

**CEDAR CITY PLANNING COMMISSION**  
**MINUTES – April 16, 2024**

The Cedar City Planning Commission held a meeting on Tuesday, April 16, 2024, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

Members in attendance: Councilmember Robert Cox, Ray Gardner, Tom Jett, Jennifer Davis, John Webster, Jim Lunt

Members absent: Adam Hahn

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

Others in attendance: Shawn & Corinee Severn, John & Michelle Miller, Dan & Terri Tallmadge, Wayne Decker, Lisa Natwick, Mike Innes, Andy Farrell, Dave Clarke, Ronald & Darlene Shelley, Pat Sawyer, Dan Roberts, Sue Gale, Cathy Klemic

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

**Jett nominates Gardner as chair. Lunt seconds all in favor for a unanimous vote.**

- Pledge of Allegiance – the pledge was led by Jonathan.

**I. REGULAR ITEMS**

1. Approval of Minutes (dated April 2, 2024)  
(Approval)

**Davis motions to approve the minutes from the April 2nd meeting; Lunt seconds; all in favor for unanimous vote.**

- |                                                                           |                    |                                        |
|---------------------------------------------------------------------------|--------------------|----------------------------------------|
| 2. PUBLIC HEARING<br>Amendment-<br>Trails Master Plan<br>(Recommendation) | Iron Horse Project | Development Team LLC/<br>Tyler Romeril |
|---------------------------------------------------------------------------|--------------------|----------------------------------------|

Tyler Romeril: I am with Leavitt Land Investment. We are here to propose a master plan amendment to the trails master plan. This is on Iron Horse property. Silver Silo is by the top, Home Depot, Cross Hollow Rd, on the map there are a few lines. The hatched line is the City's current master plan. It basically runs up and down hills. We talked with Ken at Parks and Rec, he is supportive of the proposal. Trails can't exceed 10 percent grade. Keeping the trail where it is would do that, What we are requesting is eliminate the line, and a looking for a positive recommendation to put in two loops, one that would run around project, that trail is in place. There would be a northern loop and a southern loop. You can see the full loop is 6.7 miles, Northern 4.84 southern 4.71 miles. How it runs, it would connect, then a steep

incline, I believe 8% grade then run down the side of the hill. When you get to the top of the hill, there are some beautiful views, then it would run down onto Joel Hansen Property. He is in agreement with these changes. In this portion, there is an existing sewer line that it would run through. Then we would be on Cross Hollow Road until we got to this point here, which is a little after Black Sage, up the hill then right next to the VA cemetery. This portion is the livestock trail.

Jett: What is the main reason?

Tyler: We think it complements the city and our development. Sometimes the master plans are just put in place and doesn't coincide with the topography.

Lunt: Are trails open or fenced in?

Tyler: Completely associable. There will be tail heads, one on Providence Center, one by VA Cemetery, one on the corner of Iron Horse Road. They will be open to the public, not fenced off.

Jonathan: 10-foot-wide path, some along a roadway as well, may be a widened roadway.

Cox: I like it. When we get a trail in a development I like it.

Davis: The city will put it in, you're just wanting to change where it is.

Lunt: The city will do the right of ways?

Davis: You have discussed with the city?

Tyler: Yes, we have talked with Paul and Jonathan and took it through the committee process and received a positive recommendation.

Jonathan: The portion that goes along the roadway would be put in when it is developed.

Lunt: Does the city have a trails budget?

Jonathan: There are Parks and Rec impact fees. Homes pay impact fees. There have been some paid for with RAP tax in the past. It goes through the city's budget process. We like trails to connect, and to provide a route that people can get places. This provides good connections to the city's existing trails.

Cox: I think it is good that it connects Cross Hollow to the other side of town.

*Public Hearing Opened*

*Public Hearing Closed*

**Lunt motions for a positive recommendation for the Amendment to the Trails Master Plan; Jett seconds; all in favor for unanimous vote.**

3. PUBLIC HEARING                      Iron Horse Project  
    Amendment-  
    Active Transportation Master Plan  
    (Recommendation)

Development Team LLC/  
Tyler Romeril

Tyler Romeril: This is a companionship item to agenda item #1. We are talking about the solid red line. We are proposing to eliminate the line and move to the side of the hill in conjunction with the trail, and then run along Iron Horse Road.

Cox: Does that transfer any of the development or liability to any other property owners?

Tyler: Our parcels are on both sides.

