

1 **Providence City Planning Commission**

2 Providence City Office Building

3 Providence City Council Chambers

4 15 South Main, Providence, UT

5 November 15, 2005

6
7 Present: Chairman: Blaine Sorenson

8 Commission: Jim Beazer, Jon Mock, Kristina Eborn

9 Excused: Council Representative, Ron Liechty

10 City Manager: Skarlet Bankhead

11 Secretary: Rebecca Billings

12
13 **AGENDA ITEMS**

14
15 **APPROVAL OF MINUTES**

16 Corrections: October 18 minutes: p. 2, line 20 should be “proposed to split his lot” rather
17 than “is splitting his lot.” Correction noted and changed.

- 18 • **MOTION** by Jon Mock to approve the minutes of the October 18, 2005 Planning
19 Commission. **SECOND** by Kristina Eborn. All in favor.
- 20 • **MOTION** by Jon Mock to approve the minutes of the October 25, 2005 Planning
21 Commission. **SECOND** by Kristina Eborn. All in favor.

22
23 **Disclosure of any conflicts of interest on any of the agenda items:** Jim Beazer’s
24 company does work for Don Christopherson.

25 Kristina Eborn said that McDonough works closely with the property of her company, so
26 she will abstain from voting on item one.

27
28 **Disclosure of any ex parte communication:** Jim Beazer had conversations with Greg
29 McDonagh, Dennis Carlson and others concerning the McDonagh Minor Subdivision.

30
31 **ITEM ONE:** Greg McDonagh is requesting final plat approval for McDonagh Minor
32 Subdivision located generally at 983 Grandview Drive.

33
34 **DEVELOPMENT REVIEW COMMITTEE RECOMMENDATION:**

- 35 1. That the Planning Commission recommend to the City Council denial of Greg
36 McDonagh’s request for final plat approval for McDonagh Minor Subdivision
37 located generally at 983 Grandview Drive with the findings of fact and
38 conclusions of law stated in the staff report.

39 **FINDINGS OF FACT:**

- 40 1. Utah Code 10-9a-608 Vacating or Changing a Subdivision Plat lists the
41 requirements for changing a subdivision.
- 42 2. Providence City Code 11-3-3 Final Plat lists the requirements for final plat
43 requests.
- 44 3. Providence City Code 11-3-4 Small Subdivisions lists the requirements for small
45 subdivision requests.
- 46 4. The property is designated as Residential in the Providence City General Plan.

- 1 5. The property is located in the Single Family Traditional (SFT) zone.
- 2 6. The Development Review Committee (DRC) has reviewed the final plat for
- 3 compliance to the Providence City Code and has recommended approval with the
- 4 conditions below.

5 **CONCLUSIONS OF LAW:**

- 6 1. The applicant complies with the requirements for Providence City Code 11-3-3
- 7 and 11-3-4 as well as Utah Code 10-9a-608; however:
- 8 2. Neighboring property owners have submitted documentation stating the opinion
- 9 of certified appraisers that the McDonagh minor subdivision would potentially
- 10 materially injure the surrounding properties (see attached letters).
- 11 3. The Development Review Committee (DRC) has reviewed the final plat for
- 12 compliance to the Providence City Code and Utah State Code and feels that the
- 13 opinions given by certified appraisers provide sufficient evidence that potential
- 14 material injury to surrounding properties exists; therefore, the request does not
- 15 comply with all points of Utah Code 10-9a-609:2.

