

CEDAR CITY PLANNING COMMISSION
MINUTES – September 16, 2025

The Cedar City Planning Commission held a meeting on Tuesday, September 16, 2025, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City, Utah.

Members in attendance: John Webster, Jennifer Davis, Jim Lunt, Wayne Decker, Tom Jett, Steven Hitz

Members absent: Jace Burgess

Staff in attendance: Kent Fugal-City Engineer, Randall McUne-City Attorney, Donald Boudreau-City Planner, Faith Kenfield-Executive Assistant

Others in attendance: Harry Polland, Brad Biedermann, Carson Bagley, Sklar Stewart, Tom Horito, Jay Adams, Cathy Koontz, Robin Boykin, Brent Drew, John Lovrin, Steve Keenn, Steve Kamlowsky, Ann Clark.

<u>ITEM/REQUESTED MOTION</u>	<u>LOCATION/PROJECT</u>	<u>APPLICANT/PRESENTER</u>
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- Pledge of Allegiance – the pledge was led by Hitz.

I. REGULAR ITEMS

1. Approval of Minutes (September 2, 2025)
(Approval)

Davis motions to approve the minutes from the September 2nd meeting; Decker seconds; all in favor for a unanimous vote.

2. PUBLIC HEARING

Amended Plat (Staff Decision)	Fiddlers Canyon Hills Phase 1 1935 North Fiddlers Canyon Road	Steve Kamlowsky
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Steve Kamlowski: Brown Consulting Engineers. We would like to propose an amended plot. We would like to propose an amendment to our Fiddler's Canyon Phase 1 plat. For whatever reason, the builder, the developer started building this building without any survey staking. We don't know why that happened, but they just started construction without calling us to stake anything, and they ended up being 10 feet further back than the plot originally had.

Jett: On someone else's property.

Steve: No, all inside our property. It's all common area. They were far along. They had poured concrete foundations and had started framing. We made this application to make an amendment. We checked setbacks. City staff have reviewed it. It still appears to meet all the setbacks and open space requirements of Phase 1. Damage seems to be mitigated, and carrying forward, we are staking buildings for them. They are calling us. We are staking, carrying forward. This one got 10 feet back. That red area is where it is now. This is just kind of an overlay of the existing versus what the original plot showed. Nothing changed in the footprint of the building. It's still the same size as originally planned. It's just slid back 10

feet from where the original location showed it. That's what's before you on this amendment. That's the only change. Commissioner.

Webster: Any comments? This will be a public hearing, but a staff decision.

Jett: Is this the one high up on the hill?

Steve: Yes, well, that's Fiddlers Canyon Road down at the bottom. This is the first phase at the bottom of the hill where Fiddlers Canyon Road is.

Jett: There's the big one with like 150 units in their, 200 units. Then there's one that's to the north of it that sits way up high.

Steve: Our development isn't up that high yet. You might be thinking of the next one up the road. That has more townhomes finished.

Hitz: Is that the Berkshire Hathaway?

Steve: I don't know who's developing that one north of us. I think Nichol's development that's the one just north of us. They have more townhomes further up the hill than we do right now. That's our development here. This is that phase one right they're that we're amending. This is that Sandstone Cove Townhome development. Unless there's something further up the road, but all these townhomes as you can see in the picture, are all built.

Kent: I could just mention. The next item is right here as well. This building is the one here that has those four units. You can see they have individual lots so that someone owns the footprint of their unit, right? Since the building got built in the wrong place, hence the need to amend the plat. There's this building, and then the next item is the building write across the parking lot from it right there. Is that correct, Steve.
Speaker 21

Yes.

Kent: While we've got this on the screen, I thought it would be helpful to point that out. You can kind of see where that fits in. You've got Fiddlers Elementary right over here to get you oriented as to where we're talking about.

Decker: This does meet all the setback requirements, front and back, both sides, for the zone? For the current zoning.

Steve: Yes.

Don: Staff, we've looked at that, and everything looks pretty good.

Decker: The city's happy with it?

Don: Yes.

Open Public Hearing

Close Public Hearing

Decker: I just have a real quick question. Did we even need to come here for this, or is that just something that could happen with the inspectors? Are we good.

Davis: No, they must amend the plat, and so it's because they own the land below.

Decker: Okay, fair enough.

Davis: It's a staff decision. It's not ours.

Randall: We must do a public hearing to let this happen. We kind of want to make sure that we have a public hearing. We dealt with this, what, almost two years ago when we drafted this whole ordinance to update it. We kind of figured since you were used to public hearings that you would be a better place than just inventing our own board or committee meeting or something for it.

Decker: Okay. Thank you.

Webster: Staff decision. Thanks, Steve, for driving up from Washington.

3. PUBLIC HEARING

Amended Plat
(Staff Decision)

Fiddlers Canyon Hills Phase 2
1935 North Fiddlers Canyon Road

Steve Kamlowsky

Steve Kamlowski: Yes, you can see in red here. This one we steaked. However, something happened during construction. It shifted two feet forward. We don't know why it happened. Something happened during construction. We thought two feet was enough to justify an amendment because. Again, the owners do buy that plated area for each of those townhomes.

Decker: I really hope it was built two feet forward, not shifted two feet forward.

Davis: Don't say shifted. It's a bad word in real estate.

Webster: Because there are soil problems, right?

Steve: Again, we've been through some staff review. It still meets setback requirements. We just want to make sure the recorded plat matches what's built on the ground for whoever owns those townhome units.

Webster: Staff, all good on this?

Don: No objections.

Randall: I just had a question, and maybe I'm the only one who can't tell. You're moving it just a couple of feet.

Steve: Yes.

Randall: Which part is expanding, the common area or the limited come on area.

