

CEDAR CITY PLANNING COMMISSION
MINUTES – January 2nd, 2024

The Cedar City Planning Commission held a meeting on Tuesday, January 2nd, 2024, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

Members in attendance: Carter Wilkey, Ray Gardner, John Webster, Tom Jett, Jennifer Davis, Adam Hahn

Staff in attendance: Jonathan Stathis-City Engineer, Randall McUne- City Attorney; Don Boudreau-City Planner, Amber Ray-Executive Assistant

Others in attendance: Martha Blair, Shara Evaskovich, Michael Platt, Bob Platt, Brad Bassett, Jill Bassett, Dallas Buckner, Patrick Sawyer

ITEM/REQUESTED MOTION **LOCATION/PROJECT** **APPLICANT/PRESENTER**

- Pledge of Allegiance – the pledge was led by Jennifer Davis.

Councilmember Webster nominated Wilkey as chair for the meeting Gardner seconds; all in favor for a unanimous vote.

I. REGULAR ITEMS

1. Approval of Minutes (dated December 19th, 2023)
(Approval)

Councilmember Jennifer Davis motions to APPROVE the minutes from the December 19th meeting; Ray Gardner seconds; all in favor for unanimous vote. Change wording in minutes from Robber's Rule to Robert's Rule

2. Minor Lot Subdivision
(Approval) 1600 S Providence Center Drive Jones/ Platt & Platt
Phoenix Plaza

Bob Platt: This is a property split. Simple minor subdivision on west side of I-15, East of Providence Center Drive. There is an easement for the trail that we have to preserve.

Carter: Thinking about what is being done by Senator Romney and UDOT, are these parcels affected by on ramp/off ramp?

Bob: We were instructed to send this to UDOT. We have not received any comment back. I am not sure what they will come up with

Jonatha: UDOT still doesn't know where the new interchange will be. In discussions with them it doesn't appear that the city will hold up any development. When they decide they will approach property owners at that time. This has been reviewed by staff and looks in order.

Councilmember Jett motions for APPROVAL of the Minor Lot Subdivision; Davis seconds; all in favor for unanimous vote.

3. PUBLIC HEARING
Amendment- Transportation
Master Plan
(Recommendation)

1478 S Old Highway 91

KNP Cedar/ Platt & Platt

Mike Platt: Freddie's Steakburger got an amendment to master plan which is 100 foot right of way to make 90 foot right of way. We are asking for the same thing. The developer spent 3 million then the city said they are taking 100 foot right of way.

Tom: Is it two lanes?

Jonathan: One lane in each direction.

Tom: If we grant what is being requested, will that limit us?

Carter: We lose the shoulder on their side.

Tom: That whole area will expand. Will it limit them from making that into a two-lane road?

Jonathan: With a 100 foot right of way you get parking, two lanes and a turn lane. With 90 foot right of way you lose the shoulder on one side.

Mike: Losing parking on a 100 foot right of way.

Carter: My concern, if people are traveling with a trailer, where will you park it? The shoulder is nice to park a trailer on the road.

Tom: Just because the amendment got started doesn't mean it needs to be continued.

Public Hearing Opened

Public Hearing Closed

Jonathan: Staff's recommendation is to follow the master plan. We know there will be a lot of development to the south. We know the traffic will increase over time. Having the right of way available to use is important. Maybe in the past the Hotels should have given up 10 feet on their side. With 90 feet, we will not be able to have a shoulder on one side. It would have to funnel, then narrow up at Freddie's.

Tom: Can we keep the 100-foot two lane with parking on both sides?

Carter: When you go to widen a road, the question is, which side gets the shoulder? Can the hotels lose the shoulder?

Jonathan: You could also do a 5-foot-wide shoulder for bikes on each side, but not for parking. Or it could be on either side, depending on how it is striped.

Tom: I am sympathetic to developers, landowners, and also drivers of the cars as we go in and out. I don't like it if it is to just save money. There was a lot of consternation to give Freddie's the 90 foot right of way.

Carter: I would rather the shoulder on the restaurant side instead of the hotel

Councilmember Jett motions for a NEGATIVE recommendation of the Amendment to the Transportation Master Plan; Gardner seconds.

Councilmember Wilkey motions for a POSITIVE recommendation of the Amendment to the Transportation Master Plan; Davis seconds. Webster in agreement.