Jonathan: The active transportation committee wanted to make sure that everyone's aware that this is going to connect into the new south interchange, whatever UDOT ends up deciding on in terms of rebuilding the south interchange. UDOT is actively working on incorporating an active transportation

element through the new south interchange. We want to be able to make sure that people feel comfortable getting through that interchange, whatever it ends up being. Right now it's very difficult for pedestrians and bicycles to get through there. And just one note on the trails and the reason there's two different master plans, the trails is more of a recreation plan. Active transportation is more for commuters and people actually using that to get to school and to work. There is quite a bit of overlap between the two, but they are two separate plans.

### *Open Public Hearing*

Lisa Natwick: I live in Eagle Ridge. I have concerns, on the legend, down Scenic Drive, come up Talon, across South Mountain. The coloration says proposed for shared roadway. Signed as Bike Path.

Jonathan: That is currently on the master plan.

Lisa: There is no signage.

Jonathan: Correct

Lisa: It is windy, then it narrows, goes down South Mountain, it is a blind hill. Eagle Ridge Drive. The city has helped the traffic by putting in a 4-way stop. But it is still a blind hill. Not sure how you will widen it enough. It says multi use or bike lane. I don't see room for safe bikes or pedestrian. We are still waiting for them to complete the sidewalk on the northside of South Mountain Drive.

Cox: If it is on the sidewalk, they will widen the sidewalk to 10 feet.

Lisa: The other concern is the new subdivision. We've got to widen the road. And so the side path is going to be the proposal is to have it run along the edge of the hill into town because right now you've got a really nice turning turnout merge into turn back onto scenic drive when you come out of the subdivision. And so you're going to have a little bit of overlap there where that's I assume the side path is going to be part of that that turning lane. But then when you get here, you've got a blind curve and you've got it up against a hill. So is the city going to be the ones that put in the actual path when we actually get a path out there? Because right now we've got kids on bikes. We have people walking joggers, et cetera. And it with the increased traffic, it just gets more and more concerning.

Jonathan: Black Sage put in a 10-foot sidewalk. As the properties get developed, they put in the sidewalk.

Corinee Severn: I have a question concerning the lower part of the area. Those of us who live up here are often take the route through the subdivision. There is no direct route. We are traveling through Eagle Ridge and creating extra traffic. Any plans to expand the road way?

Jonathan: It is currently on the City's master plan. It will be put in as development occurs. We have looked at funding options, but have not secured it yet.

Sue Gale: What is the underlying reason for changing?

Tyler: All the trails fall inside subdivision. The master plan is a potential plan, not always detailed to what makes sense on topography. We want to change to follow hillside with views, not so up and down.

Don: The master plan is highly generalized.

Jonathan: As projects get closer to being developed, the master plans get looked at closer, and this is exactly what is happening in this situation. This will follow the sewer line. Just needs funding to build it.

Lisa Natwick: This proposed bike lane, is that something that might go away?

Jonathan: I think it generally follows Eagle Ridge Drive. Doesn't line up exactly on the map

### *Public Hearing Close*

**Jett motions for a positive recommendation for the Amendment to the Active Transportation Master Plan; Webster seconds; all in favor for unanimous vote.**

4. PUBLIC HEARING  
Amendment-  
Storm Drain Master Plan  
(Recommendation)

1900 S Old Highway 91

Jacobson, Guthrie,  
Middleton/ Platt & Platt

Dave Clarke: On Southview Trailhead, there is a drainage wash, south side of southern view. Empties onto the property. At the property line it is 15 feet deep. 6-8 feet deep through this property 3-4 feet deep at this point, then it fans out, and sheet flows across property, then there's additional drainage and goes into the wash, then a 6-foot culvert under the highway, an 8-foot culvert under free way. Jonathan said it should have been included in the city drainage master plan. The wash is deep with erosive soil. As it comes across the property, some settles, as the property develops, we needed to have a general idea of what the drainage will do. We have completed plans for these 55 acres. Extensive drainage studies for culverts to cross the road. Two five-foot culverts. By putting this on the city master plan, we will designate a regional storm area. They can collect some of this run off, and help mitigate how much goes under I-15, which helps the people downstream as well. Discussing this with Jonathan, he thought this would probably be a good plan. Then as we develop, because it's part of the master plan, the city will take over maintenance and participate in this drainage. There's a lot of drainage that's impacting this property that's not their property, it's not their drainage. This whole mountainside just drains right down on that. Some more drainage studies need to be done, but we've done adequate to handle what's above us and through that first 55 acres.

Jett: 8 foot under freeway, is that sized for absorption? We will be adding a lot more hard scape to that. You are going to be going under 91, but is that an additional 55 acres of hardscape or a third of it?

Dave: That is why there will be a Regional Storm Detention Basin. We did some rough calculations. Figured it needed to be a 12-acre, 3 foot pond. If the city could work something out with the Middletons who currently own that 17-acre parcel, maybe it could be upsized to handle more than the 408.

