

1 Providence City Planning Commission
2 Providence City Office Building
3 Providence City Council Chambers
4 15 South Main, Providence, UT
5 April 19, 2005
6

7 Present:
8 Chairman: Blaine Sorenson
9 Commission: Mark Malmstrom, Jim Beazer, Nick Bouwes
10 Excused: Hank Howell
11 Council Representative: Ron Liechty
12 City Manager: Vern Keeslar
13 Secretary: Rebecca Billings
14

15 Handouts: 1. Amended staff reports for items four and five 2. Revised final plat (11x17) for J. Johnson
16 Minor Subdivision 3. General Plan Draft: Chapter three. 4. General Plan Open House Comments
17 March 11 – April 13.
18

19 **STUDY MEETING**

20 **City Council Action Updates**

- 21 • Vern Keeslar recognized what City Council has done with the Planning Commission’s
22 recommendations last month. He said that Chris Dunker’s request for an accessory dwelling
23 unit had been approved, that Edwards Furniture’s request for preliminary plat had been
24 approved, and that Jack Nixon had withdrawn his request for preliminary plat for Eagleview
25 Estates. He said that City Council had continued the issue of Carma Lee Jensen’s subdivision
26 until she could come back to the City with a Mylar signed by all 3 property owners involved.
27
28

29 **Possible Code and General Plan Changes**

- 30 • The Planning Commission discussed amending the code to say that no homes can be built
31 under power lines.
32

33 **Amended Staff Reports for Items 4 and 5**

- 34 • Keeslar stated that agenda items 4 and 5 each had fewer conditions than the staff reports in the
35 original packets indicated. Amended staff reports were handed out on these two items that
36 contained the new conditions.
37

38 **Accessory Dwelling Units**

- 39 • Blaine Sorenson wondered if people who received conditional uses for accessory dwelling
40 units often go back after a year or two and put a second driveway in. He asked where the
41 enforcement was.
- 42 • Keeslar said that, in the past, the City didn’t require the condition stated in tonight’s accessory
43 dwelling unit staff reports: “Parking for both units shall be in the driveway or garage. No
44 second driveway will be permitted.” Keeslar said that two driveways (on either side) make a
45 home look like a duplex, so the City does not want two driveways. He said that it’s not a
46 problem to put a driveway behind the house or a slab on the side, but also stated that the City

1 has an ordinance stating that there's no parking in the front yard setback unless it leads to
2 covered parking or a driveway.

- 3 • Keeslar said that the City Council is going to consider a six-month moratorium on accessory
4 apartments in order to study the ordinance with the Planning Commission and make some
5 changes or perhaps repeal the ordinance all together. Keeslar said that the accessory dwelling
6 unit requests on tonight's agenda are vested, but that next Tuesday night the City Council will
7 put the moratorium in place.
- 8 • Keeslar said that this moratorium and a request for feedback from citizens will be posted in the
9 May newsletter.

10 11 **Item 8 Withdrawn**

- 12 • Keeslar said that item 8 "Sharing Development Costs" has been withdrawn. He stated that the
13 City attorney will work on this and that it will probably be several months before it will come
14 before Planning Commission.

15 16 **General Plan Handout**

- 17 • Amended General Plan chapter 3 (Population) was handed out to the Planning Commission.
- 18
- 19 • Sorenson closed the study meeting and opened the April 19th Planning Commission Meeting.
20 He invited members of the audience to sign in.

21 22 **AGENDA ITEMS**

23 24 **APPROVAL OF MINUTES**

- 25
- 26 • Sorenson asked the Planning Commission if they had any corrections for the minutes of the
27 March 15, 2005 Planning Commission Meeting. No corrections.
- 28 • **MOTION** by Jim Beazer to approve the minutes of the March 15, 2005 Planning Commission.
29 **SECOND** by Mark Malmstrom. All in favor. Abstained: Nick Bouwes.

30
31 **Disclosure of any conflicts of interest on any of the agenda items:** Jim Beazer said that he fixes all
32 of Mt. View Veterinary Clinic's hardware items.

33
34 **Disclosure of any ex parte communication:** None.

35
36 **ITEM ONE:** Jared Haacke is requesting a conditional use for an accessory dwelling located generally
37 at 220 North 300 East.

