

CEDAR CITY PLANNING COMMISSION
MINUTES – June 18, 2024

The Cedar City Planning Commission held a meeting on Tuesday, June 18, 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, Adam Hahn, Tom Jett, Jennifer Davis, John Webster, Jim Lunt

Members absent: John Webster

Staff in attendance: Kent Fugal-City Engineer, Jonathan Stathis- Senior Engineer, Randall McUne-City Attorney, Amber Ray-Executive Assistant

Others in attendance: Todd Meyers, Dale Jones, Brant Potter, Jen Potter, Jeff Smith, Marilyn Smith, Francesca Sexton, Wayne Decker, Heather Stein, Ann Clark, Talisa Myers, R. Scott Phillips, Lisa Natwick, Sucha Rai, Elizabeth A Singh, Carter Wilkey, Justin Stein.

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

- Pledge of Allegiance – the pledge was led by Adam Hahn.

I. REGULAR ITEMS

1. Approval of Minutes (dated June 4, 2024)
(Approval)

Lunt motions to approve the minutes from the June 6th meeting; Gardner seconds; all in favor for unanimous vote.

2. PUBLIC HEARING

Ordinance Text Amendment	Section 26-III-21	Maverik
(Recommendation)	Permitted and Conditional Uses	

Todd Meyers: I am an employee of Maverik. We have a couple in the city. Two are old country stores. We want to replace the two with a single store. Why we are here for a text amendment, we want to increase the size of the store from the allowable 5000 square feet to 5700 square feet for a c-store in the historic downtown. If you think about the history of a c-store, you were there to get a key to the gas, maybe gum, hot dog, not much else. We have to prepare for the future, not just rely on fuel. We want fuel and also the store. The store itself, now we have bigger restrooms. As people come to down town, they will need a restroom, also the food prep area is important. In the old stores it was 300 sq ft for the food prep, now up over 1000 sq ft in the food preparation area. That is the request for the increase on the size. If we go to the ordinance text amendment that we submitted, it is to not only increase the building size, but after talking to the planner, he said the issue is that they didn't want the store with the fueling like the south end of town. There are 25 fueling stations. In the text amendment we are proposing limiting to 10 fueling stations. The two country stores have 8.

Cox: Will you have diesel fuel?

Todd: Yes, but not set up for commercial fueling.

Lunt: Any provisions for electric vehicles. Does your company have plans for the stores?

Todd: We have been working with UDOT. They have laid out where they want them. Every 150 miles.

Lunt: I know there are a lot of people who drive them in town.

Todd: There is a high cost for that. Just fuel for now.

Davis: Do you have a layout of what you are proposing?

Todd: We have to lease the entire property, so we will be subleasing the back part. The black outline, that is the building that conforms to today's code. With the amendment, it would be to where it is red.

Lunt: Removing hotel and restaurant?

Todd: Yes.

Open Public Hearing

Lisa McFadden: I am sad to learn about the change this late in the process. It destroys the flavor of downtown. That intersection is a problem already. Anything we can do to pare back what they have to offer. I would like to keep the ordinance in place. I am concerned about the amount of extra traffic that would generate.

Heather Stein: I own Main Street Books. I was surprised that something like this would come in on that intersection. We have been working so hard on keeping downtown historic. I am all for property rights, but we have worked so hard to keep downtown unique and a destination. This seems at odd with that.

The traffic at that intersection is already bad. This is not aiding that. If we are already here and there is nothing to stop it, is there a conversation that maybe it can be pushed back to face 100 south instead on Main Street? Litigate the jarring influence it has. If all we can do it not make it bigger, please do that.

Francesca: I disagree with Maverik going in. We could use out west on 56. This is our historic downtown. It would hurt the local businesses. We already have too much traffic on that corner. This town is growing so big, there is plenty of other locations. They want to shut down little mavericks to make a big one. We will lose jobs. Please put it somewhere else. Put it in a location that is substantial. Will hurt our roads more than they are now. You will hurt the small businesses.

