

Parowan Planning and Zoning Minutes
January 17, 2024 – 6:00 P.M.
35 East 100 South – City Office

MEMBERS PRESENT: Heather Peet (Chair Pro Tempore), Jerry Vesely, Jamie Bonnett, Weston Reese, Tony Leydsman, David Burton (Council Representative)

MEMBERS ABSENT: Larry Zajac

STAFF AND COUNCIL PRESENT: Dan Jessen (City Manager), Keith Naylor (Zoning), Scott Burns (City Attorney), Judy Schiers (Secretary)

PUBLIC PRESENT: Ember Kerr

CALL TO ORDER: Heather Peet called the meeting to order at 6:07 P.M.

ANY CONFLICTS WITH ITEMS ON THE AGENDA: There were no conflicts declared.

APPROVAL OF MINUTES (JANUARY 3, 2024): After discussion and correction, Jamie Bonnett made a motion to approve the minutes from the January 3, 2024 meeting. Weston Reese seconded the motion. All members present voted in favor of this motion and the motion passed.

NEW COMMERCIAL BUILDING – APPROXIMATE ADDRESS – 200 S. 1000 W. EMBER KERR: Ember said that this is proposed for a new commercial building, with three separate units in it. Dan said this is on a corner lot, about one acre owned by Larry Pendleton in a commercial subdivision. There are a few problems with this building permit. Larry wants to build a single building, divide it into three different units with three separate ownerships, with the common area being in combined ownership. Similar to how a condo development works, where they own the unit, but the common area is a shared expense.

Ember said that there are three partners in Zulu Development, but they want separate ownership so they can pay their own utilities. Dan asked if they still want separate taxable parcels. She said yes, they want to pay their own property taxes. Dan said the challenge is that we do not have code for a commercial “condo” type development. He said he and Larry Zajac have been looking at City Code, but nothing seems to fit into our existing code. You can do this type of development in a master planned zone, but not at this currently zoned location. He said maybe this could be a PUD. He read from City Code 14.20.020 definitions “Planned Unit Development means the development of a tract of land as an integrated unit under single ownership or control, or if under more than one ownership, developed by the owners jointly. Planned unit developments shall include multiple dwellings, multiple office buildings, or mobile home areas when developed in accordance with the provisions of this section.”

Dan said that normally a Planned Unit Subdivision is in a subdivision where there is tighter density and narrower streets. He said almost all the code in the PUD Code talks about residential, and considers residential streets, floor plans etc. It does say it could include multiple office buildings. This is a single building. Under 14.20.030 “L” – is says that “No Planned Unit Development may incorporate both mobile homes and permanent residential dwelling units such as are typically permitted in residential zones. Commercial office uses may be included in a Planned Unit Development.” So again, it considers it, but our current code does not address this, and that is why I brought this to the Planning and Zoning Meeting for you to consider.

Larry Zajac's notes on the subject are: "I suspect the division you are describing will not leave a legal lot and the frontage area and access in easement will be issues that we need to look at closely. The typical arrangement is like a business condo project. Usually, this type of project has lease holders and each lessee holds their unit and a percentage of the common area. Lot - the common area is held in common by the home owner's association. There is nothing for the developer to own unless he chooses to own the owner's association. It is unusual for the owner's association to have a tax id number. There are decisions by the City on the number of meters required or to treat it like a PUD and have a single meter and so on. The city needs to review the proposed ownership agreement to fully understand the project and suspect we will need Scott Burns to weigh in on this."

Dan said at the bare minimum, if we subdivide this into separate parcels it would trigger our water code, and Larry Pendleton would need to bring additional water. It is going to be grandfathered to have one connection right now. Dan said he thinks Larry may be able to accomplish what he wants to do through a legal mechanism, maybe an ownership agreement. Our code just is incompatible when it comes to this. If he wants to move on this quickly, he may want to consider that. Another issue is, what he wants to do is not allowed in this zone. In the highway services zone, you are not allowed to have a professional business and/or administrative offices, with the exception of medical and dental. If Jim Jense has an office type building in his buildings, that is not allowed. Highway Services was meant to be services to assist the travelling public. Highway Services and Commercial are two brands of the same thing, but we do have a table of uses of allowed and conditional uses.

Dan said that he thinks if Larry wants to pursue this through legal means, but wants an office building, he will need to do a zone change. Ember said that one of the partners would be using it for warehouse storage and to meet clients and the other two partners will just have it for personal use at this time, for storage. Dan said that warehouse and sales is a permitted use, so that would fit with what Ember described.

