

1 **Providence City Planning Commission**

2 Providence City Office Building

3 Providence City Council Chambers

4 15 South Main, Providence, UT

5 December 20, 2005

6
7 Present: Jim Beazer, Acting President

8 Commission: Jon Mock, Kristina Eborn, Lance Campbell, Bill Bagley

9 Excused: Chairman Blaine Sorensen

10 City Manager: Skarlet Bankhead

11 Secretary: Rebecca Billings

12
13 **AGENDA ITEMS**

14
15 **APPROVAL OF MINUTES**

16
17 **MOTION** by Kristina Eborn to approve the minutes of the November 15, 2005
18 Planning Commission. **SECOND** by Jon Mock. All in favor.

19
20 **Disclosure of any conflicts of interest on any of the agenda items:** Jim Beazer does
21 work for Jared Nielson. Jim Beazer did the hardware work on Jeff Hansen’s house (item
22 4).

23
24 **Disclosure of any ex parte communication:** Jon Mock had a conversation with Kathy
25 Baker.

26
27 **ITEM ONE:** Providence City is requesting modification of Providence City Code 10-12
28 Accessory Dwelling Units by prohibiting the approval of new accessory dwelling units.

29
30 **DEVELOPMENT REVIEW COMMITTEE RECOMMENDATION:**

31 That the Planning Commission recommend to the City Council the prohibition of the
32 approval of new accessory dwelling units.

33
34 **FINDINGS OF FACT:**

- 35 1. Providence City Code 10-12 Accessory Dwelling Units lists the purpose,
36 requirements, and regulations for accessory dwelling unit requests.

37
38 **CONCLUSIONS OF LAW:**

- 39 1. Providence City Council feels that accessory dwelling units are no longer being used,
40 in most cases, for “*temporary* means of obtaining . . . rental income” (PCC 10-12), but
41 are generally used as a supplementary income to those who reside comfortably in
42 their neighborhoods regardless of additional income.
43 2. Providence City Council is concerned that, with the increasing amount of accessory
44 dwelling units, Single Family Traditional neighborhoods will begin to develop the
45 flavor of Multi-Family zones.
46

1
2 **CONDITIONS:**

3 1. None.

- 4
- 5 • Camille Haake is in favor of keeping accessory dwelling units. She said she and her
6 husband have a legal accessory dwelling unit (ADU), and she feels it is unfair to
7 punish those who went through the process to obtain their ADUs legally by refusing
8 to grant new permits if the house is sold.
 - 9 • Linda Goetze is not in favor of keeping ADUs. She said it makes the Council and
10 Commission's jobs harder. She felt if more consistent ordinances were applied, she
11 wouldn't have to be at the meetings.
 - 12 • Val Simmons wondered why the City would eliminate them if there are already rules
13 and regulations attached to them. He said that certain people rely on them; he
14 doesn't feel they're an eyesore; he thinks it's better for the City to enforce the
15 regulations rather than eliminate them; he wonders what the point of changing the
16 ordinance again is if you can't enforce them now.
 - 17 • Linda Goetze said it changes the density of a neighborhood. She said it's tough to
18 enforce.
 - 19 • V Simmons felt it would take a lot of people to change the density of a
20 neighborhood.
 - 21 • Laura Fisher said the thing that's troubling is that people go to a lot of trouble to
22 establish ordinances, and then everything seems to be an exception to the ordinance;
23 she felt that people should observe the ordinances.
 - 24 • Jim Beazer closed the public hearing and opened time up to Planning Commission
25 for comment.
 - 26 • K Eborn is in favor of stopping ADU, but she is concerned for those people
27 whose homes have been built for that reason. If a person buys one of these
28 homes, they won't ever again be able to use the ADU. She said that in many new
29 parts of Providence, the City has let homeowners build their homes with ADUs—
30 they're set up for this purpose. She is not in favor of doing this anymore. She is
31 concerned for those who have already done it, but she doesn't know how to
32 rectify the situation.
 - 33 • Jon Mock has the same concerns. He said if there are truly only 20 ADUs in the
34 City, then it seems like a small number, but it does have the potential to be
35 abused. He feels that a lot of this is because of people who haven't complied with
36 the City ordinances. It will take a compliance officer to monitor it carefully.
37 He's in favor of the change.
 - 38 • K Eborn wondered if they could make an exception to let the conditional use for
39 ADUs continue with the selling of the house for those that already had the
40 conditional use granted.
 - 41 • S Bankhead explained that it was the person, not the dwelling unit that is granted
42 the conditional use. One of the conditions was that if the owner moved, the
43 accessory dwelling unit was no longer valid. If the new owner chose to continue
44 with the ADU, he/she would have to apply for a new conditional use.
 - 45 • K Eborn wondered if they could change the recommendation to say that existing
46 ADUs may reapply under new ownership.