Steve: The common area.

Randall: The common area will move up two feet.

Steve: Yeah, the common area in the back would be bigger.

Kent: On the other building, it was the other way around.

Open Public Hearing

Close Public Hearing

4. PUBLIC HEARING

General Plan Amendment 1157 South Main Street
Highway/Regional Commercial to CC
(Recommendation)

Alex Fleishchman/Rick
Magness

5. PUBLIC HEARING

Zone Change from R-2 to CC 1157 South Main Street
(Recommendation)

Alex Fleishchman/Rick
Magness

Jeff Randall: With AWA. Alex and Rick are both out of the office this week. I'm the third person subbing here. We're just here for the re-zone. It's also a general plan amendment so that they're in alignment with each other. There's a small portion of this, a small piece of this property that's already zoned CC. The adjacent property is zoned CC. This is cleaning up the back piece of that property to get it to the CC zone as well. This is based on Main Street and Cedar Knolls. It's that little purple crosshatch. That's very low small parcel. There is an existing building. I'm not sure what the uses it's been different uses over the years. There are some commercial buildings on the front of this property. This is just the back portion of that same property all owned by this property owner to get that all cleaned up. We're in the CC zone.

Kent: Currently that's zoned R-2-2. On the general plan side, the whole thing is currently Highway Services. The front part is already zoned CC. Just cleaning up the general plan, doing the whole thing to CC and general plan is the proposal.

Lunt: What is the plan for the property? I know it's all torn out, but can you give us just a general.

Jeff: General overview is the current, this property we're talking about, and the adjacent property next to it are under contract to be purchased and then developed into an overall commercial development.

Unfortunately, I'm not allowed to disclose where that's going yet and who that is. It is under contract to move forward right away with development on that property.

Lunt: Everything will be commercial, no residential.

Jeff: Correct, it is a commercial development that would be coming in there.

Webster: Any other questions from the commission.

Decker: No, point of clarification, that little area that's blue is owned by the same owner, but it's R-2-2 and everything else is commercial. You're just converting that to commercial. That's the only thing we're talking about here, correct.

Jeff: Correct.

Decker: I've been a little redundant here, but I just wanted to clarify that.

Jeff: There are two parcels there, and they are owned by the same owner. The zoning line doesn't align with the parcel line. The parcel line's here and the zoning line's here. It is kind of a strange spot for zoning. Those two parcels are owned by the same owner, and we're getting that just cleaned up so it's all zoned commercial.

Decker: I'm looking at that. It doesn't look like it's even big enough to put a residence on, is it.

Jeff: No, it is very narrow.

Decker: Yeah, it seems like it. What is the depth of that, just out of curiosity? Do you know.

Jeff: The width of it? Yeah. I would say it's about 60 feet, roughly, 60, 70 feet wide.

Decker: Okay.

Randall: I would note you almost right on according to our map it's 65 feet.

Jeff: It seemed like it was in that range.

Randall: I would also note that at least that southern portion. It would be a landlocked residential lot. It wouldn't even be allowed to be built on, until you got an exemption from the board of adjustments to allow it to be built on for residential. Commercial can't do it all they want so either way we've got to change something.

Open Public Hearing

Brad Biederman: I live on Moonlight Drive. Just off 860 West, right. I have another neighbor with me here, too. I'd like to comment. I just called AWA Engineering, and Alex was very good to visit with me. We were really concerned about the increased traffic that will come from the new development. We really feel there needs to be a traffic light at 860 West and Main Street. I had several close calls coming out onto the Main Street. Several neighbors have commented about that. Also, I've seen a couple of bad accidents. Another problem is turning to 860 West from the north and at the same time somebody will come sometimes coming from the south wanting to turn 860 west on the left and we meet head-on. In the center of the highway and it's scary. I would like to see a traffic light and then something about the frontage roads. They could be cleaned up that area too possibly if that would help.

Kent: I would say on the traffic with main street being a state highway in this area we are under UDOTS jurisdiction for where traffic signals would be allowed to go. The one that was just recently constructed there at Cedar Knolls that will serve also this commercial project. That's the only location between the

existing. That next existing signal to the north and the signal down by Maverick that UDOT will allow to go in under their access management standards for this state highway. At this point, unless there is a change in UDOT policy at some point in the future, there is not an opportunity for another traffic signal there.

Brad: All right, in the name of public safety, I hope I can petition them to consider the traffic change.

Don: Kent, I had a quick question. In UDOT's master plans out there, and I don't recall, did they foresee median there at 860 and up towards, I don't recall.

Kent: When it comes to the future planning for Main Street, there's a possibility of median. Just about any location along that road, right? There are some locations that are higher priority for UDOT than others. We entered into an access management agreement or understanding or whatever the right term is with UDOT here recently. That shows those locations, and which intersections would be candidates for signalization. The problem is if there are too many traffic signals, it decreases the safety of the roadway. Every traffic signal creates crashes, and if you put them at locations where the benefit doesn't overcome the disbenefit, then they're a net negative for traffic safety. The closed spacing is also a negative in terms of the traffic operations being efficient and safe. There are crashes that are caused by having signals too close together. That's why UDOT has these standards is to try to keep traffic flowing on the highway and keep traffic as safe as possible.

Brad: As I'm thinking of this development to come to life. At the red light, you're allowed to make a right turn, and let people come down towards 860 more often, too. It befuddles me to think that they would not look at the problem of where the cars come north and south. Then they come head on to each other in that center lane, trying to make each making a turn on 860 away from each other. I'd sure like to have that brought to the UDOT's attention.