Jett: Your client does not own the 17 correct?

Dave: Correct. For the proposed development, we are going to put in a storm detention pond for what they are adding. Each development will put in their own detention pond and then run it down. Having this as a master plan, just gives everyone somewhere to put the water. There are a couple different owners. All are part of the RDO. 19 pods in the RDO.

Lunt: What is the condition of the soil? All the soil has come down the mountain side

Dave: It is poor soil. Susceptible soil. They call it a massive landside along the hillside.

Cox: What is proposed?

Dave: 18 view lots. .6-1.5 acres. The lower portion they are doing their feasibility right now. RDO has planned as 250 apartments, it is about 20 acres. It is a lot of over excavation.

Cox: If you have to over-ex that much you multi family is really the only thing feasible

Dave: If you did single family you could do different types of piers to help. There are other ways to di it, it adds cost for sure. They are working closely with the Geotech.

Jonathan: In the new engineering standards that were recently updated, we do require modeling to be done by the city's modeling consultant Sunrise. That needs to be done prior to going to the City Council. The main reason for that is to determine exactly what size that would need to be and also to determine whether it's going to be an open channel or a box culvert. The poor soil tends to cause problems because it caused a settlement. If we go to a box culvert, it's going to be very, very expensive. A box culvert is rectangular in shape. You could go to a large circular pipe, I think 8 foot diameter. Normally, we would see that in a box culvert when you get into that large of a size, which would be a rectangular shape, reinforced concrete. An open channel would be, in this case, with this soil, you would need to line That, typically with rip wrap, in a large rock and sometimes under lane with fabric, to keep the soil in place. I was talking to Paul Bittman about the detention pond, and he was concerned that in this area we're going to get sediment in that runoff. It may not be a good place for turf for a soccer field, but it could possibly be a good place for a BMX track or Frisbee golf, something like that, something more natural. When you get sediment on turf, it's really hard to get it out. Just some things that we've kind of talked about.

Lunt: I think the water will snowball as they develop. As it develops, it will be more concrete and asphalt, sidewalks, everything, and the water will go to the next one, by the time you get to the retention pond, it will be a lake.

Dave: The ravine is deep because it is steep and erosive.

Jett: We are looking at channels, who pays to maintain? Since it was built for the benefit of the development?

Jonathan: If it is on the master plan and installed to city standards, the city would maintain. The detention pond needs to serve 160 acres, especially when you calculate the hillside.

Jett: Are you going high on the hills?

Dave: No

Jonathan: That is BLM land.

Cox: Randall, can you make a motion contingent upon modeling?

Randall: Yes

### *Public Hearing Opened*

Sue Gale: I live in Shurtz Canyon. With this, there needs to be a storm drain. They relied on the huge ravine. The ravines are deep because we have a lot of water coming down there. We were trapped, washed out our roads. I have seen the detention ponds; they always seem full. I think an open channel is the better idea.

Jonathan: It goes along the hill side.

Sue: When you come to go to the freeway, are you going to have to shut the road down again? We spent months with that road shut.

Dave: There is a 6-foot culvert under highway 91. This may be 20 years down the road. The plan is that if they have to upsize that culvert, that is down the road.

Sue: When we built the engineers said to leave the natural ravines and then we won't get flooded. If we get a big storm, there will be problems.

Shawn Severn: I have a few questions. Do the other property owners know this is changing the master plan?

Jonathan: They have been notified. We have not received any comment.

Shawn: This would compel them to meet city criteria. My second question, as I listen to this, the soil quality is bad, there needs to be quite a bit of modeling, there will be quite a bit of sediment. Seems sensible except with the sediment concerns. Understand the studies before this get accepted by the city.

Jonathan: Talk to Sunrise, they model water, not sure about sediment. That was the concern with the detention pond. It would be a maintenance issue to clean out the sediment. Part of the reason for the pond is to collect the sediment.

Cox: If no plan, it goes to the same place.

Dave Clarke: What we are proposing is for it to be adopted as part of the city master plan. We don't know how big they will have to be. By putting this on the master plan, the sizing can come later.

Cox: Master planned so not pieces together.

Shawn Severin: I am not arguing that it should not be on the master plan. But you don't know what will happen downstream. Link to make a master plan. Maybe for water, I work for Geotech firms, I know what I am talking about, I'm concerned that you could have to clean out multiple sediment ponds on the way down. I know what it could cost. I think having a plan is great, arguing for getting on top of the modeling and understanding where the sediment will go. This is not like a tail that you can shift the line. You are in a world of hurt because it will be coming down. You have an opportunity to do good work upfront.