4. PUBLIC HEARING
PUD- Vicinity
(Recommendation)

approx. 343 W Bradley Lane
Rose Village PUD Phase 2

Rose Village/ GO Civil

Dallas Buckner: Vicinity plans are only good for one year. Phase one got constructed, phase two did not. Ready to move forward with Phase 2, need to get it approved. No changes with overall number of lots, road widths. Phase area has changed, but nothing else. This is west of Old Farm.

Jonathan: Irrigation issues on Phase 2, it can be worked out during construction. Also, there is a Master Planned Trail.

Dallas: Old Farm dedicated a 20-foot strip for the trail on their side, some people built fences and gardens on the line. In my mind the trail is already dedicated. We will have to pipe one ditch, the other one is already piped.

Tom: The bike trail will be behind, but not continue anywhere.

Dallas: Yes, there is just a section of dedicated trail until someone comes through and develops this or dedicates a trail yeah, there's just going to be a section of trail that's dedicated, more or less being native vegetation.

Tom: Can we put the money in bond so they don't have to build the trail right now until they have to?

Dallas: A developer generally dedicated either an easement or dedicated the parcel, and the city hold onto that parcel. And then when they're ready to do a trail, they go apply for grant funding, and then build it

Jonathan: Trail impact fees are Parks and Rec impact fees. Sometimes there's a sidewalk that gets widened out to a 10 foot sidewalk, in that case that does get built with a development.

Carter: Do we pay for the upsizing of the sidewalk?

Jonathan: Yes

Public Hearing Opened

Martha Blair: I am a homeowner in Old Farm. I want to get it clear from the discussion. We have a wall and the property behind it, is it ours? We pay taxes on it. We have a wall and a wire fence near the irrigation ditch. The wire is our property.

Carter: You own the property, but it is an easement. Like in the front yard there is a 10-foot utility easement.

Jonathan: My understanding is it is an easement.

Martha: So if I build, you can take it down?

Joathan: Yes

Martha: My understanding was that a green scape and trail were going in. In looking at the map, it doesn't look very big. Is the city going to take over, or will it be green to the wire fence. I was worried it was my 20 feet.

Dallas: What I was proposing to do, when we go through the construction drawings, if there is already 20 feet at Old Farm, but we only need 10 to put an underground storm drain. I don't know that the city has a 40-foot-wide trail. So, we would probably pull ours down to whatever, 30 ish feet wide.

Jonathan: The irrigation company will need to sign off on anything to do with the irrigation ditch.

Dallas: Our east line is common to the fence, we will do an addition to the trail. We have it shown 20 feet wide. We will likely have the irrigation pipe on our side. Corridor that the city can put in a trail there.

Carter: It is up to the developers to grant the easement; the city puts in the trail.

Dallas: We will have to build a block wall along the rear of the residential lots. Whatever we give up, we will build the wall across. Until the trail goes in, it will be dead space.

Martha: But why am I paying taxes on it? I don't feel like I own it. I thought it was going to be one level twin homes.

Dallas: We don't have a developer agreement. So, they can build whatever is allowed in the zone.

Martha: We were assured they would be one level. They made it perfectly clear- twin homes, one level.

Carter: Unless the city puts out a Development Agreement, they can do what they want. If that wasn't relayed to you, it doesn't mean it was correct. That developer has the right to do anything in that zone.

Martha: It has been evolving. Before that it was County. There's Cedar Bend and problems with parking at Cedar Bend. It was said that they would have parking. I have looked at the number of homes and we will have people parking on the main drag.

Dallas: As far as parking, the hatched lots, they have parking stalls. These are twin home lots, not town homes. Not a townhome with an 18-foot driveway.

Tom: To clarify, Carter mentioned Developer Agreements, they are only given when it doesn't quite fit. In a situation like this, it isn't likely that there is a developer agreement because it is falling correctly in the zone.

Martha: I knew it was coming sooner or later, I don't know that people feel as heard as they want to be. I moved to Cedar City because I wanted it to be better, but in a lot of ways it isn't very different. What goes on in California and what goes on in Washington goes on here. I thought you would be better, but you're not. My husband has the knowledge, and he didn't want to come tonight.

Tom: We do need people to come and express their feelings.

Martha: I think things are pretty crazy. I thought it would be better and it is not. We have the apartments to the south and Cedar Bend, and now two stories when I was assured it wouldn't be. I am the tip of the iceberg. I talk to people, and they aren't happy with how it goes in Cedar City. For what it is worth. Please think about the whole thing, everybody, and what you're building next to.