16 **CONDITIONS:**

- 17 1. None.
- 18
 - 19 • G McDonagh thanked the City (especially Skarlet) for their help. He said that
 - 20 what transpired last month was an eye-opener for him. His intent was to simplify
 - 21 his expenses so he and his wife could continue their involvement in community
 - 22 service and still stay in their neighborhood. The last thing they intended to do was
 - 23 disrupt the neighborhood. He read Romans 12:18: "If it be possible, as much as
 - 24 lieth in you, live peaceably with all men." He realized he was creating contention
 - 25 in the neighborhood and, although his attorney thought he could force it through if
 - 26 they wanted to, he has no desire to go that direction. He felt he had tried to follow
 - 27 the ordinances 100%, and that the City had led him to believe it was something
 - 28 well within the law. He apologized for putting the Commission in the position
 - 29 where neighbors and others said things that were not kind. It is his, and his
 - 30 family's, wish to withdraw his application. For others who feel it's a victory, he
 - 31 wants them to know that he could have saved himself a lot of time and money.
 - 32 He said the law allows for what he's doing. He thinks the City needs to change
 - 33 their law if they don't want a subdivision like this. The McDonagh family spent
 - 34 over \$2,000 in the application process. They thought they were well within the
 - 35 law.
 - 36 • B Sorenson said that when he saw this application before, he hadn't thought about
 - 37 views. He became very painfully aware of the view issue with Norm Christensen.
 - 38 Christensen lost value in his home because a developer built a home and blocked
 - 39 his view. Sorenson implored developers in the audience to be very careful and
 - 40 consider what is built. He is taken back that the City permits things from
 - 41 developers that would destroy views.
 - 42 • G McDonagh mentioned that the City might perhaps require view corridor
 - 43 studies.
 - 44 • G McDonagh felt that his plan was low profile. He felt there must be a balance
 - 45 for the process.
 - 46 • J Mock expressed his hope that the City create a Design Review Committee.

1 **ITEM TWO:** Don Christopherson, agent for Brookhaven Development, is requesting
2 final plat approval for Cobblestone at Spring Creek Phase IV located generally at
3 Gateway Drive and Meadow Brook Lane.
4

5 **RECOMMENDATION:**

- 6 1. That the Planning Commission recommend to the City Council approval of Don
7 Christopherson’s request for final plat for Cobblestone at Spring Creek Phase IV
8 located generally at Gateway Drive and Meadow Brook Lane with the findings of
9 fact, conclusions of law, and conditions as stated in the staff report.

10 **FINDINGS OF FACT:**

- 11 1. Providence City Code 11-3-3 Final Plat lists the requirements for final plat
12 requests.
13 2. The Development Review Committee (DRC) has reviewed the final plat for
14 compliance to the Providence City Code and has recommended approval.
15 3. Fire Code Section 503 Fire Department Access Roads lists the requirements for
16 fire department access.

17 **CONCLUSIONS OF LAW:**

- 18 1. The applicant’s request complies with the Providence City General Plan.
19 2. The applicant meets the requirements of Providence City Code 11-3-3 Final Plat
20 and Fire Code Section 503 Fire Department Access Roads with the following
21 conditions (to be met before the final plat recordation):

22 **CONDITIONS:**

- 23 1. Continue to comply with Providence City Code 11-3-3 Final Plat.
24 2. An Aspen Lane already exists in Providence. Please rename this street.
25 3. Max Pierce, City engineer will look at the water calculations submitted with other
26 phases of Cobblestone to confirm the 3” water line. This will be addressed with
27 construction drawings.
28 4. Four (4), clearly visible, “NO PARKING FIRE DEPARTMENT ACCESS
29 LANE” signs must be installed in an alternating pattern, starting at lot 123
30 throughout the parking area, in addition to the other no parking requirements of
31 the PUD.
32 5. The entrance to the west space shall be constructed with a rolled curb and gutter
33 instead of a back curb (for emergency vehicle tire protection).
34 6. An “SOS sensor” (air horn sensor) box will be placed on the north gate at
35 Meadow Brook Lane and Gateway. Both gates to Cobblestone will be
36 electronically connected for fire access.
37 7. Entrance gate to the subdivision must be tested for other engine companies that
38 work in a united effort with Logan City, such as Smithfield and North Logan. If a
39 code or key can be used to open the gate, a Supra lock box must be provided for
40 access.
41
42 • Don Christopherson and his partner, Dave Harris brought in an elevation of the
43 drawing.
44 • D Christopherson told the Planning Commission that the community is gated, and
45 that the Logan Fire Chief met them on site, and they reviewed and followed all
46 fire recommendations.