- 1 • J Beazer said that reapplying means they're going to grant.
- 2 • K Eborn thought this was okay as long as they meet everything that is required of
- 3 them.
- 4 • J Beazer said his opinion is always against them.
- 5 • Ron Liechty said that the City Council has looked at this for a yea and have tried
- 6 to curtail ADUs. They're getting worse and worse and worse; he said that the
- 7 reason they were set up was to help a relative or a single person and help for
- 8 awhile. Now contractors are convincing people to buy a house they can't afford
- 9 unless they have an ADU—then you've got two families living in one house.
- 10 • B Bagley thinks the house becomes a marketing tool. He feels that, even if now
- 11 there are only 20 ADUs, it will be far more in ten years. He wondered how we
- 12 would police them.
- 13 • K Eborn still wondered if it would be worth making an exception for the 20 that
- 14 are existing.
- 15 • R Liechty didn't think she'd see that happen.
- 16 • J Beazer said enforcement for zero is easier than for 20.
- 17 • K Eborn felt it was more important to stop the accessory dwellings than to give
- 18 exceptions.

19 MOTION by Jon Mock that the Planning Commission recommend to the City Council
 20 the prohibition of the approval of new accessory dwelling units. **SECOND** by Bill
 21 Bagley. All in favor.

22
 23 **ITEM TWO:** Jared Nielson is requesting rezone approval for Hillcrest Subdivision located
 24 generally at 870 South 400 East.

25
 26 **RECOMMENDATION:**

- 27 1. That the Planning Commission recommend to the City Council approval of Jared
- 28 Nielson's request for rezone approval for Hillcrest Subdivision located generally at
- 29 870 South 400 East with the findings of fact and conclusions of law stated in the
- 30 staff report.

31 **FINDINGS OF FACT:**

- 32 1. Providence City Code 10-1-5 lists the requirements for Amendments, Changes.
- 33 2. There is Single Family Traditional zoning adjacent to the property on the north, east,
- 34 and west and within 650 feet to the south of the area of request; therefore, Single
- 35 Family Traditional zoning complements the existing residential area.

36 **CONCLUSIONS OF LAW:**

- 37 1. The applicant's request complies with the Providence City General Plan.
- 38 2. The applicant meets the requirements of Providence City Code 10-1-5 Amendments,
- 39 Changes.
- 40 3. 850 S 400 E is .34 acres. This acreage fits the general lot size of lots in Single Family
- 41 Traditional zones.

42 **CONDITIONS:**

- 43 1. None.
- 44
 - 45 • Jared Nielson reported that this request meets the requirements of the Providence
 - 46 City Master Plan.