Kent: I think they're aware. Some of those types of conversations. I think they're aware of the conflicts. That's the reason why eventually there probably will be a lot of median treatments on Main Street. So left turns can't be made everywhere. It would have to be restricted to certain locations where there would be openings in the median. Because of the hazard of the conflicting left turns. That's in the future when the need arises as traffic volumes get heavier, and there's more of a need for that. Then I think that's when you'd see UDOT make those types of decisions. For now, we're limited on where traffic signals can go. This was one location that was identified. The Cedar Knolls was one location identified by UDOT as where a traffic signal could go, and that's why that one was able to be constructed.

Brad: My experience of going out of there, the need on 860 West was the need was there a long time. ago, but I appreciate you. Being aware of it, it's really a need. That's all I have. Thank you.

Webster: Thank you, Mr. Biederman.

Harry Poland: I also live on Moonlight Drive. My concern is the fact that when you rezone this area here. It appears to me that you've allowed the side road here to be taken out and become part of the rezoning process. That side road allowed people to have access to go up to the light on the corner when the traffic's bad. The traffic is horrendous these days. All right. My only request would be, is it possible that you can have your developer put access in through here. That this light, which is now in place, can be used safely by both vehicles and pedestrians? We have children in these neighborhoods. I see teenagers going down to the high school on bicycles, scooters, walking. Believe me, there's no place for them to go across there safely. It takes time to get a good enough break in traffic now for them to get across. If you could consider talking to your developer about allowing access here to get to the light. That would make it much safer for all involved for Both motorists and pedestrians. I would ask this commission to speak with the developer about that and see if something can't be done.

Jett: I remember, and this is kind of before your time as City Engineer, there was a frontage road down that.

Kent: That frontage road was vacated by UDOT. That was part of their right-of-way that they transferred to the adjoining private property. That was UDOT's right-of-way. It was never the city's road. It was always UDOT's road that at UDOT's discretion they transferred over.

Harry: It is transferred over. Now it falls within your purview, does it not.

Kent: Say that again, I'm sorry.

Harry: It has been transferred over, and it does not fall within your purview as the Planning Commission now.

Kent: I'm not sure what you mean.

Harry: It falls within our control. To speak to the developer about the possibility of extending access to the new light on Cedar Knolls.

Kent: Developer and developers' representatives are here, and they have just heard what you said. We don't, I don't believe, and someone can correct me if I'm wrong, could require that. The developer certainly can take that into consideration.

Harry: I understand it's not your place to require it. I think that you have at least enough discretion to request it. Am I correct.

Kent: I would say you just did.

Webster: Yes, Jeff, we'll take that back to the developer.

Jeff: We'll consider it. As far as pedestrian traffic, that's there. The sidewalk's been extended. I believe, already down to the intersection. As far as bikes and scooters and getting pedestrians across there. I believe that is already there and will be in place with the sidewalks and so forth to get traffic to cross at the signal. We'll look at the overall development. If there's a way to allow vehicles, the frontage road right now does connect into the, there's a drive approach right here currently. That connects now. We'll take into consideration whether there is a way to get cars over there with development. Can't guarantee anything, but we'll look at it.

Webster: Thank you, Jeff. Thank you, Mr. Poulin.

Stephen Kuhn: I have the property right about where it says R-2-2. I have issues with medications. At any rate, I can't help but feel there's something nefarious going on that the person that owns that lot has held on to it for so long. When suddenly there's supposed to be, I thought, like, 349 townhomes and a three-story short-stay motel is what I remember being discussed a couple years ago. There's got to be a reason why they held on to it and didn't sell it all out as a lot. The other thing being, as far as the gentleman brought up about almost having head-on collisions, near where Culver's is, is there a reason why they can't take out that center divider and make a turn lane for safety? I've almost had 30 or 40 accidents in the last two years with head-on for me to go turn down 860 West. When people want to turn on the side street next to a tag and go. It's not going up high enough to show it.

Webster: Yeah, I think as Kent suggested, that's under the purview of the state.

Stephen: If I get injured because of it, I'm going to be suing somebody. That I promise you. Because it is so very unsafe.

Kent: When you say the center divider.

Stephen: I don't know if it's the city or not.

Kent: This part here.

Stephen: Where Culver's is, there's that center divider that's got weeds everywhere. In fact, it goes the whole length in front of the development you're talking about too. Can't they take out there's a center

thing right here. See the plants, the trees that go all the way along. Can they not take that out and make some kind of left- or right-hand turn line for safety.

Kent: I'm having a hard time following because if the left turn lane is out in the middle of Main Street.

Stephen: Is there any way we can do something about it extraordinarily dangerous two cars heading toward each other at 30. If they're just doing the speed limit 30-35 miles an hour. I've had a slam on my brakes for cars that wanted to turn down toward Tag and Go. I mean any time of the day or night even big rigs. There's going to be accidents, I understand that, but this is something that they need to look at and try to prevent and be proactive.

Webster: Kent you could probably put that in your discussion.

Kent: Right. I guess I'm struggling, I'm sorry, to understand what it is you're trying to say.

Stephen: To widen the road a little bit to where there would be possibly something that could be used, since the property itself is nothing more than weeds.

Jeff: Is the conflict out in Main Street or on the front of the road.

Stephen: It's on Main Street.

Randall: We're assuming from the staff side you're talking about the fact that vehicles will both be trying to enter Main Street from offset roadways. They're both trying to use that center turn lane either to get on or off Main Street, but they're not lined up.

Stephen: Do you see where 860 access is here? People get in the center turn lane to make a left-hand turn at this access. What happens is when you're coming south and you're getting ready to get in that center lane. Very often people jump into the center lane, they're going north because they want to go this way.

