

the maintenance on his truck, or you have men/women who are single and can't afford a home and also a shop, but they can afford to live where the shop is. This residential has to be the second floor of the unit. The idea is to limit this to 1-bedroom units only. They can live there sporadically or full time. It has to be on the second floor. They don't want to open this to large families or have kids in the industrial areas. In their case, the CC&R's will not allow such things in there. They are condos, individual units, you own your own space. Each unit has separate utilities.

The other thing they propose is to have a maximum of 2 persons. Also, the maximum size is only 750 square feet of residential space. The idea is to limit the sizes, so you limit the number of people. The most important one, is you can't rent the upstairs, without renting the downstairs together. So that the one who lives there controls the downstairs also. The last thing you want is to see people buying these spaces then renting to students. He has spoken to lots of people, and some have concerns; do we really want residential in the I&M-1 zone – the light manufacturing areas. You have each zone, and each serves different purposes; they all have uniqueness for the community. In doing his research, he went over the zone ordinances, and particularly in chapter 26 III 21, it gives you a list of things that are permitted and not permitted in this zone. Much of this ordinance is very old. The Planning Commission and City staff would have to hire 3 more people just to keep up with and modernize all the ordinances. They found very few things that were permitted as living spaces in the I&M zone. They have what you call a Hometel. These came about with Dixie Leavitt in the 1990's. It is a 1-bedroom apartment building. You can rent for short or long term. They have 2 hometels here in Cedar. 1 directly east of the soccer fields at Cedar High School and another that Burgess built just between Harding and 200 North which also allows this. You are allowed to have hotels, and motels in this zone. You are allowed RV parks and it is the only place in Cedar City that allows trailer courts, although we don't allow housing or apartments. Others say that a Hometel is treated as apartments. It is just 1-bedroom apartments. If your concern is the size and you don't want them complaining about any noise, you already allow RV parks, hometels, and trailer parks. Think about this when making a decision. Please allow for residential up to 750 square feet in the I&M-1 zone on the second floor only with other restrictions.

Mary opened the public hearing. As there were no comments, Mary closed the public hearing. Kit asked Tom if he had run any of this past the fire department. Tom said that he had not as his all have fire walls.

Jennie stated that we are not only talking about his units, but he is asking to change the whole ordinance and if you change it everywhere, you could have a welder out there with living space above that. Looking at the proposed language, she would not be opposed, but she is not sure how it would be enforced. They can enforce the square footage in the building permit process, but she was sure you could not enforce that a space can't be rented separately, you can have CC&R's, but most will not have a HOA. You have no way for residents to complain what is going on around them. It then becomes something for code enforcement to take on.

Tom said that man is not perfect. We do the best we can. You can't expect staff or anyone to magically appear when you have problems. You have apartments that only allow 4 in them, but they have 6; and you have places that are not supposed to rent the basements out, but they do. There will always be violators. You can't deal with Joe Blow across town. That is a concern. As a caretaker,

you can live in a unit, and weld downstairs in the shop. You are already allowed to live there, and it is so nebulous, you can take it all the way to the supreme court arguing a case. There is no right answer. It comes down to a dirty word and that is respect of others. You may never have all that.

Adam likes laying out what is allowed. His concern; you can have a trailer park, or hotel or motel, that is far different than living above a shop. He would like to get the fire department input about putting residential over the top of manufacturing. There you can have hazardous materials and things and mixing those two is a concern.

Tom said that the person that lives upstairs is doing whatever is downstairs. Adam said they can have things next door that are concerning. This would be in the entire City; you can't just talk about yours; it would be City wide if the changes were to be put in place.

Melodie Jett said in reading in there, there is already a section that addresses this issue; it says that the buildings must meet fire code standards, pass inspection and there will be fire walls between buildings, etc. They have already addressed those concerns. He has a section in there that they all must meet fire and safety code standards.

Mary quoted item #8 on the proposal which reads: "All fire and building codes shall apply pursuant to local ordinances."

Tyler said that will be driven by the proposed use. Jennie thought that now, those are not to protect residential from industrial.

Tyler said it depends on the proposed item; in any townhome, a fire wall has to go in. But if used as a single family, you do not have that fire wall. It is driven by the architect. That triggers what property has to go by fire code and safety standards.

Don stated it definitely depends on the use of the building. The building department would look at that; if you have residential attached to industrial, you will have the building division and the architects look at all that.