- 1 • Jay Anderson, 1090 S. 400 E., said he's across the street from the proposed
2 subdivision. There are houses west and east. He felt that the proposed
3 subdivision is quite a bit different from the existing houses in that area.
- 4 • J Nielson said that, actually, the development to the south is exactly identical—
5 there's basically one piece of land separating his subdivision from this one.
- 6 • Darcy McEvoy felt that she and her husband were moving in to an area that was
7 country and animal-oriented—not subdivision-oriented. All of her neighbors,
8 north, south, west, and east have agricultural land. She felt that the subdivision
9 Nielson was talking about was brought in under duress to other people who had
10 more land. She feels that the City needs to plan high density areas and transition
11 areas to the country. She said it affects others' property and rights for what they
12 want when subdivisions like this come in. It includes taking roads through, and
13 the everyday traffic and emergency traffic in and out of the area will be
14 horrendous. She said the pollution will be terrible. She said her property is well-
15 maintained; poor maintenance isn't an issue; One can find small lots as well as
16 big lots that are not not maintained.
- 17 • Mark Stimpson recently moved to Providence from California, and he feels that
18 Cache Valley is beautiful, but the inversion is terrible. He feels the only way to
19 help the pollution situation is to slow down the growth the area. Cache Valley
20 cannot handle growth like Salt Lake because of the levels of pollution.
- 21 • Linda Goetze disagreed with J Nielsen when he said it's keeping with the Master
22 Plan. The Master Plan says it should preserve and protect the rural lifestyle. She
23 wondered how we are defining rural within Providence City we think that all of
24 the land in Providence should have 3-4 houses per acre. She lives on 100 E.
25 When CELCO land was annexed, 100 E. become a major access from the bench.
26 There is a lot of construction traffic, and there needs to be a truck route. She feels
27 there should be a master plan that lays out areas of Providence that are 1-3 acre
28 estate lots.
- 29 • K Eborn wondered if the 1-acre lots would be affordable.
- 30 • L Goetze said that the 1/3 acre lots are actually increasing the price of the open
31 space. She felt he's asking for a change in property right, and she feels it's wrong
32 to shift the value way in favor of the developer and decrease the property value.
- 33 • Jay Anderson said that 400 East is a very narrow, scary road. He is very careful
34 about school buses, trucks, and teenage drivers. He likes that the speed limit is 25
35 miles an hour because there are places on the road where the bench just falls off
36 and there are deer and a lot of human activity. He understands that in the master
37 plan the around his house will be rezoned, but he feels it should be one acre per
38 house. He said that most of the houses are built that way now in that area. He felt
39 there would be too much traffic if a subdivision went in.
- 40 • Leon Jensen, a resident on 400 East said that his home is a 1/3 acre, his brother's
41 is 1/3 acre. He said they could have built a ¼ acre—and he's lived on that lot 40
42 years. He said that if you make a wider road, the trucks and cars will only drive
43 faster. He feels that the subdivision has met every City requirement, and also fits
44 the bill for the master plan. He said when he was growing up there were quarry
45 trucks going up and down, and once someone was killed. He said people aren't
46 going to buy 3-acre lots.

- 1 • Glen Thompson said that this subdivision affects his neighborhood, so they're
2 infringing upon his property rights, even though it meets current master plan. He
3 would like to see the Master Plan changed. He said it's infringing upon his and
4 his neighbors' market value, devaluing their property and their way of life. He
5 didn't think the City was ready for the safety and traffic issue of 400 East because
6 he doubts they can afford to fix it.
- 7 • Eleanor Hansen said that the argument about the care of larger lots is easy to
8 solve. The developer just needs to sets up covenants.
- 9 • Jim Beazer wondered if the Hillcrest Subdivision will have covenants.
- 10 • J Nielsen said there will be a full set of covenants.
- 11 • R Liechty said this has been tabled in the past because they have met all the
12 requirements, but there is the issue of the road. There has been a survey, and the
13 Council's intention is to meet with the Planning Commission and look at the
14 survey of the road. Some citizens have talked about the market for larger lots, but
15 there has been no information from realtors. It was requested that the Council
16 take a look at this possibility because maybe 1-acre lots fit right there, if they're
17 feasible.
- 18 • Jon Mock wondered if there could be discussion about creating a zone in between
19 Agriculture (minimum 5-acre lots) and Single Family Estate (1-acre lots).
- 20 • L Goetze said that she hears over and over that no one wants 1-acre lots, but she
21 asked a realtor about all of the listings of an acre or more, and she told her that
22 most of them had sold within a few months. Goetze presented this to the Council.
23 She felt it was unfair to say there's no demand for larger lots before realtors have
24 been talked to and listings have been looked at. She said some people feel that
25 her landscaping is, to some people, weeds, but there's a separate ordinance in the
26 city to deal with weeds. She said it's a question of enforcement. She felt the City
27 should take in to account what the current citizens want and the issues of safety
28 and traffic.
- 29 • Randy Simmons told the citizens that the issue before them is not the subdivision;
30 the issue is the rezone. If the Council approves the rezone, the subdivision will be
31 approved. The citizens are asking the Council to consider bigger lots—the second
32 step is the actual subdivision. Under current City codes, this subdivision fits.
- 33 • Laura Fisher said there's a tremendous variation in the width of the road, and
34 there are severe impediments to widening the road: terrain and property
35 ownership. She felt it was more productive to discuss rezoning before they've
36 discussed the problem of the road.
- 37 • Jeff Hansen, surveyor, said that a lot of people don't understand that there is a
38 demand for 1-acre lots, but there's a much higher demand for 1/3 acre lots. He
39 said that one thing that hinders us is the poor example of our forefathers. There
40 was a lack of planning in the valley by our forefathers. The average family in
41 Utah has four kids per family, and by the time a person dies, there will be 20
42 homes needed to support his family. The larger lots are wasting resources and
43 making pollution worse and worse by pushing people farther and farther and
44 making them drive. He wondered where our children and grandchildren are going
45 to live if there aren't more houses. If we quit building, what would we do?

