

1 **PROVIDENCE CITY PLANNING COMMISSION MEETING**

2 **Providence City Office Building**

3 **15 South Main, Providence, UT**

4 **October 17, 2006**

5 **5:30 p.m.**

6 **Attendance:** Vice Chair: Jim Beazer

7 Members: Bill Bagley, Lance Campbell, Jon Mock

8
9 **The Providence City Planning Commission will hold a public meeting to discuss the items**
10 **listed below. Anyone interested is invited to attend.**

11
12 **Public Hearings:**

13 No public hearings will be conducted.

14
15 **Study Items:**

16 Item No. 1. The Providence City Planning Commission will consider a request by Emily and
17 David Cox for a code amendment to add a dental lab use on the Use Chart in the Single Family
18 Traditional Zone.

- 19 • J Beazer introduced this study item. He was surprised it did not fall under another
- 20 category.
- 21 • S Bankhead explained that under the State of Utah requirements, there was nothing to
- 22 associate it with tonight. Emily and David Cox will be here in two weeks.
- 23 • J Beazer asked if this business creates a lot of traffic. J Mock suggested that deliveries
- 24 would be the only traffic. B Bagley stated that it may be a mail order business.
- 25 • S Bankhead stated that R Eck knew someone who had a dental lab in their home.
- 26 Providence City talked with them, and it appears to be an unobtrusive element.
- 27 • J Mock's concern is how to know when the business becomes too big for the
- 28 neighborhood. He asked if there were any limitations set.
- 29 • S Bankhead said Title 3, Chapter 4, which has the rules and regulations for home
- 30 businesses states that only 25 percent of one floor is allowed for a business, or a total 50
- 31 percent of the garage area. If they become bigger, they need to look at a commercial type
- 32 of property. The City reserves the right to inspect home businesses which may cause
- 33 complaints or concerns.
- 34 • B Bagley asked if the Health Department should be involved since the work done should
- 35 be a sterile environment. He is concerned with chemicals being put down the drain.
- 36 Mayor Simmons stated that this business should be approved by the Logan City toxic
- 37 waste person.
- 38 • S Bankhead stated that this item may not be brought before the next meeting. The
- 39 business owners will make their presentation, and the time will be approved by the
- 40 Planning Commission depending upon what they decide.

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42 Item No. 2. The Providence City Planning Commission will consider a request from Providence
43 City Staff for a Code Amendment to Providence City Code 10-16 concerning fence regulations.

- 44 • J Beazer introduced this item. He stated that fence ordinances seem to be plain.
- 45 • S Bankhead stated that Dee Barnes is assigned to do fences. She explained the approval
- 46 process. An application for a fence is filled out. Before it can be issued, Dee has to go
- 47 onsite and approve property lines, etc. He then issues the permit. When the fence is
- 48 complete, he takes his map and the application to make sure the fence is built where it is
- 49 to be. The deposit is then returned to the submitter. Dee has received questions that are
- 50 not addressed in the fence ordinance as is. He put this packet together based on what

1 other communities have and to address his questions of trying to enforce the fence
2 ordinance. The Zoning Code should clarify the height of fence in the area chart as well
3 as the actual enforcement part. The City would have better luck if this was pulled out of
4 Zoning and put it in Police Force Regulations for enforcement. Dee's biggest problem is
5 trying to enforce the permit process, or trying to enforce getting the fence corrected when
6 it does not meet Code. To change the fence is more than the \$50 deposit. Most people
7 want to do the right thing, but there is a little confusion. He would like to incorporate the
8 questions brought up in the last four months. The City staff recommends the repeal of
9 Title 10-16. The portion that deals with the regulation of the height, etc., would stay in
10 the ordinance, but the rest of the actual transferability be taken out of Zoning and put in
11 Title 5 for Police Regulations.

