



Cedar City

10 North Main Street • Cedar City, UT 84720
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www.cedarcity.org

Mayor

Maile L. Wilson

Council Members

Ronald R. Adams
John Black
Paul Cozzens
Don Marchant
Fred C Rowley

City Manager

Rick Holman

CITY COUNCIL WORK MEETING

JULY 15, 2015

5:30 P.M.

The City Council meeting will be held in the Council Chambers at the City Office, 10 North Main Street, Cedar City, Utah. The agenda will consist of the following items:

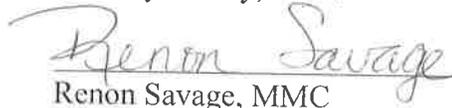
- I. Call to Order
- II. Agenda Order Approval
- III. Administration Agenda
 - Mayor and Council Business
 - Staff Comment
- IV. Public Agenda
 - Public Comments
- V. Business Agenda
 - Public
 1. Public Hearing to consider a zone change from Master Planned Development (MPD) to R-1 on property located in the vicinity of 2300 North 1200 East – Go Civil Engineering/Paul Bittmenn
 2. Public Hearing to consider vacating and amending a portion of the Cedar View Professional Plaza located in the vicinity of 1225 North, Northfield Road – Go Civil Engineering/Paul Bittmenn
 3. Final Plat Approval for the Providence Towne Center PUD – InSite Engineering/Paul Bittmenn
 4. Review Vicinity Plan for Sycamore Trails Phase 2 PUD – Go Engineering/Kit Wareham
 5. Ethics in Government – Robin Haight
 - Staff
 6. Consider declaring vehicles as surplus property – Jeff Hunter
 7. Closed Session – Property Negotiations & Reasonably Imminent Litigation

Dated this 13th day of July, 2015.

Renon Savage, MMC
City Recorder

CERTIFICATE OF DELIVERY:

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 13th day of July, 2015.



Renon Savage, MMC
City Recorder

Cedar City Corporation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in accessing, understanding or participating in the meeting, please notify the City not later than the day before the meeting and we will try to provide whatever assistance may be required.

CEDAR CITY COUNCIL
AGENDA ITEMS - {
DECISION PAPER

TO: Mayor and City Council

FROM: City Attorney

DATE: July 12, 2015

SUBJECT: Zone change from Master Planned Development (MPD) to Residential - 1 (R-1) on approximately 54.94 acres of land located in the vicinity of 2300 North and 1200 East.

DISCUSSION: This is a request to change the zoning on approximately 54.94 acres of property. The property is currently zoned MPD. A couple of years ago the City did away with the MPD zone designation so in order for the owner to put the property to use there is a need to rezone the property.

The City's general land use plan for this property is low density residential. The low density residential land use is described in the general land use plan as residential neighborhood development composed of detached single-family homes and supporting community uses such as churches, schools and parks. Maximum density is set at 4 units per acre. The City's R-1 zone is an acceptable zoning option for the general plan of low density.

Some of the property in this area has already been improved with curb, gutter, street, sidewalk, sewer, water, and major utilities. The property was improved in a manner similar to Ashdown Forest, PUD. Currently this property is not part of Ashdown Forest PUD. This is information that was brought up in the Planning Commission Meeting so I am bringing it up to you. If the zone change is approved the developer will have to find ways within the City's ordinance to make a beneficial use of his property.

Attached are the minutes from the Planning Commission and an ordinance to facilitate the zone change. Please consider the above described zone change.

**3- Zone Change MPD to R-1 North of Ashdown Forest Smith/GO Civil
(Recommendation) Bridgewater Road**

Before they started Rich declared that he would have some interest in this area for marketing purposes.

Heath O. said that years ago, about 2006 all the improvements that you see on the map were put in. This is all the property from Canyon Gate to the detention pond and was zoned MPD and was owned jointly by SUU and Dave Smith. They have since gone through the minor lot process to separate what land would now belong to SUU and the rest is now the Smith's. There is no longer the MPD zone, so they need to go back to the R-1 that this area is master planned to be. He was informed there was legal action taking place for the access across Bridgewater Road. The reason they are here today is only for the zone change to R-1.