William Evaskovich: We also live at Old Farm. We have seen so much development, so fast. In a few short years walls are all around us. It looks horrible. We were told by the realtor they were going to be single story duplexes. With these big structures come a lot of people, and parking issues. We are rethinking our decision on where we live. We are getting closed in on. All the neighbors don't want to come here. They feel like they won't be heard. Don't destroy a community to build another one and make money. I have an easement for the intended trail. In the master plan, it is supposed to be a master trail, will this be an access road from the community? Will they have access to our houses? How tall will this wall be? Any supplemental wall built? It brings me concerns to safety for my property. Are the walls going to be bigger than my wall so people can't look into my house? Pretty soon it will be a thorough fare.

Dallas: There is a 15-foot trail access, what we are proposing, per city ordinance we will put in 6-foot-tall wall.

William: Our fence isn't 6 foot.

Dallas: The HOA will take care of it. For a PUD the HOA takes care of versus the city.

William: Until people develop on either side. When you do this in other areas, what do you do about the trails?

Tom: I don't like the idea of a wall on each side.

William: What is the overall idea?

Adam: If you walk down the one on the east side, it is not uncommon to be above your house to look in. Your wall will not change.

William: Will you leave the corridor open or fence?

Dallas: There will be a gap in the wall.

William: On my easement, they built a wire fence until they develop it. Maybe for safety because it is an irrigation ditch? My concern is my property. I am totally against the two stories.

Tom: Because it is a PUD, we have to put a block wall around, what is the logic behind that? Why do we need two walls.

Jonathan: We don't have to have two walls. Old Farm did not have to build the wall. They chose to do that.

Tom: Can we add another two or three feet to their wall? What is the logic behind a PUD having to have a wall to begin with?

Jonathan: The developer could request a variance for the fence on the back side. There are some revisions. Variance to eliminate that back fence. In this case, if they don't get a variance, it requires the fence. We have a similar situation in Fiddlers. Two walls separated by 20 feet.

Ray: The people on the PUD side will want a back yard.

Don: The ordinance requires block walls between higher and lower density. With a PUD, it requires in the front yard, gated, the original idea that private developments were private. So, you're not traveling down private roads. Requires a fence, not only a CAU. Trex type, man-made woods.

Closed Public Hearing

Carter: The commission hears from the public, but at this point our hands are tied. They have the zoning already, so from a legal standpoint, we can't do anything. Back when this was rezoned, if a developer wants to rezone in accordance to set out master plan, there is no one up here or on city council that will say no. If you're going against the master plan, that is when you should be here and say no. But where we sit now, we are too far down that road. We are just agreeing to what they can legally do, it was voted on, and permission given.

Tom: It is essential if you want to be part of the decision, there needs to be more input from the people in our community. You may not get what you want, but you will see the reasoning, or at least see the process.

Carter: Jennifer are both realtors, we have both served on the board of realtors, we know, don't promise something unless you know the facts for sure.

Tom: Wherever you move to, look at the master plan. The city can help you figure out the rules.

Councilmember Hahn motions for a POSITIVE recommendation of the PUD Vicinity for Rose Bradley Phase 2; Jett seconds; all in favor for unanimous vote.

Councilmember Wilkey makes a motion to have Hahn chair the remainder of the meeting; Gardner seconds; all in favor for a unanimous vote.

5. PUBLIC HEARING
Zone Change
AT to R-2-2
(Recommendation)

approx. 1950 S Westview Dr

Hansen/ GO Civil

Dallas: South of 4B Ranch. West side of Westview. Follows RDO. Zone changes to conform with Bauer

Meadows RDO.

Next meeting, we will bring number 6.

Carter: Zone to R-2-2, then build R-2-1?

Dallas: That is the plan. Sometimes vicinity plans expire. But yes, zone to R-2-2 and build R-2-1.

Public Hearing Opened

Patrick Sawyer: I live on Westview. Two or three years ago we went over this with 4B ranch. They assured us it would be one acre lots. No one wants to see growth in their area. If they are going to build, he is saying they will not go to R-2-2. But they are just saying that. With all the building out there, the sewage treatment plant is overwhelmed. How will that affect the treatment plant? What kind of infrastructure are they planning. You guys are like the checks and balances, to make sure the city runs, not just hand out building permits. I don't think the development they are asking for goes along with what is around there. It will affect South Mountain. That is how people will get to the other side. With that kind of development in that area, it won't help anything,

Carter: We are here as essentially here as volunteers, that is why we ask staff. We are not professionals. We have a development proposed on the north end, the staff said we have to put the brakes on because they know the infrastructure. That is not my profession.

