

CEDAR CITY PLANNING COMMISSION

MINUTES

July 7, 2020

The Cedar City Planning Commission held a meeting on Tuesday July 7, 2020 at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

Members in attendance: Mary Pearson–Chair, Craig Isom, Ray Gardner, Jennie Hendricks, Adam Hahn, Jill Peterson

Members absent: Hunter Shaheen -Excused

Staff in attendance: Kit Wareham-City Engineer, Tyler Romeril-City attorney, Don Boudreau-City Planner, Drew Jackson-Building Official, Mike Shurtz-Fire Dept. and Michal Adams

Others in attendance: Brent Drew, Ron Larsen, Bob Platt, Brandt Bower, Randy Jones, Teri Kenney, Arlo Fawson, Tom Jett, Eric Heaton, Robert Brower, Richard Bronsema

The meeting was called to order at 5:15 p.m.

ITEM/REQUESTED MOTION LOCATION/PROJECT APPLICANT/PRESENTER

I. Regular Items

**1- Approval of Minutes (June 16, 2020)
(Approval)**

Adam moved to approve the minutes of June 16, 2020, seconded by Craig and the vote was unanimous.

**2- RV Park- Vicinity 560 North 400 West Shane Baker/Platt & Platt
(Recommendation)**

Bob Platt presented and said this was just south of Industrial Road between 300 West and 400 West. It is a proposed RV park and has been through review with the City Planner. This is an allowable use in this zone. It consists of about 20 spaces.

Craig wondered just what this area was zoned. It is either GC or I&M and Don stated that this is an allowable use in either of those zones.

Adam said it would not be a trailer park with permanent trailers then. Don stated that an RV park was for campers and those on vacation. No permanent residents.

Adam moved to give a positive recommendation to City Council for this RV park; seconded by Craig and the vote was unanimous.

**3- PUBLIC HEARING – Carry Over Item
Ordinance Amendment to put residential in I&M-1
(Recommendation)**

Tom Jett

Tom Jett presented and said that City staff has reviewed this now. Michal contacted Fire Marshall Mike Shurtz and Drew Jackson the Building Official both of whom are here. He has talked with both of them, they and Don have discussed this concept and he is now ready for the vote up or down then move on to City Council.

Adam said the last time this was discussed they were concerned that the building official would not be able to approve things like this in that zone. He has since talked with Drew and those concerns have been eased on his part. Adam said when you use the International Building Codes, (IBC), that there are standards and things in there so buildings would be safe; sprinkler systems, and design that would make them safe.

Craig's concern was mostly fire safety. He would like to hear what Mike S. says about that with the codes, as they all go along together.

Mike said there are mechanisms in place for mixed things like residential with commercial. Strictly from the code perspective, conceptually this would be acceptable provided that all those things for fire safety are met.

Jennie wondered as far as fire code goes, that would cover commercial, but does it cover the residential and industrial portion also? The IBC and IFC apply to commercial and in this case industrial, anything like that.

Drew said he was also OK with this.

Mary opened the public hearing.

Randy Jones wondered about the width of Industrial Road and if that would handle this added traffic. That road seems to him to be very busy already. Kit said it is a 66' wide road, they now have the railroad right-of-way and that will also be a planned trail and parkway. This was more of a concern with the RV park, not so much this ordinance discussion.

Mary closed the public hearing.

Jennie wanted to ask Don just how this concept would work. So, people build in an industrial area, and they put apartments on top. Do they have to come in, and adhere to all the building codes including sprinklering the building if that is necessary? Yes.

Jennie said, so say there is an existing industrial building they want to put apartments on top of. How does that work? The same thing applies. They would pull a building permit and need to bring all things up to current code.

Drew stated that any time anything changes, they have to comply with the current building and fire codes.

Jill wondered just how you would regulate who can live there? Tom said you can't. You can't say no kids, because of the fair housing act. It is designed not to be family as it would only be 1 bedroom and only 750 square feet in size. Not designated for a family. Such a small space with only 1 bedroom would be for just 1 or 2 persons. Jill asked how do you police that? You can't.