Fred asked if some of that has already been paved. He was told there are street improvements in some of this area.

Kit said this was one reason for the new ruling that you cannot begin construction until the subdivision has been approved as the infrastructure there has been in place all this time but a subdivision was never approved.

Heath said as part of this zone change they did notify neighbors.

Waldo Galen who is the president of the Ashdown Forest HOA said they were all concerned with Bridgewater Road. He knows that the intent back in the day when Nichols and Smith were partners, was that this portion of land was to become Ashdown Forest Phase 8. As a result, Bridgewater was included in that original development. Later, they parted and that road now ends. All of Ashdown Forest is a private development and they are quite concerned they will still try and come off Bridgewater Road. There is an easement through there for emergency vehicles only at this time.

Fred pointed out then, that there could be problems with access in the future when they try and develop this area. This area was once to be a part of Ashdown Forest, but now it is not. Also Fred pointed out that as far as changing the zone, there is no problem.

Fred moved to give a positive recommendation to City Council for the zone change on the Smith property. Seconded by Jill and the vote was unanimous.

**4- Condo Amendment #2 Cedar View Prof. Plaza Albrecht/GO Civil
(Recommendation)**

Heath O. said that the two Dr. Albrecht's who made this interior area as two spaces will now put it back as 1 space with the other one moving into the basement. The stairway becomes part of the basement unit, the basement has parking that is owned by both the Albrecht's, and they will bump some space into there. This has all been deeded properly, they now just need to amend this plat so that the boundaries show how it actually is. He explained just which building they were talking about behind the hospital.

Kit said this one also required public notices to all surrounding property owners and that has been done.

CEDAR CITY ORDINANCE NO. _____

AN ORDINANCE OF THE CEDAR CITY COUNCIL AMENDING CEDAR CITY'S ZONING DESIGNATION FROM MASTER PLANNED DEVELOPMENT (MPD) TO RESIDENTIAL -1 (R-1) ON APPROXIMATELY 54.94 ACRES OF LAND LOCATED IN THE VICINITY OF 2300 NORTH AND 1200 EAST.

WHEREAS, the owners of property located in the vicinity of 2300 North and 1200 East have petitioned Cedar City to change the zoning designation from Master Planned Development (MPD) to Residential -1 (R-1) on approximately 54.94 acres of land, the property is more particularly described as follows:

Smith Zone Change Legal Description

BEGINNING AT THE NE CORNER OF SECTION 36, T35S, R11W, SLB&M, THENCE S0°27'39"E, 2150.31 FEET ALONG THE SECTION LINE; THENCE N67°52'20"W, 101.86 FEET; THENCE N20°52'44"W, 398.52 FEET; THENCE N69°17'12"W, 266.47 FEET; THENCE N13°43'56"W, 163.45 FEET; THENCE N57°57'35"W, 81.10 FEET; THENCE S76°13'08"W, 95.08 FEET; THENCE S8°35'59"E, 82.60 FEET; THENCE S83°20'39"W, 189.62 FEET; THENCE S22°36'41"W, 186.90 FEET; THENCE N50°30'08"W, 332.33 FEET; THENCE N63°50'21"W, 95.06 FEET; THENCE N47°34'39"W, 58.81 FEET; THENCE N31°45'50"W, 73.93 FEET; THENCE N47°43'02"W, 55.63 FEET; THENCE N62°56'01"W, 37.82 FEET; THENCE N70°05'36"W, 239.64 FEET; THENCE N55°15'09"W, 554.46 FEET; THENCE N75°32'36"W, 85.44 FEET; THENCE N7°13'29"W, 355.37; THENCE N0°05'00"E, 18.72; THENCE N89°55'00"W, 115.89; THENCE N0°05'00"E, 150.00 FEET ALONG THE EASTERLY BOUNDARY OF CANYON GATE SUBDIVISION PHASE 4; THENCE S89°55'00"E, 378.39 FEET; THENCE S0°05'00"W, 87.16 FEET; THENCE S27°35'04"E, 53.14 FEET; THENCE S55°15'09"E, 535.67 FEET; THENCE N34°44'51"E, 120.00 FEET; THENCE N55°15'09"W, 8.93 FEET; THENCE N33°13'01"E, 440.16 FEET; THENCE S55°15'09"E, 530.69 FEET; THENCE N34°44'51"E, 122.27 FEET; THENCE N0°05'22"E, 562.74 FEET; THENCE S89°54'39"E, 687.16 FEET ALONG THE SECTION LINE TO THE NE CORNER OF SECTION 36 AND THE POINT OF BEGINNING.

