

CEDAR CITY PLANNING COMMISSION
MINUTES – NOVEMBER 28TH, 2023

The Cedar City Planning Commission held a meeting on Tuesday, November 28th, 2023, at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

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

Councilmembers absent: John Webster, Adam Hahn

Staff in attendance: Jonathan Stathis-City Engineer, Randall McUne-City Attorney, Donald Boudreau-City Planner, David Johnson- Economic Development, Amber Ray-Executive Secretary

Others in attendance: James Stockwell, Michael Platt, Annie Gibson, Ann Southerland, Sheral Whicker, Brant Parker

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

Carter Wilkey motions Craig Isom as Chair for the meeting, Ray Gardner seconds; all in favor for a unanimous vote.

- Pledge of Allegiance –led by Jennifer Davis.

I. REGULAR ITEMS

1. Approval of Minutes (November 7th, 2023)
(Approval)

Councilmember Ray Gardner motions to approve the minutes from November 7th, 2023; Jennifer Davis seconds; all in favor for unanimous vote.

2. Dates for Planning Commission Meetings for 2024
(Approval)

Councilmember Carter Wilkey motions to approve the dates for Planning Commission in 2024; Ray Gardner seconds; all in favor for unanimous vote.

3. PUBLIC HEARING

Ordinance Text Amendment (Recommendation)	Remove Sections 26-IX-4 (E) (15) Home occupations	Brant Parker
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Brant Parker: I recently purchased a home. We did not know until closing that there are CC&Rs attached to the title. The CC&Rs have not been enforced since 1999. The contractor put them on, then sold the property. My wife is trying to get state licensed to watch children in our home. She is only going to watch

four children, so there's no need for a City license, but that is part of the state licensing. There's no board, no HOA. The city does not interfere with CC&Rs. The city not stepping into CC&Rs was the best avenue we have found in order to get our home occupation license.

Wilkey: We also discussed this at Board of Adjustments. We talked about changing the CC&Rs. Did you decide to not do that?

Parker: There would need to be 100% agreement to amend, in 2008 it changed to 66%. Attorney to get the 66%, the notary would have to follow me around to get the 66%. Each person in the CC&Rs would then have to pay the county to amend deed, which is about \$50, then again a notarized signature to amend. It is monumental and costly, especially when we are only trying to watch four children in the house. I want other home businesses to be able to have the opportunity to be official in Cedar City versus hiding under a rock and trying to avoid the system just because it's too strenuous.

Wilkey: So you are looking to remove the city's requirements that say no CC&Rs.

Parker: Yes. The attorney wrote up paragraph, but it was wordy and pretty legal, so we thought it better to just remove.

Davis: Randall, how do you feel about this?

Randall: What it comes down to is, does the city want to approve something you know the CC&Rs don't? Or do you want the city enforcing CC&Rs at all. This was not in here 17 years ago, the city has added since. I am not sure why.

Jett: Mesa Hills, where Ron Adams lives, probably added as result of the chicken incident.

Randall: We could keep it in, we could take it out, it really doesn't matter. We could notify neighbors; we could ignore CC&Rs unless neighbors object. We need to be either all in or all out.

Jett: I live in a neighborhood with CC&Rs, I bought into with CC&Rs, as other homeowners have, possibly wanting the CC&Rs. On the flip side, I am not sure that the city should be enforcing them. If they certify incorrectly and opens the city up for a lawsuit for approving something they shouldn't have.

Randall: The other struggle is this isn't the first in this subdivision to come in for a home occupation. We have a property in that subdivision that there is a home occupation.

Wilkey: Does the city no longer require subdivisions to have CC&Rs?

Randall: PUDs we do and in context of a Development Agreement, we would require something to be put in there. And you'll have things equivalent that we do the conservation tiers.

Parker: If I was 500 feet north, there is a building for sale, I could buy that property and have a full-fledged 100 student daycare with no problem.

Public Hearing Opened

Public Hearing Closed

Councilmember Jett motions to recommend the removal of sections 26-IX-4 (E) (15); Gardner seconds; all in favor for unanimous vote.

4. PUBLIC HEARING

Amended Plat
(Recommendation)

Green Street and 110 West
Mountain Vista PUD Phase 3

Carter/ Platt & Platt

Mike Platt: This is behind Sportsman's Warehouse. What we want to do because of unforeseen soil issues, is remove one building and the cul-de-sac from the amended plat. It will not be constructed as a safety

procedure. We will leave it as an open space. We will need a variance to do away with the cul-de-sac. It is the best-case scenario to not touch that ground.

Jonathan: I have met with fire and public works City standards require a cul-de-sac which would allow vehicles to turn around. The fire department didn't see a problem, neither did public works. It is a 125 feet distance. When it goes to City Council, there will be a separate item on the agenda for the City council to consider a variance to the engineering standards to eliminate the cul-de-sac. I went and looked at the soils. Its b=pretty bad. There are fissures that opened up. Staff is in agreement that we should not have city infrastructure over that soil.