Tom said you always have people who don't go by the rules. He will have specific CC&R's in his and if someone does not abide by that, they can step in and do something. But the ordinance only says you must do a, b, and c. If they don't then the City could take action. It applies to ordinances in place now; you say you can rent to no more than 4 unrelated, but some have 6. You say you can't park cars on the front lawn, but some do. They have room for 4 cars, but there are 8.

Craig said that based on the additional information they received about safety he will move to send a positive recommendation to the City Council for this ordinance. Seconded by Adam and the vote was 3 for with Jill and Ray voting nay. The motion passed 3 to 2.

4- PUBLIC HEARING

**Zone Change RA to R-2-2
(Recommendation)**

3737 W Hwy. 56

Carylie Lamoreaux

Carylie Lamoreaux presented and said they want to follow the master plan and build a residence on their farm. They would be going from RA to R-2-2. They are only building a single-family residence. They went to this zone to follow the general land use plan.

Don stated that the General Land Use gives them a density and that way they don't have to change the General Land Use map.

Mary opened the public hearing. As there were no comments, Mary closed the public hearing.

Craig asked if they would be on septic as there is no sewer there. Yes.

Do they have an approved UDOT access from the highway? They have an easement there already for the farm. They will access there. This is across the irrigation canal.

Jennie reviewed the notes from the Sketch Review meeting. Is staff OK with this access? Staff was OK.

Kit said that is a UDOT access and they recognize that.

Jennie moved to send a positive recommendation to the City Council for this zone change. Seconded by Ray and the vote was unanimous.

5- PUBLIC HEARING

**Zone Change GC to MU
(Recommendation)**

331 North 100 West

Eldridge/Platt & Platt

Bob Platt presented and pointed out the space at about 330 North on 100 West. It is presently zoned GC and the request is to go to MU according to the master plan. He understands that tomorrow night at City Council they will be considering a moratorium on the Mixed-Use zone. This one is already in the works. Will that shut this one down? Tyler said if they had not been in any public meeting before that passed, that would apply. They are vested when they first go to a public meeting. So, this item is vested in the current ordinance. If they were to apply after tomorrow night, they would not be vested. Bob said it is in conformance with the master plan; it is the All State office on 100 West, and they want to put in some development in the rear of that lot.

Mary opened the public hearing. As there were no comments, Mary closed the public hearing.

Craig said as this conforms to the master plan, he would send a positive recommendation to the City Council for this zone change. Seconded by Jennie and the vote was unanimous.

6- Subd.- Amendment

(Recommendation)

Cliffs at Sunrise

Leavitt

approx. 850 S Cove Dr.

Mary said that items 6 & 7 are related and in the same area. They can probably be discussed together. Tyler did say though, they would need separate motions.

Ron Larsen presented and said that both of these plat maps are final and recorded. They decided that they would take those 3 original lots from the Cliffs at Sunrise and add them to the PUD. One gets smaller, and the other gets bigger. This one has to happen first, as the other will use that property.

When it is all done, those 3 lots will be taken off the Cliffs and they were to be single-family homes.

Now they will be part of the PUD. The number of units in this went down the number of units in the

PUD will go up. The property is all still the same.

Jennie said so this will still be well under the threshold that was on the RDO plat? Ron said yes, they were under the 360 for this area and they are still well below that. Ron pointed out the PUD and the same part that was to be those 3 lots they will add there and add some 7 units to the PUD. The road will still be the same. Adam said so they are exchanging 3 houses for 7. Ron said these in the PUD will be much smaller. They are very limited. Ron said also, in these changes, they want to change the name of the PUD to Crestline rather than Blackstone.

Mary opened the public hearing.

Brandt Bower said his home is in back of the very last lot that is now going to be in the PUD. He wanted to buy that lot to build a home for their daughter. He was disappointed when they did this change. Just look what that does to their view.

Ron stated if they left it the other way those 3 lots could have 2 story houses and that would be 12' higher than these PUD units. They will be much lower.