David Johnson: I wanted to get up and explain a couple of things. For the public's sake, this is not something the city has sought out. The city has worked to keep the downtown as downtown. Any effort has not been passed because people don't want too many restrictions. I have tried to talk with them about options, they meet the existing ordinance, they as a business, have every right to go in there. I have tried talking with Mr. Meyers and asked that if they are planning on going in here, can they at least make it look like historical downtown. As a staff member I am neutral. I want to make sure it is clear to the public, I have talked with UDOT and they will not allow lefts, so right in, right out. This is not set in stone. This is the beginning of the process. Nothing set in stone. You are knowing when it is known to the public. As staff we guide businesses through existing ordinance. I have not talked to him about moving it to 100 south, that would be my preference. If they are meeting ordinance, they have that right from who they are leasing from.

Brent Potter: I am not against Maverik, but I don't want to see it at that corner. There are traffic concerns. May cause possible accidents, more police calls, as well as other street maintenance. The cost may be more to the city than the benefit you bring in.

Close Public Hearing

Tom: Do we have the authority to tell them they can't build a Maverik there. I know we can about size.

Randall: Not currently, no. You have size limitations. If they came in at the black line shown, and they met all ordinances with signage and façade, they can. What we are talking about here today, is are we okay with adding 700 sq ft. That may be a discouragement. They can make their way through.

Cox: Is there a way to have an agreement to let them have 700 sq feet, with stipulations to make it look like downtown.

Randall: You could do a development agreement, not changing the ordinance, but let them do it, if certain things. That has been the struggle so far. We have come through City Council with request for stipulations to make downtown look like downtown, but not much has been passed through to keep the look of downtown.

Cox: Who knows the history of the ordinance? Is this the size c- stores used to be?

Randall: My best guess, exclude certain things that come with larger gas stations. I am just guessing. There are some things they don't want in certain areas.

Cox: You have to add quite a footprint to get that.

Hahn: There is no limit on pumps currently.

Randall: You could say things like no showers, no high/low pumps.

Hahn: We are discussing the ordinance pertaining to c-stores in the downtown. So can we change the text for c- stores and not for all of Historic Downtown.

Randall: It would be the language for mixed use and historic downtown.

Hahn: So the only two places would be mixed use and downtown and change that to 5700 or less in the wording.

Randall: If you are going this way, I would change the wording to "Other convenience stores" in that area.

Tom: People who are concerned about traffic, they should be glad that there isn't an In and Out there.

Cox: Will 5700 bring in that much more traffic than 5000?

Hahn: And there is already traffic on that corner with a restaurant and a hotel.

Randall: You can put other conditions. You could put in some that may alleviate the traffic concerns.

Cox: The state will dictate a lot of that. It is a state road.

Randall: When we talked to them about no left out of Lins, they said the city can decide. It is city property. I was surprised.

Hahn: That is nice to know, so we can regulate traffic.

Jett: Have you talked to UDOT

Todd: Yes, because it is UDOT's street. We are still discussing it with them. We are talking through things like, can the traffic light be changed to fix the congestion there.

Cox: Are you planning on doing it regardless of 5700 or 5000 sq ft.

Todd: Yes. That is why we are doing it early, so we know what building to do.

Cox: We need a win win. It seems like you are much more willing if we give you the 700 sq feet.

David: That is one thing that I wanted to add. They plan on building either way. So we go back, we are here to talk about the ordinance. Are you okay with 5700 sq ft. If you are, but you want certain conditions, then specify that with: If you are in the downtown area, you have to do A,B,C.

Cox: There is no negotiation if we say no. So if we say yes to 5700 with conditions. Are we willing to give up 700 sq ft in order to get the look we want.

Davis: The one at the south end of town. Those are the stipulations that meet the requirements as they are right now.

David: If you are okay with 5700, I would encourage you to talk about the conditions you want in the Historic Downtown. Give that recommendation to City Council.

Tom: That wouldn't be a text amendment. That would be conditions.

Davis: Not if you put conditions in the ordinance for Historic Downtown.