Garnder: Maybe you can put his mind at rest, this is the generalized phase. All of that will become part of the construction.

Jonathan: The master plan provides general framework for capacity. Once they develop areas, we get into details. There will probably need some intermediate basins. That would be looked at specifically. The city periodically does an impact study. They model to see what size it will be, the city can adjust impact fees over time as building permits come in. They put the developer on notice that they will have to pay and the city pays upsizing. In development, it is a specific size. We are working on the general plan.

Shawn: If you wait until the developers develop, then you may have a problem. You have a process, but relying on a map and calling it a master plan seems inadequate in this instance.

Cox: Development will have to bring in a plan. We don't know what is going in.

Shawn: You can learn quite a bit now.

Jonathan: That is what the modeling does.

Lunt: What is north and east? Makes into the drainage?

Jonathan: Yes

### *Public Hearing Closed*

**Jett motions for a positive recommendation to the Sewer Master Plan, contingent on successful modeling of water and sediment that could create problems in the future. Lunt seconds; all in favor for unanimous vote.**

5. PUBLIC HEARING  
Amended Plat- PUD  
(Staff Decision)

1625 N 3100 W  
Cedar Reserve Unit A

Cedar Reserve/ Platt & Platt

Dave Clarke: Amended Plat of Cedar Reve Unit A. 9 four plex lots. The dashed lines, 4 on north 5 on south. We are going to put 4 plexes on there. This is at 1600 N and Lund. To the north is built. The lots are vacant. The plan was for a 4 plex apartment. There will be 30 percent less hard surface than when planned. Same number of units, well under what the zone will allow., Approved for 36, proposing 36, townhomes.

Cox: PUD?

Dave: Yes. Infrastructure is in. Once approved, they can pull the permit. All the infrastructure is done. The way it was set up was a four plex owned by one individual. We are proposing two six plex and a four plex, they can own individually. When it gets recorded it will be unit 16, Unit A amended. This was lot one and so forth.

Jett: Purpose?

Dave: Economics. When we started in 2020, there was a need for four plex lots. Clients said four plexes sell. They found keeping it as town home.

Lunt: Each unit as townhome?

Cox: More individual townhomes.

### *Public Hearing Opened*

Jonathan: Received objection letter:

April 12, 2024 Cedar City Corp. Engineering 10 North Main Street Cedar City, Ut 84720

To Whom it May Concern, Having reviewed the proposed CEDAR RESERVE PUD, UNIT A we have the following objections: 1) The design has REMOVED drainage retention capacity that is EXISTING on the site and displaced the capacity with hardscape driveway access. This DELETED capacity is required and removing it burdens the drainage system for the neighboring development. 2) This parcel is SEPARATE from the Cedar Reserve Unit B & C which are located adjacent to the north. 1) Units B & C is controlled by Cedar Reserve HOA Inc. 2) Unit A is controlled by a separate entity called **The Apartments at Cedar Reserve Inc.** There exist NO cross-sharing agreements in place to for water, drainage, parking or amenities to be used between the two properties. These agreements need to be developed and agreed upon.

Kind Regards, Cedar Reserve LLC declarant of Cedar Reserve HOA Inc Trevor Carter, Manager

Jett: Do we not have the cross easements for access and utilities?

Dave: We were made aware of the letter this morning. We will satisfy with what the city says.

Lunt: Sounds like two entities, not cooperating with each other.

Cox: You have to have a plan for drainage.

Dave: It is in place. I don't have to say anything. There is a little retention area, swell, it holds about 700 cubic feet. Very little. Sewer comes up road. Water in all three phases, serves whole development. No cross access because it is the same PUD. Same ownership until a month ago. We will satisfy the drainage requirements. Put in a driveway, and extra open space if required. It is designed to meet the requirements. It is planned for 90 percent hard space now, with the changes it will be 65-70 percent hard space. Same project, controlled by different entities. We will get it figured out.

Jonathan: We just found out about it. We will have to go through it. In a PUD, when there is a water system, it needs to provide service, sewer all drains north. Would not work unless it can go through the other phases. There is one system in the PUD. You can't separate the drainage and sewer. Not sure exactly what they are contending.

Dave: Detention area is in the previous easement. Signed by the same person who signed the objection letter. I don't know what is going on. Unit AB and C, function as single entity.

Cox: The whole PUD was approved.

Dave: Yes, the whole project, the whole phase was approved. All tied together. The difference between this use table now and on the original plat is there was a little asterisk down here that said the total parking spaces was in question because those four plexes, and if they were two or three bedroom, that affected the parking. We met the required parking for the units.

Jett: I hate to see fights.