Gardner: It sounds like it is very localized. It didn't spread out from there?

Jonathan: It didn't seem to, it seemed localized to that area. I didn't do any studies, just looked in that area. Any other units that they build would have to mitigate whatever soil's conditions are there. But in terms of having city infrastructure right in that area, that would definitely be a concern.

Jett: I think that is an excellent solution

Jonathan: Everything else in the PUD would be private, so it is the development's responsibility to mitigate, but in terms of long-term city maintenance, that's what the concern is.

Mike: Phases 1 and 2 are either complete or being built. Phase 3 they are working on now. Carter Brothers construction

Jonathan: Bob responded to notes Randall asked to be added to mylar. The utilities run to the north; they don't need to extend to Green street.

Jett: Who does the property belong to that the cul-de-sac is on?

Mike: Carters, or go back to city?

Randall: City would vacate it.

Public Hearing Opened

Jim Stockwell: I would like to know about the fissure? Is that the only problem with the soil there?

Jonathan: Well, it's in an area of what we call hydro collapsible soils. So if water is introduced into the area, then those soils can have a tendency to settle. Now, any buildings that they're doing in that area would need to mitigate for that. And there's a geotechnical report that identifies the work that needs to be done in order to mitigate the soils for the soil's conditions. That would be a question for the geotechnical engineer to answer as to exactly what would need to be done in this area. But all they're trying to do in this instance is to remove some infrastructure and three units from the project.

Jim: Is the report available.

Jonathan: Yes, we can get you a copy.

Public Hearing Closed

**Councilmember Davis motions to recommend the Amended Plat for Mountain Vista PUD Phase 3;
Tom Jett seconds; all in favor for unanimous vote.**

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| 5. PUBLIC HEARING
General Plan Amendment
Low Density Residential to
Central Commercial
(Recommendation) | 3200 N Canyon Ranch Drive
#B-1906-0000-0000 | Esplin Land Holdings/
Alliance Consulting Eng. |
| 6. PUBLIC HEARING
General Plan Amendment
Low Density Residential to
High Density Residential
(Recommendation) | 3200 N Canyon Ranch Drive
#B-1906-0000-0000 and
#B-1916-0000-0000 | Esplin Land Holdings/
Alliance Consulting Eng. |
| 7. PUBLIC HEARING
Zone Change from
AT to CC | 3200 N Canyon Ranch Drive
#B-1906-0000-0000 | Esplin Land Holdings/
Alliance Consulting Eng. |
| 8. PUBLIC HEARING
Zone Change from
AT to R-3-M
(Recommendation) | 3200 N Canyon Ranch Drive
#B-1906-0000-000 | Esplin Land Holdings/
Alliance Consulting Eng. |
| 9. PUBLIC HEQARING
Zone Change from
AT to RN
(Recommendation) | 3200 N Canyon Ranch Drive
#B-1906-0000-0000
#B-1916-0000-0000 | Esplin Land Holdings/
Alliance Consulting Eng. |
| 10. PUBLIC HEARING
Development Agreement
(Recommendation) | 3200 N Canyon Ranch Drive
Cedar Bluff Subdivision | Esplin Land Holdings/
Alliance Consulting Eng. |

Jonathan: I received correspondence from the Developer today. They are still working on studies in terms of sewer, water, and traffic, and have not been able to complete them. That would determine the impact would be on the City’s infrastructure. They are looking to move to January, we don’t have a date. We would table until they are ready to come back. They would need to let us know when they are ready to come back and they would need to re-notice. We have received a letter which I will read.

“As a north end of Cedar resident, I object to some of the new proposed zoning/planning for the area east of I-15 and north of Fiddlers/ Nichols Canyon area. With all the proposed changes in the discussions and not being familiar with the zoning designations...I want to make my position clear. We need Commercial in that area, not more high density to put more cars on the road and to use precious water already in short supply up here. I am tired of driving either the freeway or Main Street all the way to the worst intersections (Walmart) likely in the county to grocery shop. We need a real grocery and more restaurants up here, not more cars on the road trying to go south for their shopping. The traffic is already out of control. High density housing should be out of the question. I already see essentially a mountain destroyed across from the school on Fiddlers C road and it looks like that development for high density has been abandoned with no real progress in months and months. We don’t need more here. As for the water, I hear the pressure

already drops in the summer in this area further up the hill. There is already a major development completing off fiddlers and another with potential to cause even more problems.

Finally, I believe the school bond didn't pass so how will we fund the schools needed to support high density housing there? The planning Commission and the City council need to reject the proposals until someone comes in with reasonable use in favor of the community that has been paying taxes here and getting little back in return. Ingrid Akerblom Cedar City North End"

Jonathan: We have asked Developer to provide studies. They showed the connection under I-15 as the alternate connection. Things the Developer is looking at and things the City is looking at to help with those issues in this area.