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39 The following findings of fact, conclusions of law, and conditions were presented:

40 41 **FINDINGS OF FACT:**

- 42 1. Providence City Code 10-12 Accessory Dwelling Units lists the requirements for accessory
43 dwellings.
- 44 2. The property is designated as Residential (SFT) in the Providence City General Plan.
- 45 3. The property is located in the Single Family Traditional (SFT) zone.
- 46 4. The Development Review Committee (DRC) has reviewed the conditional use for compliance
47 to the Providence City Code and has recommended approval.

1 **CONCLUSIONS OF LAW:**

- 2 1. The applicant meets the requirements of Providence City Code 10-12 Accessory Dwelling
3 Units.

4
5 **CONDITIONS:**

- 6 1. Continue to comply with Providence City Code 10-12 Accessory Dwelling Units.
7 2. Parking for both units shall be in the driveway or garage. No second driveway will be
8 permitted.
9 3. Meet the requirements of the building code.

- 10
11 • Jared Haacke said that Dave Williams, Providence City building inspector, came out to his
12 house and approved the things that he had said needed to be fixed.
13 • Sorenson opened up time for public comment.
14 • Kathy Baker asked what the intended use was.
15 • Keeslar said that its intended use is an apartment. He said that the City Code allows it,
16 provided the owner lives on site. He said that the accessory dwelling unit also must be
17 contained within the original dwelling unit.
18 • Sorenson closed the item to public comment and opened it up for Planning Commission.
19 • Jim Beazer said he’s opposed to accessory dwelling units, but because this application meets
20 all of the conditions, he’ll pass it. He said he would like to see only family members living in
21 accessory dwelling units. He doesn’t like the idea of a person renting out part of his home so
22 he can make his mortgage payment. He also said that many developers are pushing accessory
23 dwelling units to sell their homes. ““The house may be expensive, but the accessory dwelling
24 unit can help you make your mortgage.”” He said that a Single Family Traditional
25 neighborhood can’t thrive if accessory dwelling units continue to crowd it.
26 • Nick Bouwes argued that it’s all on one property.
27 • Beazer said that these should be in the Multi-Family High density zone.
28 • Ron Liechty said that this ordinance was originally designed to help out family members, and
29 it wasn’t intended for any other use than that. He reminded the home owners of the accessory
30 dwelling units at the meeting that if the house is sold, the conditional use doesn’t stay with the
31 home.
32 • Keeslar said that the ordinance to allow accessory dwelling units was passed February 16,
33 1994.
34
35 • **MOTION** by Mark Malmstrom that the Planning Commission recommend to the City Council
36 approval of Jared Haacke’s request for a conditional use for an accessory dwelling located
37 generally at 220 North 300 East with the findings of fact, conclusions of law, and conditions
38 stated in the staff report. **SECOND** by Mark Malmstrom. All in favor.

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40 **ITEM TWO:** Susan Bacon is requesting a conditional use for an accessory dwelling located generally
41 at 1080 Grandview Drive.

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43 The following findings of fact, conclusions of law, and conditions were presented:

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45 **FINDINGS OF FACT:**

- 46 1. Providence City Code 10-12 Accessory Dwelling Units lists the requirements for accessory
47 dwellings.

2. The property is designated as Residential (SFT) in the Providence City General Plan.
3. The property is located in the Single Family Traditional (SFT) zone.
4. The Development Review Committee (DRC) has reviewed the conditional use for compliance to the Providence City Code and has recommended approval.

CONCLUSIONS OF LAW:

1. The applicant meets the requirements of Providence City Code 10-12 Accessory Dwelling Units.

CONDITIONS:

1. Continue to comply with Providence City Code 10-12 Accessory Dwelling Units.
 2. Parking for both units shall be in the driveway or garage. No second driveway will be permitted.
 3. Meet the requirements of the building code.
- Keeslar reminded Susan Bacon that when her home is sold, the conditional use will not exist anymore.
 - Bacon said that she and her family are moving in to the basement because her husband isn't paying any support. They're going to rent the top to someone else.
 - Beazer said that he is okay with accessory dwelling units for situations like this—hardships.
 - **MOTION** by Nick Bouwes that the Planning Commission recommend to the City Council approval of Susan Bacon's request for a conditional use for an accessory dwelling located generally at 1080 Grandview Drive with the findings of fact, conclusions of law, and conditions as stated in the staff report. **SECOND** by Jim Beazer. All in favor.
 - Keeslar stated that all items will go before City Council May 10, 2005.

