

CEDAR CITY PLANNING COMMISSION
MINUTES

May 17th, 2022

The Cedar City Planning Commission held a meeting on Tuesday, May 17th, 2022, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

Members in attendance: Mary Pearson–Chair, Jill Peterson, Ray Gardner, Adam Hahn, John Webster

Members absent – Councilman Craig Isom, Jennie Hendricks

Staff in attendance: City Attorney-Tyler Romeril, City Planner-Donald Boudreau, City Engineer-Jonathan Stathis, City Engineer-Christian Bennett, and Executive Assistant, Onjulee Pittser

Others in attendance:

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

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

I. Regular Items

1. Approval of Minutes (dated May 3rd, 2022)
(Approval)

Adam motions to approve the minutes from the May 3rd meeting; Ray seconds; all in favor for unanimous vote.

2. Property Disposal 3900 West 1600 North Clark Braten
(Recommendation)

Clark Braten: The road used to go straight, and the signs are still there. Last December they made this a dedicated road, which leaves a strip of land in front of my property and Larry Green's property. We'd like to acquire this so we can clean it up and fence it off to prevent people from parking there. This is a dirt road. There's just some grass, trees and dirt. We'd like to propose to City Council for us to acquire that property. **Mary:** The issues were putting in curb & gutter and improving the street. **Jonathan:** Jeff Hunter and I met out there with Mr. Braten. Jeff felt like there are things that need to be done for drainage until the curb/gutter goes in. It probably wouldn't happen until some type of development goes in that property. We looked at it and felt the drainage could be handled properly and we're ok with moving forward. **Mary:** Is there any other clarification with this? It sounds like you're making an exception. **Jonathan:** No. It's not currently required. What would trigger c/g/s/ some type of subdivision or building permit. A sale doesn't trigger the frontage improvements. **Ray:** Is Williams Lane Rd. staying? **Clark:** That is County property. Everyone has landscaped for decades. I've approached Reed Erickson to see what it takes for the County to vacate that. It was given to them when it was subdivided, and the property owners have landscape and fences. He feels like he'd want take it to the County Commission and they'd most likely vacate it to us. **Ray:** Is that the back or front of the property? **Clark:** The front. **Ray:** You'll have a new access on 3900? **Clark:** Right. I'd bring my access straight out perpendicular to the road. I've almost been blindsided a few times there. Larry's access is the same. He has a little access across there. There's big puddles on the north and south end

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5. Detailed Minor Lot – Vicinity approx. 375 N. 4375 W. Burgess/GO Civil
(Approval) Iron West Subdivision

The vote on this item is subject to the road dedication that will need to be approved by City Council.

Adam motions for an approval for the detailed minor lot vicinity of the Iron West Subdivision located at approx. 375 N. 4375 W; Jill seconds; all in favor for unanimous vote.

6. PUBLIC HEARING
PUD – Vicinity 1195 W. Industrial Road Jett/GO Civil
(Recommendation) Fort Cedar Commerce Center PUD Phase 4

Dallas: We're doing phase 4 in a similar fashion as phases 1, 2, & 3. It's still a PUD with private streets. We're extending and looping the utilities.

Mary opened the public hearing.

Tyler: I've gotten a few comments from staff. When it comes to approving vicinity plan, we look to the ordinances. If the ordinance says it's legal, you should approve it. We shouldn't go against what its saying. I'm going to encourage you to follow and approve this, because it aligns with City ordinance. I want to bring one thing to your attention. Staff is working at bringing through an ordinance change so this doesn't occur in the future. There's a MP road that's on the North section and another MP road to the East. You can see the borderline of the vicinity is along the line and leaves a vacant 70' gap between that and the MP road, which means the developer doesn't need to put in the frontage requirements. In order for the frontage requirements to happen, either the City has to do that, so we have an improved street, or an owner/developer comes through and does a narrow 70' improvement and develops the property. I'm sure one day it will be useful property. Staff looked it and asked if every developer and platted their property 50-70 ft. shy of a MP road, so they don't have to pay for that. We'll be bringing through an ordinance change to address this, so it doesn't happen in the future. I will state this is phase 4. It's been done in the past and approved. The City's not saying don't approve this. We're saying this could create a weak patch and we'll try our best to make sure it doesn't happen again.

Ray: That problem hasn't been addressed at all in the ordinance? **Tyler:** It has not. It didn't come to light in phases 2 & 3. We've talked to Tom Jett and we're not blindsiding him. Kit promoted going through this because of some issues with the MP roads on the time. This isn't ill will, but it could be used in future, so we want to make sure that doesn't happen.