Ember will take this back to Larry Pendleton and then get with Dan.

INTERNAL DWELLING UNITS FOLLOW-UP SCOTT BURNS: Scott gave the Planning and Zoning members a handout on Cedar City Ordinances that mention ADU's and/or IADU's. Scott said that he talked with several Cities and essentially the public policy behind this is not well received across the State. He said that the intent of the legislature and governor to fix the housing shortage is to allow internal and external dwelling units. He said right now it is under the radar, but once it starts to proliferate, think of neighbors putting up apartments in their backyards and going from two cars to five or six cars parked there. It is an attempt to "apartmentize" what historically have been homes. It is crowding more people into a space and it is something that everyone is trying to come to grips with it.

He said the biggest fear is that they are going to go further and start leaning on R1 zones and what has commonly been a one-family residential unit. He asked the members to go through the handout and look at some of the things that Cedar put in their code. State code is law of the land and essentially tells us what we must do and not prohibit. Scott said the handout is what one city has done in response to the legislation.

The commission talked about the size of ADU and IADU's that Cedar is allowing. Dan said we need to discuss external dwelling units and do we want to allow them and under what circumstance. He said that in a R2 Zone, to add a mother-in-law casita may be within the spirit of what an R2 zone is. Our code

currently says building, not buildings in the R2 zone and the only multiple allowed in the R2 zone in a duplex.

Scott said this is a creative way for the state to put more people in those zones.

David said he wanted to remind the commission that this body can't make ordinances just recommendations. He said the State is trying to impose a blanket remedy for a problem that they think they can resolve by forcing cities to implement these things and that is not the way to deal with the characteristics of individual communities.

Dan said that David is on a legislative advocacy group to represent rural areas.

APPOINTMENT OF PLANNING AND ZONING MEMBERS: Dan said that in City Code we currently have (15.16.10), the commission is set up to consist of five members appointed by Mayor with the advice and consent of the City Council.

Larry Zajac has been appointed as the chair, Jerry Vesely and Jamie Bonnett have been appointed to the commission. Heather said she was appointed as an alternate, as well as Weston Reese and Tony Leydsman being appointed as alternates. Dan said Larry wanted this put on the agenda, as the City is getting a little more official on all the committees and their terms. Our code doesn't mention alternates at all. We have appointed more members to this body and historic preservation, because of the business that this board has to do. Dan said he also wanted to clarify that it shows the Mayor reappointing Larry for a five-year term, but it is a four-year term. The commission appoints the chair and chair pro tempore. Larry was reappointed in 2022. Right now, we have six members for a five-person committee.

Heather said that Larry wanted her to mention that for efficiency's sake, if Tony and Weston could make it to alternate meetings each month. For example, Tony comes to the first meeting, Weston to the second meeting. Jamie said that we need a board member, so if one is put in as a voting member and one stays as an alternate, we would probably still need an alternate. The alternate acts as a substitute. Tony said when he was asked to be on the commission, that is how he understood it. He would be contacted if he needed to be to the meeting, but that it was not mandatory to be in attendance every meeting, so basically a substitute.

Heather asked Weston if he was willing to make a full-time commitment. She said she considers herself a full-time member. Weston said he would be willing to be appointed as a full-time member. Tony said he is not interested in a full-time appointment and would rather be an alternate. Dan said that he would talk with the Mayor about appointments. David said since this is a five-member committee, it would take three members to make a quorum. Dan said theoretically you are going to have an odd vote, as the council member does not vote. The City Code says that the council member is a liaison between the commission and the City Council.

Dan said he would let the Mayor know what was discussed, with Heather and Weston as full-time members and Tony staying as an alternate. Heather said she has a name she would like to give the Mayor, as someone who has expressed interest in the commission.

Dan said the Mayor is very appreciative of suggestions. Judy said we should probably get back to staggering member appointments. Dan said also, that the members shall not consist of a majority in the

same area of expertise. He said we need to designate, as we reappoint, either a four- or two-year appointment. He said if the members have strong feelings either way, to reach out to the Mayor.

Jerry said that this is an important committee and as we think of names for consideration, we should suggest those that have Parowan's best interest in mind. He said he enjoys being here and looks forward to moving forward. David said that the committee should be totally diverse and he wanted to make comment that it is in the ordinance that the council representative should not vote.

MEMBER REPORTS: Dan said the City Council approved Hansen Planning Group to do the subdivision ordinance.

ADJOURN: Jerry Vesely made a motion to adjourn the meeting at 6:55 P.M. Tony Leydsman seconded the motion. All members voted in favor and the meeting was adjourned.