David: If you can't work through that, you may have to do a Development Agreement. You would set the precedence.

Cox: I am willing to give up 700 sq ft in order to get the provisions we want.

Lunt: They are concerned with gas stations downtown. Gas stations is not the issue. They are all over downtown. This will be built on where Escalante Hotel was for 50 years. That hotel helped establish the rail system. I wouldn't have a problem if we could work something out. This might be an opportunity to tie it into the community. Give a little history. That corner was an absolute gem. They would land at the train station there at that corner. How much size is there for people with boats and campers?

Todd: 42 feet on each side.

Lunt: What about pushing it back on the property like what was said. To a more western location to help traffic. If we were partners, it might be a great thing for the city.

Todd: We submitted two different plans and they have not been redlines yet.

Lunt: You want to put in a Maverik and we would like downtown to stay. What will you do with the two smaller properties?

Todd: I don't know. I don't know if we lease the property or own it. To amend the ordinance would take a long time. We could do it faster with a development agreement. What you said is a great history. We used to have generic pictures of southern Utah, even if it was in Nebraska. We can have it very local with the graphics.

Lunt: I would like it to blend in and compliment Cedar City.

Cox: It gives us leverage to get what we want. If they come in and do 5000, we have gained nothing.

Gardner: What is your reasoning for not going on 100 W

Todd: Visibility

Gardner: One characteristic of down town are the store fronts. The character of the building. I think that needs to be addressed. I think there is a lot to be said about traffic pattern with it on 100 W. The entrance and exit and Main St. I would like to see some different ideas. That should be part of the Development Agreement.

Davis: I think it is important to note, this is coming in regardless of what we do. This is not on us. We did not bring it in.

Lunt: There was property for sale, and someone bought it.

Jett: I am also in favor of the 5700 if it gives us some partnership.

Lunt: Downtown Cedar City has totally changed down town. These old buildings that face each other. It would be wonderful to move that additional business face Main Street. Put the store on 100 W 200 N. You will get enough visibility and traffic. Add some flavor to Main Street and still have the people drawn to downtown.

Jett: Would you be willing to hire a local architect that could give you some input to follow the history of the community?

Todd: I couldn't make that commitment.

Lunt: I understand you want to make cookie cutter stores, we are asking for a Maverik 2.0.

Todd: We have submitted the two buildings, red line that.

Jett: Can we get the input of the historic downtown committee?

David: We have 7 new members on the Historic Downtown Committee. We may have to delay that committee meeting.

Hahn: If we delay it by sending it to other committees, the applicant may just go with 5000.

Councilman Cox motions to approve the ordinance text amendment to 5700 with the limitation of 5 dispensers, and also with limitations based on the Historic Downtown District. Those can be defined later by the City Council. Jett seconds.

Hahn: Is that okay?

Jett: It can't go before City Council until July 10th. Gives staff time to work on.

Randall: That is too vague. Any time you want to get further than what you have, it slowly dies. Can you come up with guidelines that the staff can enforce. We need specifics as to what is okay.

Cox: Can we keep it as it is, then have a Development Agreement?

Randall: Then you would get into zoning of one. You can go that route. It will not speed up the process.

Cox: I think it should be more defined and a partnership. We have to define a lot of things if we amend the ordinance.

Councilman Cox withdraws the motion and makes a motion to recommend an acceptance to ordinance text amendment and a Development Agreement between the city and the developer to maintain the downtown feel and look.

Randall: By law, a Development Agreement would be the same process as zone change and take him back to square one. The Development Agreement is not before you. That would be something else.

Councilman Cox motions for a positive recommendation for the ordinance text amendment to 5700 as it is proposed, with the 5 fuel dispenser limitation, with additional conditions pertaining to the look and feel of Historic Down Town District to be discussed by City Council. If council does not approve, then we recommend them to consider a Development Agreement; Jett seconds; Davis, Lunt, yea, Garder nay.