Brandt said they can't even see the mountains there now. He wondered when this idea to change came about. Ron said over 3 months ago. They would have proceeded long ago, but with the Covid and no one having public meetings they had to wait. Mr. Bower had this all figured out with Lunt, to buy this lot and then yesterday they find out they are changing it all. He is really disappointed. They will be really close to the fence where his house is.

Mary closed the public hearing.

Ron stated that when they originally did this, they considered the height and they were able to lower this PUD area even more and maintain a minimum of 6' from there side to the top of the wall. It actually made it all that much better.

Craig made the motion to send a positive recommendation to the City Council for this Subdivision amendment; seconded by Jennie and the vote was unanimous.

7- PUBLIC HEARING

**PUD Amendment
(Recommendation)**

**800 South Cove Dr.
Blackstone 3/ Crestline**

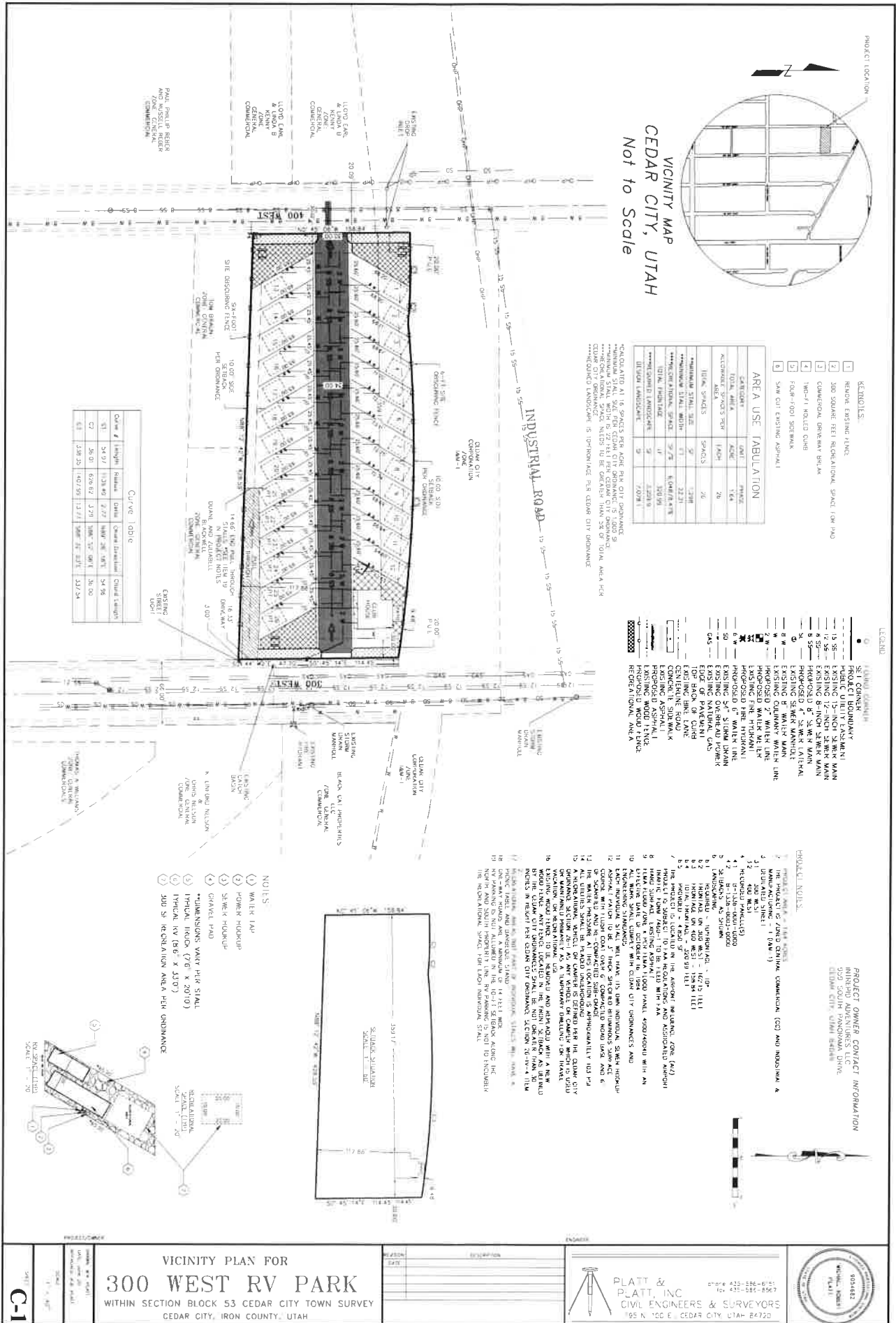
Leavitt

This item is the PUD amendment they just discussed with the subdivision amendment. They had the 1 comment.

