

CEDAR CITY PLANNING COMMISSION

MINUTES

June 4, 2019

The Cedar City Planning Commission held a meeting on Tuesday June 4, 2019 at 5:15 p.m., in the Cedar City Council Chambers, 10 North Main, Cedar City, Utah.

Members Present: Craig Isom, Council Rep, Jill Peterson, Member, Jennie Hendricks, Member, Hunter Shaheen, Member, Ray Gardner, Member, Adam Hahn, Member, Onjulee Pittser, Executive Assistant, Don Boudreau, City Planner, Kit Wareham, City Engineer, Tyler Romeril, City Attorney

Others Present: Jim Pope, Glen Nelson, Bob Brown, Tom Jett, Doug Vance, Robert Robertson, Steve Ashworth, Dallas Buckner, Dan Roberts, Chris Carter, Bob Platt.

Adam Hahn motioned to elect Craig Isom as interim Chair for the meeting; Ray Gardner second; vote unanimous.

ITEM/REQUESTED MOTION LOCATION/PROJECT APPLICANT/PRESENTER

I. Regular Items

1- Approval of Minutes (May 21, 2019)

(Approval) Craig welcomed everyone. Adam motioned for approval; second by Jennie; vote unanimous.

2- **PUBLIC HEARING**

**PUD Amended Fort Cedar Commerce Phase 2 Fort Cedar Dev./GO Civil
(Recommendation) 1450 West**

Dallas Buckner – Fort Cedar phase 2. Final plat originally in the construction drawings, we had a borrow ditch on the road side. They decided to change it to curb & gutter. We’re amending that plat. We’re take 5 feet out of each side of Right of Way and bringing the property line to back of the curb. That’s the amendment to plat. **Craig:** That’s the only change. **Tom Jett:** We modified that line on 9 & 10. **Dallas:** The line was modified on 9 & 10 from what was shown on the original plat. It’s still the same 2 lots just the interior lot line was moved. **Craig:** Any questions before we open the public hearing? **Jennie:** Is there any reason to have to do a minor lot on that lot line adjustment on or can we approve it just with the plat? **Kit:** Usually, a minor lot’s in a platted subdivision. This is platted PUD. **Craig:** I’ll open the public hearing for anyone that would like to speak to this topic. Public hearing closed. Looking for a recommendation. Tyler: Are all the property owners signed off on it? **Motion for positive recommendation by Jennie; second by Adam. Vote unanimous.**

**5- Zone Change-GC to R-3-M approx. 100 E 1600 N Ashworth/GO Civil
(Recommendation)**

Craig: Item 5 is the adjunct to what we just went through. Steve you would say the very same thing if you came up here. **Jill:** Would you be interested in doing the R2 where that's all you need for your project? **Steve:** R2 would almost work, but the layout of the property works better for R3 so we can put units in and have lots of grass and space between them. R2 restricts us a bit. It makes more sense in my mind to go R3. It will make it consistent with what it was before. **Craig:** Looking for a recommendation on this as well. **Adam motions for a positive recommendation. Hunter seconds. Vote unanimous.**

**6- PUBLIC HEARING Medium Res. to Business & Light Manuf. Leigh Family/Platt &
General Land Use amend approx. 100 N 4800 W Platt
(Recommendation)**