Adam said as far as setbacks, that would only be in accordance with fire code, as there are none in the I&M-1 zone. Tom said they have 10' in theirs, and some others will have that. Otherwise, you need to build with cinderblock and have fire windows, etc.

Craig stated this was a tough one. He knows there are certain types of housing going on out in the industrial areas. It is happening, so you want to add some structure and guidance to that. There should be some conformity and regulations, but it is tough. He was just not sure I&M should be used for housing.

Tom said they do allow some already; the mobile homes, homtels, etc.

Adam said he can't support this without having some input from the building and fire departments. He would like to hear from them that it can be done in a way that would be proper for the city and also for public safety. If they get their support, he would be all in.

Tom would counter that argument; you can say it is allowed per the ordinances. It has to be approved in Sketch/Project Review anyway. Each building project does.

Adam said you can make the ordinances, but that does not have the City Building Official sign off on it. He wants to know from him that it would be safe. If he feels that projects like this he could

sign off on, he will support it.

Mary was not sure he was making a motion, or just expressing his concern.

Craig felt in view of the best interest of all, they might table this and have some input from Fire and Building here at Planning Commission before it goes on. Jennie would be okay with going that route, otherwise, she would be a negative. They can open up to additional input, table this until the next meeting, and Tyler said he can have the Fire Marshall and the Building Official here to address this.

Adam will take time to talk to Drew and see where he stands. He wants to support this, just wants to make sure all are safe.

Jennie said she is not opposed to the concept, but from what is presented, feels it is not the right path to accomplish what he wants. She also has concerns about enforcement. They don't need more ordinances placing the burden on Code Enforcement to have to deal with it.

Craig moved to table this item until the next meeting when they can have input from fire and building; Seconded by Adam and the vote was unanimous.

3- PUBLIC HEARING

PUD Amendment

1194 S Sage/Prov. Towne Center Zimmer/GO

Civil

(Recommendation)

Dallas Buckner with GO Civil presented; he pointed out this is inside an already existing PUD with the Ninja restaurant, the tropical smoothie, etc. Mr. Zimmer built his Remax building and had a space for rent. He now wants to split this building so each can own their side. It will be similar to Fort Cedar PUD where you have a PUD inside a PUD. The units would be divided so each owner has his own tax ID number. They would have their own CC&R's inside the other PUD which also has some CC&R's. They would just be creating 2 units that would be owned individually.

Mary said so they are trying to create 2 tax ID numbers within the same building.

Mary opened the public hearing. As there were no comments, Mary closed the public hearing.

Kit asked if there were a fire wall between these 2 units? Yes.

Adam moved to send a positive recommendation to the Council for this PUD amendment.

Seconded by Hunter and the vote was unanimous.

4- PUBLIC HEARING

General Land Use Amendment

2200 S. Eagle Ridge Drive Meisner /GO Civil

Low Density to Medium Density

Canyon at Eagle Ridge 2 & 3

(Recommendation)

Mary said that items 4 & 5 are connected, so they can discuss them together.

Dallas Buckner with GO Civil presented; he said this was down at the Canyon at Eagle Ridge area. They came through City Council and it was suggested to them that they do this zone change. As it is, they can do 2 units per lot and in these future phases, they could put duplexes. They only want to put in single-family homes.

Adam stated that it matches the existing phase 1 that is already there. He stated that the owner is Alex Meisner and he does work for him. He wanted to disclose that.

Craig said this was going the right direction as far as density.

Mary opened the public hearing. As there were no comments, Mary closed the public hearing.

Craig moved to send a positive recommendation for both 4 & 5, the General Land Use amendment and the zone change; seconded by Jennie and the vote was unanimous.

5- PUBLIC HEARING

Zone Change R-2-2 to R-2-1 2200 S. Eagle Ridge Drive Meisner /GO Civil
(Recommendation) Canyon at Eagle Ridge 2 & 3

Discussed and voted on under Item #4.

6- PUBLIC HEARING

General Land Use Amendment 4200 W 1600 N Nelson/ GO Civil
Low Density to Rural Estate
(Recommendation)

Mary said that items 6 & 7 are connected, so they can discuss them together.

Dallas Buckner with GO Civil presented; and pointed out the original long lot and the parcel is less than 10 acres. They need to have at least 10 acres in order to change to the RE zone, so they went to the Board of Adjustments for that. This was not granted, so they had to figure out how to make this work. Preston's father has land north of this, so they lumped the 2 parcels together to get over the 10-acre minimum. Their plan to change this to RE will fit the land use. The farm is the large piece and Dillon wants to go from the MPD zone and needs to do the zone change before he can pull a building permit. Dillon's piece was part of an old county subdivision that was annexed in. Most of them de-annexed, leaving just his lot.