- 12 • J Beazer stated that a fence permit is three to six feet high.
- 13 • S Bankhead stated that a fence permit is different than a building permit. Anything over
14 six feet requires a building permit. The City staff feels like permits do not need to be
15 issued unless the fence is six feet tall. Let neighbors dispute the boundaries over property
16 lines. The City can't do anything about disputes. Questions can be put on the website in
17 a question and answer format written in an easy way for citizens to understand. The
18 sheriff's department can help resolve the violation rather than the City being caught
19 between property owners on a land dispute. Once the Ordinance is changed, the citizens
20 can be educated on the website as to what they can or can't do.
- 21 • B Bagley knows of fences that run parallel to sidewalks. He asked what the setbacks are.
- 22 • S Bankhead stated that the property owner the must maintain 12 inches from the sidewalk
23 if that is where their property line is. If the number is greater than 12 inches, then it must
24 be on the property line. To have the fence right next to the sidewalk creates an illusion
25 that you must stay away from the fence.
- 26 • J Beazer asked if hot tubs need to have a fence around as stated on page 2, 10-16-2 (i) of
27 the packet.
- 28 • S Bankhead stated that page 2 is just for suggestions and is open for comment.
- 29 • B Bagley is concerned with fences that have an unsightly appearance and wondered if the
30 Code should be more definitive.
- 31 • J Beazer said he does not want the Government to tell him what he can do. Who is to say
32 what is unsightly.

33
34 **Action Items:** None

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36 **Approval of Minutes for October 3, 2006:**

37 Page 3 of 5, lines 18 and 19, concerning trees in the parking lot, piped have been laid but the
38 parking area has not been paved yet. It will be cut to plant the trees later.

39 Page 3 of 5, line 21, B Bagley asked if the DRC should make hard copies, or if there are any
40 available, for public interest.

41 Line 32, 2 of 5, B Sorensen asked if service stations will be closed on Sundays.

42 Page 5 of 5, line 24, let's not make more mistakes.

43 Page 4 of 5, line 22 and 23 should say a fax instead of facts state.

44 **Motion to approve the minutes of October 3, 2006, with the corrections noted – J Mock, second –**
45 **B Bagley.**

46 **Vote:** **Yea:** B Bagley, J Beazer, L Campbell, J Mock

47 **Nay:** None

48 **Abstained:** None

49 **Excused:** B Sorensen

50

1 **Disclosure of any conflict of interest on any of the agenda items.**

2 B Bagley stated that he has spoken with Marilyn Bell concerning Item No. 2 requesting approval
3 for a gas station on the Items for Recommendation, and he has a personal conflict.

4 **Disclosure of any ex parte communication on any of the agenda items.** None

5
6 **Items for Recommendation:**

7 Item No. 1. The Providence City Planning Commission will study the request from Amsource
8 Providence LLC for site plan approval of Lot 110 of the Alder Square Commercial Subdivision,
9 generally located at 68 North Highway 165.

- 10 • Carl Pitt presented drawings of what the building will look like. He said that trees are
11 ready to be planted, and he presented a map showing trees being used as a buffer. The
12 trees will be on flat ground and will have curbs around them. The sidewalk will be part
13 of the curb. He pointed out where people will be looking at the building on a map.
- 14 • J Beazer stated that the Commission appreciates Carl Pitt making the back of the building
15 look better. He asked where parking requirements fall.
- 16 • S Bankhead read the requirements and stated they were okay.
- 17 • B Bagley asked about landscape percentages. It was stated that ten percent will be
18 landscaped, but curb and gutter are not included.
- 19 • Carl Pitt presented his plans and said the landscaping is included in the overall phase of
20 the entire site. He also stated that it has been approved by the City staff.
- 21 • B Bagley stated that .93 acres are listed and that it should be over one acre. It must have
22 4,000 square feet. He would like to see the plans revisited. He is also concerned with the
23 parking strip.
- 24 • S Bankhead said that it has been discussed and the City knew that the landscaping may
25 not meet all of the requirements.
- 26 • J Mock stated that this is the first real discussion of this, and it should be looked at and
27 corrected if it is not meeting the ten percent requirement.
- 28 • J Beazer said there would not be a problem if it was not for the driveway.
- 29 • Carl Pitt said he has an overall site plan approval which designated the landscaping for
30 the overall site plan, and it was approved by the City. He said Amsource is in
31 compliance.
- 32 • J Mock asked if each business has to conform, or is it the whole project that must have
33 ten percent.
- 34 • R Liechty stated that the Council knew it would not happen with each individual lot, but
35 for the overall project. Ten percent is required for the whole area.
- 36 • B Bagley read the ordinance.
- 37 • J Mock suggested that B Bagley was looking at each individual lot instead of the whole
38 site.
- 39 • Carl Pitt stated that there are over 4,000 square feet on that particular pad.
- 40 • L Campbell asked about the drive through. Carl Pitt presented his site map and
41 commented on the 44-foot sidewalk against building. The interior must have a second
42 exit, if required; it can be provided.
- 43 • J Mock said window would probably skirt over the sidewalk.
- 44 • Carl Pitt said the window would not cover the entire sidewalk. There also could be a
45 sliding door instead of a window. A patio area could be installed where the sidewalk has
46 been taken out of the plans.