- 1 • Dale Frindley said wondered how many of the citizens are willing to tell their kids
2 they can't have any more kids.
- 3 • Mark Stimpson said his kids could not build in Sacramento. He said that in one
4 generation there is nothing. He wondered if people should preserve the rural—
5 otherwise, in one generation, there will be no more room for their kids to build.
- 6 • Val Simmons didn't see how the City could legally stop the subdivision from
7 coming in if they had met the City codes.
- 8 • Laura Fisher felt it was distorted to have core values, almost religious values,
9 brought in to the discussion. Many people do not have 4 or 8 children. She did
10 not welcome the reference of the "happy plan" as an issue.
- 11 • Bob Bissland gave the example of 1000 West in Logan being built as a truck
12 route and then the school going in after a 1/3-acre subdivision went in as a
13 conditional use in an Agricultural zone. It wasn't poor planning, it was poor to
14 downgrade the zone. He told the Planning Commission that they have a chance to
15 hold some sort of rural character—to incorporate planning. 1000 West and 600
16 West are no are no longer truck routes because the City caved in to private
17 interests.
- 18 • J Beazer thought it was poor planning to assume that the end of their world was
19 going to be 1000 W.
- 20 • Rod Cruise said the people just want responsible development—it doesn't always
21 happen the way the developer says it's going to happen. Make sure there's a
22 safety plan for the road. He felt that bigger lots add character to Providence. He
23 just wants the development done responsibly.
- 24 • Glen McEvoy feels that the Hillcrest subdivision is completely out of character
25 with the community. He pleaded with the Commission to focus on planning and
26 their responsibilities.
- 27 • Wendall Liechty didn't feel that the water issue had been resolved.
- 28 • Jared Nielson said that everyone feels that his subdivision is jumping the gun, but
29 really, the citizens have had chances for years to change their master plan. The
30 City has brought in over 300 lots the same size as Hillcrest lots that met the
31 requirement. He felt that citizens should have been in here then. He felt that
32 citizens should have been in here years ago to change the plan to what they
33 wanted.
- 34 • J Beazer closed the public hearing.
- 35 • Bill Bagley was worried that the City continues to approve, grow and build with
36 no way off the benches. He felt the City needed some solid, written agreements
37 about roads. There needs to be a people road, not an emergency road. He feels
38 that no one seems to want to make commitments or take the infrastructure. He's
39 seen developers get away with anything as far as covenants. He felt that
40 developers would do anything to sell a lot. He said that, legally, the City doesn't
41 have to approve a rezone, but he thinks the safety issue has got to be a major
42 concern.
- 43 • S Bankhead said that when developers present plans to Staff, they pull out the
44 master plan, and the master plan *does* address additional routes. This subdivision
45 was redesigned to use 500 East as a route. If you look at the zone change, there
46 are people on acre or more lots, but many of the people are living on less than 1/2