Jennie moved to send a positive recommendation to the City Council for this PUD amendment along with changing the name to Crestline; seconded by Jill and the vote was unanimous.

The meeting adjourned at 5:45 p.m.

Michal Adams, Executive Assistant



REASONING TO PUT RESIDENTS IN I&M-1 ZONE

Currently, I own a piece/control a piece of land at approximately 1450 West and Industrial Road. It is known as Fort Cedar. I have approximately 7 acres I wish to develop. Although this proposal will cover all I&M-1 in the city,

I am proposing that the city council consider the following ordinance change.

***** Currently, the ordinance does not allow housing in I&M-1 zones, with the exceptions of caretaker units and mobile home parks. I am not proposing a mobile home park, but rather a new, innovative approach to housing.

****With our current housing environment today, most of us know that residential housing and commercial property costs are out of control. I am proposing to merge the two. Throughout the United States, many communities are merging residential and commercial, renaming them mixed-use properties. The following proposed modifications to our I&M-1 zone ordinance are as follows:

Industrial and Manufacturing-1 Zone- Modification- Limited residential use

1. All residential space must be on the second floor of the building
2. Residential space cannot exceed 750 square ft.
3. Residential space occupancy cannot exceed 2 people
4. Residential space cannot exceed one bedroom.
5. Residential space cannot be rented separately from the first-floor shop.
6. Residential space does not apply to the airport zones that prohibit it.
7. No residential unit can exist within any area zone that currently prohibits such use
8. All fire and building codes shall apply pursuant to local ordinances.

I ask that you consider my proposal and give it affirmative support, This will lead the way to better housing opportunities for many of our residents. Thank you for your consideration,

Tom Jett,

35-531-1551

***** changes made from first email sent

Tom Jett 435-590-2865



40 0 40
SCALE IN FEET

ZONE CHANGE FOR CARYLIE LAMOREAUX

LOCATED IN SECTION 8, T36S, R11W, SLB&M, CEDAR CITY, UTAH

SHOLZEN INVESTMENT
COMPANY

SHOLZEN INVESTMENT
COMPANY

SHOLZEN INVESTMENT
COMPANY

SHOLZEN INVESTMENT
COMPANY

PROJECT
LOCATION



VICINITY MAP
A1A

MONTE VISTA AVENUE

L.A. & S.L. RAILROAD

HIGHWAY 56

PARCEL
LOCATION



CITY ATTORNEY'S APPROVAL

I, TYLER ROMERIL, CITY ATTORNEY FOR CEDAR CITY CORPORATION, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS ZONE CHANGE AND THAT SAID PLAN MEETS THE REQUIREMENTS OF CEDAR CITY CORPORATION PURSUANT TO ITS ORDINANCES AND IS HEREBY RECOMMENDED FOR APPROVAL ON THIS THE ____ DAY OF _____, 20__.

TYLER ROMERIL - CITY ATTORNEY

PLANNING COMMISSION APPROVAL

I, MARY PEARSON, CHAIRPERSON OF THE CEDAR CITY PLANNING COMMISSION, DO HEREBY CERTIFY THAT THIS ZONE CHANGE HAS BEEN APPROVED BY SAID COMMISSION ON THIS THE ____ DAY OF _____, 20__.