Mary wanted a reminder of what the Rural Estates includes. Don said they are allowed some large animals, they don't need to do curb and gutter, and it is more of a country feel. All his neighbors are now back in the County, and there will be no curb etc. along there. This will fit that area well.

Adam said so they would not be required to put in curb and gutter? Dallas said no, that is not a requirement of the RE zone. If so, he would be required to put in about 245 feet of curb.

Don looked it up and said you are allowed 2 large animals, and 1 more for each 10,000 square feet of land you have over the ½ acre minimum lot size. You are only allowed 1 single-family residence. 1600 North was pointed out. This is a ways west of the Equestrian Pointe subdivision.

The north parcel is 20 acres, and the smaller one is 5 acres. He needed 10 acres to make this a RE zone, that is why they put the 2 together.

Adam asked about City utilities along there. There is a sewer line along there, but no water. Dallas thought that he has his own well.

Mary opened the public hearing. As there were no comments, Mary closed the public hearing.

Adam moved to give both items 6 & 7 the General Land Use amendment and the zone change a positive recommendation to Council. Craig seconded and the vote was unanimous.

7- PUBLIC HEARING

**Zone Change R-1, AT & MPD to RE 4200 W 1600 N
(Recommendation)**

Nelson/ GO Civil Eng.

Discussed and voted on under Item #6.

Meeting adjourned at 6:00 p.m.

Michal Adams, Executive Assistant

REASONING TO PUT RESIDENTS IN I&M-1 ZONE

Currently, I own a piece/control a piece of land at approximately 1450 West and Industrial Road. It is known as Fort Cedar. I have approximately 7 acres I wish to develop. Although this proposal will cover all I&M-1 in the city,

I am proposing that the city council consider the following ordinance change.

***** Currently, the ordinance does not allow housing in I&M-1 zones, with the exceptions of caretaker units and mobile home parks. I am not proposing a mobile home park, but rather a new, innovative approach to housing.

****With our current housing environment today, most of us know that residential housing and commercial property costs are out of control. I am proposing to merge the two. Throughout the United States, many communities are merging residential and commercial, renaming them mixed-use properties. The following proposed modifications to our I&M-1 zone ordinance are as follows:

Industrial and Manufacturing-1 Zone- Modification- Limited residential use

1. All residential space must be on the second floor of the building
2. Residential space cannot exceed 750 square ft.
3. Residential space occupancy cannot exceed 2 people
4. Residential space cannot exceed one bedroom.
5. Residential space cannot be rented separately from the first-floor shop.
6. Residential space does not apply to the airport zones that prohibit it.
7. No residential unit can exist within any area zone that currently prohibits such use
8. All fire and building codes shall apply pursuant to local ordinances.

I ask that you consider my proposal and give it affirmative support, This will lead the way to better housing opportunities for many of our residents. Thank you for your consideration,

Tom Jett,
35-531-1551

***** changes made from first email sent

Tom Jett 435-590-2865



SCALE IN FEET

AMENDED FINAL PLAT FOR LOT 5, PROVIDENCE TOWNE CENTER, PUD

LOCATED IN NW 1/4 OF SECTION 22, T36S, R11W, SLB&M
1194 S. SAGE DR.
CEDAR CITY, UTAH



- NOTES:**
1. THIS SUBDIVISION IS ZONED C-2.
 2. MINIMUM WATER PRESSURE FOR THIS LOCATION, 40 PSI.
 3. ALL PRIVATE STREET IMPROVEMENTS, STORM DRAINS, AND SEWER LINES WILL BE OWNED AND MAINTAINED BY THE P.U.D.
 4. THIS SUBDIVISION IS LOCATED IN FLOOD ZONE C PER FEMA FLOOD INSURANCE RATE MAP PANEL #490073-0000B, EFFECTIVE DATE JULY 17, 1995.
 5. THIS SUBDIVISION FALLS WITHIN THE AIRPORT INFLUENCE ZONE (AIZ).
 6. CULVERT WATER SYSTEM WILL BE OWNED AND MAINTAINED BY CEDAR CITY CORP. TO CITY OWNED WATER.
 7. LOTS 5A & 5B ARE SUBJECT TO THE "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS" AS FILED WITH PROVIDENCE TOWNE CENTER, PUD.
 8. LOTS 5A & 5B ARE SUBJECT TO ADDITIONAL COP'S AS FILED WITH THIS AMENDED PLAT.
 9. LOTS 5A & 5B WILL BE REQUIRED TO HAVE INDIVIDUAL WATER AND SEWER SERVICES, UNLESS THE DEVELOPER ALLOWS A SHARED UTILITY AGREEMENT IN THE CO'S FOR THIS AMENDED PLAT.