Jett: We have to look at zone changes with the utmost precision and care. We spend tens of thousands of hours, and the public gets involved themselves, and it is sad that we have major landowners, who don't participate, who know they will develop someday, they don't get involved when creating the master plan. It throws everything off.

Isom: I agree in context of the master plan. It exists and should guide our discussions and will in this body and at the council level. That is something that will be very seriously considered before any of these changes are either recommended or approved.

Wilkey: Any time you take almost 200 acres, I love that they have the commercial, and I understand higher density, but like I have said from the beginning, ignoring the master plan, with no R1 they're just ignoring the master plan together.

Isom: They have RNZ, I am a proponent of that. I think we've got to go that direction more and more. But once again, we can't take any of this in a vacuum. It all has to be looked at in context.

Public Hearing Opened

Annie Gibson: I am a north end resident. I am speaking for many on the north end. Most of us want to talk on a lot of points. We have talked about the NZ and how we feel like that is important. Most of us are very much proponents of the R1 housing, but the NZ housing also provides a sense of community. I think that's a great idea. However, if we are going to draw commercial to that area, there are a lot of the concerns. There is already so much high density that we already have, and the schools cannot handle it. We do know the next elementary school will most likely be built on the south end. We are also concerned about how it will feed into the Enoch underpass. I am not sure if that two lane highway can support that. Especially if we do put commercial there, it is a bottleneck situation. I am a life flight nurse and work in St George. Because of the bottlenecks, I don't go that way. The frontage summit road is not designed well to handle that. A friend is also concerned that another developer will come in, that it will get rezoned. We are very aware of the situation, we will come back again.

Isom: We hope the developer will consider all what you have said.

Sheral Whicker: Over the past 18 months, I have studied the zoning map. If you look at Cedar City, there is nowhere that comes close to the density on the north end. A mile radius from my home are thousands of units. Several condos. We have done a lot to help those with transportation issues. I have personally helped several who don't have vehicles and try to ride a bus to go shop. We do not have any resources for more density on that end of town. It is unethical to put all these people, lower income, and not even have services for them to use, or even in walking distance. You can look at the property left of Fiddlers Canyon; it is Central Commercial. This shocked me the other day to see commercial on Auto Zone drive. This is the most important place for Cedar City. We need to be saving the land for good things to come. Not changing the zone so developers can come in and make a lot of money. We need to plan this city so it can be amazing. The north end is scary and bad. We have a food pantry at Fiddlers and Canyon View. Things have

to change. If you love Cedar like I do, we have to stop changing all of this residential property for condos to make developers money.

Jett: If you want a grocery store, the developers have to make money.

Whicker: We have to save this property for things that can benefit all of Cedar City. Somebody could just come and put apartments in commercial. That's scary.

Don: You can do higher density residential in commercial. The catch is, residential above commercial. Commercial at grade level. 50% max residential, but in conjunction with commercial. So a mixed use. That is with all central commercial zones in City. Trying to achieve a walkable community, trying to get people close to where they will shop.

Whicker: Please take a drive near the north end of Cedar. Come and see what we are talking about.

Everything is condos, townhomes, apartments. But let's spread it out. Take 1000 units out west, and 1000 south. Quit putting it in the north. It will not end well for the city. I pray every day for the north end that it will become a wonderful place. I promise you it will not end well for the city if we do not make some changes. Notice what is happening in the north end, help us.

Brant Parker: I didn't know this was on the agenda. For engineering, we need a green left arrow at Maverick. Me and my wife went to SUU then Phoenix, my wife taught at a school that was 2 miles and the grocery store was 2 ½ miles. She didn't know what I dealt with on the freeway. There is traffic flowing over the freeway, my road is closed from road work, we would normally go south. My daughter goes to three peaks, my daughter can be on the bus for an hour.

Ann Southerland: I feel like my thoughts are the same as my neighbors. I want to convey that my thoughts are in line with theirs. I got my degree in Urban Design and Development. We chose to live in Cedar City instead of St George. One of the reasons is the way St George is designed. Even though it is growing, you feel like it is a lot bigger, based on how they use the roads. I feel like we are falling into same trap. All the condos and townhomes are bringing in people, which is great, but has to be designed to allow for future growth. The city planners get to decide future. Plan for a better future than what I am seeing. High Density after 20 years turns into low income. Surrounding us changes the atmosphere around us. We need more schools, roads and water. I am not sure how to get that. If there is a way to think more clearly. I want a place for my children and I to grow in. A store would revolutionize my life.

Public Hearing Closed

Councilmember Wilkey motions to indefinitely table agenda items 5-10; Ray Gardner seconds; all in favor for unanimous vote.

The meeting was adjourned at 6:07 p.m.

Amber Ray

Amber Ray, Executive Assistant