Bob Platt: This is a request for general plan amendment and zone change on a property that the Leigh family owns. For many years the boundary hasn't changed. The south side of Hwy. 56 and across the highway from Keystone, I think. This property is presently zoned MPD because about 10 years ago, an Englishman had big plans for this area and it got zoned master planned development. That project never materialized. The property is bordered on the north by SUU I&M 1. There's nothing imminently planned on this property but the owners feel they would like to zone it like manufacturing but it requires a general plan amendment and zone change. **Jennie:** How far to the East and West is it to the residential areas? **Bob:** It's about a half a mile. **Jennie:** Does the MPD zone go up there? It looked like it was in the middle of a field. **Craig:** This is about a block off of Hwy. 56 to the South. **Bob:** It's about 1/4 mile south. It used to be called Longview Fiber. They made shipping boxes. It's called Capstone now. It's bordered on the West. **Craig:** Currently, the general land use plan has that identified as medium residential. **Bob:** The general land use plan has it as medium residential. The current zoning is master planned development. **Adam:** This property doesn't border Hwy. 56. There's a piece of property in front of it. What's that property zoned? **Bob:** I&M 1. **Adam:** Is there a property to the East or West of it? **Bob:** The property to the West is in the County. It's Thorley Ranch Estate Subdivision. They're 5-acre parcels. **Adam:** And to the East is the R2 that we rezoned a month ago. **Don:** It's an R2 and R3 to the East. **Adam:** That's the Burgess property that was rezoned. **Bob:** They must not have not rezoned all of their properties. It requires a general plan amendment and a zone change. It's not a spot zone because it's bordered on the North by SUU I&M 1 property, light manufacturing. **Craig:** Open public hearing. **Glen Nelson:** I received notification on Saturday of this change. I own the property to the West of the proposed rezoning. Currently there are cattle grazing in the neighborhood. I'm not opposed to rezoning, but I'd like to make restrictions on what and how property is used. I'd like to propose some kind of noise abatement such as manufacturing noise be limited between 8 p.m. to 8 a.m. to 65 decibels. The road 200 North, just North of my property, is chip sealed and I paid a substantial amount of money to have that sealed. It's not adaptable to industrial traffic. Any use of the proposed property would have to have new access from Hwy. 56. Also, the project there would be some kind of security provision to prevent persons or machines or cattle from coming onto the property. Some of my neighbors have concern because they raise horses in this area and they would be excited of any change if it was industrial. North of 56 there are several facilities and they have products there that was recognized when the property was purchased. All of us are

affected on 5300 West of the impact and we qualify the impact of development of a property. I would also like to know if sometime in the future if there's a change in the usage to the drainage patten. Recently, the SUU property had a malfunction and all these areas were flooded. A foot to a foot and a half of water. It didn't reach the road on my property but it did cause them concern. Id' like to know if the future use of the property what utilities would be affected. For instance, if there are high tensions wires, how will they obtain power? Will they receive City sewer? I would like to specifically qualify the use and how it might impact myself and the rest of us towards the West boundary of the property. I think you can understand we're accustomed to raising cattle over there but who knows if we'll have tall office buildings or a manufacturing facility. I would like to have further discussion on this should the property get zoned and how it would be used. **Craig:** Can we address those things like noise abatement and new access?

Tyler: When a developer makes a land use application to the City to change something, the City is bound to uphold the ordinances at the time the application is made. What would restrict the use on this property if is changed to I&M 1 is what is put in the City ordinance in I&M 1. At this point there isn't anything in the ordinance that restricts noise. We do have a nuisance ordinance that we could use to govern problems with noise on the property, but that wouldn't be something we could put as a condition of a rezone legally. **Craig:** But all noise abatement ordinances will be in play. **Tyler:** Correct. **Craig:** Kit can you speak to the new access required, drainage issues, utilities? **Kit:** As far as access, 200 N. is a UDOT road. They'll have some say on accesses off that road when this property develops. Drainage there's not much drainage infrastructure out there. Everything flows to the West towards Quichapa Lake. **Jennie:** Would there be a requirement when it's developed to address the drainage? **Kit:** We looked at that in every subdivision and for them to do a drainage study and where it goes and it's not going to negatively affect the surrounding properties. **Ray:** What would be the access to that property? **Dan Roberts:** There's access that's deeded onto this property but they own that access. The Leigh's do. This all used to be Leigh property at one time. I've talked to SUU. If the City required a 50' access, if it needed to be larger, they indicated they would facilitate that road. It's a little harder through SUU because they have to go through the Board of Regents to get permission to do that. They're sharing that access. In my opinion it's best suited for I&M 1, because it's across from 415. 5700 west corridors coming in. There's a bunch of property there that will eventually be to fit the scenario. **Kit:** We do have a master planned road, on paper, at 4500 W. **Ray:** Seems like that's sandwiched between two residential areas at the moment. **Bob:** We're talking zone change right now. There's no plan for what would happen they just think it would be more marketable and best use for their property. Any issue with access on Hwy. 56, any issues with drainage would have to be addressed if there was something proposed to be done on all this or a portion of this property. Certainly, access will not be through Thorley Ranch Estates subdivision. **Doug Vance:** I live in the Thorley Ranches. My concern is if there's nothing planned right now there' be no reason for it to be rezoned. I don't want more traffic through there. We've got kids that live through there and there's nothing between us and them so any noise would be heard from a long ways away. I don't want to be kept up at night from factories if there's no sound barrier or way to regulate that. **Jeff Porter:** Thorley Ranch. We received the letter. I'm located adjacent to this proposal. I'm not for it. Living there you can hear WL plastic which is about a half mile distance. They're open 24/7 and they make a lot of noise running equipment. Next to WL Plastic is West Rock. Then there's GAF and a couple of other huge buildings there. Even though it's on the North side of Hwy. 56, we can hear it all. If they put in a factory right next door to our houses, the values will drop and the quality of life will

