

**CEDAR CITY PLANNING COMMISSION**  
**MINUTES**

March 24, 2020

The Cedar City Planning Commission held a meeting on Tuesday March 24, 2020 at 5:15 p.m., in the HERITAGE THEATER- 105 NORTH 100 EAST Cedar City, Utah.

Members in attendance: Mary Pearson–Chair, Craig Isom, Jennie Hendricks, , Ray Gardner, Hunter Shaheen, Adam Hahn, Jill Peterson

Members absent none

Staff in attendance: City Attorney-Tyler Romeril, City Engineer-Kit Wareham, and Michal Adams

Others in attendance: Dallas Buckner, Brent Drew, R. Scott Phillips, Dave Clarke, Brantz Brunson, Carter Wilkey, Randy Earl, Aleese Cardon, Verl Prestwich, Leola Prestwich

The meeting was called to order at 5:17 p.m.

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

**I.      Regular Items**

**1. Approval of Minutes (March 10, 2020)**

**(Approval)**

**Craig moved to approve the minutes of March 10, 2020, seconded by Jennie and the vote was unanimous.**

**2- Minor Lot Subd.**

**100 East- 250 North**

**Elks Lodge/Platt & Platt**

**(Approval)**

Dave Clarke with Platt & Platt presented; he pointed out the Elks Lodge property on the corner of 200 North and 100 East then running north. They want to divide the large piece from the remainder. Adam asked if that was all vacant. Dave pointed out a shed and the horseshoe pits on there, but other than that it is totally vacant land. This is where they hold the carnival, people park there for parades, etc.

Jennie asked if he knew the total area. Dave thought it was a few acres. They are dividing about in half. He pointed out the different parcels. So, Jennie said that anyone who purchased that would have plenty of room to build something.

**Adam made a motion to approve this minor lot subdivision seconded by Jennie and the vote was unanimous.**

**3- Subd.- Vicinity**

**2218 S Eagle Ridge**

**Meisner/GO Civil**

**(Recommendation)**

**The Canyon at Eagle Ridge Phase 2**

Prior to the presentation, Adam disclosed that he has done a lot of work for Alex Meisner and just wanted to disclose that.

Dallas Buckner with GO Civil presented. He said this is the second phase and is very similar to Phase 1. All the lots are 11,000 square feet or larger. The entire phase is about 10 acres with only 24 lots. Very similar to Phase 1.

**Jennie moved to send a positive recommendation to the City Council for this subdivision vicinity; seconded by Hunter and the vote was unanimous.**

#### **4- PUBLIC HEARING**

**Zone Change R-3-M to SHD (Recommendation) several parcels at about 250 South between 300 W. & 450 W. Leavitt/3 Peaks Eng.**

Brent Drew with Leavitt Land presented; said they are requesting this zone change for all parcels to go to SHD zone. Over on 450 West they were asked by someone to re-zone that parking on the south of the apartments there. Parking can be in any zone, so they were not concerned about it at the time but have added that to this zone change. They do have plans for later, they have no plans for anything there right now. Maybe in a couple of years. They are leaving room for 1 building on the north end of that middle block facing the University. The rest would be for parking. They are coming to request the zone change for these parcels all at once in order to limit the number of times they send letters out to all neighbors.

Adam pointed out parcels on the map and had him show which are already the SHD zone. The parking there will remain as parking. Brent said the only place a building will be is on the north end of that block. There are two other owners that are not the Leavitt's who also asked to be part of this zone change. One is the Mayfly apartments.

Mary opened the public hearing. Anyone wanting to comment on this zone change please come to the podium, state your name and she will limit the public hearing time to 30 minutes.

Verl Prestwich said he lives near here. When they originally did this SHD zone this allowed for reduced setbacks. He felt that was a major issue for building, fire, maintenance, and you can't have parking, can't get a fire truck in there. As you drive by other places you just see piles of stuff in there. You need to have more setbacks. You need to be able to have more room for parking, fire trucks and all else. This is an inappropriate area to force them to close the street. There should be more setbacks. It should not happen this way. That would match the neighborhood and be safer.

Scott Phillips said he lives near here. Wondered if the Leavitt's had that in writing that those other 2 property owners wanted to change their zone also at this time? Yes.

Tyler said there has been council and staff looking at those setbacks now. This may change in the future, but for right now, the applicant has the right to go by what is on the books. This will be brought forward for changes at some time, but for now the applicant is vested in how the ordinance is now.

Verl would assume that this SHD will be used around the college and other places. He felt it was

still a mistake to not change this for the future and make the parking in the front of them which will make them all safer for everyone in the area and not so crowded. To have that right to the front and not keep that clear is not good. It won't happen here but should be changed for the future. It would be better for the City and keep all the streets open. If you close off a street and push them all over to the west, that will be a dead end to the elementary and would not be good. They look at all the driving in all the streets, and those roads need to be open. Think of the future. All streets need to stay open.