Patrick: Before you guys okay this, it should be there now, not in the future. They have flooding to the east. I assume it is zoned agriculture.

Adam: Right now, is AT no zone because it was annexed into the city.

Patrick: What water rights come with it? They should have to have water rights before they start building.

Adam: That is part of the process, the developer has to bring them or purchase them.

Carter: At final plat they have to bring that many water rights to the city or buy at a premium. The city knows it will take time to go find the water that will be needed.

Adam: Yes, there is infrastructure that does have to be in place. Some doesn't, like a grocery store.

Partick: But it is your responsibility to have forethought. Name one grocery store that has been built since the boom.

Adam: It is not the city's responsibility for the city to build that. There is property and zones for that, but a private party needs to come in and put money into it.

Partick: People chose you to restrict growth.

Carter: We said RDO and that is the Master Plan. When a developer brings in a large parcel, they essentially create their own master plan for that parcel.

Dallas: Canyons to Westview.

Carter: When this Developer purchased years ago, they worked through this process, it was all approved. As long as he asks for what was approved back then, then we are just following the plan the city approved. I know from a public standpoint, yes, it is confusing on what is first. What got me coming was a development right behind my house. Hopefully that tells you how we got to this point.

Patrick: Can you show me where that was agreed on?

Jonathan: This RDO was approved 2020. When they go to develop, then they do the zone change.

Dallas: It can be 170 units, but they aren't doing that many.

Don: There was an old development that has since expired.

Patrick: We ask you to grow responsibly. With 4 B ranch the reason they went to 1 acre lots is because it didn't match the surrounding areas. His view is to make the most with what they have.

Tom: Call Renon to send you an agenda of every meeting.

Patrick: I didn't realize there was so much division between the City and Council.

Tom: I encourage you to come and watch if you can't come.

Patrick: Is the development planned for 100-foot-wide road?

Jonathan: Yes

Brad Basset: This is right across the street from me. R-2-2 means what?

Adam: They are asking to have smaller lots and still build single family homes.

Don: R-2-2 allows you to go smaller

Carter: Lots 7000 square feet. If you were going to put a duplex or twin home, it must be 9000 square feet. We would be voting on that map, but there was a mistake.

Public Hearing Closed

Councilmember Jett motions for a POSITIVE recommendation of the Zone change from AT to R-2-2; Wilkey seconds; all in favor for unanimous vote.

6. PUBLIC HEARING PUD- Vicinity (Recommendation)	approx. 1950 S Westview Dr Prairie at Bauer Meadows PUD Phases 1 and 2	Hansen/ GO Civil
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Proper Noticing did not occur. Tabled until next meeting.

7. PUBLIC HEARING Amendment- Master Planned Trail (Recommendation)	approx. 954 N Aviation Way Aviation Way PUD	Cheney/ GO Civil
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Dallas Buckner: Amendment on Aviation way. A project for a developer. Project was approved as a commercial building permit, took their time then came back and said they want to do a PUD. One thing that came up is that there is a master planned trail. We want to vacate the portion. Jonathan proposed make the addition so it dead ends to the sidewalk on Aviation Way. It is the flood channel and I think that is the plan for the trail. There is already sidewalks on Aviation Way. A fair amount of the parcels are developed, so not really a feasible option to keep as is.

Jonathan: I ran this by parks, they were in favor of this. We did talk about a 10-foot sidewalk, but this is a long section for 10-foot width. Right now, it is 5 feet on each side.

Jonathan: We would be fine with the modification for the sidewalk to Aviation Way.

Public Hearing Opened

Public Hearing Closed

Councilmember Wilkey motions for a POSITIVE recommendation of the Amendment to the Master Planned Trail; Davis seconds; all in favor for unanimous vote.

8. Subdivision-Vicinity	Phases 3 & 4	Burgess/ GO Civil
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(Recommendation)

approx. 4500 W 100 N.
Iron West Subdivision

Dallas Buckner: This is carrying the same concept, lot width size, for two more roads. These are pretty good size lots.

Adam: Continuing?

Dallas: Yes, just continuing two more roads.

Jonathan: One issue that came up is the westerly road. If they tie the road, the home would not meet setbacks. There are plenty of other roads that provide circulation. As far as sewer and water we are good. We have the new lift station.