- 1 an acre—as their actual lot size. The City is trying to incorporate these alternate
2 routes so developers build the roads the City so desperately needs to get traffic
3 through the City.
- 4 • K Eborn wondered if the City Council was planning on fixing 400 East so the
5 subdivision could be approved.
 - 6 • R Liechty said the Council was looking at if it's feasible for them to do 400 East
7 or to go with the 500 South route.
 - 8 • K Eborn didn't feel she was educated enough to make a decision for a rezone
9 because of the road. She felt that talkinga bout driving past peoples' houses is not
10 an issue—we all drive past everyone's houses. She said there are plenty of people
11 who would like to buy acre lots, but ¼-acre lots are equally desirable.
 - 12 • J Mock said he had a feeling that very few of the lots in that area were less than ½
13 acre. He asked J Nielsen if he had considered scaling back the number of lots at
14 all--maybe 25 or 30 instead of 55.
 - 15 • J Nielson explained that his company had made an offer on the ground at a certain
16 price, and downscaling the number of lots would cause problems with the
17 purchase of the land. They must have the lots to make it work economically.
 - 18 • R Liechty said that City Council would like to have a meeting with the Planning
19 Commission.
 - 20 • R Simmons thought it might be good to look at creating a new set of zones
21 requiring a larger lot size in certain parts of town. He said that Council will look
22 at that as well as the road issue. He said that a street is a public thoroughfare if it
23 has been used for over 10 years—so there are issues that must be solved.
 - 24 • K Eborn felt that the Planning Commission should table the item until they could
25 meet with City Council concerning the road and look at the survey results.
 - 26 • J Beazer said that this issue is a “not in *my* back yard” issue for almost all of the
27 citizens concerned about it. He said that not one word was said when East
28 Edgehill went in.
 - 29 • **MOTION** by Kristina Eborn to table Jared Nielson's request for rezone approval
30 for Hillcrest Subdivision until the Planning Commission can meet with the City
31 Council to address the road and other concerns. At that time they will look at the
32 rezone for this subdivision. **SECOND** Jon Mock: All in favor.

33
34 **ITEM THREE:** Providence City is requesting modification to Providence City Code 11-5-2
35 Building Permit Issuance; Minimum Improvements by adding curb, gutter, and sidewalks to
36 the minimum improvement requirements. --**WITHDRAWN**

37
38 **ITEM FOUR:** Dan Rosenberg is requesting final plat approval for Rosenberg Minor
39 Subdivision located generally at 50 East 100 South.

40
41 **RECOMMENDATION:**

- 42 1. That the Planning Commission recommend to the City Council approval of Dan
43 Rosenberg's request for final plat approval for Rosenberg Small Subdivision located
44 generally at 50 East 100 South with the findings of fact and conclusions of law stated in
45 the staff report.

1 **FINDINGS OF FACT:**

- 2 1. Providence City Code 11-3-3 Final Plat lists the requirements for final plat requests.
3 2. Providence City Code 11-3-4 Small Subdivisions lists the requirements for small
4 subdivision requests.

5
6 **CONCLUSIONS OF LAW:**

- 7 1. Continue to comply with Providence City Code 11-3-3 and 11-3-4.
8

9 **CONDITIONS:**

- 10 1. Submit cost estimates and bond for all improvements.
11 2. The existing water line being used for lot 2 needs to be upgraded to the current
12 standards.
13 3. Add a note to the final plat that all construction must meet the Providence City
14 standards and specifications.
15

- 16 • S Bankhead explained that the development agreement for the Brian Marble
17 Subdivision says that the sidewalk in front of the subdivision will be required
18 when the City deems necessary.
- 19 • Jeff Hansen, surveyor, (representing Dan Rosenberg) was concerned about only
20 part of the sidewalk going in on the street.
- 21 • R Liechty said they'd like sidewalk all the way down the street.
- 22 • J Hansen said that if City received money and put it in a fund, then the City could
23 go in and fill in the sidewalk with the fund.
- 24 • J Mock wondered if the sidewalk would have to go in if this were sold and
25 subdivided. He wondered if it could go in once everyone on the street was on
26 board—so they wouldn't have it in pieces.
- 27 • S Bankhead said the City has a line item within its Streets Division for new
28 sidewalks. The City looks at where new sidewalks go, and if the City deems it as
29 viable, it can move money to finish a sidewalk.
- 30 • R Liechty said the Council wants the sidewalk in.
- 31 • J Beazer wondered if they would give a fee in lieu of or if the City would make
32 them do it in the winter.
- 33 • S Bankhead explained that it's a performance bond, and that it is 110% of what
34 the cost is deemed to be. They would allow them to wait for weather conditions
35 to improve. They have up to 2 years.
- 36 • Bagley wondered if the open space behind the lot had a way of developing.
- 37 • Hansen said it is one big lot.
- 38 • Jon Mock said they could put a large home, but not another lot or another
39 subdivision because there would be no frontage on a road.