Brent said the red zone in front of their one building is for the fire department and for fire protection.

Mary closed the public hearing. Came back to the Planning Commission for their recommendation.

Jill wondered which of these parcels already had buildings on them. Brent pointed out all the various dorms and apartment buildings.

Hunter also asked him to point out the 2 other lots included in this zone change. Brent pointed those lots out. One is the Mayfly apartments, the other is the SUU Ponderosa apartments.

Jill said she was hesitant to approve the whole thing; and hopes that the SHD will be taken away.

Tyler said that legally, as the general land use says this is the best and legal use of this ground, it is best to follow that general plan. If you go outside that, he suggests that they provide some evidence for your vote, other than fear. That should be based on first response, it is not compatible with other uses, things like that. Something that is factual based.

Hunter said he looked through the sketch review notes and there were no concerns. He wondered if the fire department had any concerns with this. Tyler said they helped write this SHD ordinance from the beginning.

Kit was not sure if the fire department had run and fire flow tests in this area on the system. That system is fairly old now and they may need to see if it can handle all this.

Tyler mentioned at this point it is only the zone change. They would expect all sorts of studies and things done when they actually plan to build something.

**Craig moved to send a positive recommendation on this zone change to City Council. Adam seconded and the vote was 5 ayes, with 1 nay so the motion passed.**

## **II. Staff Items**

### **1- Ordinance that defines the City's Downtown Historic District (Recommendation)**

**Tyler R.**

Tyler said he has written this ordinance along with the Downtown Historic Committee and they are bringing it through the process.

Scott Phillips said that we have this historic downtown, and there is a large sign out there, but there is no official ordinance regarding this area. They need to identify that area and preserve those

buildings. This will allow the owners to get tax credits if they choose to remodel, etc., whether they are private or commercial. They have received a grant from the State Historic office so they can survey the buildings in this area. They propose this to be from Coal Creek on the north to 200 South of the South. From 100 East to 200 West and take in that whole area. That is about 373 buildings. They need to have that surveyed in terms of age, historical significance, and create this historic downtown district. These businesses are not required to do anything; this would only be guidelines, and if they do something, they can get some funding from State and Federal to help them.

Craig asked if he was talking on both sides of each of these streets. Scott said yes. They will work with this ordinance, the sign ordinance and try to get them all the same. He pointed out again; this will be Coal Creek on the north, 200 South, 100 East to 200 West. He introduced Aleese Cardon who is the chairman of this committee. They are looking for a recommendation so they can take this on to the City Council.

Hunter wanted to disclose that he has family with buildings in this area. Jennie does also.

**Jill moved to send a positive recommendation to the City Council for this ordinance; seconded by Jennie and the vote was unanimous.**

The meeting adjourned at 5:50 p.m.



Michal Adams, Executive Assistant







**CEDAR CITY ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CREATING THE DOWNTOWN HISTORIC DISTRICT.**

**WHEREAS**, Cedar City adopted an ordinance creating the Historic Preservation Commission on December 6, 1984; and

**WHEREAS**, it is an important municipal function to identify, preserve, protect and enhance historic and prehistoric sites lying within Cedar City; and

**WHEREAS**, the Cedar City Council desires the Historic Preservation Commission to more effectively promote the preservation of historic areas, sites, structures, objects, and buildings within a certain geographical area of the City which shall be named the Downtown Historic District; and

**WHEREAS**, the City Council finds that it is in the best interests of the health, safety, and general welfare of the citizens of Cedar City to designate a Downtown Historic District to recognize the historical heritage of the City and to make the Historic Preservation Committee more effective.

**NOW THEREFORE BE IT ORDAINED** by the City Council of Cedar City, State of Utah that the City's Downtown Historic District of Cedar City, Utah, is hereby created and will include the below identified geographical area as:

the area bordered by Coal Creek, 200 South, 200 West, and 100 East including both sides of the street.

**NOW BE IT FURTHER ORDAINED** by the City Council of Cedar City, State of Utah that City staff is authorized to make such non-substantive changes to the format of the Downtown Historic District as are reasonably necessary to facilitate this amendment.

This ordinance, Cedar City Ordinance No. \_\_\_\_\_, shall become effective immediately upon passage and publication as required by State Law.

Council Vote:

Ayes: \_\_\_\_ Nays: \_\_\_\_ Abstained: \_\_\_\_

Dated this \_\_\_\_\_ day of April, 2020

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MAILE L. WILSON-EDWARDS,  
MAYOR

[SEAL]

ATTEST:

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RENON SAVAGE, RECORDER

SHD

Dale R. Jensen  
606 Bull Run  
Staunton, VA 24401

March 7, 2020

Cedar City Corp. Engineering  
10 North Main Street  
Cedar City, UT 84720

Re: Proposed Zoning Change Near 275 South 300 West

Dear Sir or Madam:

My wife and I own the property at 275 South 300 West in Cedar City. My father purchased this property in the 1950s and our family has owned the property for over 60 years.