- 1 • D Christopherson showed an elevation viewing all three buildings from the south.
2 There will be ramp and curb entrances to each home. Cutting in level and
3 bringing the berm further out.
- 4 • Sorenson and Eborn feels that Cobblestone is wonderful.
- 5 • D Christopherson said there will be a stucco and stone finish on the outside.
6 They're not rolling the eaves on, but they're using an end-cap shingle. It has a
7 heavier eave appearance. He explained that they staggered the elevations of the
8 building for a nicer look.

9
10 **MOTION** by J Beazer that the Planning Commission recommend approval for
11 Cobblestone Phase at Spring Creek Phase IV final plat located generally at Gateway
12 Drive and Meadow Brook Lane. **SECOND** by Kristina Eborn. All in favor.

13
14 **ITEM THREE:** Providence City is requesting an amendment to Providence City Code
15 10-15-1 Electronic Message Sign and 10-15-5 Permitted Signs; Table; changing the
16 maximum size of an electronic message sign from fifteen (15) square feet to thirty-nine
17 (39) square feet.

18 **RECOMMENDATION:**

- 19 1. That the Planning Commission recommend to the City Council approval of
20 Providence City's request for an amendment to Providence City Code 10-15-1
21 Electronic Message Sign and 10-15-5 Permitted Signs; Table; changing the
22 maximum size of an electronic message sign from fifteen (15) square feet to
23 thirty-nine (39) square feet.

24 **FINDINGS OF FACT:**

- 25 1. Providence City Code 10-15-1 Electronic Message Sign defines what an electric
26 sign may entail as well as the maximum allowable square footage for electronic
27 message signs.
- 28 2. Providence City Code 10-15-5 Permitted Signs; Table lists the maximum
29 allowable square footage for electronic signs.
- 30 3. Providence City Code 1-1-3 Amendments lists the requirements and process for
31 amending a city code.
- 32 4. Providence City 10-1-5 lists the requirements for Amendments, Changes.
- 33 5. The attached letter indicates the purpose of and justification for the requested
34 amendment, as well as how the request follows and promotes the requirements
35 and purposes of the Providence City Code and Providence City General Plan.

36 **CONCLUSIONS OF LAW:**

- 37 1. The request complies with the requirements of Providence City Code 1-1-3
38 Amendments.

39
40 **CONDITIONS:**

- 41 1. None.
- 42
 - 43 • Background Information: Skarlet Bankhead explained back in May of 2002 that
44 the Planning Commission had recommended the approval of this ordinance

- 1 change, and the Master Mechanic sign was built with the thought that the
 2 ordinance would go through and be passed by the City Council. There had been
 3 information presented to the City that the larger reader boards were actually safer
 4 and less disruptive than smaller ones because people slow down to read smaller
 5 signs. She said that at the time, there were two sign ordinances that were going
 6 through the approval process, and for some reason, the electric message sign
 7 ordinance did not make it to City Council for approval. Bankhead thought that
 8 with the timeframe and the changes that have happened in the Utah State Code, it
 9 was best to bring it back to the Planning Commission.
- 10 • B Sorenson wondered if this ordinance change was to accommodate what was
 - 11 already in Providence or to accommodate businesses who will be building in
 - 12 Providence.
 - 13 • S Bankhead said that it was Young Electric (owner: Randy Young) who actually
 - 14 approached the City and pointed out to us that our ordinance doesn't allow the
 - 15 sign that even Master Mechanic has.
 - 16 • K Eborn said she remembers the ordinance just dealing with signs, not necessarily
 - 17 electronic signs.
 - 18 • S Bankhead said that the ordinance draft in their packets is the exact same draft
 - 19 they were presented in 2002.
 - 20 • B Sorenson said he doesn't have a problem with the Bank of Utah sign, but he
 - 21 does with the portable sign arrow.
 - 22 • S Bankhead wondered if they would like to restrict temporary signs—exclude
 - 23 canvas hanging signs and lightbulb arrow signs.
 - 24 • Planning Commission liked the idea of a 24-foot or smaller sign.
 - 25 • Jerry Fuhriman feels there is a load of difference between an electronic sign and
 - 26 an electronic sign that flashes. The flashing is far more visually disturbing. He
 - 27 feels the City should clarify in their ordinance whether the sign may flash or
 - 28 scroll—what it may be allowed to do.
 - 29 • J Beazer said that the programming for those signs programs the signs to do
 - 30 everything.
 - 31 • S Bankhead thought that the original idea was to have a 3'x12' sign—36 square
 - 32 feet—not necessarily the 39 square feet.
 - 33 • J Beazer thinks a 39-square-foot sign is monstrous. He didn't feel like, just
 - 34 because Providence has a commercial district, it has to be like Logan's.
 - 35 • K Eborn thinks the sign is also too big.
 - 36 • B Sorenson thought the standard should probably be at least what's already in.
 - 37 • Randy Simmons felt that one thing to consider is clarifying what portion of the
 - 38 sign is what height—the display area, the entire sign height . . .
 - 39 • S Bankhead is sure there's a border. She said a ground sign can be 160 feet, but
 - 40 electronic signs, right now, can only be 15 square feet.
 - 41 • The Planning Commission didn't like the signs hanging over such businesses as
 - 42 Valhalla and Filbies (canvas signs draped over top of building with cords). They
 - 43 felt these look like temporary signs, although they have been there for over two
 - 44 years.