Randall: We would encourage you to talk to UDOT. Since UDOT is the one that controls that road. They do have some long-term plans to try and eliminate all these left-hand turns, as Kent was explaining earlier. UDOT's long-term plans can be very long. Sometimes public commenting to UDOT can speed those things up. I would encourage you to talk to UDOT. Explain to them your concerns, and maybe that will speed up some of those center medians that will prevent that and get the dedicated left turn lanes you're talking about.

Don: My name is Don Boudreaux, and I work in Engineering/Planning and Zoning. You can reach out to me at any time. I can get you in contact with them.

Stephen: Fair enough. Thank you.

Kent: Thanks for helping me understand. I see now what we're talking about. Yes, that is challenging.

Lunt: Is your property there? Is it landlocked?

Stephen: I'm not sure what you mean by landlocked.

Jett: No access.

Lunt: The property in question is that little piece there. Your property.

Jeff: I think he's in one of the houses, not the property.

Stephen: Okay, I'm back right up against the property.

Lunt: You don't own that. That's a far-flung piece of property.

Stephen: I was going to say there's also an extreme weed problem there. The fires have gone on. I think it's; it would be a hoot of everybody to have somebody go to the bulldozer to do something. Because there's also many large trees adjoining the lengthwise standard pumping.

Jett: Randall, could you send a note to our police department for them to send code enforcement over to help if there's a weed issue back there that potential causing.

Lunt: Does the plumbing store own clear back to the.

Randall: I can, but I do encourage that if there's a citizen complainant that they talk directly to them.

Because if it comes from me, it's hearsay. If you want something with regards to weeds or trees that may be blocking traffic and the like.

Stephen: Not that it's in, it's the back of the vacant lot.

Randall: Okay. If there's anything to that level that could reach a nuisance, that's Code Enforcement of the Police Department.

Stephen: I've had them come out, and I've even talked to Garth Green. He advised me to get hold of somebody. That 10-foot section is owned by some five-county investments in Washington. They're not going to listen to an individual.

Randall: They might not. Like I said, Code Enforcement is our enforcement arm for that. They're the only ones that can follow through on the steps of our ordinance to enforce any of that.

Stephen: They have a gentleman from code enforcement come out.

Jett: They do have authority. If it's fire hazard, they do have authority too.

Randall: We have a second code enforcement officer now, so they can do a little bit more than that.

Speaker 13

Yeah, Vasquez, I believe.

Randall: We do have a bit more help there in the code enforcement department when before it was just him.

Stephen: The only guy that had come out and saw the property.

Randall: Yes, that's Frank Vasquez. We do have another new officer now that can help.

Stephen: Because I do park a motor home back there in my RV section and a boat. I've taken out all the weeds in my backyard, but it can jump from trees. I also need to get a little standard plumbing and ask them to remove it because it's a very high fire danger.

Randall: Understandable and like I said, from our end Code Enforcement is the only ability we have to do anything about it.

Stephen: Well would the Fire Department not come in and be also.

Randall: Fire Department can give their opinion, but the enforcement mechanism is through code enforcement.

Stephen: Okay, I would go through Officer Vasquez

Randall: Yes, or they might hand you over to the new Code Enforcer.

Stephen: I can send pictures off. Because like I said they're this high and the trees are bad because they've been dried out for such a prolonged period

Randall: Again, that's so you'd have to take that too.

Stephen: All right, thank you.

Webster: Thank you very much.

Close Public Hearing

Webster: Would anybody like to make a recommendation or have further questions? We need to table it until date certain, which should be October the 7th.

Jett: Why are we tabling it for what reason.

Webster: It did not have proper public noticing.

Davis motions for Items 4 and 5 to be tabled until October 7th; Decker seconds; all in favor for a unanimous vote.

6. PUBLIC HEARING

Vacating a Public Utility Easement
(Recommendation)

Hidden Canyon Road &
1600 South

Development Team/Brent
Drew

Brent Drew: With Levitt Land and Development Team. What happened is when the church came in and purchased its initial property. They decided to put a larger church in that area. They purchased these three lots, two that hadn't been sold yet. They're incorporating that into their parking and into their design. We're coming forward just to ask to vacate that easement along the back and side of those three lots there. They'll be going into their property, no longer putting homes on them. There's nothing in the ground in that easement right now. They were just there. In case down the road somebody wants to put something in the back of the homes. So that's it.

Webster: Commission, any questions.

Decker: Sounds cut and dry to me.

Open Public Hearing

Close Public Hearing

Webster: Commission, anybody would like further comment or to make a recommendation.

Jett motions for Positive Recommendation for Vacating a Public Utility Easement on Hidden Canyon Road and 1600 South; Hitz seconds; all in favor for a unanimous vote.

7. PUBLIC HEARING

Development Agreement-Amendment 93 East 900 North
(Recommendation)

Jay Smith / Jay Adams

Jay Adams: This is Tom Morito representing the project on 900 North and proposed 100 East. We had a deferral agreement for the building that we just put in. Adjacent to the proposed 100 East on the corner there right in here. What we're asking is a further deferral up to at least this line here they want to put another building in here. In discussion with the with the attorney and the mayor they agree with this. Because until that road's built and they're in progress to be built. There's no reason to make improvements currently.

Kent: This is a right-of-way that's dedicated but there's nothing there are no improvements built yet there. There's nothing, not even a dirt road across it or anything.

Randall: If the commission recalls, this is what, last year, with your positive recommendation, council's approval. They were allowed to move the line a bit. Again, mainly it was just because we weren't ready for the road to come in anyway. Are we now, Kent, for that road as our current goal next year?

Kent: Probably, yes.