Mary closed the public hearing.

Adam motions for a positive recommendation for the Fort Cedar Commerce Center PUD Phase 4 Vicinity; Ray seconds; all in favor for unanimous vote.

7. PUBLIC HEARING
General Land Use 300 W. 995 S. (Green St.) Dornier Investments LLC/
Amendment - from MU to Valley View Subdivision Platt & Platt
High Density Residential Block 9 Lots 1, 2, 3
(Recommendation)

Dave: This is a small piece of property. It's adjacent to R-3 zones near Driscoll Lane, the Leavitt project to the south. The whole block going up to Main St. was master planned as MU. We brought through a zone change for the middle piece, changed it to R-3, and you approved the vicinity plan. It's just to fit with the neighborhood and adjoining R-3. There's R-2-2 on the east, and O&O Investments are building twin homes on those lots. To make better use, commercial doesn't fit, and MU doesn't allow development as R-3.

Mary opened the public hearing. There were no comments. The public hearing was closed.

Adam motions for a positive recommendation for a general land use amendment from MU to High Density Residential for Valley View Subdivision Block 9 Lots 1, 2 & 3; Jill seconds; all in favor for unanimous vote.

8. PUBLIC HEARING

Zone Change: CC to R-3-M (Recommendation)	300 W. 995 S. (Green St.) Valley View Subdivision Block 9 Lots 1, 2, 3	Dornier Investments LLC/ Platt & Platt
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This item discussed with item #7.

Adam motions for a positive recommendation for the zone change at Valley View Subdivision from CC to R-3-M; Jill seconds; all in favor for unanimous vote.

9. PUBLIC HEARING

PUD – Vicinity (Recommendation)	170 W. - 75 E. 1050 S. Trailside Townhomes PUD Phase 3	Wright/Platt & Platt
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Dave: This is the final phase of Trailside. This is a dedicated city street that was done 15 years ago. The owner had done that to parcel out the property. We've completed Trailside phase 2 and this is the remainder. There's open space, bigger parking areas, meets the current PUD ordinance requirements. They will have centralized garbage dumpsters and no individual cans.

Mary opened the public hearing. There were no comments. Mary closed the public hearing.

Jill: How many units? **Dave:** 132 units. About 8.7 acres. **Adam:** 153 parking spaces? **Dave:** Yes. It's a sea of asphalt. It's south of the old hospital a couple blocks, behind Big O. **Carter:** Where's the existing trailside? **Dave:** It's due north. 75 E. goes to the hospital. **Mayor:** That road turns at the dykes. **Mary:** There are some settlement issues there. **Mayor:** 75 E. goes down to 600 S. and that's the end in the Leavitt subdivision. This turns and goes along the dykes towards the south interchange. **Dave:** It goes over and comes out to Fir St. **Carter:** It connects to Mountainview Drive. **Adam:** Where's your storm water retention? **Dave:** That's a good question. **Mayor:** There's a MP road that goes up 75 E. **Dave:** This is a dedicated road that ties into 75 East. It's a 60' road. **Carter:** And this development will make it all the way? **Dave:** This will loop around. It won't make the connection because that's different property. It will come up this intersection and connect to the other intersection. **Adam:** What about storm water? **Dave:** That will be taken care of in the design. It will be addressed. **Jonathan:** The big issue is the collapsible soils. If you put a detention pond there, it has the potential to seep and cause settlement issues. There is a storm drain system on 820 S. and that's

what Trailside does. It drains to the North into the storm drain system. We'll look at that in construction drawings. If the street can handle it, that's fine. If they need to do a detention system, they will have to do a lining system to make sure it doesn't seep down. **Mayor:** If you're taking it away, there's plenty of room in 300 W. The Burgess pipe. **Jonathan:** That gets into the 300 W. storm drain.

Adam motions for a positive recommendation for the Trailside Townhomes PUD Phase 3 Vicinity located at 170 W. – 75 E. 1050 S.; Jill seconds; all in favor for unanimous vote.

10. PUBLIC HEARING

PUD – Vicinity
(Recommendation)

175 W. 1150 S.
South Rim Townhomes PUD Phases 1-3

Willmore/Platt & Platt

Dave: This project was approved and got clear to construction drawings final plat to city council bond not in place and the developer wanted a different demographic. 3-bedroom, 1 car garage townhomes. They wanted to add 2 more units and change to 2-bedroom units. Staff said to start over because you're changing the density and dynamics. Radiuses meet requirements. We had to make the driveways deeper. One was labeled incorrectly. It shows a 20' deep driveway, but it's actually 22'. We've met the current PUD ordinance requirements. Lots of common area, dog park, club house, BBQ area. Amenities for the residents. The reason we're here is because we increased it 2 units.