MARY PEARSON - CHAIRPERSON

CERTIFICATE OF ACCEPTANCE

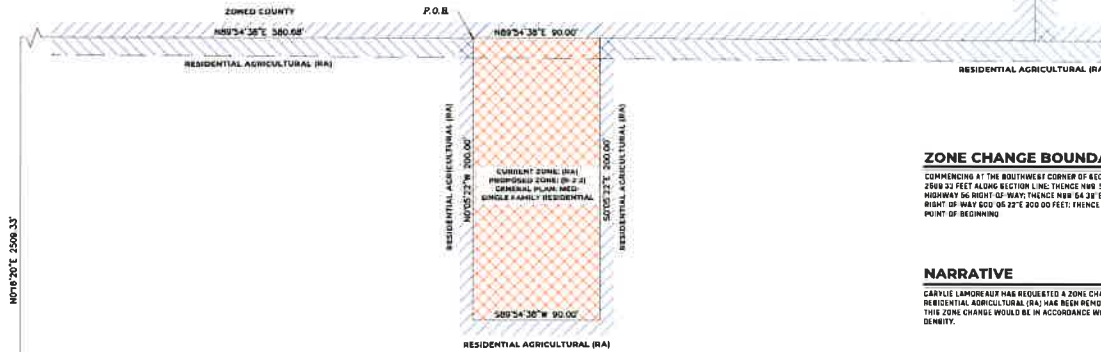
I, MAILE WILSON, MAYOR OF CEDAR CITY CORPORATION, DO HEREBY CERTIFY THAT THIS ZONE CHANGE HAS BEEN APPROVED BY THE CITY COUNCIL AND THAT SAID PLAN HAS BEEN APPROVED BY CITY COUNCIL ON THIS THE ____ DAY OF _____, 20__.

BY: MAILE WILSON, MAYOR ATTEST: CITY RECORDER

CITY ENGINEER'S APPROVAL

I, KIT WAREHAM, CEDAR CITY ENGINEER, DO HEREBY CERTIFY THAT THIS ZONE CHANGE WAS EXAMINED AND ACCEPTED BY ME THIS THE ____ DAY OF _____, 20__.

KIT WAREHAM - CITY ENGINEER



ZONE CHANGE BOUNDARY DESCRIPTION 2.42 AC

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 8, T36S, R11W, SLB&M, CEDAR CITY, UTAH; THENCE N00° 16' 20" E 2869.33 FEET ALONG SECTION LINE; THENCE N89° 54' 38" E 580.68 TO THE POINT OF BEGINNING ON THE SOUTHERLY HIGHWAY 56 RIGHT-OF-WAY; THENCE N89° 54' 38" E 80.00 FEET ALONG SAID RIGHT-OF-WAY; THENCE DEPARTING SAID RIGHT-OF-WAY 602.06 22° 8' 00" FEET; THENCE S89° 54' 38" W 90.00 FT; THENCE N00° 16' 20" E 200.00 FT TO THE SAID POINT OF BEGINNING.

NARRATIVE

CARYLIE LAMOREAUX HAS REQUESTED A ZONE CHANGE FROM RESIDENTIAL AGRICULTURAL (RA) TO R-2 BECAUSE RESIDENTIAL AGRICULTURAL (RA) HAS BEEN REMOVED FROM ORDINANCE 4808 § 2.2 WILL ALLOW A BUILDING PERMIT. THIS ZONE CHANGE WOULD BE IN ACCORDANCE WITH THE GENERAL PLAN OF SINGLE FAMILY RESIDENTIAL MEDIUM DENSITY.

LEGEND

- EXISTING ZONE BOUNDARY
- - - - - PROPOSED ZONE BOUNDARY
- ◆ SECTIONAL MARKER AS NOTED

CDNR 10.5.18 (REVISED 3/21)
SECTION 8, T36S, R11W, SLB&M

LOCATED IN SECTION 8, T36S, R11W, SLB&M, CEDAR CITY, UTAH

GO CIVIL ENGINEERING
190 N. 400 W. CEDAR CITY, UT 84201
P: 437.656.9592 WWW.GO-CIVIL.UT

ZONE CHANGE FOR CARYLIE LAMOREAUX

OWNER:	
SCALE:	AS SHOWN
DATE:	06-16-2023
SHEET:	1 OF 1

