COUNCIL WORK MINUTES
JANUARY 5, 2022

The City Council held a meeting on Wednesday, January 5, 2022, at 5:30 p.m. in the City Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Garth O. Green; Councilmembers: Terri Hartley; Craig Isom; W. Tyler Melling; Scott Phillips; Ronald Riddle.

STAFF PRESENT: City Manager Paul Bittmenn; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; City Engineer Jonathan Stathis; Police Chief Darin Adams; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall.


CALL TO ORDER: Councilmember Isom gave the invocation; the pledge was led by Tom Jett.

Mayor - we are grateful to have Scott Phillips back and to have Ron Riddle join the council. Welcome.

AGENDA ORDER APPROVAL: Councilmember Phillips moved to approve the agenda order with items #9 and 10 being pulled; second by Councilmember Hartley; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS: STAFF COMMENTS: ■ Phillips I want to welcome you and Ron, we look forward to your leadership and many good things to come. Wreaths Across America was on December 18th, I want to thank the Police and Fire Departments, as well as the Parks and Street Departments for all their work. It was well attended. Tom Jett – a great thanks to Scott, it is a monumental task. Hartley – thank you. Mayor – those events have been coming one after another. ■ Hartley – Welcome to you and Ron. ■ Mayor – One item I would like to get started on right away is housing. We’ve had a general plan update in progress for a year and a half and the way I understand it, one of the things holding us back is building and zoning codes. As I sat as a spectator in this council for the past year, I also see this council in a pickle when a developer wants a zone change to do something nice, but then the council has to consider a worst case scenario with what the zone change means to the neighborhood. I don’t think we need a long-term standing committee to look at these issues, but there’s a lot of work to do. I am going to appoint a housing committee to look at this issue to make recommendations to the council. They will meet once a week for 3 months and work with our city planner to find solutions that work for Cedar City. The people I have reached out to and that have agreed to serve are Mindy Benson, Derek Morton, Kaitlyn Sorensen, Dallas Buckner, Tyler Melling and Don Boudreau. I appreciate their willingness to help, and I look forward to seeing what they come up with. The first meeting will be Friday, January 14th at 10:00 a.m. ■ Paul – in November we had an accident at the Public Works Building that did damage. We have
estimates between $10,000 and $12,000. We want to use capital money that was budgeted for asphalt. The remainder will be used for asphalt. Phillips – the building needs to be repaired. A lot of activity happens in that building. I am in favor of that.

**PUBLIC COMMENTS:** Tom Jett – welcome to the new people. It gives me goose bumps to see the process work. This Christmas was wonderful, downtown was fantastic, there was a lot of shopping. I am glad to be back for another year, it is exciting for me and for all of us.

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FIRST PUBLIC HEARING:** Mayor Green read the following statement: the purpose of this public hearing is to provide citizens with pertinent information about the Community Development Block Grant program and to allow for discussion of possible applications for the 2022 funding cycle. The grant money must be spent on projects benefiting primarily low- and moderate-income persons.

The Five County Association of Governments, in which Cedar City is a member, is expecting to receive approximately $907,269 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. Examples of eligible activities include construction of public works and facilities such as water and sewer lines and fire stations. Other examples of eligible activities also include acquisition of real property, and the provision of public services such as food banks or homeless shelters. In the past Cedar City has received 26 CDBG grants. Funding from these grants has been used for low-income housing, infrastructure, shelters and pantries. Our Capital Investment Plan that is part of the regional “Consolidated Plan” is available on the front table. This list shows which projects the city has identified as needed in the community. Will anyone with questions, comments or suggestions during the hearing please identify themselves by name before they speak. The clerk will include your names in the minutes, we would like to specifically respond to your questions and suggestions during this hearing.

Renon Savage, the Cedar City Recorder stated that the time posted on the Public Notice webpage was 4:30 instead of 5:30. She came into the Cedar City Council Chambers at 4:30 p.m. in case anyone came so that she could document who came and take any comments they wanted to make. No one showed up, but if they had, she would have directed them to come to the hearing at 5:30 p.m.

Mayor Garth Green said that he also made an error by not opening a public hearing on this matter, so the public hearing is now open.

Councilman Scott Phillips said that he had received a phone call from the Local Housing Authority and that they do plan to make application in this cycle for more affordable housing in our community. Mayor Green responded that there is name and address where they can refer any questions to: Alyssa Gamble, Five County Organization of Governments, 435-673-3848 ext. 117 or an email at Agamble@fivecounty.utah.gov.