Mary opened the public hearing.

Mary Tidwell: What are they going to do about security? Where are they gonna park the heavy equipment that comes through? I own the twin home cady corner. We've had a lot of issues up there at the corner that's where the street stops. We're going to have a lot of crews building. I'm worried about safety of the area. Will the cars park out in the desert? Will they come around the back of my house? It's a security and safety concern. I don't know if anyone has a plan on how they'll keep my home secure. Am I going to have people staring in my windows? They're parking across the street. We've had abandoned cars there and had to have a U-Haul truck tow them. **Mary:** Is there something in the ordinance that governs construction? **Don:** There's not a lot in the ordinance. I don't know if there's a phasing plan. **Tidwell:** I don't want to be harassed coming out of my house. Someone's going to have to do security measures. I don't want to see trucks and heavy equipment come in. It's ridiculous. We've dealt with a lot of stuff, like people leaving RV's and camping. That's what concerns me. **Mary Pearson:** That's not something we deal with. **Don:** There's no good answer. **Tyler:** The City doesn't require any security plans on land use development. It's driven by complaints. If they're violating the noise ordinance, if they have open containers of alcohol, call 911. **Tidwell:** What about them being parked across the street? **Tyler:** If they're on a City street they're allowed to park there. As long as they're not blocking traffic or a driveway. **Tidwell:** How can I get a no parking sign? **Mary:** You can't do that on a public road. **Tyler:** There has to be a traffic reason why you're doing no parking, and that comes before City Council to approve. **Tidwell:** I've called the police and had a U-Haul truck towed. I see a problem with this. **Tyler:** Call the police dept. **Mary:** There is a noise ordinance. **Dave:** They have to control their dust. **Tidwell:** It's blowing all over the place and they're not spraying it down. **Tyler:** The PD would direct you. If it's a criminal offense, an officer comes out or a civil issue, and a code enforcement officer comes out. **Carter Wilkey:** What is the plan for the road in between? **Dave:** As this develops, it's the same owner for the next piece, it would tie in, or if it develops to the north, that would be a different owner, it would tie in. **Carter:** What's the distance? **Dave:** It looks like 420 ft. **Carter:** As far as fire trucks will be coming to the units on a dead end.

Dave: There's temporary easement and they'll gravel south adjacent to our property line. That will loop for any fire access. Staging during construction for infrastructure will be on the east piece.

Mary closed the public hearing.

Jill motions for a positive recommendation for the South Rim Townhomes PUD Phases 1-3 Vicinity located at 175 W. 1150 S.; Ray seconds; all in favor for unanimous vote.

11. PUBLIC HEARING

Ordinance Text Amendment Chapter 32, Section 9-1-M Platt & Platt
For Subdivision/PUD General Requirements
(Recommendation)

Dave: This was sent to City Council, City attorney, Jonathan and Don. It's a proposed change to the grading permit ordinance. It's buried in the improvement schedule. It should have its own bullet point section that says grading permits are required. The text in black is the current ordinance, and text in red is something that I came up with. Mr. Isom said he was in favor of it. Terri Hartley said she was in favor of most of it, but not all. This is my rough draft. I've had no other input from staff or council. We had a client that was charged a big penalty for the improvements that were made in his PUD. It was part of the grading plan. We want to make it so it's fair if someone wants to do a bit on their property at their own risk, not like curb/gutter. Like Paul Bittmenn brought up, in Ashdown Forest there's c/g/s, water, pavement and it's sitting there because it's not legal. I'm not promoting that. If someone wants to do some grading while they have the big equipment, and they leave it. {Refer to Exhibit "A"}. Just to clarify that when they're done grading, the finished is less than 5+/- feet from the existing, so they don't leave a big ugly mess. I think that's what this ordinance was trying to prevent, like the situation at Ashdown Forest and not leaving a mess. I think the clearing item is lumped in with everything else. I have a client that got a letter from the County that said he would be assessed a penalty for noxious weeds. He cleared the project before it was approved and couldn't get a grading permit because we'd already started. There's a couple inconsistencies. I've sent it to other engineers in town. **Tyler:** I don't think Mr. Clark meant it this way, but when someone says they have a problem because the ordinances are inconsistent, I get offensive. It's clearly written and applied. We have 2 people that have gotten bitten and want to change it. If this commission and City Council want to change it that's fine. I don't see the purpose of saying a grading permit can be applied for up to 3 days after the clearing is done. In my opinion, say a time when it has to be done by, and if not, a fee is assessed. Another concern on D-1, it talks about grading at the developers' own risk and the City won't be held liable. You don't get to articulate that in the ordinance. We can't do that. That's determined by a court of law, not by putting it in an ordinance. I would suggest getting rid of that. Another cause for concern is #2 at the bottom. It says you have to have a preconstruction meeting, but if we skip a step the City Engineer has the discretion to allow it. Staff doesn't want to be in that position, neither does the developer. Let's say you can do it after or you can't, but not at staff's discretion. **Mary:** Im not sure there are any positive suggestions on here. Is the City ok with A, B and D? **Tyler:** I don't see any legal issues with that. You're going from 1,000 to 5,000. I doubt that the City will send a surveyor out to check that. **Mary:** You're talking about #1. **Tyler:** I think the 3-day language is not good. Just set a time and move forward. **Don:** I had a question about D, necessary storm drains and infrastructure may be installed to protect the property and adjoining property. I don't think it's necessary.