Lunt: I think it is a mis understanding,

*Public Hearing Closed*

Jonathan: We will work through this as staff and discuss with Randall and work with Platts.

## **II. CITY ITEMS**

- |                                                              |                                                  |                  |
|--------------------------------------------------------------|--------------------------------------------------|------------------|
| 1. Easement-<br>Created on City Property<br>(Recommendation) | Industrial Road from<br>300 West to Airport Road | Jonathan Stathis |
|--------------------------------------------------------------|--------------------------------------------------|------------------|

Jonathan: As you are aware, the city is working on this. The portion of funding is federal through UDOT. As we have been looking, the city needs to dedicate a specific easement that will go down through there. The power lines moved to the south of the project, and some telecommunications follow the poles to the south. Request the city dedicate a PUE 25 feet to the south. If you remember there used to be an old rail bed the city purchased several years ago. The city turned it into a trail and a linear park. We were quite a way into the design and found this is the best location. The easement jogs along I-15 then out where there are the bridge abutments. Utilities will run from Airport Road to 300 west.

Jett: How close to the existing subdivision will the new poles go in?

Jonathan: More to the north side of the easement. 20-25 feet from the subdivision. We hoped to go underground but because of cost and timing they will be above ground when they removed.

**Jett motions for a positive recommendation for the easement created on City property; Davis seconds; all in favor for unanimous vote.**

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|-------------------------------------------------------------------|-----------|----------|
| 2. PUBLIC HEARING<br>Ordinance Text Amendment<br>(Recommendation) | Flag Lots | Tom Jett |
|-------------------------------------------------------------------|-----------|----------|

Jett: As we discussed a couple of weeks ago. I would like our ordinance similar to that of Enoch. I would like to see this go on to city council. Enoch is very pleased with it. Not for every lot in the city. But many lots can be designed when they subdivide or existing lots. There was some discussion about the pole part, on the width, in speaking to the city planner, 20 feet meets city ordinance, but fire indicated 24 feet is the comfort zone. Enoch hasn't had problems and we share the same fire department with them. Yes, there may be a fire. Our city allows AUD, not a flag lot, but a home behind an existing home.

Don: ADU regulations are 12 feet driveway 800 square feet and max two bedrooms.

Jett: Same access. I know there are some identifying concerns. I believe a proper pole or marker would work. I believe the setbacks can remain as they are on the back property.

Cox: I wish I knew more of the widths of the lots. They are probably not up to code. If we shrunk to 24 feet...

Don: In regard to the width of the pole, if I recall, fire code is at least 20 feet of asphalt. 26 with 24 feet of asphalt, if they have to get back there, people will park in the pole portion, all weather access. Wiggle room for water meter and utilities. The minimum lot width for single family in R-3 is still 70 feet, a lot of the older ones are 50/55, take 20 feet off the lots is problematic. May work for some. May help developers in unique terrain, or where there will never be a road on the other side. I have tried to address all the concerns. Any direction for staff before City Council?

Cox: If we do 26, some lots will not make it. The saving grace is to do an ADU. I don't think it will open a pandora's box but could help on a corner or on a steep hill.

Don: I think at the edge of the subdivision, where you will never put another road or phase.

Jett: The problem with an ADU is that it has to be owned by the lot owner. This would be more affordable lots for individual residents. An ADU is owned by the same people.

Cox: 55 feet wide frontage. Not restricting that.

Jett: I would like to see it to 20 feet. It works for Enoch.

Cox: 24 feet is for two way traffic?

Don: Yes, fencing takes up 6 inches.

Davis: In Enoch they have 25, they have bigger lots.

Jett: What about 20 feet of asphalt. Make it affordable.

Cox: Do we require it to be hard surfaced?

Don: Yes. Any parking and access has to be hard surfaced. If it is required, then supposed to be hard surfaced.

Jett: How about 20 feet of asphalt and 26 feet wide.

Don: If we want to meet fire code, 20 feet meets it, but you're mirror to mirror passing. I recommend 24 feet. I think that's the bare minimum.

Cox: The two feet down to 24, won't even apply to the 50 foot lots.

Davis: For safety, the fire and engineers are recommending 24 feet.

Don: I'm comfortable with 24 feet. Mike was comfortable with how it was written.

Cox: If you do 24 feet hard surfaced, no room for utilities. You need some space to put utilities down.

Jonathan: Utilities can go under, meter needs to go off to the side.

Don: Also the meter would need to be on someone else's property. From the parent lot, jog over.

Jonathan: 18-inch barrel, 30 x 30 collar.

Don: Right in the driveway.