ITEM THREE: Richard Israelsen is requesting site plan approval for Mountain View Veterinary Clinic located generally at 295 North Gateway Drive.

The following findings of fact, conclusions of law, and conditions were presented:

FINDINGS OF FACT:

1. Providence City Code 10-8-5 Commercial Zoned Districts; Site Development and Providence City Code 10-8-6 Parking Regulations lists the requirements for site plan.
2. The Development Review Committee (DRC) has reviewed the site plan for compliance to the Providence City Code and has recommended approval.

CONCLUSIONS OF LAW:

1. The application for site plan approval complies with Providence City Code 10-8-5 Commercial Zoned Districts; Site Development and Providence City Code 10-8-6 Parking Regulations.
2. The application complies with the Providence City General Plan.

CONDITIONS:

1. Continue to meet Providence City Code 10-8-5 Commercial Zoned Districts; Site Development and Providence City Code 10-8-6 Parking Regulations.

- 1 • Keeslar stated that this is an amended site plan—that the building is pretty much finished. He
2 said that Providence City Code allows one access per 200 linear feet of frontage, so they didn't
3 meet the Code to have two accesses. The Code was amended to state that a building can have
4 one access per 150 feet, so they exceed the 300 feet required for two accesses. (They have 395
5 feet.) He said that this would benefit the corner parcel to have access to both parking lots and
6 to have access to Golf Course Road and Gateway Drive.
- 7 • Melinda Hillegass & James Israelsen were there to represent Mountain View Veterinary
8 Clinic. They said they appreciate Providence City amending the code. They said it will allow
9 less traffic and more parking for their delivery trucks and will get the dumpster off the front of
10 their property.
- 11 • Sorenson opened the time for public comment.
- 12 • Kathy Baker asked if the clinic was a small animal clinic, and Hillegass said that it was.
- 13 • Mark Malmstrom and Jim Beazer commented on how nice the building looks and that it makes
14 good sense.
- 15 • Ron Liechty asked if this would be just a clinic. He asked if they were going to maintain (or
16 board) animals on the property.
- 17 • Hillegass said that it's an indoor facility, and that they were planning to board some animals at
18 the facility.
- 19 • Keeslar said he remembers that one of the conditions for this clinic was that no boarding was
20 to be permitted other than the veterinary care that takes, perhaps, overnight. He said that this
21 facility has not been approved as a commercial kennel. He said that this is a small animal
22 clinic, and the City will enforce that condition. He said that this is a professional office
23 (Commercial) zone—not an Agricultural zone.
- 24 • Sorensen thought that the Planning Commission should, perhaps, table the item until this issue
25 can be resolved.
- 26 • Beazer argued that the issue at hand is just the street access, not the building. He asked if they
27 plan to provide after-hours care, and they answered they did not. He asked if they would be
28 looking in to buying pound-type services—keeping the animals kenneled there, and they said
29 that they wouldn't be.
- 30 • Hillegass said that their attorney never said there was a restriction on the commercial boarding
31 of the animals.
- 32 • Keeslar said he would look into it. He said that it's something that needs to be addressed, but
33 it has nothing to do with this item.
- 34 • **MOTION** by Mark Malmstrom that the Planning Commission approve of Richard Israelsen's
35 request for a site plan for an office building in the Commercial General (CG) zone for property
36 located generally at 295 Gateway Drive with the findings of fact, conclusions of law, and
37 conditions stated in the staff report. **SECOND** by Nick Bouwes. All in favor.

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39 **ITEM FOUR:** Dianne Hall is requesting final plat approval for J. Johnson Subdivision located
40 generally at 309 South 200 West.

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42 The following findings of fact, conclusions of law, and conditions were presented:

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44 **FINDINGS OF FACT:**

- 45 1. Providence City Code 11-3-3 Final Plat lists the requirements for final plat requests.
- 46 2. The Development Review Committee (DRC) has reviewed the final plat for compliance to the
47 Providence City Code and has recommended approval.