47
48 The Providence City Planning Commission will make a motion to grant permission to Amsource
49 Providence LLC for site plan approval of Alder Square Commercial Subdivision, Lot 110,

1 generally located at 68 North Highway 165 with the findings of fact, conclusions of law, and
2 conditions stated in the staff report set forth - J Mock, second – Lance Campbell

3 Vote: Yea: B Bagley, J Beazer, L Campbell, J Mock
4 Nay: None
5 Abstained: None
6 Absent: B Sorensen
7

8 Item No. 2. The Providence City Planning Commission will study the request from Amsource
9 Providence LLC for site plan approval of Lot 101 of the Alder Square Commercial Subdivision,
10 generally located at 50 North Highway 165.

- 11 • J Beazer presented the recommendation and commented how much better the drawing
12 Mike Jackson presented looks.
- 13 • Mike Jackson commented on the appearance of the gas station. He explained that the
14 colors used are the same used in the Macey's building. The concrete columns have the
15 Flying J logo in them. Carl Pitt noted that the gas station will be blocked from sight by
16 other buildings tying in with Macey's.
- 17 • J Beazer asked how water is captured if gas is spilled.
- 18 • Mike Jackson said plans were submitted to the City today which included a trench drain
19 with a grate over it to catch any water and prevent it from going directly into the storm
20 water. The grading will cause the water to flow to one side and will be caught.
21 Additional drains have been added to catch the water before it can go to the main drains.
- 22 • Mayor Simmons stated that the City Engineer is concerned, also, and that Lynn Miller
23 will need to sign this off.
- 24 • L Campbell asked if there are two separate pumps for each island or if there is one pump
25 on each side.
- 26 • Mike Jackson stated that there are four dispensers which can service eight vehicles. He
27 stated that the plans the City has will address everything.
- 28 • B Bagley stated that he is looking out for the City. When this proposal was presented, no
29 fuel was planned. He presented notes from August 1, 2006, which discussed the
30 proposal, and no fuel item was agreed upon.
- 31 • Mike Jackson said blame for deciding to sell gas is not on Carl Pitt. Macey's had a hard
32 time deciding whether to venture into this area or not. On the site plan, Macey's decided
33 to go into the fuel business.
- 34 • Carl Pitt stated that organizations change, and that is what happened with the gas issue.
35 Economics helped decide to bring gas back into the plan.
- 36 • B Bagley mentioned that there will be eight stations within one mile.
- 37 • Mike Jackson said he feels very confident this station will work at this site.
- 38 • B Bagley said Macey's did not need this service to make the store go. He believes
39 Macey's will have an exclusive on gas.
- 40 • J Mock said selling the gas is a convenience factor and a marketing ploy.
- 41 • B Bagley asked why Macey's wants to take business away from everyone else. He said
42 the big boys are forcing the little boys out. All small businesses will feel the brunt of this
43 decision.
- 44 • L Campbell stated that you don't have to buy groceries and then cross the street to get
45 gas.
- 46 • Mike Jackson said this is a marketing ploy. Macey's needs to have comparable services
47 and comparable prices. Not selling gas would take away an opportunity to give a good
48 service to customers. Smith's has been very successful.