40 MOTION by K Eborn that the Planning Commission recommend to the City Council
41 approval of Dan Rosenberg's request for final plat approval for Rosenberg Small
42 Subdivision located generally at 50 East 100 South with the findings of fact and
43 conclusions of law stated in the staff report. SECOND by Jon Mock? All in favor.
44

1 **ITEM FIVE:** Lanny Herron is requesting site plan approval for an LDS church located
2 generally at 300 East Canyon Road.

3
4 **RECOMMENDATION:**

- 5 1. That the Planning Commission approve Lanny Herron’s request for site plan for
6 an LDS Church located generally at 300 East Canyon Road with the findings of
7 fact, conclusions of law, and conditions as stated in the staff report.
8

9 **FINDINGS OF FACT:**

- 10 1. Providence City Code 10-8-5 Commercial Zoned Districts; Site Development and
11 Providence City Code 10-8-6 Parking Regulations list the requirements for site
12 plan.
13 2. International Building Code 1106.1 lists the requirements for the number of
14 accessible parking spaces and CABO/ANSI A117.1-1993 4.6.2 and 4.6.4 list the
15 requirements for parking spaces.
16 3. The property is zoned Single Family Traditional in the Providence City General
17 Plan.
18 4. Churches are permitted uses in all zones, including Single Family Traditional.
19 5. The Development Review Committee (DRC) has reviewed the site plan for
20 compliance to the Providence City Code and has recommended approval with the
21 condition below.
22

23 **CONCLUSIONS OF LAW:**

- 24 1. The applicant meets the requirements of Providence City Codes 10-8-5 and 10-8-
25 6 for Site Plan.
26

27 **CONDITIONS:**

- 28 1. Provide one more handicap parking stall that is van accessible: 98” min. length, 96”
29 min width (IBC 1106.1 & CABO/ANSI A117.1-1993 4.6.4).
30
31 • Lanny Herron told the Commission that this is to be a meetinghouse for three
32 wards—not a stake center. It is larger than the normal size for a stakehouse—they
33 will have to deed some property back on 300 East. He passed out a recent aerial.
34 They need to know what the width on Canyon Rd will be.
35 • S Bankhead said they’re going to dedicate the appropriate right of way for the
36 road.
37 • Laura Fisher wondered if a church fits in the zone.
38 • J Beazer said that churches are accepted in any zone.
39 • Jerry Furhiman wondered where the traffic would be coming from. He wondered
40 if ward boundaries come after the approval of the church.
41 • The area impacted is yet to be decided.
42 • J Beazer said it would be influx.
43 • MOTION by Jon Mock to approve That the Planning Commission approve Lanny
44 Herron’s request for site plan for an LDS Church located generally at 300 East
45 Canyon Road with the findings of fact, conclusions of law, and conditions as stated in
46 the staff report. SECOND by Kristina Eborn.

1
2 **ITEM 6:** Young Electric Sign is requesting approval for a conditional use for an electric
3 LED sign on a building located generally at 545 West 100 North.

4
5 **RECOMMENDATION:**

- 6 1. That the Planning Commission recommend approval of Young Electric Sign's
7 request for a conditional use for an electric LED sign on a building located
8 generally at 545 West 100 North with the findings of fact, conclusions of law, and
9 conditions as stated in the staff report.

10
11 **FINDINGS OF FACT:**

- 12 1. City Council passed Ordinance Modification 014-2005 which modified
13 Providence City Code Title 10 Chapter 15 Section 1 Electronic Message Sign and
14 10-15-5: Permitted Signs; Table from the 15" x 12" size requirement to 39 square
15 feet for electronic signs and added that a electronic signs be permitted under a
16 conditional use

17
18 **CONCLUSIONS OF LAW:**

- 19 1. The applicant meets the requirements of Providence City Codes 10-15-1
20 Electronic Message Sign and 10-15-5: Permitted Signs Table.