Councilman Scott Phillips asked how the priority was determined? If it was something that was done internally or by applicants themselves? How is the priority listing done? City
Manager Paul Bittmenn responded that when the applicants submit the list, and you have that list, there are couple of items on that list from the Housing Authority they will propose a priority, typically we won’t change the priority. For items on the list that staff proposes, the staff will propose a priority and we will review those in house. There are further meetings down the road with Five County Association of Governments where we go through a ranking process where they figure out which applicants get funding and which ones do not.

The hearing closed at 5:45 p.m.

**CONSIDER ACCEPTING OR REJECTING A PETITION TO ANNEX 1.75 ACRES OF LAND IN THE VICINITY OF 175 WEST 3000 NORTH, ROGER & JENNIFER SMITH/DON BOUDREAU:** Bob Platt, Platt & Platt – this is to a request to annex a small piece of property on the west side of the road, north end of Old Farm Subdivision, it is on a paved road. Isom – is there other city property? Bob – adjacent, it is not creating an island. The road is already dedicated as a city street. Across the street is Dennis and Debbie Johnson, the old Leonard Ashdown home.

Jonathan – this is the first step. It will be noticed to property owners for a 30-day comment period, if no protest it will go to Planning Commission and then come back City Council. Riddle – is there anything on the property? No, it is vacant. Consent.

**CONSIDER VICINITY PLAN FOR THE 4B RANCH-PHASE 3 SUBDIVISION LOCATED AT APPROXIMATELY 1950 S. WESTVIEW DRIVE, GO CIVIL ENGINEERING/DON BOUDREAU:** Dallas Buckner, Go Civil – we were waiting to bring this through until we had the new rural master planned road section. That has been passed. This is the phase that incorporates that and when we bring construction drawings, we will bring that new section. It is about the same, 1 acre lots. Phillips – there was discussion about the change we recently did in December with the roads and borrow pits, how does that factor in? Dallas – the new RE road section 66’ road standard, with the first 2 phases it was 45 feet, I was hoping to allow us to continue the 45’ roads on the one side and on the south for future expansion increase those. This is only 100 feet, to have a cohesive design leave at 45’ and have the new standard on the future phases. Hartley – it is just one street? Dallas – one portion of a road and then dedicate one other as 45’ and then the future south of that would be 66’ roads. Phillips – does 4B own all the way to Westview? Dallas – yes. Phillips – what is the plan? Dallas – we have one row of lots, we have had discussion on the roads, there are a lot of power lines. That is why we left one side for future phases. Melling – this would be a variance; do we approve with final plat? Tyler – if you are in agreement, do it at vicinity plan, grant the variance for the two roads. Final plat will show it on the plat. Melling – I don’t have a problem with that.

**CONSIDER VICINITY PLAN FOR THE MAN CAVE COMMERCIAL PUD PHASE 1 LOCATED AT APPROXIMATELY 2500 N. CLARK PARKWAY, GO CIVIL ENGINEERING/DON BOUDREAU:** Dallas Buckner, Go Civil – we came through a while ago for the I&M portion. We are working on a development agreement. We are proposing a commercial PUD with high end storage units. The airport approach zone line is there, so everything on one side is not allowed to be residential. The adjacent property is zoned R-2-2. We laid out the subdivision, the ordinance says a 10-foot setback, we are going to Board of Adjustments to see if we can get a variance. It will not affect the units on vicinity plan. If we
have to abide by the 20 setback and landscape strip, we will do that on final plat. Phillips – what is the width of the road? Dallas – 26’ asphalt and rolled curbs. Phillips – by bringing water and sewer in this, how do we control people are not living there? Dallas – put a note on the final plat. It is an enforcement issue. Whether you put utilities to it or not people live in them. Chief Adams – that happens now, we usually don’t know unless people call. Those that are homeless or involved in drug use do this. Some are just trying to stay warm. Illicit drug use, theft is usually what it is. Paul – there is no underlying crime with utilities. Phillips – where does the FAA weigh in saying no one can live there? Darin – we can’t do anything if there is not a crime. Mayor – is there a door or window? Dallas – we have not drawn any plans, but I believe there will be windows and stucco. From FAA we have the note on the final plat. Melling – we have codes, and you build what is permitted and we still have people living in storage units. We can’t rely on law enforcement to monitor and police it all the time. We don’t have a prohibition of utilities to storage units. Phillips – this is a difficult piece of property to develop. We need to find a way to make it work. Isom – they are high end units. Dallas – I believe on the hammer head roads there will be perimeter fencing with a knox box for fire to get in. Phillips – it is a concern. Laura Henderson – would the owner have to provide security? Tyler – it is a PUD, you could suggest something in the CC&R’s so the City doesn’t have to police it. Melling – there are enough units that people will notice. Paul – a simple deed restriction prohibiting residential use. Dallas – I hope to get approval with the number of units and the only change will be the depth of the setbacks. Paul – the CC&R language does not come until final plat, but this is a good time to bring it up. Tyler – there are still things that will need to be worked out before final approval. Dallas – we have to develop to one ordinance or the other, I&M or a variance.