Councilmember Davis motions for a POSITIVE recommendation of the Subdivision Vicinity for Iron West Subdivision Phases 3 and 4; Gardner seconds; all in favor for unanimous vote.

II. CITY ITEMS

1. PUBLIC HEARING Ordinance Text Amendment (Recommendation)	Section 26-VIII-5 Notification Requirements for Master Planned Public Infrastructure	Wilkey/ McUne
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Carter Wilkey: I have sat in meetings and watched master plans made, but property owners are never notified. I wanted to create a way that master planned that the owner will have to pay for or give up land for, that we as a city should be notified. Things you as a property owner would be responsible to pay for. Or deed the property over to the city to allow for the trails. Randall took the ordinance that had to do with zone change. This is where I hope we as a Planning Commission get to plan something. Please input. The person that brings through the change or amendment, they would be responsible to notify the owners. If the city is master planning, we would be responsible to notice. 150 feet because it is in the general area. As far as the zone change, the posting of signs. When we do zone changes, we are required to post. This would be the same requirement. Number three, we did realize there would potentially be hundreds of property owners, so we limited it to 50 feet, no more than 10 signs. Put them close to a major road. So people can get an idea of where the infrastructure will go through. The idea has been, if you notify the people, it will bring it to your attention, and it maybe harder. But we will need to show it is for the best, whether the citizens are here or not. I am not sure we always do that. I think they have a right to be here. Whether they are here or not, it is our responsibility. Mr. Jett would like a protest period. Annexation, we have a 30-day protest period.

Tom: When we annex it doesn't cost. But when we are influencing someone's property for a lot of money. I think 60 days' notice is reasonable. 60 days to have the time to give them to come in and protest. I think we could start before it is even finalized.

Carter: Sent to them this many days before and protest this many days after.

Tom: My thought is it would be prior to the council.

Randall: We already are having the 5 days required. You could give them 60 days after the Planning Commission then the City Council after that. You cannot leave a citizen with veto power. We give them a time limit.

Jennifer: I would like to hear from Dallas. How do you think this will affect you.

Dallas: I think is the right thing to do, but I don't think anyone will come out in favor. I am often surprised on things that pop up, or I didn't notice. It seems like it will target the city. We make some master planned changes but are few and far between. An example is out in the county, I did a subdivision and found out they were in a belt route. I think this is the right thing to do, but it will come down to the city thinking it is the lesser of two evils. One owner with all the property or divide among parcels. I think 60 days will hinder the process.

Randall: As an attorney, this makes sense to me. To bring forth two sides. Right now, when there is a change, you have one party, and no one for the other side.

Carter: My initial idea was when you add it, but I realize this should also be told if we remove it.

Jennifer: But we are burdening them to notify.

Carter: When we remove things, you should also be notified.

Randall: Only up to 50.

Tom: When you change a zone, you have to notify.

Jennifer: Is there a way to write it.

Carter: It is in there, 50.

Randall: You could say if A, B and C exceed 50, then just A and B etc.

Randall: As of right now, when we do a General Plan, we don't notify anyone.

Don: We did, but we were not required to. Would we look at access as directly adjacent?

Randall: Actual accessing. The trails would be harder. The point is, does it affect their access?

Carter: We don't necessarily need to recommend anything on this.

Jennifer: I like the spirit of it, but don't want to take it too lightly.

Dallas: I think this is the right thing. It is always frustrating to find out master planned when going to buy or sell a property. It would be awesome to see on the GIS when the changes happen.

Randall: That would be good moving forward, especially with things grandfathered in before application submitted, February 1st. We have to define access. In the end it would have to be a staff decision. We will work on defining this.

Adam: Regardless of the numerical number, you should always notify everyone affected.

Randall: I do want both parties here arguing their side.

Carter: This most likely will create headaches, but it shouldn't stop us from doing the right thing.

Randall: What about the protest period.

Carter: 60 seems long to me. Maybe 10 days before and 30 days after.

Don: We do take criticism from the 5 days. 10 days may be more appropriate.

Randall: After Planning Commission discusses and before City Council. 30-day post Planning Commission meeting, include notices for both meetings. We could define access as cutting them off from City Services. We will bring it back to the Planning Commission before Council.

Carter: I am fine taking time to think it through.

Adam: We will table this until the next meeting.

The meeting was adjourned at 7:25 p.m.

Amber Ray

Amber Ray, Executive Assistant