Mary opened the public hearing.

Mary: So, you have a concern with D as well. **Don:** It's just open. I don't know what that means. **Jonathan:** It could be a pond or berm. We just need to clarify whether that's materials like pipe. **Dave:** Item D says to ensure that dust control measures are in place. Where it says storm drain infrastructure, I mean if you need to run pipe through a property not adjacent to this one. We don't want water, sewer, and power going in yet. I came up with this on my own. The only feedback I got was that Mrs. Hartley didn't like the 3 days and Tyler mentioned something about discretion. I didn't receive any redlines back. We're completely open to anything. Going forward, be more developer friendly, but have guidelines. You can scrap it if you want, but it can be adjusted. Infrastructure to me is more material type stuff. If that was part of the plans and engineering approved it; if not, tear it out. Grading would be at the developers own risk. That's giving notice to the developer that if they get started and it's not approved, sorry. **Adam:** We're all aware that ordinances can have unintended consequences. What is the cause the need to refine this ordinance? Is it the developer's lack of planning before starting? Is the City difficult to work with and you can't get a permit because it's taking too long? **Dave:** That's a good question. Partly it was the Cedar Reserve townhomes. They graded phase 3. **Adam:** Was phase 3 not part of the grading permit? **Tyler:** There was no grading permit. **Adam:** Was that an oversight? **Dave:** Either that or this ordinance wasn't in place. Was it in place a year ago? **Tyler:** Yes. This has been in place for 8 years. **Jonathan:** The actual grading permit was recent, but prior to that, a grading permit wasn't approved until final plat approval. **Dave:** That's right. There was no work done until the final plat was approved. Jonathan crafted this ordinance. **Adam:** They started grubbing the property and didn't want to wait for the red tape. **Dave:** Yes. **Adam:** So, with the Cedar Reserve project, they graded past the permit. **Dave:** Correct. They wanted to do it while they had big equipment. By doing over ex and grading, he saved more than \$15,000. His fine was \$15,000 for doing that grading first. He saved more than that while the equipment there, he built pads and it saved him hundreds and thousands of dollars for flooding that could have happened in that neighborhood. **Adam:** Is it difficult to get grading? **Dave:** It's fairly easy. Send Jonathan an email now and ask for a grading permit. **Adam:** What's the turnaround? **Jonathan:** Within a day or two. **Adam:** One contractor's failure to plan shouldn't cause us to change the ordinance, especially when it's that easy to get it. If it took weeks, I could see it. Just saying that you want to start and apply later, I don't buy it. I'm not in favor of any changes. **Dave:** That was getting scrapped anyway.

Mary closed the public hearing.

Adam motions for a negative recommendation for the Ordinance Text Amendment for Subdivision/PUD General Requirements; Jill seconds; all in favor for unanimous decision.