CONSIDER VICINITY PLAN FOR THE CANYON AT EAGLE RIDGE PHASE 3 SUBDIVISION LOCATED AT APPROXIMATELY 2400 S. EAGLE RIDGE DRIVE.
GO CIVIL ENGINEERING/DON BOUDREAU; Dallas Buckner, Go Civil – similar concept to the first two phases. The infrastructure was put in with phase 2. There is one more phase in the future. Similar size lots.

CONSIDER APPROVING THE FINAL PLAT FOR LIBERTY COVE PUD. PLATT & PLATT/TYLER ROMERIL; Jesse Carter – this is for final plat. We have looked at this project quite a bit over several months. There are 27 units, 14 lots. Phillips – there was concerns about drainage off Interstate as it gets near the bridge, and we need to look at that. Also, another dip in the road on Interstate. Jonathan – they will be running a storm drain to take drainage off Interstate Dr. the subdivision is putting a detention pond on their property. The city drainage will continue from the 600 South overpass and end at Center. We have looked at acquiring property from the Power Company, an old substation. We are looking at that as a location for a regional detention pond for these issues. As for the traffic, I have not done much work, we can look at putting a dip or additional signs. Melling – we have looked at other things. Jonathan – we have budgeted for the drainage; we will have some money left for a drainage dip. Hartley – that was my question to Jesse, I wanted to make sure we were addressing it north of there also. Another question related to #7 and #6, in Planning Commission notes there should be a 15-foot easement to cover the waterline to the Lake at the Hills and the plat shows a 10-foot public utility easement. Did something change or should the plat be adjusted? Jonathan – the 10-foot is correct; it is pressurized irrigation line. Rob Mitchell is ok with the 10-foot easement as shown. I looked into it; the engineering
standards call for a 10-foot easement. We feel comfortable that the 10-foot is adequate.
Phillips – I think Mr. Carter has done a good job working with this odd space.

Tyler – the fees have been received, the bond has not. Once we receive the bond, we will record the plat. Jonathan – they are waiting on FAA approval, they are in a low spot. Platt & Platt has filed on that, but it has not been received yet.

PUBLIC HEARING TO CONSIDER VACATING AN EASEMENT LOCATED AT APPROXIMATELY INTERSTATE DRIVE AND 800 SOUTH. PLATT & PLATT/ DON BOUDREAU: Bob Platt, Platt & Platt – this is regarding the easement that we are narrowing to the 10-foot easement. Phillips – if we make improvements to the north, will this prohibit our ability to do that? Jonathan – no, it will run through the private street. Running it along I-15 would be more difficult to maintain. The developer and engineer we decided to run it down the private street as an easement for public utilities. We have problems when we run storm drains behind lots. We feel it is better in the street for maintenance.

Mayor Green opened the public hearing. There were no comments. The hearing closed.

CONSIDER APPROVING THE FINAL PLAT FOR IRON CREST SUBDIVISION PHASE 1. PLATT & PLATT/TYLER ROMERIL: Bob Platt, Platt & Platt – this is 3900 West, two fields south of Equestrian. It is 16 lots, phase one of 3 phases. R-1 single family lots that face 3900 West, the road dedication from north end of Monte Vista to the south end of Equestrian dedicating as a 75 foot right of way. It is final plat for the 16 lots.

Tyler – everything has been received. One correction on the memo, the developer decided to switch how he was going to bond. We will hold onto the plat until the bond is in place.

CONSIDER APPROVING THE FINAL PLAT FOR OLD SORREL RANCH SUBDIVISION PHASE 4. WATSON ENG./TYLER ROMERIL: this item was pulled.

CONSIDER APPROVING THE FINAL PLAT FOR OLD SORREL RANCH SUBDIVISION PHASE 5. WATSON ENG./TYLER ROMERIL: this item was pulled.

CONSIDER APPROVING THE ROAD DEDICATION FOR FIDDLERS COVE DRIVE AND PINYON GROVE CIRCLE. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – the road dedication plat, we did Shadow Cove Townhome PUD, a portion of the road was already dedicated. Brian Nichols wants to do a road dedication to extend the road to Pinyon Grove Circle. When originally dedicated it was another name. the detention basin is by Shadow Cove. Generally, road dedications don’t require bonding, but there is a bond required for Shadow Cove so they will need to post a bond for the portion of Shadow Cove. Tyler – I talked with Brian Nichols today, they know the process, we will not record until the bond is in place.