WHEREAS, after providing public notice as required by City ordinance the Cedar City Planning Commission considered the proposed amendments to the City's zoning ordinance and found that the amendments are reasonably necessary, are in the best interest of the public, and are in harmony with the objectives and purposes of Cedar City's zoning ordinance. The Planning Commission has given the proposed zone changes a positive recommendation; and

WHEREAS, the City Council after duly publishing and holding a public hearing to consider the proposed zoning amendments finds the proposed amendments further the City's policy of establishing and maintaining sound, stable, and desirable development within the City, and promoting more fully the objectives and purposes of the City's zoning ordinance or to corrects manifest errors.

NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of

Utah, that the City's zoning designation on the herein described property be changed from Master Planned Development (MPD) to Residential - 1 (R-1) and that City staff is hereby directed to make the necessary changes to the City's zoning map.

This ordinance, Cedar City Ordinance No. _____, shall become effective immediately upon passage by the City Council, signed by the Mayor and Recorder and published in accordance with State Law.

Dated this ____ day of July, 2015.

MAILE L. WILSON
MAYOR

[SEAL]
ATTEST:

RENON SAVAGE
RECORDER

CEDAR CITY COUNCIL
AGENDA ITEMS - 2
DECISION PAPER

TO: Mayor and City Council
FROM: City Attorney
DATE: July 12, 2015
SUBJECT: Vacate and amend a portion of the Cedar View Professional Plaza

DISCUSSION: The Cedar View Professional Plaza is a medical office building located at 1225 North and Northfield Road. It is directly West of the Hospital. The owners of the building recently remodeled the interior of the building to accommodate the growing practices of a couple of the medical professionals (a children's dentist and an eye doctor). In conducting the remodel they moved some walls that changed the business condos as they are currently recorded. This amendment to the plat will bring the recorded plat in line with the recent modifications.

Attached are the minutes from the planning commission. Notice of this public hearing has been sent out to neighbors within 300 feet. The fees have been paid. The title report will be verified prior to the meeting.

Please consider vacating and amending a portion of the Cedar View Professional Plaza.

**3- Zone Change MPD to R-1 North of Ashdown Forest Smith/GO Civil
(Recommendation) Bridgewater Road**

Before they started Rich declared that he would have some interest in this area for marketing purposes.

Heath O. said that years ago, about 2006 all the improvements that you see on the map were put in. This is all the property from Canyon Gate to the detention pond and was zoned MPD and was owned jointly by SUU and Dave Smith. They have since gone through the minor lot process to separate what land would now belong to SUU and the rest is now the Smith's. There is no longer the MPD zone, so they need to go back to the R-1 that this area is master planned to be. He was informed there was legal action taking place for the access across Bridgewater Road. The reason they are here today is only for the zone change to R-1.

Fred asked if some of that has already been paved. He was told there are street improvements in some of this area.

Kit said this was one reason for the new ruling that you cannot begin construction until the subdivision has been approved as the infrastructure there has been in place all this time but a subdivision was never approved.

Heath said as part of this zone change they did notify neighbors.