Randall: Probably. I joked earlier that it might be next year for a while. We're going to keep hoping for next year. It's the same thing. Tomorrow is always coming, but it never gets here. Anyway, we're just trying to set and make sure we have still some triggers. I would like to note one thing. You'll hear my complaints all the time about these lovely deferral and development agreements because enforcement is difficult. Please note the council did a pretty good job on this one last time. We got a sidewalk we never had and a hydrant. I think you guys have been pretty good at working with us, discussing the water line that needs to go in as well. There is some give and take. This is not one of those where we're just giving. I would note that just for your purposes. Yes, and we discussed this earlier. Enforcement is always difficult the more we let them develop. That's my other side that always says, hey, how do we enforce this later? There was some discussion about requiring a bond. That is not required. It's not in the agreement to require any kind of bond, partly because we're just not sure of when. We're hoping it's soon enough.

Because it's one of the mayor's projects to get 100 East in. It's the city trying to get our stuff done. It's almost more of a delay than anything they're doing.

Lunt: You stated you had a new building there. How do you get access to what you're proposing to do.

Tom Morito: Right now, we have access coming in through right through here. There's a middle section. It goes to this building that's existing right now. This line's a little off. This lot line goes up here. There's an adjustment there. There's also an access right here coming up to it. That's how we've been going in and out. Because you kind of see how the dirt has been going around up there. That's what we've been doing. But right now, there's two accesses, one here and this one as well. The building existing is right there, which is not on this plan. The one we're proposing to put next to it is this, while we're waiting in the meantime for this road to go in. Anytime the road goes in, we're ready to go and do our part. We are just trying to defer our agreement here just a little bit until that road goes in until we figure out what's going on. Plus, there's going to be some utilities going there as well hate to put a road and you're going to tear up the utilities. I think they were saying the water line is going to come right through here and end up right in this area someplace. That's basically all we're doing is just trying to defer that again. The first deferment that we had was we agreed that we'd put the sidewalk in and fire hydrant which we did. There's not much more we can do on that side other than just we want to put that other building. Because it's in this space right now to tie them right together and we just want to leave it at that and that's all we're asking.

Decker: Okay, please point out slowly and show me where the existing building is and where you want to do it.

Tom: The existing building is right here.

Decker: Okay, I got processes this. Okay, that is the existing building and where do you want to put the new building.

Tom: Right next to it just added write to the end of it but.

Decker: There is no infrastructure to get there other than going through private property, correct.

Tom: It's through our own personal property.

Decker: Through your own personal property.

Tom: Yes, this is all of us write here. We own all of this up to there.

Decker: Oh, I see. Okay, that changes the story.

Tom: It's all considered as one area.

Decker: Okay, that clarifies that a lot. Thank you.

Tom: If you can bring up that other map up. It'll show both those buildings what we want to do so you understand. There's an existing one. Here's the one write next to it. It's the same building. There's connecting them. Right now, that other building you saw on the plan was here, another building there, and the other buildings are out here. This is all one ownership.

Decker: You have access to that through your own property.

Tom: One of the reasons we put the fire hydrant there was that it would apply for that whole property.

Decker: Okay. Thank you.

Webster: Any other questions?

Open Public Hearing

Robin Boykin: I live on Fairway Drive, and we were just wondering. I heard someone mention next year you have plans to open that road through.

Jett: Yes, all the way all the way from up Fairway? Through Fairway thru next to the Correctional Youth Center, right on two Wedgewood.

Robin: Are you going to have a light? I live very close to where we're on the 17th hole so going affect us. Just wondering what your plans are. You have the budget for it, and it's going to go through next year.

Kent: Our priority budget-wise with that 100 East project is from 900 North going south. We have right-of-way from the Forest Service to get through their property, get down there by that new school, and improve the road on down two where the paved road currently exists further south.

Robin: By Lins' Market.

Kent: Well, before we get there more by the Paiute Tribe's buildings. From the 900 North down two where the Paiute Tribe. That is our priority, and it's going to take up all the budget we have in this fiscal year to get that part done. The hope is that we will get additional funds to build, more of the roadway on up two Cedar Knolls, excuse me, two Knoll Street in the next fiscal year is my hope.

Robin: Thank you, and I have no objection to what they wanted to do.

John Lovren: I also live on Fairway Drive at the corner of Knoll Street. My only question is, when does that go through, are they going to make that a four-way stop? Because the traffic on that street coming down from where the apartments are is crazy. They come down that hill fast, and it's already hard to get out there. But if we have traffic coming in from the opposite end. That's going to create some traffic issues. My only concern is that they consider stop signs on all four corners when they put that through.

Webster: Kent, do you know how they're planning?

Kent: Yes, once we get it open and we see how much traffic uses that 100 east leg two go south. That will give us an opportunity to evaluate all those traffic volumes. See how traffic volumes compare to the warrants in the manual on uniform traffic control devices for the all-way stop. Look at sight distance and other issues that may also contribute to the need. We will look at that once it is open and we can have something to evaluate two no matter whether that is justified.

John: Also, the corner is down there where it turns and goes past the Ford dealership. I was told two years ago they were going to improve that corner. They came and put some drainage in, but the gravel still washes across the road every time it rains and creates problems. It's a very dangerous corner when there is snow on the road or ice. I don't know if that's still in the planning to fix that with more traffic coming out of that new road.

Kent: That's a good question. I don't know the answer to that.

John: Thank you.

Close Public Hearing

Webster: I will bring it back to the commission. Anybody who would like to make a recommendation?

Amber: Before that, I guess I need a little bit of clarification. Are we deferring improvements on 900 North and 100 East, or just 100 East?

Randall: The drafting as it just says 100 East.

Amber: Okay. Thank you.

Decker: Is 900 North already approved? There's no curb gutter there or sidewalk or anything?

Randall: I thought they added the sidewalk.