CONSIDER AN ORDINANCE AMENDING CHAPTER 32 RELATED TO PERIMETER FENCING REQUIREMENTS AROUND PUD’S. TIM WATSON/TYLER ROMERIL: Tim Watson, Watson Engineering – the PUD ordinance is back for more changes. We are requesting additional changes to the wording. A few months
ago, changes were in a PUD had accesses off a street they did not have to have fencing in the front. This is requesting side and rear be taken into consideration, if the density is 60% or less than allowed density and also if there is 150’ of open space against that. It is one or the other to be met. Our thought is we take this, if changed allow the developer to meet one of the requirements and then the consideration of the City Council if they reduce or eliminate the side or rear fencing, and not leave it at staff discretion. The reason is the Council can ask more questions. This is triggered by a development along Cross Hollow road and it has a hill that is not developable and the detention pond to the side that is a future recreational amenity. In R-3-M you are allowed 24 units per acre. Our current development is 47% of the density, they have required open space, if the space is at the rear, you may be able to consider that. Melling – the language with the minimum distance, is it dedicated open space, or space between structures? Tim –we don’t have it as designated open space. Melling – I see your situation and Mr. Hansen’s situation, as written we are creating an uglier development, we have walls for reasons, to shield existing property owners from higher density, I understand that in some situations. If you are already there, I see it, but why shield vacant land. Tim – the 150 feet is a trigger to get to City Council, you don’t have to abide by those 150 feet when the developer is presenting the project. Melling – the 60% density I understand. Phillips – coming up with something to trigger it. I hate when we legislate an uglier community. Tim – another scenario, if someone doesn’t have 150 feet or if the council changes the requirements, another development come in and not meet the 60% you could still negotiate with them, it is not both, it is one or the other. Phillips – as we develop to the south and west, we run into more open land and hillsides. Hartley – what happens at the back of the development, you cut the hillside out, will there be a drop off. Are we creating other issues, do we create hazards? Tim – I don’t know if it is the councils wish to safeguard everyone on their own property. Yes, we are designing a wall system to help with this, but the fencing we are trying to eliminate will not protect anyone. Hartley – the city trail will go across the top of that. Tim – this is a privacy fence or site obscuring, not a retaining wall, the trail would have to have its own protective measures. Phillips – this gives the council an option to approve it, we don’t have to.

Joel Hansen – I have a few questions, in the two ways we must look at that, we are looking at maximum density at 60%. At the ridge side of my subdivision, on a project like that I have a lava cliff that runs along that. Density at 60%, the zone is R-3 but a restriction for the RDO. What density am I looking at? If I have 150 feet, the house above will be 40 feet above the other house, does it take into consideration a vertical footage? I was going to try for a variance, it would ruin the amenity of the hillside and every property around that out to Westview Drive. I like the direction, but we need more flexibility in the two things, it depends on how you look at it. I did maximum density at 60% of 130 or use the 600 units I could have done in R-3. Melling – it says the underlying zone, that is R-3. The lava cliff if we put a PUD fence it would ruin it. I like the flexibility, but the two options need to be more clear or more flexible. If I wanted a PUD in the bottom of a valley, I would not have a problem with the fence. Could we put something in that it is up to council with the terrain is a problem. Tyler – we can write that any proposed exceptions can come to the City Council for approval. Melling – it is not always going to catch everything. Joel – there are areas the fence is needed.

Tom Jett – approximately a year ago I brought something before the City Engineer and building official and had them help me. I had PUD property that adjoined an existing storage
facility, the storage units were 8' tall and I had to put a 6' cinder block wall against the storage units. Maybe the entire thing needs to be looked at, instead of picking and choosing. It made no sense to me. I took it to Board of Adjustments and they asked what the hardship was. Sometimes things don't make sense. It was almost 800 feet of cinder block wall, we didn't do that project, that is only one of the reasons. Melling – I believe that if we as a community require fences because we are protecting someone from something, then you end up with projects you want to be protected from. I am in favor of easing up. Jett – I have no problem with rules and laws, but then need to make sense. There needs to be a mechanism where someone can come to the City Council for an exception. We need to be able to deal with weird little rules. I don't want this in staff decision either. Tyler – you may want to consider, it makes sense to narrow a path for an exception, the wider you will see this happen every month. The council will start creating a record on what you approve and what you don't approve. You need to be fair and equal; you could get yourselves in trouble.