Waldo Galen who is the president of the Ashdown Forest HOA said they were all concerned with Bridgewater Road. He knows that the intent back in the day when Nichols and Smith were partners, was that this portion of land was to become Ashdown Forest Phase 8. As a result, Bridgewater was included in that original development. Later, they parted and that road now ends. All of Ashdown Forest is a private development and they are quite concerned they will still try and come off Bridgewater Road. There is an easement through there for emergency vehicles only at this time. Fred pointed out then, that there could be problems with access in the future when they try and develop this area. This area was once to be a part of Ashdown Forest, but now it is not. Also Fred pointed out that as far as changing the zone, there is no problem.

Fred moved to give a positive recommendation to City Council for the zone change on the Smith property. Seconded by Jill and the vote was unanimous.

**4- Condo Amendment #2 Cedar View Prof. Plaza Albrecht/GO Civil
(Recommendation)**

Heath O. said that the two Dr. Albrecht's who made this interior area as two spaces will now put it back as 1 space with the other one moving into the basement. The stairway becomes part of the basement unit, the basement has parking that is owned by both the Albrecht's, and they will bump some space into there. This has all been deeded properly, they now just need to amend this plat so that the boundaries show how it actually is. He explained just which building they were talking about behind the hospital.

Kit said this one also required public notices to all surrounding property owners and that has been done.

Rich moved to give a positive recommendation to City Council for the Condo amendment of Cedar View Plaza. Seconded by Mike and the vote was unanimous.

CEDAR CITY COUNCIL
AGENDA ITEMS - 3
DECISION PAPER

TO: Mayor and City Council
FROM: City Attorney
DATE: July 13, 2015
SUBJECT: Final Plat approval for Providence Towne Center, PUD

DISCUSSION: The Providence Towne Center PUD is an existing commercial development located between Sage Drive and Bentley Blvd. Some of the businesses within this proposed subdivision are Subway, Grifols, Ninja, Dickies BBQ, and the Pizza Cart. The current owners want to turn the project into a commercial condo project. In order to do a condo project under City Ordinance the project has to be in a PUD. So, they are requesting to change the existing business development into a PUD.

They have submitted a title report and their CC&Rs. These documents look fine. Where all of the public and common area improvements are already in there is no bonding requirement for this project. The Planning Commission minutes are not attached. The Planning Commission did give a favorable recommendation. As of writing this decision paper I did not have the minutes. I will send the minutes out once I find them.

Please consider approving the final plat for Providence Towne Center, PUD.

**CEDAR CITY
COUNCIL AGENDA ITEM 4
STAFF INFORMATION SHEET**

TO: Mayor and Council

FROM: Kit Wareham

DATE: July 14, 2015

SUBJECT: Vicinity Plan for the Sycamore Trails P.U.D. Phase 2

Discussion: The subject PUD vicinity plan has been recommended for approval by the Cedar City Planning Commission. A copy of the Planning Commission's minutes is attached. Also attached are a copy of the PUD's Vicinity Plan and Project Analysis. As required in the City's subdivision ordinance once the Planning Commission recommends a PUD vicinity plan for approval, the plan shall then be presented to City Council for your review and approval, or approval subject to alterations, or disapproval. The following is some general information concerning the subject PUD:

Developer-	Mark Meisner
Subd. General Location-	1775 North Lund Highway (North of Airport Fire Sta.)
Area Land Use Zone-	R-1
Number of Lots-	24
Lot Size Range-	7,000 to 11,000 Square Foot Residential Lots
Misc. Information-	This area will be in an AE flood zone based on the preliminary FEMA FIRM maps, however the flood zone is currently under protest.

CEDAR CITY PLANNING COMMISSION

MINUTES

July 7, 2015

The Cedar City Planning Commission held a Meeting on Tuesday, July 7, 2015 at 5:15 p.m., in the Cedar City Council Chambers, 10 North Main, Cedar City, Utah.