LEGEND

- FOUND SECTIONAL NUMBER AS NOTED
- EXISTING CENTERLINE IMPROVEMENT
- TO BE SET "X" FEET AS NOTED
- NET SET
- LOT ADDRESS
- EXISTING FENCE
- SHARED COMMON AREA

AREA USE: TABULATION LOT 5B	
DESCRIPTION	TOTALS
TOTAL LOT AREA	0.125 AC
LOT PRIVATE AREA	0.026 AC (20%)
BUILDING PRIVATE AREA	0.024 AC (19%)
SHARED BUILDING COMMON AREA	0.006 AC (5%)

AREA USE: TABULATION LOT 5A	
DESCRIPTION	TOTALS
TOTAL LOT AREA	0.076 AC
LOT PRIVATE AREA	0.008 AC (10%)
BUILDING PRIVATE AREA	0.004 AC (5%)

POST OFFICE APPROVAL

THE UNITED STATES POSTAL SERVICE HEREBY APPROVES THE LOCATIONS SHOWN FOR NEIGHBORHOOD DELIVERY AND COLLECTION BOX UNITS (N.D.C.B.U.)

POSTMASTER DATE

CERTIFICATE OF ACCEPTANCE

I, MAILE WILSON, MAYOR OF CEDAR CITY CORPORATION, DO HEREBY CERTIFY THAT THIS AMENDED FINAL PLAT HAS BEEN APPROVED BY THE CITY COUNCIL AND IS HEREBY ORDERED FILED FOR RECORD IN THE OFFICE OF THE IRON COUNTY RECORDER ON THIS ____ DAY OF ____ 20__.

ATTEST: MAILE WILSON-MAYOR RENON BAUGH-CITY RECORDER

CITY ENGINEER'S APPROVAL

I, KRY WAREHAM, CITY ENGINEER, DO HEREBY CERTIFY THAT THIS AMENDED FINAL PLAT HAS BEEN EXAMINED AND ACCEPTED BY ME THIS ____ DAY OF ____ 20__.

KRY WAREHAM - CITY ENGINEER

CITY ATTORNEY'S APPROVAL

I, TYLER ROMMEL, CITY ATTORNEY FOR CEDAR CITY CORPORATION, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS AMENDED FINAL PLAT AND THAT SAID PLAT MEETS THE REQUIREMENTS OF CEDAR CITY CORPORATION PURSUANT TO ITS ORDINANCES AND IS HEREBY RECOMMENDED FOR APPROVAL ON THIS ____ DAY OF ____ 20__.

TYLER ROMMEL - CITY ATTORNEY

PLANNING COMMISSION APPROVAL

I, MARY PEARSON, CHAIRPERSON OF THE CEDAR CITY PLANNING COMMISSION, DO HEREBY CERTIFY THAT THIS AMENDED FINAL PLAT WAS APPROVED BY SAID COMMISSION.

MARY PEARSON - CHAIRPERSON DATE

SURVEYOR'S CERTIFICATE

I, BRADLEY H. PRODES, PROFESSIONAL SURVEYOR WITH LAND SURVEYOR NO. 208446, HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS, LICENSING ACT. I HEREBY CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 17-22 AND HAVE SAID PLAT CONFORM TO THE APPLICABLE PLAT ZONING ORDINANCES AND HAVE VERIFIED ALL MEASUREMENTS AND WILL PLACE MONUMENTS AS REPRESENTED ON THE PLAT.

BRADLEY H. PRODES P.L.E. NO. 208446

ORIGINAL LOT 5 PROPERTY DESCRIPTION (0.201 AC)

ALL OF LOT 5, PROVIDENCE TOWNE CENTER, PUD, FILED ON JULY 19, 2016, IRON COUNTY RECORDER'S OFFICE, BOOK 1258, PAGE 5.