Wendy Green – couldn't it be at the discretion of the landowner if they want a fence or not? Tyler – the council can do that if they want. Wendy - the person that lives there would have a better idea.

Tim Watson – do you think the two options leave it too wide open? Tyler – no, it gives us a number for groundwork who initially gets through the gate. Tim – my intent was for the residential side; I know Mr. Jett has other considerations that I didn't look at. It is easy to distinguish on the residential, but not so much on commercial or industrial. This may apply to the Man Cave PUD as well. Melling – the change is good, with this discussion and the one we had on the façade a few months ago, I would like to see more of this.

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE GENERAL PLAN FROM LOW DENSITY RESIDENTIAL TO RURAL ESTATE ON PROPERTY LOCATED AT 1100 N, 3900 W, GO CIVIL/TYLER ROMERIL:**

Dallas Buckner, Go Civil – this is a zone change and General Plan amendment, they are currently Annex Transition. We have a vicinity plan for the Red Hawk which only had a single access off Lund Highway. This is the secondary access; we have an agreement with adjacent landowners. We are looking at an R-2 subdivision with single loaded lots. This is a 145 foot wide, 45' road. That is why R-2-1 zone. The portion on the panhandle we decided to rezone and that would be RE zone. Low density to RE and low density to medium density.

Phillips – the transition from the rectangle to pan handle would be better R-2 to R-1, why RE? Dallas – the developer and the owner that agreed to the 145' strip, the RE they want a minor subdivision with a farm. They are aware of the single loaded road. They have seen the lay out and have been in negotiations. There will be R-2-1 on the south side and access off 3900 with RE zone. Phillips – Is the adjacent property R-1? Yes. Melling – is there an east/west road? Jonathan – 800 North. Dallas – the north end of the property is up against Equestrian. There is a trail on the north side. Jonathan – there is a large irrigation ditch that would be difficult to put a road through. Dallas – Red Hawk is in the area, the south 140 feet of the 20-acre parcel is R-2 and RE. We would have one entry road that comes out on 3900. Hartley – will they all be city streets? Yes. Mayor – how does the sewer get out? Dallas – that is why we are going to 3900, we are planning to tie onto the sewer. Jonathan – the sewer will run south on 3900 and we have a trunk line by Monte Vista. Mayor – it goes under the ditch? Jonathan – yes and it is not pumped.
Mayor Green opened the public hearing. With no comments, the hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE FROM ANNEX TRANSITION (AT) TO RESIDENTIAL ESTATE (RE) ON PROPERTY LOCATED AT 1100 N. 3900 W. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – this is the zoning portion.

Mayor Green opened the public hearing. With no comments, the hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE GENERAL PLAN FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON PROPERTY LOCATED AT 1100 N. 3900 W. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – same discussion as above. Isom – this is the panhandle piece? Dallas – correct. Phillips – what is the acreage? Dallas – 14.5 acres.

Mayor Green opened the public hearing. With no comments, the hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE FROM ANNEX TRANSITION TO DWELLING SINGLE UNIT (R-2-1) ON PROPERTY LOCATED AT 1100 N. 3900 W. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – the zoning portion.

Mayor Green opened the public hearing. With no comments, the hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE GENERAL PLAN FROM LOW DENSITY RESIDENTIAL TO CENTRAL COMMERCIAL ON PROPERTY LOCATED AT 2400 N. LUND HIGHWAY. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – we brought through a phase 1 formerly the Willow Creek subdivision, RE ½ acre lots. This is a zone change to clean up some things and rearrange zones in the 200 acres of the project Chelsea Subdivision. Comes off 2400 and goes to Lund. The property is currently mostly RE but the NW corner of 20 acres R-2-2. In doing the new vicinity plan we realized a portion of phase 1 encroached into the R-2-2 zone, so we thought it would be better to clean up. The R-2-2 to RE falls within the original Phase 1. Parcel 3 is shifting from R-2-2 to RE so it all matches. There was a parcel left, we are shifting density, so we have cohesive zoning. We will have a detention basin that will take away some R-2-2 zoning. To fill in the gaps and shift density we want R-2-2 on parcel 2 and the 100’ and 75’ right of ways, it would make sense to have some commercial, so we carved out some central commercial on the corner.