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2 **CONCLUSIONS OF LAW:**

- 3 1. The applicant's request complies with the Providence City General Plan.
4 2. The applicant will meet the requirements of Providence City Code 11-3-3 Final Plat with the
5 following conditions.
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7 **CONDITIONS:**

- 8 1. Continue to comply with Providence City Code 11-3-3 Final Plat.
9 2. Obtain an access permit from Utah Department of Transportation (UDOT).
10 3. Obtain approval from Providence City Public Works for on-site design of 300 South Street.
11 4. Dedicate 1½ shares of Blacksmith Fork Irrigation or pay "fee in lieu" for shares.
12
13 • Diane Hall, agent for Jane Johnson, asked what the going price was for a water share. Keeslar
14 said that it was \$750/share.
15 • Hall said that Keeslar had been outstanding and that it had been nice dealing with the City.
16 • Sorenson opened to time for public comment.
17 • Sorenson closed the time to public comment and opened it up to the Planning Commission
18 • Malmstrom wondered if there was a house currently on the lot being subdivided.
19 • Hall said that there was and that that house had been sold. She said that the other lot would be
20 sold as soon as the lot is subdivided.
21 • **MOTION** by Jim Beazer that the Planning Commission recommend to the City Council
22 approval of Dianne Hall's request for final plat for J. Johnson Subdivision located generally at
23 309 South 200 West with the findings of fact, conclusions of law, and conditions stated in the
24 staff report. **SECOND** by Mark Malmstrom. All in favor.
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28 **ITEM FIVE:** Brian Smith is requesting final plat approval for Edwards Furniture Subdivision located
29 generally at 1670 South Highway 165.
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31 The following findings of fact, conclusions of law, and conditions were presented:
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33 **FINDINGS OF FACT:**

- 34 1. Providence City Code 11-3-3 Final Plat lists the requirements for final plat requests.
35 2. The Development Review Committee (DRC) has reviewed the final plat for compliance to the
36 Providence City Code and has recommended approval.
37

38 **CONCLUSIONS OF LAW:**

- 39 1. The applicant's request complies with the Providence City General Plan.
40 2. The applicant will meet the requirements of Providence City Code 11-3-3 Final Plat with the
41 following conditions.
42

43 **CONDITIONS:**

- 44 1. Continue to comply with Providence City Code 11-3-3 Final Plat.
45 2. Obtain an access permit from the Utah Department of Transportation (UDOT).
46 3. Submit construction drawings.
47 4. Remove shed from final plat mylar.

1 5. Remove shed from property or require shed to meet 20-foot setback from main building and 5-
2 foot setback from side and rear yard property lines before plat is recorded.
3

- 4 • Brian Smith of Edwards Furniture and Lynn Beir of IHC represented Edwards Furniture.
- 5 • Smith said he appreciated all help that the Planning Commission and Keeslar had been. He
6 said that this store would be an exciting thing for the City. He said that the shed is built on a
7 concrete pad that can easily be moved, so it won't be difficult to meet that condition.
- 8 • Sorenson wondered which lot IHC would be on.
- 9 • Smith said they'd be on lot one—the lot farthest north.
- 10 • Sorenson opened the time for public comment.
- 11 • Sorenson closed the time to public comment and opened the time to Planning Commission
12 comment.
- 13 • Malmstrom stated that the access for lot one would just come off the existing access. He said
14 that the roadway would be extended north into a parking area.
- 15 • Beazer wondered why Edwards needed to obtain an access permit from UDOT.
- 16 • Keeslar said that if they were to expand or widen it in the future, then they'd need a permit.
17 It's for future planning.
- 18 • Beazer wanted to know if there were plans to put another access on to 165. There are no plans
19 for that.
- 20 • Keeslar said that Cache Valley, UDOT, and Providence City had all adopted an access
21 management plan. The most accesses you'll see are two on each side of the road.
- 22 • Sorenson said that there will eventually be four on that side of the road.
- 23 • Keeslar said that that was true—two already existing.
- 24 • Smith said that the South Valley Clinic was constructed for Edwards Furniture and then was
25 rented to the Clinic. It will be rented to someone else.
- 26 • Smith said that he was told that this clinic is the most productive anywhere.
- 27 • Keeslar said that this facility will be a wonderful asset to Providence City and all of south
28 valley.
- 29 • This facility will not take the place of the InstaCare in Logan.
- 30 • Malmstrom asked if there were plans for the access on 300 South.
- 31 • Smith said that if he knew what was going to go on the lots (5 and 6), he'd, know how many
32 accesses to ask for.
- 33 • Keeslar said that the current law would allow lots 5 and 6 to have one access off of 300 South.
- 34 • Sorenson said that what was there would stay with the possibility for one more access for lot 5
35 and one for lot 6.
- 36 • Beazer is concerned about putting another access west of there.
- 37 • Smith said there are no plans for what businesses will go in those lots.
- 38 • Rod Blossom, Cache Landmark Engineering, said he had met with Roger Wilkes about the
39 property north of there, where the access from 265 from Discount Tire was talked about being
40 relocated.
- 41 • Keeslar said that the property Rod was talking about wouldn't be in this subdivision—it would
42 be just south of Discount Tire in another subdivision. It would be the line between the Booth
43 property and the south end of Discount Tire.
- 44 • Keeslar said that the Edwards Furniture subdivision largely doesn't affect that northern access.
45 He said that it's going to be hard to steal the access away from Discount Tire.