LOT 5A PROPERTY DESCRIPTION (0.076 AC)

BEGINNING AT A POINT NE 20° 20' 00" W, 108.75 FEET ALONG THE SECTION LINE AND 400.00 FEET FROM THE W/4 CORNER OF SECTION 22, T36S, R11W, ALBAMA; THENCE N03° 22' 59" E, 20.26 FEET; THENCE S86° 37' 01" E, 61.00 FEET; THENCE N03° 27' 15" E, 37.85 FEET; THENCE S03° 32' 59" W, 40.74 FEET; THENCE N06° 37' 01" W, 11.21 FEET; THENCE S03° 22' 59" W, 20.26 FEET TO THE POINT OF BEGINNING.

LOT 5B PROPERTY DESCRIPTION (0.125 AC)

BEGINNING AT A POINT NE 20° 20' 00" W, 108.75 FEET ALONG THE SECTION LINE AND 400.00 FEET FROM THE W/4 CORNER OF SECTION 22, T36S, R11W, ALBAMA; THENCE N03° 22' 59" E, 20.26 FEET; THENCE S86° 37' 01" E, 61.00 FEET; THENCE N03° 27' 15" E, 37.85 FEET; THENCE S03° 32' 59" W, 40.74 FEET; THENCE N06° 37' 01" W, 11.21 FEET; THENCE S03° 22' 59" W, 20.26 FEET TO THE POINT OF BEGINNING.

NARRATIVE

THIS AMENDED FINAL PLAT WAS REQUESTED BY JARED ZIMMER, OWNER OF LOT 5, PROVIDENCE TOWNE CENTER PUD. THE PURPOSE OF THIS AMENDMENT IS TO DIVIDE LOT 5 INTO 2 LOTS (5A & 5B) AND ALLOW THE BUILDING TO BE BUILT AS INDIVIDUAL UNITS. BOTH LOTS 5A AND 5B ARE SHOWN AS PRIVATE IN OWNERSHIP EXCEPT FOR THE SHARED COMMON AREA. BEING THE UTILITY ROOM. NO CHANGES TO THE ORIGINAL PUD BOUNDARY OR LOT BOUNDARIES HAVE BEEN MADE PER THIS AMENDMENT. LOT 5 IS BEING SUBDIVIDED FROM THE EXISTING BUILDING WALL THAT WAS FILED RECORDED AND SAID WALL LINES HAVE BEEN PROJECTED TO THE ORIGINAL LOT 5 BOUNDARY.

UTILITY COMPANY APPROVAL

WE, THE HEREIN NAMED PUBLIC UTILITY COMPANIES, APPROVE THE GRANT OF THE GENERATOR'S EASEMENTS SHOWN ON THIS SUBDIVISION PLAT, SUBJECT TO THE HEREIN UTILITIES NOTE.

UTILITY COMPANY	DATE
CENTURY LINK	
ROCKY MOUNTAIN POWER	
DOMINION ENERGY	
IOB	

UTILITIES NOTE

UTILITY COMPANIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL COVER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO EACH FACILITY AND THE RIGHT TO REMOVE OR ALTER ANY OBSTRUCTION INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED IN THE P.U.E. THE UTILITY COMPANY MAY REMOVE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE P.U.E. AT THE LOT OWNER'S EXPENSE. OR THE UTILITY COMPANY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE, AT INTERFERE WITH THE USE OF THE P.U.E. WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITY COMPANY WITH FACILITIES IN PLACE.

ROCKY MOUNTAIN POWER APPROVES THIS PLAT SOLELY FOR THE PURPOSES OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR CONTRACT. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACHIEVEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNER'S DECLARATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF HARTSHORN'S TERMS OF ELECTRIC UTILITY SERVICE.

CERTIFICATE OF RECORDING

I, CARL JEFFRIES, COUNTY RECORDER OF IRON COUNTY, DO HEREBY CERTIFY THAT THIS AMENDED FINAL PLAT WAS FILED FOR RECORD IN MY OFFICE ON THIS ____ DAY OF ____ 20__.

BOOK ____ PAGE ____ COUNTY RECORDER - CARL JEFFRIES

ENTRY NO. ____ FEE ____
RECORDED AT THE REQUEST OF ____

FILE NO.	
DATE	
BY	
REVISIONS	
NO.	
DATE	
BY	
DESCRIPTION	

GO CIVIL ENGINEERING
390 N. 800 W. CEDAR CITY, UT 84701
435.455.5551 WWW.GOENGINEERING.COM

AMENDED FINAL PLAT
LOT 5, PROVIDENCE TOWNE CENTER, PUD
JARED ZIMMER

CHECKED	
SCALE	AS SHOWN
DATE	
SHEET	1 OF 1

LOCATED IN NW 1/4 OF SECTION 22, T36S, R11W, SLB&M

