

**CEDAR CITY PLANNING COMMISSION**  
**MINUTES- AUGUST 1<sup>ST</sup>, 2023**

August 1<sup>st</sup>, 2023

The Cedar City Planning Commission held a meeting on Tuesday, August 1<sup>st</sup>, 2023, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

Members in attendance: Councilmembers Craig Isom, Ray Gardiner, Tom Jett, Carter Wilkey, Adam Hahn

Members Absent: Councilmembers Jennifer Davis, John Webster

Staff in attendance: Garth Green -Mayor, Jonathan Stathis-City Engineer, Don Boudreau-City Planner, Randall McUne-City Attorney, Amber Ray-Executive Secretary

Others in attendance: Wendy Stoker, Justin Stoker, Lance Nielsen, Ann Clark, Troy Belloston, L. Henderson, Rick Holm, Lindsey Delcore, Stacy Palmer, Linda Hudson, Dan Roberts, Dallas Buckner, Michael Platt, Nathan & Candice Janes

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

- Pledge of Allegiance- led by Adam Hahn

**I. REGULAR ITEMS**

1. Approval of Minutes (July 18<sup>th</sup>, 2023)  
(Approval)

**Councilmember Isom motions to APPROVE the minutes from the July 18<sup>th</sup> meeting; Carter seconds; all in favor for unanimous vote.**

2. Discuss Date/Location change for PC Meetings September 5<sup>th</sup> and November 21<sup>st</sup>  
New dates: August 29<sup>th</sup> and November 28<sup>th</sup> **Craig motions to move dates, Ray seconds; all in favor for unanimous vote.**

3. PUBLIC HEARING

PUD – Vicinity (Recommendation)	approx. 1000 N. Aviation Way Aviation Way PUD	Aviation Way Dev./GO Civil
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**Dallas Buckner:** Aviation Way. Developer would like to turn into a PUD to sell off parcels. They are commercial spaces. Possible for storage. **Carter:** No parking spots. **Dallas:** 1 spot for every

4,000 sq feet storage. **Jonathan:** Master plan trail runs through this party. Seeks amendment to trail master plan, along aviation way. As it is now, it is running through Coke plant and airport, doesn't make sense. **Dallas:** Going to make a request with the final to amend master plan. Potential issue, widened sidewalk would eat up landscaping. **Carter:** Master plan trail- would continue along aviation way? **Jonathan:** If they were to amend that they would have to install the 10 foot sidewalk. **Hahn-** do other developments have 10 foot sidewalks? **Jonathan:** No **Carter:** We need to get serious about if we are going to have it along the whole road. **Dallas:** Where it is doesn't make sense **Jonathan:** That will come through as a second item. **Carter:** for clarification; enough parking for all units as storage? **Dallas:** rear building storage, 250 business space. **Carter:** I like Parking in front, no living spaces above, no residential because of airport. **Jonathan:** back property line,PUD requires 7ft easement, they are planning on asking for a variance. **Dallas:** Not asking for variance tonight **Hahn-** does the city plan on putting any utilities? **Jonathan:** no, all on the street. They will have to sign off on the final plat. **Carter:** Any thing change with changing it? **Dallas:** Just tax id to sell.

*Opened public hearing*  
*Closed public hearing*

**Carter motions for a POSITIVE recommendation, contingent on signatures from utilities  
Craig seconded; all in favor for unanimous vote.**

#### 4. PUBLIC HEARING

PUD – Vicinity (Recommendation)	1425 N. Main St. North Cedar Business Center	Szu/GO Civil
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**Dallas Buckner:** Zone change was a couple months ago. R3 and commercial. Surplus from UDOT still working on purchasing. Put together a concept that commercial can work. This focuses on Phase 1 residential townhomes. Townhomes going in first. Phase 1 residential town homes, Multifamily 4 plex, 6 plex. **Carter:** had to move access to 1425. What happens when commercial and residential? **Jonathan:** Combination of dwelling and commercial lots **Dallas:** Planning on all one PUD, mixed use project. Phase 2 would be a commercial on the same parcel. **Carter:** Limited to 15 lots **Jonathan:** Only issue is that the landscape would be applicable. **Don:** All one lot, even though it is different phases. **Dallas:** Even though it is along back, 10 foot landscape now? **Don:** That is what the ordinance requires. **Dallas:** This is complicated with how many are involved.

*Opened public hearing*

**Lance Nielsen:** I have a business back in there. Has the easement issue been resolved with Robinson rentals? Robinson rental said no one has been in contact with him in giving up easement. **Dallas:** UDOT states you have to give them the same access. Semi traffic, hard to make turns. Sale from UDOT is formalized easement. Finalize with Robinson. Shift to East, required to provide with an access. **Lance:** Recommendation that they show it is all resolved before the council recommends **Lindsey Delcore:** Adjacent property owner. Back of units, irrigation ditch. Property matches up in the middle of the ditch. How far beyond for the privacy fence? Same distance on each side for utility easements? Is privacy wall required around the whole thing, and how high? **Dallas:** With the ditch, I have spoken with someone from Delcore office, planning on doing record of survey. Any modification to the irrigation ditch would have to go through irrigation. Ditch is prob15 feet higher than lower portion of site. 6-12 foot retaining wall on backside, leave ditch up high. Not sure if the

irrigation company will say they have to pipe it. Where it is is so high, may have to request variance. 6ft. With us putting up 10 foot retaining wall, maybe something they pursue. Language in ordinance that can have 16ft retaining wall. Utility easement, city requires 7 1/2 ft around perimeter. Buildings are set back 10 ft min.