21
22 **CONDITIONS:**

- 23 1. To be determined by Planning Commission and City Council.
- 24
- 25 • Randy Young, representing Young Electric Sign, said that current City Codes
26 allow 15 square feet for electronic signs, but this state-of-the-art, LED sign. The
27 reason for this request for a larger (35 square-foot) sign is there will be nine
28 tenants sharing it. It will be a message center. It will actually reduce sign clutter.
29 He said that the LED will be positioned in the building base. It will face East.
30 The reason they need a full-size LED is that most of the traffic will be walking
31 traffic. To downsize the LED would mean compromising the visual—you can't
32 see it clearly—it doesn't do what it is meant to do. They don't create a safety
33 hazard.
 - 34 • J Beazer wondered if the nine tenants would be able to opt out of using the sign if
35 they didn't want to.
 - 36 • R Young said that City Council had the concern that there would be deluge of
37 these type of signs, but these signs are expensive; people can't afford to do this on
38 a whim.
 - 39 • R Liechty reported that the City Council didn't want to open the flood doors for
40 signs, so if there's something representing nine different stores it would be
41 good—so instead of nine signs there would be one—up to 39 feet as a conditional
42 use.
 - 43 • Bob Bissland felt that the City Council acted too quickly—they recommended
44 against it without any background except Jim Beazer and Randy Eck measuring
45 some signs. He felt it was voted down with not a whole lot of scientific evidence
46 or reasoning. He felt that the problem was, whether there will be nine businesses

1 or not, it sets a dangerous precedent in Providence. He didn't feel that \$45,000
2 wasn't much for a sign, so what's to stop other businesses from doing the same
3 thing? He was concerned about the light pollution—aesthetic pollution. He feels
4 it is sticky planning.

- 5 • Jerry Furhiman thought it was admirable that the City Council tried to put in one
6 sign rather than nine, but he guessed that all nine people have not signed up for
7 the sign. The person who owns the sign controls—has access to the pocketbooks
8 of the eight people who haven't yet decided. He would feel more comfortable if
9 the tenants were the ones asking for the sign rather than sign-maker.
- 10 • R Young said he's representing one of the people who wants the sign. If the other
11 people don't want to go in, it's their choice.
- 12 • K Eborn felt that when people rent property, they're smart enough to know what's
13 going on.
- 14 • Brian Cox wondered if the sign restricted to the advertising of the tenants in the
15 building. He wondered if the sign would be open to the public if the other eight
16 people choose not to advertise on it.
- 17 • S Bankhead said the sign would be restricted. She said they couldn't advertise
18 anything other than the things within the structure.
- 19 • Bob Bissland wondered if there was a way that, if tenants opted out of the sign
20 and it ended up being solely for one tenant, they could have the sign be 35 instead
21 of 15 square feet. He was concerned about how the City would ever limit signs if
22 they could be up to 40 square feet. He feels it's too big, even under the guise of
23 conditional use.
- 24 • J Beazer said that's his concern for any type of conditional use.
- 25 • R Liechty said that the owner of the building is coming to the City through Young
26 Electric he wants a 35 sq ft sign. The owner is saying he will not allow his
27 tenants to use other signs; they get the one sign to advertise.
- 28 • B Cox said the City just has to be careful there's not a bright light on a building
29 here and then there—the Las Vegas thing.
- 30 • Planning Commission discussed bringing back the Design Review draft done a
31 few years ago. This document discussed lighting.

32 MOTION by Kristina Eborn that the Planning Commission recommend approval of
33 Young Electric Sign's request for a conditional use for an electric LED sign on a
34 building located generally at 545 West 100 North with the findings of fact,
35 conclusions of law, and the following conditions:

- 36 1. The maximum size of the sign be 32 square feet
- 37 2. If the city requests, the sign owner will advertise public service announcements
- 38 3. Businesses using the LED sign: a) may not put up individual electronic signs b)
39 may have signs using no more than 20% of the facia of their building, excluding the
40 glass area and not to exceed 20 square feet (whichever is smaller) c) may only have
41 signs that are permanent, flat signs (canvas signs not allowed).
- 42 4. The LED sign must be made as it has been presented on the plan.

43 SECOND by Bill Bagley. Lance: Aye Kristina: Aye Bill: Aye Jon: Nay
44

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46 _____
Jim Beazer

Rebecca Billings

1 *Acting Commission Chair*

Secretary