go down. On the South side of Hwy. 56 there's sheep ranchers, alfalfa growers. There's cattle on this proposed property. It's nice. That's why we live out there. In this Thorley Ranch area, there's probably 20 people that live out there but lots that are owned out there, varying from 2.5-acres, to 5-acres to 9-acres. People are building houses out there. I would propose that we not change this zoning but allow it to be presently as it is used for now. **Craig:** Currently it's zoned MPD. **Jennie:** What is allowed in MPD zone? **Don:** That zone doesn't exist. To build anything out there would have to be rezoned. The general plan for the whole area is medium density. **Adam:** I agree with Ray. I understand the I&M on 56, but that comes far south and pushes up against residential. The other side is undeveloped but we've already rezoned that be a redevelopment. Industrial and manufacturing in between both residential to the side. I don't think it would be proper. **Craig:** Any other public comments? **Robert Robertson:** I've lived there for 25 years. This area across the road has gotten progressively lighter and noisier. I don't need a yard light because of the intense lighting from GAF. I'm concerned because that's why I moved out there because of the seclusion. I would hate to see what's happened on North side happen on the South side. It's been peaceful and quiet and I'd hate to see that end. **Craig:** We will close the public hearing. **Kit:** The major industrial draw out there to the north is the RR tracks. You won't have that on the South side. **Craig:** We're in search of a recommendation to council. Ray moves for a negative recommendation. Adam seconds. Hunter: I know people don't want to see the change but with the growth we're facing it will change. The seclusion that was out there years ago will not continue for another 20 years. I fully understand your concerns. I guess the same argument will come up if they return for an R3 and they want to develop a Megaplex out there. I don't want that either but the cycle perpetuates. That's what we'll ultimately see is higher density out there with increased amount of traffic. **Jennie:** You've already got the higher density coming West. **Hunter:** I'm just making the point that we've always lived out there in seclusion but it will come to you and you'll have to understand there will be an increased amount of traffic eventually with residential vehicles if it doesn't become an industrial and manufacturing zone. **Adam:** With living out there for 20 years, the City keeps moving West so if you want the seclusion, you'll need to move West too. The City will keep moving that direction. I'd be much more comfortable with residential out there other than residential or manufacturing. Robert: I think we need to know the difference between I&M 1 and I&M 2. I&M 1 is already there. I don't think a boundary's going to change the noise. I'm in a business where things change. We can't stop growth. Is it the best place to have light industrial and it's not heavy industrial? It doesn't make the noise like heavy does. I think that's 5700 west comes in and that's going to be a corridor on the other side of these property owners. It creates own noise. I guess the major issue is if it's already there should SUU change their zone and not allow SUU to have I&M light there. The fact that it's there it's a vestibule to change their zone to that. If somebody decides to sell to a developer, it's going to drive away residential uses. The questions is where do we cut it off. We're in the center of industrial. The major concern is I&M 1 light is down Coal Creek road and turns into heavy when you go down Bulldog. It depends on the use. Light manufacturing isn't anything noisy like the major ones across street. **Craig:** We have a motion for a negative recommendation. **Jennie:** what is allowed in I&M 1? **Kit:** I&M 1 is a lighter manufacturing and I&M 2 is a heavier where you'll have concrete plants and asphalt plants. I&M 1 is mostly imposed factories that are producing product. **Ray:** I think Hwy. 56 is a natural break between these two. It's such a busy highway that you don't really get a lot of communication back and forth. If we're going to have a division between industrial and residential it seemed like the logical place to do it. **Adam:** It seems logical to have some

commercial against 56 because of the high tension lines. So, you can't put homes underneath them. You need to have some commercial buffer right there. Lamplight has the vet clinic, the storage units, but to go that far down into future residential is menacing to me. **Craig:** I'm going to call for a vote. **The motion on the floor is for a negative recommendation of the general land use amendment. Vote was split but passed.**