*Public hearing closed*

**Carter:** For Lance, the zone change has happened. This is for vicinity change **Dallas:** As far as the request to not move forward, that is a condition with UDOT to work something out. A lot is going on as far as the roads go. **Don:** For the record, in relation to easement, the ordinance requires 10 foot easement on each side of access. Does meet requirements currently. **Dallas:** PUE Platt working through revisions. Will have to modify. **Carter:** Three roads on N and South side. **Dallas:** Thinking utilities will feed under driveway and down front.

**Craig motions for a POSITIVE recommendation; Jett seconds; all in favor for unanimous vote.**

5. PUBLIC HEARING

General Land Use Amend            Main St. & Stoney Pine Way            Cole/GO Civil  
from Central Commercial (CC)    Redstone Capital  
to High Density Residential  
(Recommendation)

**Hahn:** Clarified what a recommendation is, send to City Council. Will not receive notice for City council if you received notice for this one. **Dallas:** All zoned commercial, City's plan has buffer to it. West half is general plan for commercial, East half is general plan for R3. Quite a bit of R3 around it, one tax ID. Client has parcel under contract contingent on zone change. That is why they are here requesting it. Because it is weird, just changing the entire lot to one zone, and the zone they are choosing is R3. **Don:** Sandstone apartments are across the street **Carter:** What is the plan for under R3? **Dallas:** Multi family housing if under the R3 zone. Clarified where they are talking about **Carter:** Stoney Pine is a private road? **Dallas:** yes because I own it. **Hahn:** If the parcel has two uses, can be used for least restrictive.

**Don:** It can with caveats, dividing line less than 100 feet. Would look at it as two different zoning. Do you have lot width? **Dallas:** I don't know. **Don:** If you don't meet the min, **Dallas:** How does that work with a private road that is existing? **Carter:** Min lot width- 55 ft  
? Easement boundary, considered. **Carter:** Set back can be within 55 ft

*Open Public hearing*

**Hahn:** We will discuss 5 and 6 together, They are separate agenda items.

**Justin Stoker:** Part owner in Artic Circle. Concerned with road, we have to maintain the road, I have to snow plow removal that road. With the zone change, they already put in the apartments. With zone change more money out of my pocket. Already too much traffic coming off that road. If they are doing a zone change, they would maintain the road, and a stop light.

**Hahn:** Private road, on property you own? **Wendy Stoker:** Original owner. When we built there, the property size was not big enough. We own road and sidewalk. Road only paved to there. We had to have access for Sears. We own and pay taxes on road to other side of sidewalk. Clarified road section they are responsible for. Wendy passed out exhibit of where they own. **Wendy:** Had to give

access for Sears to load. Haight building. Property size not big enough, so had to own road. We just don't want to maintain it any longer. **Carter:** Who owns the remainder of Stoney Pines? Who maintains **Justin:** No one **Dallas:** Brought through sketch plan about a year ago. I wasn't aware it was a private road, Jeff Hunter didn't want to have the city dedicate it as city road. **Hahn:** It being a private road, what prevents someone from tearing it up? **Joanathan:** If it has an easement. **Dallas:** I assume there is some kind of agreement, but it is unclear to me. **Carter:** Apartments empty on to Canyon Commercial and Stoney Pine? **Carter:** Your plan to empty on to Stoney Pine way to Main St. **Dallas:** With it being an apartment complex, its probably preserved, you can't subdivide and make easement.

**Rick Holman:** I appreciate Stokers mentioning traffic. Huge residential development East of Elementary school. When school starts, come see what it looks like at Fiddlers Canyon and Main St. Can't get out of Stoney Pine Way and East Canyon Commercial, will have to go back to Fiddlers Canyon Rd. We haven't seen the traffic impact of the residential development to the East. Consider traffic congestion, especially with school start and stop. Traffic impacts in Fiddler Canyon Rd. Give it some thought. **Carter:** Neither have a light.

**Ann Clark:** Why are we always changing zoning? Last night at the debate, no commercial for needs of those on the North. And we take away all commercial property. Without realizing impact to the schools, or commercial needs. If we are going to have a general plan, hold people to the general plan. **Randall:** If you look just South of properties, when Sandstone came in, fine then concrete, expanded building. Change in setback for commercial building is non conforming. We don't care as a City perspective, but neighboring properties, commercial properties will have different setbacks if it get zoned to residential. **Carter:** Example, Cedar Fun Center expand, zero set back to 20 feet. Have to landscape 10 feet because they touch commercial.