Phillips – a 100-foot-wide road with commercial is a good option. I have concerns with R-2-2 and transportation. I think cleaning up the other part is fine. Dallas – the cleanup piece fits in our design, the R-2-2 is a square. With the sewer lift station, we decided to clean everything up. Melling – I share some concern with people having car payments the rest of their life. I do like the commercial there. 2400, does it zig zag? Yes. We have 2400 on the south 2800 that loops into 3000, we have 3 separate master planned roads. (this is parcel 1)

Mayor Green opened the public hearing. With no comments, the hearing closed.
PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE FROM RESIDENTIAL ESTATE (RE) TO CENTRAL COMMERCIAL (C-C) ON PROPERTY LOCATED AT 2400 N. LUND HIGHWAY. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – this is the zoning portion.

Mayor Green opened the public hearing. With no comments, the hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE GENERAL PLAN FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON PROPERTY LOCATED AT 2500 N. LUND HIGHWAY. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – this is the general plan for parcel 2.

Mayor Green opened the public hearing. With no comments, the hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE FROM RESIDENTIAL ESTATE (RE) TO DWELLING TWO UNIT (R-2-2) ON PROPERTY LOCATED AT 2500 N. LUND HIGHWAY. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – this is the zoning portion of parcel 2.

Mayor Green opened the public hearing. With no comments, the hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE GENERAL PLAN FROM MEDIUM DENSITY RESIDENTIAL TO RURAL ESTATE ON PROPERTY LOCATED AT 2600 N. LUND HIGHWAY. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – this is the General Plan on parcel 3. Isom – this cleans up the corner? Yes.

Mayor Green opened the public hearing. With no comments, the hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE ZONE FROM DWELLING TWO UNIT (R-2-2) TO RESIDENTIAL ESTATE (RE) ON PROPERTY LOCATED AT 2600 N. LUND HIGHWAY. GO CIVIL/TYLER ROMERIL: Dallas Buckner, Go Civil – this is the zone change on parcel 3.

Mayor Green opened the public hearing. With no comments, the hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING LOTS 19A AND 19B OF THE CEDAR PINES SUBDIVISION LOCATED AT 212 W. AND 214 W. 1150 SOUTH STREET. PLATT & PLATT/TYLER ROMERIL: Bob Platt, Platt & Platt – this is an existing twin home built on a lot, the platted twin home division line versus how it was built, the line needed to be moved 3 feet. They still meet the area requirement.

Mayor Green opened the public hearing. With no comments, the hearing closed.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING LOT 41 OF THE ASHDOWN FOREST PUD PHASE 1 AND LOT 25 OF THE ASHDOWN
FOREST PUD PHASE 2 LOCATED AT 1044 E. AND 2030 E. FIDDLERS CANYON ROAD. PLATT & PLATT/TYLER ROMERIL: Bob Platt, Platt & Platt – the owners of the two lots are the same people. They have an outbuilding; they want to move the lot line two feet one way. They want more clearance; they are in different PUD's. we are not combining, just moving the lot line. Tyler – which lot is going into which phase? Bob – Lot 25 in the same phase. There is plenty of area, they are huge lots.

Mayor Green opened the public hearing. Riddle – in that situation, does it matter if they want to sell lot 41? Bob – when it is recorded, the new lot line will be moved, but it is still in the subdivision. Paul – they are still legal lots; the County needs to know the lot line and what they are taxing. Sometimes you run into set back issues, but that doesn’t happen here. Bob – lot 41 is vacant. The hearing closed.

MOTION TO RECONSIDER THE DECEMBER 8TH CITY COUNCIL DECISION TO REZONE PROPERTY LOCATED AT 3000 NORTH 2300 WEST FROM ANNEX TRANSITION (AT) TO DWELLING TWO UNIT (R-2-2). COUNCILMEMBER HARTLEY: Councilmember Hartley – this has been longest running discussion. Over the break I thought about this a lot. We followed the general plan, and I was uneasy. This is the only opportunity to talk about it, I wanted to ask the fellow council members a few issues to address. In a lot of situations, we entered into a development agreement. I had spoken with Mr. Coronado, he said there would be 5.5 to 6 units per acre and based on that and the general plan we made that decision. We did not investigate if it were developed to the R-2 do we have the infrastructure to facility that. I reached out and was not able to get an actual density. Dallas – when we discussed the density, I didn’t consider a development agreement. First you have master planned roads on both 2300 and 3000 North. There are dedications that take place on those, there are detention basins, you lose area for those. In a square parcel, you see medium density, when you back out roads and right of ways and upon the dedication of the roads you lose the detention basin, we planned a 4-way intersection, there was no way to get to 8 units an acre, so I didn’t think a development agreement was worth it. From infrastructure, the Gemini Meadows water pressure is very high. There is a sewer trunk main in 2300, so from infrastructure there is no concern with sewer or water, there is gas and power out there, but I don’t know their infrastructure. From city utilities, water and sewer are sufficient in the area. Jonathan – I agree with that. 2300 West has the Main trunk line, and we have good water pressure at Gemini Meadows. The biggest issue is drainage and Dallas mentioned detention ponds that would be required to control the drainage. Dallas - I know the County has 150’ setback for detention ponds. There are numerous factors that will take it down from 8 units per acre. Councilwoman Hartley did call and let me know it would be on the agenda. I talked with Scott who represents Corondo and Kevin Booth and both were opposed to a development agreement.

