

**CEDAR CITY PLANNING COMMISSION**

**MINUTES**

April 5, 2016

The Cedar City Planning Commission held a Meeting on Tuesday, April 5, 2016 at 5:15 p.m., in the Cedar City Council Chambers, 10 North Main, Cedar City, Utah.

Members in attendance: Craig Isom, Mary Pearson, Jennie Hendricks, Hunter Shaheen, Jill Peterson and Russ Olsen

Members Absent: Rich Gillette-Chairman

Staff in attendance: Kit Wareham, Paul Bittmenn and Michal Adams

Others in attendance: Nancie Dennett, Ryan Dennett, Ron Larsen, Dan Dailey, Brent Drew, Tim Watson, Nate Moses, Kenzie Lundberg, Colby Gower, Paul Cozzens, Blake Cozzens, Dustin Prestwich and Ann Lundberg

**Jennie moved to make Mary P. the Chair Pro-tem for the meeting, seconded by Jill and the vote was unanimous.**

The meeting was called to order at 5:18 p.m.

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

**1- Approval of Minutes (March 15, 2016)**

**(Approval)**

**Hunter moved to approve the minutes of March 15, 2016, seconded by Craig and the vote was unanimous.**

**2- Lot Line Adjustment (protested) 106 N 300 W Leavitt Foundation/Ron  
(Approval) in Block 34, Plat B Larsen**

Ron Larsen presented; he said the Dixie and Ann Leavitt Foundation own a parcel that fronts 300 West. He pointed out the parcel. The back of a parcel that fronts 200 West is willing to sell them the back half to add to the parcel they currently own. This has gone through Project Review and has been checked by City Staff. They sent the notices to all residents within 300 feet and there was a protest so they are here to have the Planning Commission review and approve this lot line. The zoning was asked about. The parcel that fronts 300 West is zoned R-3 and the other parcel is zoned CC.

Ryan Dennett who is here representing both Nancie Dennett and Russell Prestwich said they

received the notification and looking over the neighborhood had great concerns for this historic neighborhood knowing that they would put high density residential or parking which would intrude into the rear yard of both the houses that front 200 West. He went through a presentation showing the land with the parcels in question highlighted. Their main concern is fencing. He quoted the ordinance only requiring a "Sight Obscuring" fence from higher to lesser density. They talked to the developer and the only thing they could get was it would be a site obscuring fence. As the university moves forward and into these neighborhoods, they are concerned with maintaining the character of these properties. He had several slides showing block walls around apartments and said that they should require them to have a block wall between this development and the abutting residences.

Mary said that the Planning Commission could not require a block wall.

Ron L. said that they are just in the beginning stages and not sure what they plan to do on the property but that they would definitely place a 6' high fence of some type. That is not his decision to make.

Ryan showed the highlighted parcels and said they plan to take 100' of the other lot which would bring that right up to the dwellings of these two lots next door. That will either be parking or apartments. If that was only 20' of the rear of this other lot that would be different. But the 100' takes up that much more. He has driven by and there is construction happening there now. He showed more photos of lots and where parking or apartments could be.

Ron L. said there is no construction going on yet. They are demolishing an existing house but have no building permit at this time.

Mary pointed out that the Planning Commission cannot dictate what type of fence only that one would be required between these developments. Their only purpose would be to approve or disapprove this lot line adjustment.

Paul B. pointed out that the definition does say a sight-obscuring fence and a masonry wall would be 1 option. He recommends that they stick with what the ordinance says.

If the parcels that are along 200 West are zoned CC would a fence even be necessary? Kit said the fence requirement is for the use of the property not the zone.

Dustin Prestwich said that they have tried to contact Brent Drew and find out just what they plan for the property. They have never gotten an answer and there are no plans. He does not feel that putting up a chain link fence would help them as they are already losing most of their rear yard privacy. He pointed out both houses that side this yard and where the bedrooms are located. He said that college students can be up at any hours of the night. Also, if they put any buildings on the site, the trash is usually at the back which would put that and the smell into their back yards. They are not trying to force anything. Just want to be able to maintain their privacy.