- 1 • Carl Pitt mentioned that he worked with Associated Foods for 18 years. If Macey's did
- 2 not replace their own store, they would be displaced by someone else. Macey's is the
- 3 little guy trying to compete. Gas is a tool needed to bring customers in.
- 4 • L Campbell compared Macey's gas station to car dealerships next to each other. Having
- 5 them close helps with competition because it is in one area.
- 6 • J Mock asked if there is any problem with the City staff on ground water. Since this has
- 7 to go through strict guidelines, he questioned if there are any foreseen problems.
- 8 • J Beazer stated that the tanks will be in ground water.
- 9 • S Bankhead commented that many people will be involved. The station will be very,
- 10 very, very regulated.
- 11 • C Pitt said ground water is now eight feet deep. Since irrigation has ceased, the level has
- 12 gone down a little. Ground water will normally be around eight feet.
- 13 • B Bagley said there has to be a margin for error.
- 14 • M Jackson commented on parking. He said the percentage of the parking lot is 4 per
- 15 1,000. Typical grocery stores do not have as many stalls as Macey's require. Macey's
- 16 require 10-foot wide stalls.
- 17 • J Beazer said the ordinance requires 9 x 20 feet stalls, and the stalls are 10 x 20 feet.
- 18 • B Bagley asked to reclude himself because of his family involvement with the gas
- 19 business.

20 The Providence City Planning Commission will make a motion to grant Providence LLC's
 21 request for site plan approval for Alder Square, Lot 101, located generally at 50 North Highway
 22 165 with the following findings of facts and conclusions of law and conditions as stated in the
 23 staff report – T Rasmussen – second J Mock

24 Vote: Yea: J Mock, J Beazer, L Campbell
 25 Nay: None
 26 Abstained: B Bagley
 27 Excused: B Sorensen

28
 29 Item No. 3. The Providence City Planning Commission will discuss moving the Planning and
 30 Zoning Meetings from the first and third Tuesday to Wednesday evenings.

- 31 • J Beazer presented the recommendation stating that it has been requested to be changed
- 32 in order to have Mark Teuscher attend.
- 33 • B Bagley would like to see a permanent move to Wednesday.
- 34 • S Bankhead said if it becomes overwhelming to have the City Council and Planning
- 35 Commission meetings the same week, the City would come back for a change.

36 The Providence City Planning Commission will make a motion to realign the Planning and
 37 Zoning Meetings from the first and third Tuesday evenings to the second and fourth Wednesday
 38 evenings of each month at 6:00 p.m. – B Bagley, second – J Mock

39 Vote: Yea: B Bagley, J. Beazer, L Campbell, J Mock
 40 Nay: None
 41 Abstained: None
 42 Excused: B Sorensen

43 Wednesday, October 25, 2006, will be the next meeting date.

- 44 • S Bankhead stated that the next meeting could be a workshop with Mark Teuscher
- 45 because she believes there isn't anything coming up on the agenda.
- 46 • R Simmons stated there is a good chance that Jody Hoffman will be here to give a
- 47 presentation.
- 48 • J Beazer asked if the DRC could look at adopting an ordinance for items like the Cove
- 49 Subdivision to make a second access.
- 50 • S Bankhead stated that they are working on that.

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- Mayor Simmons commented that a requirement will be implemented in January under the Utah Fire Code which will require two accesses for subdivisions with 25 or more homes. It is also one of those things that as a policy recommending body the Planning Commission could look at specifically.
- J Beazer said something like this should be addressed to legislation. J Beazer asked of S Bankhead would keep the Council apprised on that. S Bankhead stated that Liz brought this up in last week's meeting. She will get information to keep the City harmonious with this topic.
- J Beazer suggested that ten be a workable number.
- J Mock questioned how many homes should be allowed. Some places should have two accesses with ten homes, and some at twenty homes.
- Mayor Simmons asked when the Planning Commission will talk concerning the parking strip ordinance. The Council commented on gravel in the parking strips and how snowplows will end up pushing the snow and gravel into yards, especially on Canyon Road. He said that residents who live on East Edgehill are proud of the gravel and he has seen 1000 South. He stated that he can provide comments he has received from various citizens. He asked for some guidance on what to do.

Meeting adjourned at 6:55 p.m.
Minutes taken and prepared by B Turley.

Becky Turley
Office Assistant

Blaine Sorensen, Chair

Becky Turley, Office Assistant