

CEDAR CITY PLANNING COMMISSION
Minutes

August 15th, 2023

The Cedar City Planning Commission held a meeting on Tuesday, August 15th, 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, Jennifer Davis, John Webster

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

Others in attendance: Bill Maxwell, Dallas Buckner, Steve Nelson, Savannah Ray, Parley Ray, Josh Nowell, Dave Clarke, Dallas Buckner, Skylar Stewart, Steven Kuehn, Elyse Kuehn

<u>ITEM/REQUESTED MOTION</u>	<u>LOCATION/PROJECT</u>	<u>APPLICANT/PRESENTER</u>
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- Pledge of Allegiance – Lead by Carter Wilkey

I. REGULAR ITEMS

1. Approval of Minutes (August 1st, 2023)
(Approval)

Carter motions to APPROVE the minutes from the August 1st meeting; Craig seconds; all in favor for unanimous vote.

Reminder: Next meeting has been changed from September 5th to August 29th, 2023. No meeting the first Tuesday of next month.

2 PUBLIC HEARING

Amended Plat
(Recommendation)

The Trails at Shurtz Canyon
Subdivision Phase 1

Shurtz Canyon OZ/Platt &
Platt

Dave Clark: Main reason why we are here, went to city council because they wanted to put in meandering trail. City Council was open to idea, wanted to see what it looked like, asked for an amended plat. What we have done is created on these double frontage lots on Temple Road a 20 foot wide PUE and trail easement. They have to put a fence because they are double fronted lots anyway so

they are going to move that wall back, they are super deep lots, to 20 feet, we are going to meander the sidewalk there. On temple road, only adjacent to subdivision. We just did the road dedication for Temple Road where it ties into Highway 91. Its commercial, it's just going to stay against curb, once they got down into the subdivision, they wanted it to be a little more inviting. That's the first reason we are doing this, the other reason is, we had about a half a dozen addresses that were wrong, so we corrected the addresses. If you'll go to the next sheet, there was a waterline easement for the Middleton's, that easement has been vacated and recorded, so we took that off. Then we made this lot bigger. Those are the four things that changed from the previous plat to this plat. The people I notified were Middleton's, Roger Thomas, we are on the south, and Sitla.

Jonathan: This has been reviewed by the engineering department, we should be good to move forward.

Public Hearing opened.

Public Hearing closed.

Craig Isom moves for positive recommendation for amended plat.

Jennifer Davis seconds. All in favor of a unanimous vote.

3 PUBLIC HEARING

Vacate Road Right of Way approx. 60 S. Main
(Recommendation)

Nelson/Ensign Engineering

Josh Nowell: What we would like to do, if you are familiar with downtown, in this particular block, there is a lot going on there, or was as far as with easements and right of ways, and access. There is an access right of way easement which goes into where our hotel will be built. This right of way was to access power easement, which when Guidance bought this piece of property, all those easements were bought with it so he owns all of those now they were vacated by I believe the city. This access to that and these power poles the poles are going to be taken down and power is being re routed around, its all going to be different now. And this easement falls right over the top of where the hotel is going to be built. Larger one is right of way. There are some boxes that supply power to a light pole, which I believe that is a city owned pole which will be rerouted, not sure where it is going to go yet, but what we are asking is we vacate the right of way, we do away with this easement, and we will grant a new easement to the power where ever it is ran and access to the light pole on the property.

Jonathan: Only concern was to make sure we get a new easement in place to provide power to the streetlight. Recommendation made to City Council would be contingent on getting the new easement in place.

Isom: We don't have any issue with the road right of way, just the one easement.

Jonathan: I am not sure exactly why there was a right of way put in place there.

Steve Nelson: Collage Ave used to be a city road, and that would have granted them to be able to get to the middle of the middle of block. When city vacated College Ave. they put in the other one so they could still get to power pole. That is the history, now all the power poles will be going underground. There will be no utility whatsoever for the city to have that.

Public Hearing opened.

Public Hearing closed.

Craig Isom moves for positive recommendation to vacate road right of way at approx. 60 S Main Street

Carter Wilkey seconds, All in favor for a unanimous vote.

4 Vacate Easement approx. 60 S. Main Nelson/Ensign Engineering
(Recommendation)

Steve Nelson: Clarification, until they know exactly where that power comes in, and where exactly is the best place to run it, we just don't want that easement forced until it is the logical time to do it and not hold up the building permit. As long as we get in place prior to the completion of the project.

Jonathan: Talking to city surveyor, that is a good way to do it because we don't know exactly where that power will be run. I am going to look to legal.

Randall: You can build on an easement, but you take a risk, that in the end we can't come to an agreement for the location. I would be surprised in the downtown area if we can't come to an agreement on it. But you could take that potential risk. I don't have a problem with it. If we all know from our end that it would be easier to let you get that far along, I don't know why we would hold you up.

Steve Nelson: I will carry that on, it has nothing to do with the city, but there is a discussion we are working on with Century Link to eliminate that doesn't have anything in it as well. So I hope that that argument still holds true that we can get a building permit since we are the ones taking the risk, not the city.