Adam - AYE
Jill - AYE
Ray - AYE
Hunter - NAY
Jennie - NAY

7- Zone Change-MPD to I&M-1 approx. 100 N 4800 W Leigh Family/Platt & Platt
(Recommendation)

Craig: The intended zone change would be MPD to I&M 1. Do we need further discussion or could we get a motion to that item? **Adam motioned for a negative recommendation for the zone change from MPD to I&M1. Ray seconded. Vote was split but passed.**

Adam – AYE
Jill – AYE
Ray – AYE
Hunter – NAY
Jennie - NAY

Tyler: The planning commission is a recommending body, so the Leigh family has the choice to take a negative recommendation to City Council for approval if they want. You won't get a hand delivered notice. Notice will be put in the paper, it will be put on the City's website. You'll want to look at the agendas in the next month or two to see if it comes before the City Council.

8- Easement Vacating Lots 1 & 2 Temple Cove Subd. LDS Church/ Platt & Platt
(Recommendation)

{Adam excused himself for a prior obligation} **Bob:** The owners, the church, are going to make a parking lot for the temple. We're requesting the 7.5-foot rear PUE that has no public utilities in it, all the public utilities are in the front PUE, like power, gas, phone, cable, etc. We're asking to vacate that. **Craig:** Is that on the NW corner of the temple? **Bob:** Yes. **Jennie:** If that becomes parking lot drainage? **Bob:** They don't want the parking lot to be covered by a utility easement. It's not being used and it's not going to be used. **Jennie:** Will drainage be addressed? **Bob:** There's no issue. **Kit:** We have ordinances for subdivisions, dividing lots and lot line adjustments. We don't have a process where people can combine lots. We tell them if they want to combine two lots you need to make a deed that includes the legal description for both lots and get it recorded and you end up having one lot. And that's what the church did on this. These two lots were combined into one parcel and attached to the temple property. **Bob:** I don't know that that's happened. I know that we did it for another business. **Kit:** There was a guy from church headquarters that was in contact with us. **Craig:** It sounds like that was the intention and that's all we're talking about this evening is the easement vacating. **Bob:** Are you talking about

removing this property from the subdivision and adding it to the temple parcel? **Kit:** they can do that. It's up to them. They can make it one big lot. **Bob:** All I'm here for is to get rid of this easement. It's my understanding we have to come up with some ordinance to remove it if it moves past this body. **Jennie motioned for a positive recommendation. Jill seconded. Vote unanimous.**

II Staff Items

1- Realignment of master planned road off Westview Drive. Kit W.

Kit: This was the subdivision that came through before, Mr. Meisner's, and as part of that there was discussion for a master planned road on the North side of the subdivision and discussion about utilities and also the developer on what would have to happen to make county road a master planned road. It was fairly extensive moving the utilities out to the easements of the master planned road. We came to an agreement with Mr. Meisner to move the master planned road ¼ mile to the South. It won't affect his subdivision but will still have that major East-West corridor to connect to the North-South corridors. **Jennie:** What's there right now, where the road is? **Kit:** There's not a road there. This is the road they were looking at possibly being the master planned road. The road that's being proposed is on the section line. **Dallas:** We had a discussion of whether we move it to the North and as Kit said there was some challenges with that so we ended up moving it from the North half of the road along the Spring Creek subdivision wasn't feasible to construct. We moved it ¼ mile to the South so it doesn't line up with the other one. It will be through a future phase of the 4B Ranch subdivision. Through the City ordinance, once we get past 80 lots we'll have to have a secondary access but it will be the primary once it goes in. **Hunter:** Are there concerns with the natural drainage to that spot? **Dallas:** As far as drainage there'll be a detention basin the NW corner. As far as the roadway we'll try to route as much of the subdivision but the master planned road will be projected all the way across. **Hunter:** There's a lot of natural drainage that comes and there's some pretty good swells out there now. **Dallas:** That will be something we'll have to mitigate and depending where it falls on the FEMA maps. **Craig:** Other questions or concerns? **Kit:** This is a modification to the City's transportation plan. **Jennie motions for a positive recommendation. Hunter seconded. Vote unanimous.** Craig motioned to adjourn the meeting.

The meeting adjourned at 6:30 p.m.

Onjulee Pittser, Executive Assistant