We continue to strongly object to the proposed rezoning of part of the block near our property from R-3-M to SHD. Our objections are based upon the following:

1. Competition in the college housing market should be based upon a level playing field. Cedar City has gone out of its way to avoid having such a level playing field to the detriment of citizens such as us. In 1995, while my mother was still alive, we decided to build a small apartment building behind the home that I grew up in. We were held to the absolute letter of the law on that construction and had to pay extraordinarily high costs in order to comply with **all of** Cedar City's regulations for R-3-M zoning. We were particularly burdened by the parking requirements, which severely constrained the size of building that we could build. **Significantly, a large local business (which appears to be owned by the very same people seeking this rezoning) was allowed to construct a very large apartment complex just down the street (the one on 300 West across from the Cedar City High School soccer field) that had much less parking per bedroom than we were required to build – after over 20 years we have yet to receive any reasonable explanation as to why this double standard on parking was allowed or how it was fair or right.** Other large apartment complexes have been permitted since that time with far less parking per bedroom than we were required to build. To compound this egregious double standard for parking, I became aware last year (for the first time) that at some point Cedar City had compounded its impact by implementing a regulation that we can have no more than four unrelated persons in any of our units. Our apartment building has three (3) units with four (4) bedrooms in each unit. When we built our apartments based upon the business model that we could have shared rooms with up to eight occupants per unit. With the present occupancy restrictions, the parking we were required to install was far in excess of the number of tenants we are now allowed to have. This has severely impacted our financial returns and it is reprehensible of Cedar City to have such disparate treatment of our apartments compared to others. The owners of the properties for

which rezoning is sought should be required to comply with the R-3-M zoning just as was required of us. These properties, which are just across the street from our property, should not be allowed to have a competitive advantage over our apartments. The parking requirement for construction on SHD zoned properties is only **0.75 parking stalls per occupant** (see, Chapter 26, Article III, Section 26-III-22 of Cedar City's zoning ordinances). **This parking standard allows half of the parking stalls that we were required to construct. The double standards of Cedar City favoring some rental businesses over others should stop now and this zoning change should be denied.**

2. The aforementioned parking issue will only compound an already egregious problem that we deal with daily, particularly during the school year. Our son and his family continue to reside at our property, which we also continue to reside at when we are able. The general lack of parking for student housing near the University creates problems for all of those on our block. Those attending or visiting the University will line the streets all up and down our block because of this general lack of parking. This creates issues if a resident runs an errand or has a visitor that needs parking. Often, residents are forced to park in very inconvenient locations. This is directly caused by circumstances such as the proposed rezoning. Allowing this rezoning will seriously exacerbate this problem because of its proximity to our home. **The lack of adequate parking for residents that would occupy the proposed building will drastically compound an already existing problem. It is bad enough that Cedar City has failed to address such problems in the past; it would be inexcusable to exacerbate the problem by granting the proposed rezoning, which would make the problem much worse.** We encourage those involved in the decision making process to actually visit the neighborhood during a school day and observe the parking issues that are painfully apparent in the neighborhood – even without a huge new student housing structure without adequate parking. There are plenty of locations elsewhere in Iron County where such a building could be built with adequate parking and the rezoning should be denied.
3. The location for the proposed zoning change is inconsistent with the zoning ordinance. Chapter 26, Article III, Section 26-III-22 of Cedar City's zoning ordinances states, "The SHD Zone is characterized by wide, clean, well-lighted streets, with landscaped street frontages and ample pedestrian and bicycle ways." The streets on which rezoning is sought, Dewey Avenue and 300 West, do not have "landscaped street frontages" or any "bicycle ways" (note that merely painting a line on an existing street designated for automotive traffic does not create a "bicycle way"). Accordingly, rezoning to SHD is not appropriate and should be denied.
4. The zoning change is further objectionable because SHD zoning permits the raising and keeping chickens for non-commercial purposes (see, Chapter 26, Article III, Section 26-III-22 of Cedar City's zoning ordinances). Such a permitted use is incompatible with the character of the neighborhood and rezoning should be denied for that reason as well.
5. We further believe that the construction of the proposed monolithic structure so close to our home would result in a very harmful change to the character of our

neighborhood – the neighborhood that I grew up in and in which our family continues to reside.

We anticipate and expect that your office will keep us informed as this rezoning request is considered.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dale Jensen", with a long horizontal flourish extending to the right.

Dale Jensen

On behalf of Dale Jensen and Mary Jensen