Members in Attendance: Rich Gillette -Chair, Fred Rowley, Mike Mitchell, Jill Peterson, Mary Pearson

Members absent: None

Staff in attendance: Kit Wareham, Larry Palmer, Paul Bittmenn, Michal Adams

Others in attendance: Arlo Fawson, Shalene Griffin, Joel Hansen

The meeting was called to order at 5:15 p.m.

<u>ITEM/ REQUESTED MOTION</u>	<u>LOCATION/PROJECT</u>	<u>APPLICANT/ PRESENTER</u>
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I. Regular Items

- 1- **Approval of Minutes (June 16, 2015)
(Approval)**

Jill moved to approve the minutes of June 16, 2015, seconded by Mary and the vote was unanimous.

PUBLIC HEARING

- | | | |
|---|---|-------------------------|
| 2- PUD Vicinity
(Recommendation) | 1775 N Lund Hwy.
Sycamore Trails PUD Phase 2 | Mark I/ GO Civil |
|---|---|-------------------------|

Rich opened the public hearing.

Arlo said this would be another phase of an existing PUD. It is on the east side of what is existing. They are adding more lots and it will be the same as the first phase. This is the final phase of this PUD project.

Kit said it is located out on Lund Highway just north of the fire training center.

Rich wondered if the developer would be the one to build each unit. Arlo said he is not sure if Mark I does all the building, he could build or sell the lots off. They do have certain plans to choose from. Kit brought up the area on maps so all could get a visual of the location. He also said one issue they may have is the new FEMA maps show this to be in an AE flood zone. That zone is currently under protest by some neighboring properties. Most of this PUD does not contain any basements, but any owner would be required to get a flood elevation certificate.

Rich pointed out that Arlo should make his client aware of this.

There were no further comments so Rich closed the public hearing.

Fred moved to give the City Council a positive recommendation on this phase of the Sycamore Trail PUD seconded by Mike and the vote was unanimous.

**Mark 1 Development LLC
470 N. 2150 W. Suite #1
Cedar City, UT 84721**

July 2, 2015

**Engineering
Cedar City Corp.
10 N Main St
Cedar City, UT 84720**

RE: Overall Project Analysis for Sycamore Trails Phase II PUD

To whom it may concern:

Mark 1 Dev. LLC intends to develop Phase II of a PUD in Cedar City, phase I has already been completed. Phase II will consist of 24 lots and some tree lines roadways.

Unit prices will start in the high \$100s to mid \$200s. The expected buyer profile is a homeowner wishing to move up from a 'starter home' and retired persons looking to downsize. Our development work will begin summer 2015. We hope to have units available for sale by winter to spring 2015-2016. The intention of the subdivision is to construct single family homes as affordable as possible.

The setback will vary, but the minimums will be 15-20 feet in the front. Required infrastructure including mail boxes, street lights, curb, gutter and sidewalks as well as the construction of homes.

The development will have a homeowner's association which will maintain the common areas, including the park. The park and common areas were completed with phase I and have been maintained by the HOA. The front yards will be installed by the builder during construction. Each homeowner will be responsible after purchase to maintain and keep in good order condition and repair of structure and landscaping.

Sincerely,

Mark Meisner, Mark 1 Dev. LLC

**CEDAR CITY COUNCIL
AGENDA ITEM 6**

INFORMATION SHEET

TO: Mayor and City Council

FROM: Jeff Hunter

DATE: July 6, 2015

SUBJECT: Surplus Property

DISCUSSION: At the July 1st, 2015 City Council meeting, the Council verbally approved allowing the Public Works Street Division to surplus 4 vehicles. Listed below are the vehicles to be offered for surplus:

- 1995 Ford Dump Truck with 13,007 hours
- 1995 Ford Dump Truck with 10,425 hours
- 1993 Ford Dump Truck with 11,218 hours
- 1989 GMC 2,000 Gallon Water Truck

We are requesting that the City Council approve the surplus of these vehicles.