- 1 • S Bankhead pointed out that the City’s “flat sign” definition doesn’t say that the
- 2 signs can’t be canvas or vinyl or attached by cords.
- 3 • J Fuhriman suggested reducing visual clutter from signs by grouping signs into
- 4 one area—on a stone that has all businesses lit up. This reduces visual clutter,
- 5 utility costs, and construction costs. He felt the City could also control the size of
- 6 the words.
- 7 • S Bankhead said that in 2001, the ordinance said that message area of the sign
- 8 may be no larger than 42 square feet; highway sign itself had a max of 222 square
- 9 feet.
- 10 • J Beazer didn’t feel that the City should even cover Master Mechanic. By the
- 11 City’s own ordinance, Master Mechanic shouldn’t have even built their sign that
- 12 large. He felt the City should keep the code the way it is.
- 13 • B Sorensen felt that the City should at least match what Master Mechanic has.
- 14 • R Simmons said that the Planning Commission had recommended a shorter and
- 15 smaller sign than what was built at Discount Tire, and City Council approved the
- 16 height of the sign that Master Mechanic has. It was originally smaller and closer
- 17 to the ground.
- 18 • B Sorenson thought if they keep the square footage the way it is written, they’ll
- 19 have to pull those in violation. He feels that the sign height should be at least
- 20 what Master Mechanic’s height is.
- 21 • J Fuhriman wondered the City could have a larger sign in the highway
- 22 commercial zone, and a smaller one in the other commercial zone.
- 23 • S Bankhead explained that the highway zone is not physically applied in the City
- 24 right now (same with the neighborhood zone). She said that every commercial
- 25 zone in Providence is now zoned Commercial General Zone. The zones will have
- 26 to be changed if the City uses the highway zone.
- 27 • J Beazer said that, anyway, the City couldn’t go to an entity and decide to rezone
- 28 the area without the entity’s request. He felt that rezoning would only give the
- 29 City bigger signs, and he didn’t want that. He felt that the City had already given
- 30 signage, except electronic, and there is plenty of frontage.
- 31 • **MOTION** by Jim Beazer that the Planning Commission recommend to the City
- 32 Council denial of Providence City’s request for an amendment to Providence City
- 33 Code 10-15-1 Electronic Message Sign and 10-15-5 Permitted Signs; Table; changing
- 34 the maximum size of an electronic message sign from fifteen (15) square feet to
- 35 thirty-nine (39) square feet. **SECOND** by Jon Mock. K Eborn: Yea; J Mock: Yea; J
- 36 Beazer: Yea; B Sorenson: Nay.

44 Blaine Sorenson
45 *Acting Commission Chair*

Rebecca Billings
Secretary