**Lori Henderson:** I believe it was related to townhomes previously brought up. No resolution at that point. Now adding more to the mix, and this still hasn't been resolved. Traffic study part of the discussions. Very few lighted access points. Infrastructure needs to be addressed. **Carter:** Would this fall where UDOT entrance every ¼ mile **Don:** Yes **Hahn:** Jonathan do you want to speak to traffic concern. **Jonathan:** UDOT has made adjustments to light. Seems to be working better. Especially with pedestrians crossing. Not sure if UDOT has done study for South light. I did trip generation, Commercial 380 vehicles per day if it goes to Residential 360 vehicles per day. So how it is zoned and built, would generate more traffic. With 24 units per acre. New light at Nicholas Canyon has taken some of the pressure off, this is further south. **Don:** we do have traffic study **Jonathan:** Developer did a traffic study, Wedgewood and FCR four way. Help with FC Elementary traffic. Striping changes. **Dallas:** CFC selling **Carter:** Are they aware that they change their setbacks from commercial to residential use? **Don:** South on curve, quite a few units planned. **Dallas:** General plan splits, that's why we are asking,

**Stacy Palmer:** KB store owner. Traffic flow concerns. Especially coming west to east, cannot pull into business.

#### *Closed Public Hearing (Items 5&6)*

**Ray:** Seems private road needs to be dealt with before we move forward. Access to back property.

**Dallas:** Town home project if we do apartment- we have rights to it. If there is reciprocal access, then we would have access to Main St. Maintains frontage. **Hahn:** Recommend to Artic Circle, look on title, can you blockade? At some point the road was improved.

**Carter:** Access to back of building, private driveway. Easement through their property.

**Hahn:** Ray do you have a recommendation? **Ray:** No sooner or later will need to be resolved.

**Dallas:** Possibly something in place that outlines traffic. I do not know. **Carter:** Discussion on

mixed use? **Dallas:** Not at this point.

**Tom:** recommend table until legal situation on easement regression on that property.

**Ray:** seconded

All in favor? No

Motion fails,

Another recommendation?

**Craig:** Property owner has weird property. Move to positive recommendation to items 5/6 second to the motion?

With no second, the motion fails.

**Carter:** Recommendation for negative recommendation because of negative. This affects every single person and their set backs. Changes a lot. Unforeseen burden.

Motion failed

**Dallas:** What proposition does Planning Commission have?

**Hahn:** Carters point of it affecting. Seller has most to lose.

**Hahn, motion for POSITIVE recommendation General Plan from CC to Residential; Craig Isom, seconds; all in favor for unanimous vote.**

**Carter:** For clarification, what it does as far as changing setback. Landscape rule applies to only front? **Don:** Depends **Hahn:** They are selling the property, so hopefully they have done their due diligence on the impact to their business. **Carter:** I will let them know the ramifications before City Council.

### **Motion Carries**

#### 6. PUBLIC HEARING

Zone Change: CC to R-3-M (Recommendation)	Main St. & Stoney Pine Way Redstone Capital	Cole/GO Civil
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**Hahn:** Entire parcel zoned CC. Just amendment to General Plan.

**Craig Isom motions for POSITIVE recommendation; Tom Jett seconds; all in favor for unanimous vote.**

**Hahn:** Motion carries. This item will go to City Council you will have the option to speak there.

#### 7. PUBLIC HEARING

Ordinance Text Amendment (Recommendation)	Section 32-8-D-14 PUE requirements in PUDs	Platt & Platt
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**Mike Platt:** Too many easements within PUD **Carter:** Gives us ability to make recommendation for variance **Craig:** Each city franchise waived **Mike:** 2 -10 foot PUD on side of road. We are on a project that we are in a pinch. Do not want any more PUE where people are using garage for parking. **Carter:** By doing this, relinquishing PUE, picking winners and losers? Get signatures before we make our recommendation? **Hahn:** Letting Developers decide who gets PUE. **Hahn:** Following recommendation, both has to be done, before recommendation.

**Mike:** May be more work on our end. **Carter:** Planning commission would sign off. **Jonathan:** In

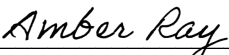
general we are good. Utilities above ground box. Even though roadway is PUE easement outside to put boxes. **Mike:** For example common areas are PUE **Carter:** Plot easements where the boxes are going? **Hahn:** Obviously you aren't building a building you can't utilities for. **Mike:** All common area is PUE. City gets a better product **Jonathan:** Site lines on private road. PUE was acting as a setback **Don:** Couple situations of transformers in turning radius **Carter:** Other things in the ordinance to keep the fence back. **Don:** private roads, 10 feet dwelling and private road. **Carter:** Fence up to property line? By eliminating PUE possibility of putting a fence blocking view. **Hahn:** Still have to meet side setback.

*Opened public hearing*

*Closed public hearing*

**Tom Jett motions for POSITIVE recommendation to approve #7 as written. Ray seconds; all in favor for a unanimous vote.**

The meeting was Adjourned at 6:35

  
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Amber Ray, Executive Assistant

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