

CEDAR CITY PLANNING COMMISSION
MINUTES

October 3rd, 2023

The Cedar City Planning Commission held a meeting on Tuesday, October 3rd, 2023, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

Members in attendance: Councilmembers Craig Isom, Ray Gardner, Tom Jett, Carter Wilkey, Jennifer Davis, John Webster

Members Absent: Adam Hahn

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

Others in attendance: Brett Taylor, Scott Munro, Layne Slack, Louise Slack, Jed Roper, Jake Roper, Michelle Jorgenson-Jones, Roger Lamarca, Many Lamarca, Michael Carter, Rene Slack, Tim Watson, Steve Kamlowsky, Tracy Sierra, Mark Leavitt

<u>ITEM/REQUESTED MOTION</u>	<u>LOCATION/PROJECT</u>	<u>APPLICANT/PRESENTER</u>
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- Pledge of Allegiance- Lead by Jennifer Davis

I. REGULAR ITEMS

1. Approval of Minutes (September 19th, 2023)
(Approval)

Jennifer Davis motions to APPROVE the minutes from the September 19th meeting; Ray Gardner seconds; all in favor for unanimous vote.

2. PUBLIC HEARING

General Land Use Amend Low Density to Medium Density	Corner of Hovi Hills Drive and Knoll Street	Jorgenson/ Adams
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Cater Wilkey: We will look at 2 and 3 together.

Michelle Jorgenson: I am representing the owner who cannot be here. They are looking to change from R-1 to R-2-2. The owner is trying to sell the lot. It has been difficult. Hoping the zone change will help that.

Craig Isom: Everything around it is R-1?

Jorgenson: The Golf Course and pump station are directly across. It is an interesting piece of property. If setbacks are changed, it would be easier to use the lot. If it gets changed to R-2, someone will probably buy and build a duplex. There is a utility easement so utility boxes are on the corner. We feel like it can be cleaned up if we get the zone changed.

Wilkey: I was out there today. There are 4 utility boxes on the corner. I am assuming this is master planned for low density?

Don: Yes

Tom Jett: Are there justifications besides trying to sell it?

Jorgenson: I believe we have buyers if we change to R-2.

Isom: With pump station there that is an odd lot.

Wilkey: RA does not exist.

Don: There are areas of RA.

Jorgenson: This could turn into income property for the owner. It would look nice.

Public Hearing Opened.

Layne Slack: Our family used to own the lot. We had 12 acres. We feel like we voice our concerns and it never goes anywhere. We protested Burgess. Down the lot where they built low-income housing, they had high income, then they went bankrupt. City council said there is nothing they could do about that. It is frustrating. I think we are the only ones in 300 yards. The HOA is not happy with the Development south of us. We would like to see a residential home. R-1 zoning type home and not changed.

Isom: The R-3 is owned by Burgess that they Developed?

Wilkey: It was built as a home, then made into headquarters.

Lousie Slack: My father, Louie Tong, asked me to sell the piece. When the Ellis' came to my home, they complained about the HOA and wanted to buy the property to build themselves a home. It makes no sense to have one R-2 in an RA zone. We do not want to have a townhome next to us. He told me he was going to build a home, he wanted to sell his home on the golf course. I hope you consider that for us. It makes no sense to have one place like that in all the golf course property.

Scott Munro: I have a brief comment. It was zoned for a certain purpose. I think the community, for the most part, is in agreement. We want it to look nice, there isn't a whole lot of control over that if the zone is changed. The owner can do what they want if you rezone it. It was zoned this way for a reason.

Wilkey: With R-2-1 what can be built?

Don: A single family home with reduced setbacks. Front setbacks remain the same, rear goes from 20 to 30. Side is a six-foot minimum with a total of 16 feet. Could go up to if they have 9,000 square foot lot, then it gets into range of duplex or townhome.

Wilkey: It is well over 9,000 square feet, so beyond the minimum size.

Michael Carter: I am representing Canyon Ridge HOA. I am currently the HOA president. I have been contacted by homeowners, wondering what the HOA will do about this. Homeowners are negative about zone change. More than one single home, right in the middle of a single-family home area is not what we want. It is inconsistent with the original zoning. With all due respect to the property owners, we oppose the zone change.

Rene Slack: I live in the HOA. I did come a year ago about this very lot and the issue of no sidewalk. There is no sidewalk from the point where the city owns to the two private lots. School age children have to walk in road or mud. The bus cannot fit through Hovi Hills drive. Special needs parents have to take their children to the water pump station in a wheelchair with no sidewalks. The other kids were having to walk to the 13th hole trail head. No sidewalks. Not even a shoulder. In that discussion, eventually the school district moved the stop. They can pull into the parking lot, but if cars are in there they cannot turn around. The round about is blind from multiple angles. Adding more houses, with more kids, doesn't help the situation. Kids are currently walking across the golf course over private property. Where will the driveway exit? It is already an issue with no driveways. They have Cross country running through every day. We have people walking to school and Family Dollar. Building a two-story building would make the ability to see even worse. I would ask that it not be allowed.

Public Hearing Closed.

Wilkey: I spoke with Mrs. Slack, and I visited the property. I don't know how you don't define this as spot zoning. It is against our master plan.

Jorgenson: Would the neighborhood be okay with changing to R-2-2 for the setbacks?

Wilkey: What about R-2-1 you get the setback, but only can build one unit.

Jett: Board of Adjustments can help with getting a variance with the setbacks without changing the zone.

Wilkey: If we designate as R-2-2 they will come and build a duplex.