*Public Hearing Opened*

*Public Hearing Closed*

**Jett motions for a positive recommendation for the Ordinance Text Amendment pertaining to Flag Lots; Davis seconds; all in favor for unanimous vote.**

3. PUBLIC HEARING  
Ordinance Text Amendment  
(Recommendation)

Section 26-I-4 and Section 26-IV  
Pertaining to accessory buildings  
and shipping containers.

Don Boudreau

Don: We discussed this at the last meeting. We tabled it so everyone can sleep on it. I don't have any

Planning Commission Minutes

April 16, 2024

Page 9 of 15

proposed changes written up.

Jett: I made comments at City Council. I am sure some of the proposals where to put it behind the side setback. There was discussion to put behind front plane of home.

Don: Currently we treat as accessory structures and do not allow beyond the front setback, this is really the Planning Commission discussion then to make a recommendation to council. The biggest concern is aesthetics. They are utilitarian, cheap, and useful. Even if we ban, you will see them. A lot easier to put rules on where you can put them. Behind the plane of the home, if it is on a corner, screen it.

Cox: Do we have them screen sheds? I have an issue with the screening on the corner lot. My neighbor has to look at it, but not the street.

Don: Doesn't jive with goals and policies on what we want our neighborhood to look like. If you recall there was an issue that the property owner had a storage shed on an adjacent lot. The ordinance doesn't allow that. So you can't come in and build and store, not in residential. You wouldn't have to marry the lots to have a shed, but you would have to own the lot, and you could use for storage, but live on the other lot.

Jett: My struggle with that, not everyone is wealthy enough to own two lots. If you have two lots standing by itself. No one knows who owns what lot. I think we would create conflict and confusion. If we allow it on a second lot, then we should allow on an independent lot. I know a lot that the lot is not adjoined, but stuff is stored on it.

Don: I understand the idea. The intent is, if you allow it, then you change the intended use from residential to storage.

Davis: I don't like the idea, that we should go ahead and allow shipping containers on a vacant lot. It would change the lot from residential to storage. I have seen them with stickers and colors. They can look ghetto. Without guidance, I don't think we should allow it. I don't want over regulation, I believe in the rights of the property owners. People would like their property values protected.

Jett: What if I want to park old stuff on the lot.

Don: You can put the shipping container, if you own the lot adjacent.

Davis: I like the obstructing view. I am conceding a little bit.

Don: The other rule could be paint to match the house. A lot of cities ban them. We don't want it to be industrial free for all.

Davis: If you are in an industrial area, you can expect that.

Cox: I don't like the fence. You'll still see it along the top.

Don: There are only so many tools we can use. Prevent them or hide them.

*Public Hearing Opened*

*Public Hearing Closed*

Cox: I drive around and don't see them being a problem.

Randall: We have gotten complaints. Code enforcement says we can't do anything about it. On this one we get complaints, I don't have a count.

Cox: So someone can call and complain and there is nothing you can do?

Randall: We lack manpower. If you tell them this is how to do it, they will do it that way. A good chunk want to be good neighbors.

Cox: If we don't require a fence for accessory structures, lets treat them the same. I am in favor without the fence.

Davis: I want the fence. I think opening it up, we are going to get complaints. Now we are telling them they officially can. I think we should have guidelines. Do we allow them now?

Don: We have treated them like accessory structures. If they are 6 feet behind, they can get closer to property lines. There would be building code issues. Sheds, you have to keep 5 feet away because of fire. Shipping containers won't catch on fire. Allowed as long as it meets the setback.

**Councilmember Cox motions for a positive recommendation contingent on removing the fencing stipulation of the Ordinance Text Amendment Section 26-I-4 and Section 26-IV Pertaining to accessory buildings and shipping containers; Lunt seconds; all in favor for unanimous vote.**

|                          |                        |          |
|--------------------------|------------------------|----------|
| 4. PUBLIC HEARING        | Section 32-8-(B)(3),   | Tom Jett |
| Ordinance Text Amendment | Section 32-8 (C)(F),   |          |
| (Recommendation)         | Section 26-IV-4 (G),   |          |
|                          | Section 26-IX-4 (E)(2) |          |
|                          | Fencing Requirements   |          |

Don: This was tabled. Commission wanted to sleep on it. 26-4 to allow what the city has always allowed on past practice. With the exception of the vision triangle. 26- 4 remove fence on mixed use projects. 32-8 removed PUD to be gated. Eliminated fencing in PUD if fronting street. Example of Cross Hollows. They met the exceptions we had. Then we moved the driveway separation down in 32-9 in the Parking area. That is where we left it.

*Public Hearing Opened*  
*Public Hearing Closed*

Davis: I like all the changes. I think a lot of them we were allowing and not enforcing.

