient Room Tax: All short term residential rental properties shall be subject to the collection of the municipality transient room tax as allowed under Utah code.

C. Before a business license can be approved each year, the applicant must show proof of having paid all sales and TRT taxes for the previous calendar year regarding all bookings for each property under the business license. This proof can be shown by offering an accounting of all bookings for each short term rental, and a correlating receipt of paid taxes.

D. Garbage Removal: Garbage shall be removed from the property by the owner or property manager and properly disposed of within twenty four (24) hours of tenants leaving the property.

F. Cleaning Service: Each property shall be cleaned in between tenant occupancy. Each property shall also comply with the sanitary facilities requirements outlined for motels in Kanab City.

G. Local Property Manager Required: All short term residential rental properties shall designate a local property manager. The local property manager shall be available twenty four (24) hours per day to respond to tenant and neighborhood questions or concerns. Each short term residential rental property shall have a clearly visible sign within the unit containing the following information: the name and phone number of the local property manager, and the maximum occupancy of the unit,

H. Owner and Property Manager Responsible: The owner and property manager shall be jointly and severally liable for any violations of this article. Any short term rental which is found in violation of this article or any other requirement of this code may be subject to revocation of the short term residential rental properties business license, as well as any other remedies outlined in this Business License section.

DRAFT

**Kanab Land Use Ordinance
for
Bed and Breakfast Inn**

1-6 Definitions

Bed and Breakfast Inn - A building of residential design, in which the property owner personally resides on premises, in which no fewer than one (1) but not more than (5) rooms are rented out by the day, for not more than four (4) guests per room, not to exceed fifteen (15) consecutive days per quest, offering overnight lodging and meal services to overnight guests.

Section 4-22 Temporary Lodging

2. Bed and Breakfast Inn

A Bed and Breakfast Inn is a conditional use within certain zones as provided hereafter in this ordinance and must comply with the following requirements:

N. The owner of the premises must reside therein.

O. There must be a minimum of one guest room and not more than five guest rooms. No more than four guests may occupy any room. No guest may stay more than fifteen consecutive days.

P. One off-street parking stall must be provided per guest room with two off-street parking stalls provided per premise owner.

Q. No cooking facility may be present in any guest room. No cooking may occur in any guest room.

Meal services may be offered only to overnight guests.

R. Other than a sign permitted for a Bed and Breakfast Inn established by conditional use permit may have no advertising of any type.

S. Any permit granted is revocable upon notice and hearing if the use of the property creates traffic, noise, health, safety, parking, or other problems in the area.

T. A site plan that complies with Chapter 9 must be submitted.

U. Any hearing for the establishment of a Bed and Breakfast Inn conditional use permit shall be advertised as required by this ordinance.