Phillips – Jonathan you said the drainage would have to be addressed, do we do that or the developer? Jonathan – the developers engineer would have to do a drainage study. The County Engineer is concerned about building too close to the drainage ditch, it will have to be improved properly to handle the drainage. We typically do that with the construction drawing process, but it does fall on the developer. We will need to work with the County as well to make sure the drainage channel has capacity. Melling – we recently contracted for the storm drain master plan? Jonathan – Sunrise will come to the City Council on the 19th, that is primarily for the problem areas, the rest of the study is 2 months out. Paul – the
County was working with NRCS on the drainage channels north and west of town. Phillips – I want to make sure they are planning to move ahead on the project with the circumstances with Mr. Coronado, he had a good reputation. Dallas – we have been moving forward, I understand that concern. I know Crescent Hills turned out so nice. Melling – my main concerns is that it is surround by existing County subdivisions, it is more maintenance, trash, plows and street maintenance. I realize water and sewer is ok, it is just ongoing things. I think it would be important for the city to know how many units are going in, it is within the general plan, but we want assurance on what exactly that will be, is it 200 or what.

Riddle – I am curious about the number of units that will go in there. Dallas – in general terms, you usually lose 20-30% to roads, so it puts you to 5-6 units per acre range. It depends if it is all twin homes, my conversations with Mike were roughly half and half. To get close to 6 you would have to do the entire thing as twin homes. That is in general terms.

Phillips – who is the driving force behind the project now? Kevin Booth, he signed for Crescent Hills 3, and 4. We are moving forward with Crescent Hills phase 5 and we are still moving forward on this as well.

Tyler – someone that voted in favor makes a motion and at least 3 need to be in favor. Isom – I don’t want to get in a situation to do this often. Tyler – the safest legal harbor is to follow the general plan. Hartley – I see that Becky came in, I want to publicly express my condolences to your family.

Scott Garrett – I just want to remind you that they have complied with what the city requires. If he complied with what the city was asking, he would move forward and he has. Unfortunately, Mike passed away tragically. Becky is here and stepping in and she is ready to roll. I would expect you to leave it as is and know that they are moving forward. We hope things won’t change.

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 26 RELATED TO PARKING REQUIREMENTS. DON BOUDREAU/TYLER RROMERIL: Don Boudreau – there has been interest in looking at some of the parking regulations specifically related to mixed use. We also tackled some other things. Restaurants – it is one space for 4 fixed seats and a square footage component. We entertained a square footage and back tracked. The best fix was one for 4 seats plus 1 parking space for each employee on shift. Riddle – are they not only subject to so many seats per square footage anyway? Yes.

Drive thru restaurants and car washes can be difficult, we don’t have anything for cueing spaces, our proposal is for new drive thru is you get a transportation professional and tell us what that number should be. That is the same for car wash, get the cars off our major thoroughfares. Phillips – what costs are you looking at? Don – as low as $3,000, some say they are hard to predict, could go up to $7,000, I would say less than $10,000. Phillips – how do we demonstrate with sufficient parking? Don – that is based on the transportation professionals. With car wash that could be self-serve, drive thru, etc. Sometimes there are no employees at a car wash. Melling – with drive thru restaurants, I understand the desire to insure people not being backed up on our streets, but I want a way if you are a mom and pop to be able to open your doors. Paul – is it different if it is a public road or arterial? Melling –
in my mind it is, if less traffic road, how many commercial spaces do we have on less busy roads. I see potential traffic back up on Sage Drive than 200 North. Paul – it is the side roads, 1100 west, coming off 200 North, but not on the 200 North leg but on the side streets. If we limit to major arterial roads. Melling – I mean within certain distance; I don’t know if that is 300 feet or what. I would rather it not be a blanket statement, but I recognize problem areas. Riddle – is the large concern off 200 North. Paul – we see it on Main Street. If we put it a certain distance off the major roads, our commercial is off the major roads, it will be the same deal. Melling – on the restaurant drive thru I see what we are getting at, I don’t know how much COVID or the economy. Phillips – or the employee help. Mayor – if you put it 300 feet, that eliminates a lot. A soda shop could have a small lot and that may be the only purpose.