Jett: Yes, at 900 there is. They put that in this last year.

Randall: Have we signed off, do we know, on that sidewalk. Because I've seen the work being done, they've put it in. Do you know, has engineering signed off on it? Have they given the final sign off.

Tom: I don't know if they've signed off on it, but we know they've been informed because when it wasn't done, every day it's not done yet, it's not done yet.

Randall: Yes, we harassed you.

Tom: That is correct you did harass us. We got it in.

Jay: There're only two items left on that project to be. UDOT was the one of them and Public Works was the other.

Randall: Okay. As you can see if you go out there, the sidewalk that's there along 900 North did not exist prior to their first agreement last year. I just don't know if it's been officially signed off by engineering. It sounds like maybe there's still something left to be signed off.

Tom: We were hoping to do that sidewalk once that road would go. We can make the curb and the approach and everything at the same time, but we stopped it right there at the curb where the curb radius is going to be.

Randall: That works.

Jett: To clarify, we're asking for a deferral until the road is basically done and then they will.

Tom: Put our part in.

Randall: This is an amendment to a deferral that was already given for that purpose. What we are changing is adding one more building and allowing that North property line of that East property. To be moved approximately 20 feet beyond what the original agreement allowed without triggering the 100 East improvements. That's the change. The initial deferral agreement's already in place. They've, I don't know if it's signed off, but they've done the sidewalk, installed it. It's just a question of one more building and moving that line 20 feet further north than we allowed, just changing the triggers. The deferral already exists.

Jett: We're not seeking to bond.

Randall: As it's drafted, there is no deferral. It's more of a prevention of the next thing. It comes with the standard risks we have with any deferral agreement that enforcement later is difficult. Our only enforcement's going to be the next thing they try to do, eventually. When we're ready to bring in 100 East, that's when we'll use it. The danger is the more they use the property, the less I have to enforce that later, just as is always the case.

Jett: Honor, to me, means everything. We need to go back and show honor instead of making the lawyers rich.

Randall: What's wrong with us lawyers being rich? I would note one thing for your purposes as we discussed this earlier today, some minor tweaks that I'd probably make to this agreement before it gets to council. In paragraph one, you can see a blank spot where it says approximately blank feet. We would be aiming, what did we decide, 250.

Jay: Yes correct, 250.

Randall: Then there's another part. In paragraph six, at the very end of it, it refers to exhibit B and exhibit C. B being essentially a legal description, or a map for the property boundary and C being a map showing the building location. Because that's how we did it in the first agreement. We had two separate maps. This one is a single map. I'll likely end up just combining those four grammatical reasons as two, one exhibit B covering both the line as well as the property, the building itself, but nothing substantive. That'd be it.

Webster: Any other questions or comments? Bring it back to the commission for a recommendation.

Davis motions for a Positive Recommendation for an Amendment to the Deferral Agreement on our Development Agreement; Jett Seconds; all in favor for a unanimous vote.

8. Easement Created on City Property Approx. 780 East Hwy 14 Nathan Blocker / Jay Adams
(Recommendation)

Jay Adams: I am here with Nathan Blocker. He's purchased the property just on the other side of the creek and the walking trail where that canyon is. He wants to run a power line from over on just south side of the 14 there across the creek to a pole that shows right there. Then underground to his property. This is his property line here. Then he wants to run power to different places there for access, and to build a house, a couple houses in there.

Jett: How large is that piece that you acquired?

Nathan: Forty acres. Forty?

Jett: Is that the old Rock Pacific Power property.

Nathan: No.

Jay: Who did you buy it from.

Nathan: I bought it from Mitch.

Jett: Okay, you're up. Well, you've been carving that little hole out there.

Jay: We were here before to get an easement because the well was drilled.

Jett: I remember that now.

Nathan: I didn't drill well.

Davis: It was already there.

Webster: Discussion? Any discussion from the commission.

Jett: I have a question. How hard is the city going to bust your chops? For the Fire Department to get back there and curb and gutter and all the other rules that we have.

Nathan: That's a county. I am county.

Randall: This is one of those odd situations where our ownership of the property is the only thing we care about. We do not have any authority over this area.

Jett: How about the road going to it? It goes up to our water tank, and I'm not trying to stifle the thing. I've been watching these guys develop up there, and I'm going, how hard the city is, or be it this case, the county, going to bust their chops for width of roads and all that kind of stuff.

Randall: Again, this is out of us.

Kent: We don't know what the county requires.

Nathan: I'm not developing housing development or anything like that. It's just a residential house.

Jett: Well, this is a beautiful location and stunning location.

Kent: Mr. Chairman, could I say something on this one? We have had some of our staff meet out in the field with, Jay, you were out there, weren't you? Maybe both of you were. With the power company looking at what would need to be done. This proposal does not interfere with our path or anything there. We have no objection to this. This seems like a reasonable request.

Webster: Thanks, Kent. Any discussion from the commission.

Decker: If the City Engineer has no objections, I don't see a problem. It's not costing the city anything, correct.

Randall: Well, and again, the only question, and this is the same one we had last time when you came through before. The city is giving something of value. I get to always be the downer and say government. We're not allowed to simply give city property other than for very specific reasons for charitable organizations. We will need some type of estimate as to what the easement value is. Then to allow the city to accept something around that value. Otherwise, we violate state law.

Jay: It'll be a tradeoff for you to have power hooked onto that power line.

Randall: That may be exactly what the city goes for. What's the value of what we're trading? Last time, if you remember, we didn't have you go all the way through doing a full survey/appraisal. We had to try and find some type of equivalent. I don't no exactly how to do that here. Because last time. It was a nice, lovely, unusable cliff-like property almost. This one's running across a trail. That is one thing I'll just

have to note. You guys can go ahead and give a positive recommendation because obviously staff have no opposition to it. State law would prohibit us from granting without some fair payment for it. I ask you to find a way whether it's appraisal otherwise to determine what that might be.