Jett: It doesn't make any logical sense to say a PUD must fence R-1, or R-2, making developers fence people in. If they don't want to see, they can put the fence up.

Cox: I would agree between R-2.

Don: Density is in 26-4.

Cox: I would propose the fence at the four door rule.

Don: What is the impact is. It was written to put burden where the impact is seen to be coming from. The one above is basically first come first served, based on use. I could write something up.

Cox: Duplex and three plex no fence?

Don: No

Don: If zoned for less dense purpose, that is where the fences are.

Cox: What about townhomes, but they don't meet density?

Don: Townhomes are in a PUD. Four plex if not in a PUD.

**Davis motions positive recommendation for the Ordinance Text Amendment Section 32-8-(B)(3), Section 32-8 (C)(F), Section 26-IV-4 (G), and Section 26-IX-4 (E)(2), pertaining to Fencing Requirements and also the changes to the density verbiage as written prior to City Council. Lunt seconds, Councilmember Cox, Ray Gardner, and John Webster aye, Tom Jett, nay.**

- |                                                                   |                                                |          |
|-------------------------------------------------------------------|------------------------------------------------|----------|
| 5. PUBLIC HEARING<br>Ordinance Text Amendment<br>(Recommendation) | Section 26-III-2<br>R-1 Lot Widths             | Tom Jett |
| 6. PUBLIC HEARING<br>Ordinance Text Amendment<br>(Recommendation) | Section 26-III-3<br>R-2-1 and R-2-2 lot widths | Tom Jett |
| 7. PUBLIC HEARING<br>Ordinance Text Amendment<br>(Recommendation) | Section 26-III-4<br>R-3-1 and R-3-M lot widths | Tom Jett |

Tom: I proposed modifying the ordinances. The language in R-1 is currently 90 feet,, allow for 70 feet of frontage. Not that you have to, but an option. Some discussion from Jennifer, we offer for R-2-2, so why change the R-1. I say do away with R-1, or make everything R-2-1, that is what we would like. It works fine in R-2, not everyone wants to live there. Away from downtown. If it works in R-2-1, why not work in R-1. Offer as an option for buyers.

Cox: 90-70, 70-50, then zero. I would do it if it were 30.

Randall: 30 bare minimum. You can go higher, or higher if more than one unit.

Cox: Same density based on other requirements. Less cost for city.

Randall: Overall density remains the same. Cluster subdivision half size, but current widths. Much more variety. You could use the cluster subdivision ordinance better. Different size lots.

Jett: I am not building subdivisions. I want it to be affordable to people.

Don: When you look at the slides, take the smallest case, which have the biggest impacts, R-1 5 k lot size, as small as I could get it with setbacks and 1000 square foot home. The concerns for me, R-2 50 X 75, workable. Twin home, if we go to a cluster right now, min lot size 9k, we would be down to 4500 K 25 foot lots of each side of the twin home You will see a sea of garage doors. Parking challenged. Those are just some impacts you will see. Driveway distance, street parking down drastically. R-3 no lot width, 42-foot-wide lot, you could get creative. We measure at setback with exceptions of twin home. It would be like a box car 12 foot wide.

Jett: On 30 foot, there are a lot of lots that are carved off existing lots, left a chunk, 30 foot entrance into half acre. I am not suggesting the whole lot be 30 feet, just the frontage.

Cox: I am opposed to zero. I say 30,50,70.

Davis: I am okay with that.

Don: This will also affect the RE zone. Minimum lot size R-1. Because RE allows for animals. Giving you a distance where you want to keep your horse. Half density under a cluster subdivision.

Lunt: What does it do for density?

Cox: Nothing to density.

Randall: Increases density a little bit. Count roads. 15-20 percent higher density.

Lunt: How will a developer look at this?

Cox: One more house

Randall: Fewer roads on larger developments. Now roads will be 40 feet apart.

Cox: One less road for the city to maintain and more homes.

Randall: Deep lots and smaller homes.

Don: I think some of the smaller lots, can be quite livable and quite nice. More control over them. Too narrow and there are concerns. Aesthetics and parking are just two.

Randall: You have seen not happy people say how dare you let people change the zone. You are not notifying people even though you are rezoning. You are shrinking their lot size. In most places an R-2-1 lot, all can be done without a 300-foot notice. You are making a lot of changes for neighborhoods.

Jett: If they are existing, I don't see them changing it.

Randall: They can. If this goes through, in Old Farm, not three, but actually four could go on the lot. Could effectively do 5-6 lots that haven't been done. They can come and amend.

Cox: Things are more astronomical than they have ever been.