- 1 • Blossom said he had met with CMPO to see if it would be far enough away from the
- 2 intersection. He said that the CMPO wanted to relocate the existing access. It's totally on
- 3 Discount Tire's property.
- 4 • Beazer said he'd love to see the properties interconnect and not even go on to Highway 165.
- 5 • Sorenson said they do not want a Kmart or a Walmart.
- 6 • Beazer wondered if lot 1, where Edwards is building its store, would allow a passage.
- 7 • Smith said it would.
- 8 • Beir said her only concern would be the safety for the patients. She said that was the reason
- 9 IHC wanted the north property.
- 10 • Bouwes asked if there's an ordinance on the density of businesses that can be on these lots.
- 11 • Keeslar said that the ordinance doesn't have a minimum size for lots for businesses.
- 12 • Liechty thought that this was controlled by parking availability.
- 13 • Keeslar said it was but that it's not a bad idea to explore a minimum size for commercial lots.
- 14 He said that the smallest lot he's seen is almost an acre.
- 15 • Bouwes wondered why lots were shaped the way they were. He wondered why there was one
- 16 that was six acres. He asked if that was to encourage a large building to come in there.
- 17 • Smith said that that process was more artful than scientific.
- 18 • Beazer said that lot six could come back in a couple of years and divide.
- 19 • Keeslar said that the one acre on lot 5 is what a restaurant would need. He said that this
- 20 subdivision is very advantageous to the City because it has to have subdivided lots that people
- 21 can apply for site plan for and begin construction right away—without having to subdivide
- 22 lots.
- 23 • Beazer thought there should be a better way to control building size than just parking.
- 24 • Keeslar said that the City needs to start rewriting the zoning ordinances after the General Plan
- 25 is done.
- 26 • **MOTION** by Mark Malmstrom that the Planning Commission recommend to the City Council
- 27 approval of Brian Smith's request for final plat for Edwards Furniture Subdivision located
- 28 generally at 1670 South Highway 165 with the findings of fact, conclusions of law, and
- 29 conditions stated in the staff report. **SECOND** by Jim Beazer. All in favor. Abstained: Nick
- 30 Bouwes.

31
 32 **ITEM SIX:** Randy Gnehm is requesting final plat approval for Creekside Business Park Lot Two
 33 Condominium Subdivision located generally at 271 North Spring Creek Parkway.

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 35 The following findings of fact, conclusions of law, and conditions were presented:

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 37 **FINDINGS OF FACT:**

- 38 1. Providence City Code 11-3-3 Final Plat lists the requirements for final plat requests.
- 39 2. The Development Review Committee (DRC) has reviewed the final plat for compliance to the
- 40 Providence City Code and has recommended approval.

41
 42 **CONCLUSIONS OF LAW:**

- 43 1. The applicant's request complies with the Providence City General Plan.
- 44 2. The applicant will meet the requirements of Providence City Code 11-3-3 Final Plat with the
- 45 following conditions.

46
 47 **CONDITIONS:**

1 1. Continue to comply with Providence City Code 11-3-3 Final Plat.