Nathan: Can we just go off the square footage of the last appraisal?

Randall: That's why I say the difficulty on his last one we were all kind of looking at the location of it. It was mostly an unusable portion of city property. Now part of the easement is running across an used portion of our property.

Nathan: The last one we took a high value piece of property. We took that appraisal and we used that as a high value piece of property wear this was.

Randall: That's a possibility. The council was okay with that last time and that will be their call. If you guys can sit down and figure out exactly how that would be comparable if you think it is then great.

When you get to the council meeting. Be prepared for that. Preferably beforehand. If you can get that to me because then, I can make sure it gets into the council's packet when we send it a few days before the meeting. That is a statutory requirement. We're not allowed to go around it, otherwise the city just starts giving out property.

Davis: Yes, but we don't need to say that in the motion.

Randall: No, you can just say you're okay with a positive recommendation. I just wanted to make sure they're aware of it so it doesn't delay it when it gets to council.

Davis motions for a Positive Recommendation for The Easement Created on City Property; Lunt seconds; all in favor for a unanimous vote.

CITY ITEMS

9. Discussion Item Only

Ordinance 26-III-21 Pertaining to Use Tables for Commercial Zones

Webster: Okay, the last item on our agenda is probably something Tom's been looking forward to forever. It's a review of some of the reviews.

Jett: Let me clarify. I'm not expecting this to be one bit.

Webster: No, no, no. Yeah, you're right.

Jett: I think it's our job to go through and clean things up.

Webster: We have about 150 items here. Don's going to take just a moment to explain to us what we're looking at and help us think about it a little. Then it would be my thought that maybe we take it as a little, rather than go through every single line item, we take it as a little bit of homework. Come back on October 7th, perhaps, and the items on here that you feel ought to be addressed, we can look at several of those, rather than trying to go through them line by line. I'm open to suggestions. Don, do you want to spend just a moment on this.

Don: Do you have that PowerPoint? It has 150 slides.

Hitz: Can you educate us, too, what all these things mean?

Don: I'll run through this. I'll try to be brief here. This is zoning 101, so to speak. What is allowed in what zones? This chart that you see here focuses obviously on our commercial zones. Mixed use, central commercial, downtown commercial, highway services, I&M-1 and I&M-2. I think it was a meeting or two ago. Where we had quite a bit of debate about what's allowed in an I&M-1 versus an I&M-2. These are very important. It is what we allow where. As an example, you go down to automobile wrecking yards. I'm just kind of picking one out that's obvious. Where should that be allowed in our city? What is

the vision for the city? Should that be allowed at downtown commercial? I would suggest no. On our main commercial Boulevards, no. But in an I&M, too, out in an industrial area, we need those services. We need those uses. That's probably the best spot to put it. Some of these may be a little convoluted in the gray, right? We struggled on one recently between what is a moving and storage company, which is allowed in, the CC zone, and what is self-storage? What's the difference? Sometimes we run into the gray, and we run into these debates with staff, and that's difficult for staff, and it's not always easy on the applicants as well. We try to make interpretations, which I think the state code wants us to add some language soon. If you come to us with a use that's not on the list, and we can't put every use that someone may come up with on the list. We'd have 100 pages of this. We try to determine if this use is closer to these types of uses that are already permitted in the zone. I think we do a good job with that, typically. My thoughts may be, it should probably be in bite-sized chunks, like Tom mentioned. I&M-1 versus I&M-2 may be something that we want to focus on. What is that difference? You can look at the different zones and see how the zones are described and try to determine, hey, what makes sense in these areas? You may see uses that just don't make sense at all. You may see uses that are missing. That's the kind of exercise I'm kind of thinking that we go through. It could be just taking the whole thing home and throw some darts at it, combing through it. Maybe that was a bad example. Put some thought into it and come back.

Hitz: This must be viewed with the master plan, right? I...

Don: With the master plan.

Hitz: Well, you say something's permitted or not permitted, but that's based upon the area they're asking for that.

Jett: Yes, and the master plan will show what each zone is.

Hitz: Yes, you must have a master plan kind of beside you when you're looking at this.

Don: I think that's a good idea and a very good point. If you go through the zoning ordinance, you'll see descriptions of the zones and kind of more broad ideas of what fits in this zone. As you go through the general plan, you'll also see descriptions of the general plan designations. As you go through the general plan land use category or chapter. You'll see goals and policies. As an example, it'll say things like protecting residential areas from commercial and industrial encroachment, right? Use those as a guide. They're general. They're not specific, but you can use that general plan as a guide to get to the specifics of the ordinance. Where are you going to make that decision, hey, does this particular use fit in this zone? The general plan should be your guide for that. I think that's a very good point. Those are some of my thoughts. I don't have PowerPoint. I don't have much else. I think it's up to the commission to maybe do some planning, put some thought into things with, as opposed to us as staff coming every week and asking you to decide on something.

Decker: I think it's a good idea. Thank you.