II. CITY ITEMS

1. PUBLIC HEARING

Amendment- Cross Hollow Rd to Bentley Blvd. Don Boudreau
Active Transportation Master Plan
(Recommendation)

Jonathan: UDOT is in the environmental stage of the process of the south interchange. We want to get it into the master plan so it can be encompassed in that, and also get the funding. This would be a tunnel underneath I-15. Up Royal Hunte Drive, would be a 10 foot sidewalk. I believe they are 5 feet now.

Public Hearing Opened

Dale Jones: We own property in front of Home Depot. My concern, is this map shows a proposed bike path here. It goes right through our commercial property. Number 2, UDOT is talking about getting rid of the over pass in the next two years. Why would they have a proposed trail though valuable property. If you come across, there is the old existing sheep trail. That is going to go away.

Jonathan: That trail is shown in the existing master plan. It is not currently constructed. If the property owner would like to eliminate it, they can go through the process to amend the master plan.

Dale: What can we do to eliminate that?

Jonathan: Talk to Amber

Public Hearing Closed

Jonathan: My understanding this went through the Active Transportation Committee and this was their recommendation as well.

Davis motions for a positive recommendation to the amendment of the Active Transportation Master Plan; Lunt seconds; All in favor for a unanimous vote.

2. PUBLIC HEARING

Ordinance Text Amendment
(Recommendation)

Setback Requirements
in all zones

Tom Jett

Jett: I worked to reduce lot size requirements. As a result, I think it is time to have a discussion about setbacks, especially the side, and at some point rear. Not necessarily on front. Reduce by 10%. Add a couple more feet to the home. Nothing less than 5 feet, which is what the fire department would like to have for access. SHD has a five foot setback.

Hahn: What are the current setbacks?

Jett: Determined by the zone.

Cox: What was the thought process on that?

Davis: The ability to park a car, have access to the back of your property.

Jonathan: There are issues with making them smaller, drainage that needs to be maintained. In soils report, it talks about positive slope for a certain amount of feet. That becomes more critical in areas of bad soils. Another issue, utilities. A lot of times the power and water meters end up on the side of the house. Fire Departments have concerns, any time you get closer, fire can leap. Those issues can come up when you reduce the setbacks.

Davis: Also parking becomes an issue.

Jett: How does it affect parking if taking from 6 to 1.

Randall: If you go with the language as proposed, you would take out the minimum of 20. You could go down to 5. Be careful with the math. With the cluster subdivisions, the side set back could already be at 5. I wanted to note, what incentives do we create? There are some incentives to meet min square footage because frontage improvements are expensive. You will create another incentive to create those very narrow lots. If you have 50 then it is 5, but if you have 60, then 6, so you are creating an incentive to make more narrow lots. You can eliminate that extra incentive but getting the same results in an R-1.

Gardner: The loop overhangs will make those houses closer.

Randall: There may come to a point that the fire can't or won't get to the back because of no room. You add in condensers, air conditioners.

Cox: What would the positive be for this?

Jett: Davis says she doesn't want homes that look like trailers. But it gives people more room to build.

Davis: I am 150% against this. Think about how close that is.

Jett: We already have it in SHD.

Hahn: Residential is very different than SHD.

Cox: I don't see how this will be useful.

Hahn: I think we could see the effect of this with detached buildings. Like an ADU. I know there was a project that had to be modified because it is an ADU.

Randall: Those setbacks would make it impossible to create an ADU. It has to have a 12-foot-wide driveway to the ADU.

Cox: If affordability is what we are after, they can build a house without a garage.

Jett: I propose to remove this item from the agenda.

3. PUBLIC HEARING

Ordinance Text Amendment
(Recommendation)

Section 26-XII-1 (A)
Noticing Requirements

Tom Jett

Randall: Our discussion in our last meeting was that there are a couple of places in our ordinance that mention time or method of noticing. We have not had time to address all of the areas where it is mentioned.

Hahn: Item tabled until next commission meeting, July 2, 2024.

The meeting was adjourned at 6:48 p.m.

Amber Ray

Amber Ray, Executive Assistant