Lunt: With your example. Would they be priced less?

Davis: That is up to the developer. They can pass the saving along or take it.

Randall: You cannot affect the sale of the home. Can you impact supply and demand? If part of the expense is because of the cost of building, you are helping in one area, the dirt, and street improvements.

Jett: If R-1 has 90, the appraiser takes into consideration similar properties, the bank industry says we will not lend because less.

Randall: If you make changes too fast, you will not know what helped in any of them.

Don: If you change lot size, it will drastically change the master plan. If we change density, we have to redo the master plan.

Cox: I don't see this affecting the master plan.

Don: The master plan takes the density into consideration. If R-1 10k, the overall density can't exceed 10 k. There could be flexibility but staying in density. If we drop R-1 to 5 k, then we will see impacts and take a stronger look at infrastructure.

Cox: This is a good compromise but not change all the density.

Don: R-1 70 R-2-1 and R-2-2-50 and -30 for R-3 and R-3-M

### *Public Hearing Opened*

Scott Bird: By increasing the density now, it almost feels like you're empowering landowners to keep their prices high. The reason the prices are so high is because where the density gets more condensed is because people have to have cluster housing or tight housing in order to be able to afford what people are asking and therefore you get more and more tight living. It seems like if we don't keep approving all these tight living quarters then prices might settle or come down for the the big land owners that are trying to sell.

Jett: You have one customer, three bedroom home on a single lot or a town homes, which one would they want

Scott: I have people who would much rather be on a single level.

Cox: It's a free market, I will do for less, give options.

Scott: Nothing that is available is affordable. It is out of control right now. It would be great if they could be built for 250, developers will take the money if it is there. I think there is a huge spread for profit margins, can they go down, yes, will they, no.

### *Public Hearing Closed*

Davis: We have R-2 and the prices are not coming down. It is not helping.

Don: I don't think in the short term you will see much. Long term, maybe. It will take time.

Randall: 15 on each side for twin home.

Don: I would be concerned that when we plat a subdivision, lot widths would help, we don't do tracks, I wouldn't want to create paper subdivisions.

Cox: Who's responsibility would that be.

Randall: Take the lots in Beryl for example. It will sit and be vacant forever.

Davis: If we are making it so narrow, they won't be buildable.

Don: We have a provision if it is a legal lot.

Randall: If we approve a lot we can't build anything, I am not sure how that would go in the court. R-2-2, 20 on each side on town homes, are you willing to go down to 15? I worry with 15, setbacks would not be possible. If the minimum doesn't work...

Don: If you want to make it workable, 5 minimum. For a twin home, that is very narrow. 55 for a single, widen for twin homes. Even on each side. At the setback line. Twin home could work if the lot flared out. If trying to hit at 25, you will be pinched on a 30.

Randall: You can maintain consistency by addressing the twin home from 70-50.

Jett: I don't see developers subdividing into an unbuildable lot.

Randall: We have had the same property come to board of adjustments three times. Why grant it if you don't think anyone will do it?

Jett: Who would?

Davis: Someone would, if we give them the option.

Cox: They still have options. They can build a single family.

Don: For single family, the 50 works out well in my mind. You may have to do reduction of setbacks at some point. As you go to 30 I don't see them being workable. Once we do twin homes, they were less than 70 at some point in time. Part of the reason it changed was the struggle to fit homes on the lots. I would say 40 for single family. I would be more comfortable sketching something up.

Cox: Is everyone comfortable for the 70 and the 50?

Don: For single family I don't see a struggle. Probably doable with a two story. It could turn into a concrete jungle.

Jett: Everyone is okay with R- 1 and R-2 but not R-3?

Davis: Correct.

**Jett motion for a positive recommendation for agenda items numbers 6-8 to allow for 30 feet in R-3-1 and R-3-M, 50 on R-2-1 and R-2-2, and 70 feet on R-1**

**Jett I will motion modify the R-3 portion to 35 feet.**

**Councilman Cox makes a positive recommendation for frontage reduction of R-1-1 and R-1-2 to 70 feet, R-2-1 and R-2-2 to 50 feet, and table frontage reduction for R-3-1 and R-3-M. Jett Seconds; Lunt and Gardner Aye. Webster and Davis Nay**

8. PUBLIC HEARING  
Ordinance Text Amendment  
(Recommendation)

Section 26-V  
Parking Requirements

Tom Jett

*Public Hearing Opened*

*Public Hearing Closed*

**Jett motions to table agenda item number 8 until the next meeting. Davis seconds. All in favor for a unanimous vote.**

The meeting was adjourned at 7:57 p.m.

*Amber Ray*

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Amber Ray, Executive Assistant