Randall: Just to make sure we're clear, hopefully at least a couple more obvious, an N means no, not permitted, P means permitted. If you see a C, that is a Conditional Use Permit is required. Conditional. That is a whole other. Can of worms. It can be tough, but basically conditional use permits is it allows us to set some conditions to mitigate any potential side effects from that use in that zone. For example, you'll have one asphalt mixing plants that we're dealing with. In the I&M-2, it's just permitted. Like, we don't care that much. That's the perfect place for it. I&M-1, it's conditional use, so we allow it, but we're going to set some conditions to try and mitigate any potential harm to neighboring properties. You'll probably see that coming through. In the next little bit. That's the one thing that is that when you go through these, please pay attention. The one I would note that has come up, in fact, it's just been in front of you, is the difference between central commercial and highway services. If you read through the goals of highway services as meant for the traveling public, transient people driving through the city versus

central commercial is both as well as residents. Some of them may seem odd to you, like if you're going in good old days of developing your film, photography studios, stuff like that. Allowed in commercial, central commercial, not allowed in highway services. That's the argument as to why, when you go through that, decide for yourselves if you think that makes sense. That's what we're hoping you can help us do when you go through these, is make those distinctions.

Webster: It would be my thought that it's probably, as Steven mentioned, best viewed with general plan, master plan, and those things next to it. Which also makes it very good exercise for us in familiarity with those plans a little more. That would be my thought, is that we all go and spend a little time with this. Perhaps after you read the scriptures in the morning, this will be exciting to you. If that works and we can come back and maybe schedule a little time at the end of the next meeting and go through some of them. Does that seem okay to you guys.

Decker: Sure. Good idea.

Webster: All right.

Webster: A little bit of homework. We'll put it on the next agenda. Faith, would you mind as the next agenda comes out reminding us that we had homework to do just in case.

Hitz: Is there someone that I could come down and spend a couple hours with as a mentor to go through this with me?

Don: You could certainly come down and visit myself or Amber.

Lunt: Okay, Don define mixed use and central commercial. Define those two just briefly so I have some understanding.

Don: The central commercial I think is probably more obvious, and I think Randall even has it pulled up. Maybe we can read what's in the general plan.

Randall: Central commercial, commercial development providing basic community and neighborhood retail or services. This use is typified by the grocery, anchored shopping center, or corner commercial district. Proximity to residential neighborhoods is essential. That's your central commercial. It's also your broadest commercial category. It allows almost all your basic commercial but not manufacturing uses. Jump over to mixed use. Neighborhood scaled infill developments composed of a variety of uses including residential, commercial, and office. Residential densities may vary from 8 to 24 units per acre. Projects must include streetscape enhancements and community amenities. Site plan approvals are required. This land use may be used as an overlay district in appropriate areas in the city. Essentially what that is, the goal, is exactly the mixed-use concept. Some commercial, some residential. They can go all commercial. They can't go all residential. They can go up to 50%. 50-50 if they spread it out. If you have 10 acres and they want commercial in the front, residential in the back, then they can do half and half.

Lunt: Neighborhood grocery store or something like that.

Randall: Correct. Or this is where you'll often see, and you'll see this in commercial as well, but you'll often see the commercial on the bottom, residential on top. The goal of the mixed use is to mix the whole commercial residential stuff together.

Lunt: The Velocity building down here.

Randall: Yes, that's the exact concept of what you do for mixed use. In fact, the one that we were just talking about, the south end of town. The original design was commercial in the front, residential in the back. It's kind of like mullet.

Hitz: Looks like the city is very concerned about research. They're all conditional.

Don: That is one that you might want to take a look at. That one kind of perplexes me as to why it has a CPU, but I don't know.

Randall: The research part makes sense. It's a business park research campus. The research ones can make a little bit of sense because it depends a lot of times on what they're researching. The business park, I'm kind of curious about.

Don: That's a good one.

Amber: Also, along with something you think should be a category or something that needs to be cleared up, bring those things also.

Jett: Can we remove beauty parlor? Is that still a common vernacular.

Amber: I want to change the wording for beer parlor. I think that's a little bit outdated. I was going to encourage someone to consider drinking establishment.

Randall: You can, if you think some of the terminology is a little archaic, that's fine. Sometimes you can split them off. I know when the Maverick for Main Street 200 North one was coming in, there was discussion about creating a third category for gas stations based on size. That's also a possibility if you're like, I can understand this being allowed in central commercial or highway services as long as it's not too big. Well, then that's also a possibility you can add additional categories. That's the goal.

Don: Okay. I'm going to add one more caveat to this. As you go through these uses and you wonder what that means or what is that you can defer back to Section 26-1, which has definitions for these different uses. In some cases, I think we probably need to add definitions if we get into the gray. That can be very helpful for both applicants and staff to clarify what this is. What are they talking about? That's a key point to keep in mind as you go through it.

Jett: I'd like to thank this body for indulging me in trying to clean up things.

Davis: I think this is great.

Webster: I think it would be good, Tom. I know last week in the Board of Adjustments; we looked at some swimming pool regulations and decided that. We probably need to update those a little. If you compared them to St. George, where they build a lot of pools or things like that, ours were at least to a way of thinking a little needing updating. All right, any questions.

Kent: I have a question for the commissioners. You probably are all at different levels in your familiarity with where all the information is on our websites or where in our ordinances these things are. Would it be helpful to you if we had someone volunteer, maybe their name might be Amber. To send you an email with some links to here's the general plan document, here's where the definitions are in the ordinance, something like that. Would that be helpful? If that would be helpful.

Hitz: That would be helpful.

Decker: I think that would be helpful, but I also just Googled those two terms, and they popped up. I just put Cedar City mixed use versus central commercial, and there's some pretty good information there.

Kent: I just want to make sure that what time you can dedicate to this, you can spend looking at what you need to look at instead of trying to find where stuff is.

Webster: I think that would be helpful. Amber.

Randall: Will you volunteer for that?

Kent: Sorry, Amber.

Amber: Well, done.

Webster: All right. Thank you, everybody. We'll adjourn this meeting.

The meeting was adjourned at 6:33 p.m.

Faith Kenfield

Faith Kenfield, Executive Assistant

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