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| 12. Property Disposal/Trade
(Recommendation) | approx. 500 E. 900 N.
near Cedar City Golf Course | Wieber/Platt & Platt |
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Dave: My client bought 7 acres from the Jones'. We brought it through vicinity plan and to trade a little triangle. This is the trade part of it. I walked the property with the owner, and it pulled a little higher on the SE hill. The City's encroaching and we thought it would be easy to do a quick trade. He's interested in this 4200 sq. ft on the back side of the knoll as the property disposal item that he would have to buy from the City. The golf course said they don't want to trade. They'll just move the stuff off the property. Golfers like to hit over that knoll. Jared's out of town and this was thrown at me today. This is what the owner is agreeing to now, but whatever recommendation you give we can work something out with the golf course. There's no reason to move that. We'd like to come up with something that is satisfactory for all parties. They're not taking advantage of the city. It's really steep

right there. As far as vicinity plan, we'll for property trade, it's up to you. **Jonathan:** We received info from Jared Barnes, and his preference would be to move the cart path and tee box. The cart path and tee box runs through the S and encroaches onto private property. **Adam:** Is there a reason for that? **Jonathan:** Yes. People try to hit over that knoll, and any encroachment on the golf course he's not in favor of. **Adam:** So, the golf course built on private property. **Tyler:** I guess so. I'll discuss this with City Council depending on conversation. **Jill:** If they move it there's no reason for the trade. **Dave:** Yes. You can send a negative recommendation to City Council, but I don't want to table it. **Adam:** I like the idea of the trade. The City violated so you get to choose. **Dave:** Why spend money to relocate when we can make it easy? It contours on that hill, about 40-50 feet to the fairway, and on top about 15 feet. We could put a flag up there with the owner below the big boulder. He thought it would be nice. He owns 10' of it. It's high and far off ;that's where the green is. On the whole hillside 50' of the slope is hitting over that. **Adam:** Is that 2 different? **Dave:** No. I don't know if you can separate it or not. **Dave:** There's also a big slope. **Tyler:** The golf course pro doesn't like flat ground for golf courses. It's more than what I understand. It's not developed. **Ray:** Moving that tee box is a big cost anyway. **Tyler:** I don't know when it was put there; probably 60 years. Jared said he make it work if that's the issue. **Bob:** Is the eastern one a disposal item and we're trade is this for that? **Dave:** The way it's drawn, the area equals 2 other areas. It would be a straight trade. If staff is saying no, then the client wants to purchase that. **Mary:** Either way, you'll move forward with plan B. **Dave:** Yes. **Bob:** Is the east triangle opposed to that disposal parcel? **Tyler:** That's my understanding. **Jonathan:** We haven't talked to him. He doesn't want anything encroaching on the golf course. He wants to keep it the way it is. **Dave:** This piece back here is not part of the golf course. That goes to Thunderbird Gardens. The City owns a lot of property there. There's a MP trail along there that goes up and ties into Thunderbird Gardens. **Tyler:** The major concern was the knoll. **Jill:** Is this the piece where they're doing 7 lots? **Dave:** Yes. We could be doing 200 units, but we're not. **John:** They should have remedied their error when that happened. **Dave:** They're fine either way.

Jill motions for a negative recommendation for the property disposal/trade located at approx. 500 E. 900 N.; John seconds; all in favor for unanimous decision. Adam nay.

13. Address Assignment (Recommendation)	1700 N. 3100 W. Cedar Reserve PUD Unit C	Cedar Reserve LLC/Platt & Platt
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Dave: On final plat, this was missed by us, by Clay, by the County Recorder's office. There were no numbers for each building. We're not amending the plat. The address assignment is by ordinance. **Mary:** I don't see why we wouldn't do that. **Tyler:** This still has to come before this commission. **Dave:** We called the recorder. The addresses were not on the final plats. We asked if we could just assign an address and they said no. We were talking to Clay about valid address, and that's not the way Unit B was addressed, and the way developer wants it addressed.

Adam motions for a positive recommendation for the address assignment Cedar Reserve PUD Unit C located at 1700 N. 3100 W.; Ray seconds; all in favor for unanimous decision.

CITY ITEMS

1. Consider amending Chapter 32 Section 7 regarding the recording of final plats	Tyler Romeril
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Tyler: I had this ordinance done, but it's not in the packet. The ordinance reads that within 30 days the final plat needs to be recorded. State updated ordinance subdivision approve final plat, but we can do that without a bond in place. The developer can do improvements, start working on other things and do a bond at the end. That puts final plat approval far beyond the 30 days. This is saying the final plat within 30 days with all requirements beings submitted to the City instead of after City Council. **Mary:** So, this is in line with State law. **Tyler:** Yes.

Jill motions for a positive recommendation for amending Chapter 32 Section 7 of the City; Ray seconds; all in favor for unanimous decision.

The meeting was adjourned at 6:25 p.m.



Onjulee Pittser, Executive Assistant