Don – language for uses not listed in the ordinance, it says look at similar uses. If no match they provide survey data from institute of transportation engineers, just. Phillips – who makes that decision? Don – staff. Paul – this is how it works no, it just gives more information to go on. Mixed use – currently it is individually per unit. When we total the parking spaces it does not take into consideration peak demand times or shared trips. The idea is 25% reduction and be demonstrated by a transportation engineer. We want to get the numbers right and as accurate as we can but provide some flexibility. Phillips – flexibility is a good thing, and we try and strike a balance. It is finding the balance to have full parking lots, that is not a bad thing.

Change of use – you have an older building and a change of use, and you squabble over parking. It is to allow staff some flexibility and allow a 10% reduction. It comes into play most of the time with older buildings in older parts of town and recycling the building. Melling – Redevelopment is important otherwise you get blight; can we give 25%. Paul – we would like some flexibility and allow reuse; you decide the percentage, 25% is a lot, 10% might be too small. Melling – I would rather redevelop the buildings than blighted buildings with too much, I would like 25%. Phillips – I think a little higher. Mayor – I am concerned with a time delay to do these studies and come back. Hartley – I don’t like the study cost and delay, but I don’t know the option. Mayor – the cost is easy for some, the money at the beginning of a small business and if it gets gobbled up with professionals. Big companies have the money, but they don’t want the delay either. We think of 300 feet or size of the line we allow, for some it is a huge burden and some not enough. I oppose is the delay, but I don’t like the cost if they are brand new. Trying to find engineers or experts it may take 6 weeks. Hartley – do you want the responsibility on staff, that makes it difficult. What are you suggesting as we move forward? Melling – I think in some ways I don’t mind the delay where we want a reduction of what is normally required. I struggle with the drive thru bit, you also have curb side delivery. I want to think through drive thru provisions more. Don – I get the point; it is a double edge sword. Mayor – as long as it is in the game. Will there be a study on every application? Don – drive thru, restaurants, car washes and mixed use. Phillips – mixed use we want to see more of, and we want to encourage that. There was not a decision paper, did this go through Planning Commission, what came out of that? Don – not a lot of discussion. Phillips – what are business owners thinking.

Kimbol Holt – to protect small business, based on so much revenue before regulating.
Steve Nelson – overall it is a step in the right direction. On the project we are doing downtown, the old calculation and the daytime/nighttime, it is very close to the same. A little nervous on the restaurant calculation, when I ran that on existing tenants, everyone is under parked by 30-50%. Don – that was changed to 4 seats, not fixed. On drive thru – I like putting a minimum you have to have this or get a parking study if you want to justify less. Do a reasonable high average and if they want a reduction provide the study.

Brandon with Superior Development – it is a step in the right direction, to ask for something less to pay for parking, that is huge for smaller businesses. If the drive thru is set and if you want less, prove it. With different uses each has a different reason why we want less. Melling – I want more flexibility on repurposing. The other is with drive thru figure something out that if you don’t want to hire an engineer. Don – we can do examples from other cities. The simpler the better. Don – a lot of cities have minimum cue number. I reached out to a traffic guy, he said 25, it is based on business model. We will get basic numbers.

Mayor Green opened the public hearing. With no further comments, the hearing closed.

CONSIDER APPROVING A RESOLUTION REGISTERING CEDAR CITY IN THE NATIONAL OPIOID SETTLEMENT. TYLER ROMERIL: Tyler Romeril – I have already registered the city for this, there was a deadline, knowing I could pull us off if we want. This is to sue manufacturers and distributors of opioids $26 billion dollar, Utah has joined and agreed, Iron County has joined and agreed, I would recommend we join and agree, there is a settlement agreement that will be paid over 18 years, the city will get portions to use to mitigate some expenses on law enforcement. Hartley – can you not use it for abuse, but for treatment? Tyler – yes, we will get more direction.

CLOSED SESSION – PROPERTY NEGOTIATIONS: Councilmember Isom move to go into closed meeting at 7:58 p.m.; second by Councilmember Phillips; roll call vote as follows:

Terri Hartley - AYE
Craig Isom - AYE
Tyler Melling - AYE
Scott Phillips - AYE
Ronald Riddle - AYE

ADJOURN: Councilmember Isom moved to adjourn at 9:30 p.m.; second by Councilmember Phillips; vote unanimous.

Rexon Savage, MMC
Cedar City Recorder