Jorgenson: If there is something we can do, that would really help out.

Isom: If you would like, you can table and reconsider asking for R-2-1 or a Development Agreement.

Randall: You can always table it. Or as Mr. Jett suggested take it to the board of adjustments. Spot zoning is no longer illegal, but it is discouraged. If you can meet the density without running into other problems. The only legal way I know of is a Development Agreement.

Carter: Board of Adjustments starts with asking, is this a problem that can't be solved with money?

Isom: If you are willing to table, you can go back to the drawing board.

Jorgenson: I would like to have some discussion with the owner. If I table it, can we bring it back with the information we brought?

Randall: If you table with a specific date- then you don't have to provide a notice. If you don't table with a date, then you will have to re-notice.

Jorgenson: It is not intended to have a two story built.

Wilkey: Once it is sold, there is nothing to stop it if it is in a R-2-2 zone.

Webster: The zoning didn't seem a problem when she bought it, so it shouldn't be a problem to sell it.

Carter Wilkey moves for negative recommendation for General Land Use Amend from Low Density to Medium Density

Craig Isom motions to table item until October 17th.

Carter Wilkey withdraws negative recommendation.

Jennifer Davis seconds to table to Oct 17th. All in favor for a unanimous vote.

PUBLIC HEARING

Zone Change from
RA to R-2-2

Corner of Hovi Hills Drive
and Knolls Street

Jorgenson/ Adams

4. PUBLIC HEARING

Zone Change from
AT to R-1

3454 W Hidden Hills Loop
Hidden Hills Estates Subdivision

Dompier/Watson Eng.

Tim Watson: I am here representing Dompier Family. They purchased Lot 7 in Hidden Hills Estates. They recently purchased two additional acres. Item number 5 is to combine the two lots. In order to do that, we have to amend the zone. Change from AT to R1 which meets conforming in Hidden Hills Estates.

Wilkey: Is that property landlocked? No way to get into it?

Watson: The utilities vacated the easement. Lot 7 is currently the only way they can have access to the lot. Right now is the zone change, then we will talk about amending the plat.

Wilkey: I want to disclose that my brokerage has represented Dompier's in the past.

Public Hearing Opened.

Jed Roper: I live at 3440 Hidden Hills Loop. AT to R-1 for the entire property? I wanted to make sure there wasn't a duplex going in behind me.

Don: ADUs are allowed in that zone. You have the same right in the R1 zone as well.

Public Hearing Closed.

Carter Wilkey moves for positive recommendation for Zone Change from AT to R-1. Jennifer Davis seconds.

All in favor for a unanimous vote.

5. PUBLIC HEARING
Amended Plat

Lot 7 Hidden Hills Estates Subd. Dompier/ Watson Eng.

Tim Watson: We have a couple of items we are working through. I will have to come back in two weeks. There used to be a PUE, we have received the easement from the utility companies. We have to come back and re-advertise the PUE vacation. There is an existing irrigation easement. The benefactor of the easement is private, it will not have to come back. They have a local irrigation easement. This plat shows PUE. We will ensure it is publicly advertised and meets continents.

Public Hearing Opened.
Public Hearing Closed.

Carter Wilkey moves for positive recommendation for Amended plat Lot 7 Hidden Hills Estates Subd. Tom Jett seconds. All in favor for a unanimous vote.

6. PUBLIC HEARING
Amended Plat

Lots 3&4 Indian Hills Three Subd. Lamarca/ Platt & Platt

Roger Lamarca: I live at 553 W Greens Lake Dr. We found out that our driveway is on our neighbor's yard by 2 feet. We called him and said we are on your property. He said we can move the line over a few feet. We are proposing moving the line, so our driveway is on our property.

Wilkey: I want to disclose: Dean DeMille's wife is my cousin. Just one lot line being moved?

Lamarca: We are moving both because we have stuff on the back of the property.

Isom: What kind of documentation is needed from the owner of the other lot?

Jonathan: They will have to sign the amended plat.

Davis: Has the owner of the other lot seen this?

Lamarca: Yes, I talk to him every day

Gardner: Is the big lot still wide enough?

Wilkey: Frontage is moving 1.61 feet

Don: Lot width is measured at the setback line.

Jonathan: Setback, R2 is 97 feet. 90 is minimum at the setback line. We will have to verify that.

Wilkey: It is their frontage, but not their access.

Don: We will have to check it.

Public Hearing Opened.
Public Hearing Closed.

Ray Gardner moves for positive recommendation for Amended plat Lots 3 & 4 Indian Hills Three Subd. Jennifer Davis seconds. All in favor for a unanimous vote.

Jonathan: We will verify before it goes to City Council

7. Vacate Easement

Fiddler's Canyon Rd

Fiddler's Canyon Hills/
Brown Consulting

Steve Kamlowsky: The vicinity plan has been approved. Building plans are approved. Part of the process is moving the existing water line through Phase 3. We need to relocate water line and easement. This will be a temporary relocation. We propose to relocate. Contractor and owner will move waterline.

Jonathan: We have talked with Water Department. The water line will need to be relocated, and paid for by the developer. As Steve said, this is temporary easement until into future phases.

Wilkey: At some point we will be vacating this easement and creating a new easement?

Jonathan: Yes.

Tom Jett moves for positive recommendation Vacate easement on Fiddler's Canyon Rd. Jennifer Davis seconds. All in favor for a unanimous vote.

Meeting adjourned at 6:05pm.



Amber Ray, Executive Assistant