Jonathan: The way the timing would work is the existing easement would stay in place, and the vacating ordinance would not be recorded until such time as we can get the new easement in place. It will just become more of a timing issue. Is that how you see it Randall?

Randall: Basically I would look at it similar as we do with recording a plat, as long as it gets through the approvals with the planning commission and council I think we would be comfortable on our end allow it to go forward, they just wouldn't be allowed to occupy it until we make sure everything is lined up I don't have a problem with that as long as we know we have our approval lined up before that happens.

Craig Isom motions for a positive recommendation to vacate contingent on replacement easement in place, Jennifer Davis seconds, all in favor for a unanimous vote.

5 Minor Lot- Simple approx. 4500 West & Hwy 56 Windmill Plaza/GO Civil
(Approval)

Dallas Buckner: Iron West we came through and did a minor sub and dedicated this road about 6 months a year ago. We left some larger parcels in the commercial area for this exact purpose to carve off according to what people are looking for. So this is all we are doing, we are doing a simple minor sub to carve off this parcel for some future commercial development. I brought the deeds and the final plat. I tried to get with Clay, but I didn't get his comments addressed. I signed the Mylar, so if he has anything else, I may have to print a new Mylar. His comments were to put dimensions and show utilities.

Carter: What's with the jaunt at front of property

Dallas: When we came through and did this road dedication and put in the utilities, we put in without knowing potential what was going to happen out here. We periodically put in water and sewer connections, so this parcel we put in a sewer clean out. We didn't want the future area to not have a cleanout. That is why we jogged it like that.

Jonathan: I would say have the approval contingent on city surveyor approval on Mylar.

Carter Wilkey motion approval on minor lot Simple at approx. 4500 W Hwy 56 contingent on the city surveyor approving the mylar, Jennifer Davis seconds, all in favor for a unanimous vote.

6 Minor Lot- Detailed
(Approval)

approx. 1221 S Main
Cedar Creek

Superior Development/
Brown Consulting

Skylar Stewart: Purchased section of frontage road. This is basically shifting everything up to Main Street to the city utilities. The city asked for 30-foot PUE to fit everything in there and the frontage improvements. UDOT owns some grass, some of ours. Most of it is. We will go right up to the property line with curb and gutter. An access here will be a right in right out. Main access will be directly across from Cedar Knolls. Curb and gutter all the way along there. This is our first phase of 5 commercial lots along the front.

Jonathan: Want to let the planning commission know you don't see these very often. It is called a detailed minor lot. So they actually need to do the construction improvements as part of this project. The reason it has been such a long time since they came to you the first time is because they had to work through getting the construction drawing approved, getting the bond estimates, working with UDOT. They were able to get everything done, the construction drawings, they have paid their fees, one thing they have not done is provided the bonding for the improvements. They don't have to do that, we won't be able record the plat until we have bonding in place. Talking to Skylar, they want to move ahead with construction and then they will get the bonding in place within a couple months.

Skylar: We met with Randall today going over some details with the bonding. UDOT approved Oct 5 last year, it only lasts a year, so we need to get started, or go back through the UDOT approval process.

Carter: Doesn't some property still belong to UDOT? Is it still in their hands, or have you guys acquired it?

Skylar: We bought the frontage road and up to the edge of the right of way to Main Street. The property line goes to the edge of the right of way and that is where the curb and gutter will go.

Carter: So, you have acquired that island area?

Skylar: Yes

Jonathan: They will be doing some improvements with UDOT ROW, but the actual property to my understanding, has changed hands.

Hahn: Road parallel to Main Street, will that go away?

Skylar: They will be able to access with a right in and a right out, but past that will just be the development. There will be some cross access through it, but the road will not exist in the center anymore. On the ends, there is an existing access by Standard Plumbing, that is going to stay as full access. But from that point on it will go into the development. We are taking power poles and putting underground, with a new PUE. It will be nice. These are a great place for restaurants, hotels, things like that. Behind that will be the mixed use.

Carter: Do we need any contingencies on our recommendation?

Jonathan: No, they can post the bond whenever they are ready. Randall will hold plat until they have the bonding in place. Will not be recorded until the bonding is in place. No contingency at this point.

Craig Isom moves for approval of the minor lot detailed approx. 1221 S Main Cedar Creek. Jennifer Davis seconds, all in favor for a unanimous vote.

II. CITY ITEMS

- 1 Engineering Standards Revisions- Sewer
(Recommendation)

Randy Clove/
Jonathan Stathis

Tom Jett: Would like to make a suggestion to table item until future date so people can get to County meeting.

Jonathan: I am okay with that. I was hoping the sewer department would be here to discuss, so I think we can do this two weeks from now. If the commission is okay with that.

Tom Jett motions to table city item until August 29th, Carter Wilkey seconds, all in favor for a unanimous vote.

Meeting adjourned 5:36pm



Amber Ray, Executive Assistant

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Planning Commission Minutes
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