Hunter wanted to see if the ordinance had anything about obstructing sound. He was told there are several options for a "Sight Obscuring" fence. that can be masonry, tight board and any other type that would be sight obscuring. That is all it says.

Kit said the fence mostly comes into play when they decide what they will do with the property. If there are apartments next to single family homes a fence would be required. It is based on the use

not the zone.

Ryan stated that as the people were not willing to let them know just what the property was intended to be used for, parking or high density housing, that only leaves them asking the Planning Commission to turn down this lot line adjustment.

Ron L. said it would most likely be used for the high density housing and you would put the parking at the back on the portion that is zoned CC.

The approval of this cannot be based on what they plan for it. If the majority of the parcel is R-3 that is what it can be used for.

As it is now, that would not disturb these two neighbors but as soon as that line moves then they would have their privacy taken away and they would be more open to all noise, etc.

Ron L. said even if they had a plan and showed them that, it could change or they could sell and someone else would come along and do something else. They have provided 31' from the building that sits on that lot so it still gives that building the required rear lot.

Jennie said as it is zoned CC a parking lot could be on that. If that house there wanted to make the rear yard all a parking lot they could do that.

Kit said the homes along 200 West are pre-existing, non-conforming use with what they have there now as it is zoned CC.

Nancie Dennett said they are just trying to protect her property and they all would like to know just what they plan to put there. As it will extend about to the rear of her home on that side she felt they need to know what the land would be used for. All they want is a proper fence, a decent block wall like all the pictures they have shown.

Mr. Prestwich wondered then, if the entire parcel would be one zone or two. Kit explained in the provisions of the ordinance a parcel with two zones on a combined lot where the majority is one zone, they can use the entire parcel for that one zone. In this case they could use the entire parcel for whatever fronts 300 West which is R-3.

Ron L. said that high density residential was also allowed in the CC zone as long as you also have some commercial. He said there would be no commercial but would all be used for the R-3.

Craig said this is a lot line change only; when there are plans, they would come back to have those approved.

They cannot change the zone and cannot force a certain type of fence at this time.

Jennie stated that she would hope the Leavitt's would be sensitive to the concerns of these neighbors and is sure that as the University expands they will have this come up more and more.

**Craig moved to approve this lot line adjustment, seconded by Jennie and the vote was unanimous.**

**3- Subd.- Minor Lot 183 E DL Sargent Dr. Iron County/ Watson Eng.  
(Approval)**

Tim Watson presented; he pointed out the jail parcel, the streets, and the ambulance parcel and said the County is finishing the plans to construct a new Public Safety building on the parcel that this will create. They need to do this in order to be in compliance with the funding they will receive for the project. It fronts on DL Sargent Drive. It has been reviewed and checked by City staff.

Mary asked if there were any problems with this and Kit indicated all was in place.

**Jennie moved to approve the Minor Lot for the County on DL Sargent Drive, seconded by Jill and the vote was unanimous.**

**4- Easement Vacating (portion) 898 N 2225 W Dailey Builders/Platt & Platt  
(Recommendation) Coal Creek Indust.**

Dan Dailey presented; he said they would like to vacate a portion of the 20' drainage easement along the rear of these two lots. They own Lot 2 and all this drains to the street then into the flood channel. All the other properties that would drain here are in place and all drain to the streets. They are getting ready to build and they plan for all their drainage to also run to the street. They have been through the Project Review process and this is a follow up to that.

Kit said he has taken a look at this easement for drainage and does not see any real issues with it. He is not sure where the easement came from but as all properties are draining to the various streets, this easement is not needed. The notices were sent to all property owners and there was no word from anyone. The easement is not being used and they will keep 5' of that.

**Hunter moved to give a positive recommendation for this easement vacating, seconded by Craig and the vote was unanimous.**

The meeting adjourned at 5:55 p.m.

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Michal Adams, Administrative Assistant