- 2
- 3 • Keeslar said there are currently three units and that it has the potential to become four. Unit A
- 4 and the larger unit would be divided into two later.
- 5 • Rod Blossom was present to represent Randy Gnehm.
- 6 • Keeslar said that there had been a complaint that someone was filling in Spring Creek. He said
- 7 that he had investigated and that there was a little vegetation, but no fill whatsoever.
- 8 • Malmstrom wondered what the plan for these businesses was.
- 9 • Blossom said that they're selling them out. One is to a dentist. They will not be retail
- 10 businesses.
- 11 • Sorenson opened the time to the Planning Commission for discussion and/or a motion.
- 12 • Beazer said he loves it and is glad they build good-looking buildings.
- 13 • **MOTION** by Jim Beazer that the Planning Commission recommend to the City Council
- 14 approval of Randy Gnehm's request for final plat for Creekside Business Park Lot Two
- 15 Condominium Subdivision located generally at 271 North Spring Creek Parkway with the
- 16 findings of fact, conclusions of law, and conditions stated in the staff report. **SECOND** by
- 17 Mark Malmstrom. All in favor.
- 18

19 **ITEM SEVEN:** Randy Gnehm is requesting site plan approval for Sorensen and Gnehm commercial
20 building located generally at 271 North Spring Creek Parkway.

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22 The following findings of fact, conclusions of law, and conditions were presented:

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24 **FINDINGS OF FACT:**

- 25 1. Providence City Code 10-8-5 Commercial Zoned Districts; Site Development and Providence
- 26 City Code 10-8-6 Parking Regulations lists the requirements for site plan.
- 27 2. The Development Review Committee (DRC) has reviewed the site plan for compliance to the
- 28 Providence City Code and has recommended approval.
- 29

30 **CONCLUSIONS OF LAW:**

- 31 1. The application for site plan approval complies with Providence City Code 10-8-5 Commercial
- 32 Zoned Districts; Site Development and Providence City Code 10-8-6 Parking Regulations.
- 33 2. The application complies with the Providence City General Plan.
- 34

35 **CONDITIONS:**

- 36 1. Continue to meet Providence City Code 10-8-5 Commercial Zoned Districts; Site
- 37 Development and Providence City Code 10-8-6 Parking Regulations.
- 38 2. Submit site and landscaping improvement cost estimates and bond.
- 39 3. File a Notice of Intent with the State of Utah for a storm water pollution prevention permit.
- 40

- 41 • Keeslar would like one color copy of the site plan
- 42 • Malmstrom said that, in the past, the Planning Commission had talked a lot about Design
- 43 Review. He said that this exactly what they wanted to see. They like buildings closer to the
- 44 road and parking on side—not right out front.
- 45 • Beazer wondered if the north parking lot was going to be another building in the future and
- 46 asked if they were doing parking for it now.
- 47 • Blossom said it was but that they weren't doing parking for it now.

- 1 • Keeslar said that the reason the parking is enough for the one structure alone and then a little
2 bit.
- 3 • Blossom there are three lots and two accesses.
- 4 • Malmstrom said that the street trees will be required to be two inches (under the new code).
5 He said the plat just says they're putting in trees—not what kind. He said that, generally,
6 two-inch trees are standard for Commercial.
- 7 • Blossom said that it may have to be taken care of at subdivision plat.
- 8 • Keeslar said that the City has a good list of trees that was passed by the Planning Commission
9 and City Council that are approved—size and type.
- 10 • Liechty wondered what the situation with the bond was on condition two.
- 11 • Keeslar said that before building permit will be issued, they must submit their overall cost
12 estimates and bond.
- 13 • They will use a detention pond or pipe the excess water underground.
- 14 • **MOTION** by Mark Malmstrom that the Planning Commission approve of Randy Gnehm's
15 request for a site plan for an office building in the Commercial General (CG) zone for property
16 located generally at 295 Gateway Drive with the findings of fact, conclusions of law, and
17 conditions stated in the staff report. **SECOND** by Nick Bouwes. All in favor.
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- 19 The meeting adjourned at 7:08 p.m.

1 Meeting Minutes for April 15, 2005 Planning Commission Approved.

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Blaine Sorenson _____ Date _____
Chairman

Rebecca Billings _____ Date _____
Secretary