

1 **PROVIDENCE CITY PLANNING COMMISSION MINUTES**

2 **June 23, 2010, 6:00 p.m.**

3 **Providence City Office Building**

4 **15 South Main, Providence, UT 84332**

5
6 **Chairman: G Busch**

7 **Commissioners: D Briel, S Flammer, R Gustaveson, R Sneddon**

8 **Excused: C Kirk**

9 **Alternates: L Frank**

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11 **CONFLICT OF INTEREST:**

12 None

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14 **APPROVAL OF THE MINUTES:**

15 The Providence City Planning Commission will consider for approval the minutes of May 26, 2010.

16 **Motion to approve the minutes: D Briel, R Sneddon second**

17 **Vote: Yea: G Busch, S Flammer, D Briel, R Gustaveson, R Sneddon**

18 **Nay: None**

19 **Abstain: None**

20 **Excused: C Kirk**

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22 **STUDY ITEM:**

23 **Item No. 1.** The Providence City Planning Commission will consider a request from the Development Review
24 Committee, at the request of the City Council to amend Providence City Code Title 10 Zoning Regulations, Chapter 8
25 Area Regulations, by adding Section 7 Site Requirements for Seasonal, Semi-Permanent and Temporary Business
26 Facilities.

27 S Bankhead told the Commission that she re-worded some of Section 7 as requested at the last meeting. DRC didn't
28 want to make it so difficult for the business that they wouldn't want to come back next year. She requested that this be
29 scheduled for a public hearing on July 14, 2010.

30 The Commission agreed to this.

31
32 **Item No. 2.** The Providence City Planning Commission will discuss Accessory Buildings as a use with Home
33 Businesses.

34 S Bankhead read to the Commission the City's definition of an Accessory Building. She explained that there is a
35 business in the City that the house and the accessory building are not on the same piece of property. There is actually a
36 home between them. The State Ombudsman felt like if they could attach the pieces of property that the house and the
37 accessory building are on that would work. The Council would like for the Commission to look at this ordinance and
38 come up with some guidelines to keep the residential character of the neighbor.

39 D Briel asked if it would work to require it to be on the same property.

40 S Bankhead said that is the way it is worded now and that doesn't always work. If adjoining property owners are
41 agreeable you can create another lot.

42 R Sneddon suggested making it contiguous.

43 S Bankhead said we don't want other people's homes between the residential home and the accessory building. The
44 accessory building in question was built before the home. The Council wants to stay away from this scenario.

45 D Briel said it sounds like we need to address accessory buildings in general.

46 S Bankhead said depending on the size of the property you could spread the buildings out. Maybe you need to require
47 that the primary building has to be built first.

48 D Calderwood said he believes that this building was originally a hay storage building. Now it is a business.

49 S Bankhead said the City is trying to resolve this problem and make sure it never happens again.

50 R Gustaveson asked if you are a farmer can you build a hay barn or a machine building on the property that you farm.

51 S Bankhead said there is a little quirk in the code that lets them build on agricultural. If the hayfield is on a different
52 parcel then that building would be the primary building.

53 D Briel said he thinks the primary building should be there first and on the same parcel of land.

54 G Busch asked why it is such a problem.

55 S Bankhead said the real issue is the neighbors don't want a business there.

56 S Flammer asked where the owner of the business lives.

57 S Bankhead said two houses down. We don't want the same thing to happen again. The Council would like feedback
58 from the Planning Commission on this.

1 R Gustaveson asked if there is any percentage for an accessory building.
2 R Sneddon asked if you could make all accessory buildings conditional.
3 S Bankhead said that makes it very subjective.
4 G Busch asked again why this is an issue.
5 S Bankhead said the whole problem is it is missing the house. It doesn't fit the character of the neighborhood.
6 D Briel said he doesn't feel like it matters what the use is. The issue is should an accessory building be in a
7 neighborhood. Define the primary building as a home. The primary building has to be there first. The setback needs to
8 be at least as far back as the primary building. Should we address the size of the accessory building? If you want a big
9 commercial building you need to go to the commercial area.
10 D Calderwood said he believes the people that own the building are trying to make it fit into the neighborhood
11 aesthetics.
12 G Busch asked what has been done in other communities.
13 S Bankhead said she thinks Providence City is a little more liberal with home businesses than other cities. We really
14 haven't run into many problems. She would gladly look into other cities and see what they do.
15 D Briel said the lots used to be much larger.
16 S Bankhead said we will put together some of this wording and bring it back to the next meeting.
17

18 **STAFF REPORTS:**

19 D Calderwood told them about the Council meeting.
20 S Bankhead handed out to the Commission a copy of the new Use Chart. She explained that the Council approved the
21 budget for the next year. She also welcomed Louis Frank as an alternate to the Planning Commission.
22 S Flammer asked about Gold's Gym.
23 S Bankhead said Amsource said the Gold's Gym was put on hold until the uses were finished.
24 D Calderwood said Amsource will not let Gold's Gym have any retail uses that will work against them.
25 S Bankhead said the lease able space has to be on the ground.
26 R Sneddon asked who has the binding agreements if Amsource sells the property.
27 S Bankhead said it goes with the Preliminary Plat for the subdivision.
28 D Calderwood asked how much space is still available.
29 S Bankhead said she doesn't know. All businesses will have to come through the conditional uses and business
30 licensing. They will be monitored by the Land Use Authority.
31 R Sneddon feels like the City has been snookered.
32 D Calderwood said there is still 12% that they can have inside the building. He explained to the Commission that he is
33 not happy with the Council decision. Amsource can have a commercial highway zone.
34 D Briel asked what will happen ten or twenty years down the road. How will this be tracked?
35 S Bankhead said the ordinance applies. It will also be tracked through the business licensing. We can't guarantee that
36 the ordinances won't be changed down the road. A current county plat is also asked for from the developer/builder.
37 D Calderwood just wanted the Commission to know why the Council made the decision that they did.
38 R Gustaveson asked if this includes all three phases with Amsource.
39 S Bankhead said all of the CHD with Amsource. She is sure that they will come back in and ask about mixed use.
40 D Calderwood believes that letting the banks come in will cost the taxpayers money down the road.
41 R Sneddon asked if the City has looked at any other form of revenue, such as other taxes.
42 S Bankhead said the City can look at property, franchise and sales tax. Cities are limited as to what they can do for
43 revenue.
44 G Busch asked if the 15% applies to the entire Highway Zone. Can they change the rest of the zone to this?
45 S Bankhead said they looked at going through the development agreements but it needs to be done through ordinance.
46 G Busch asked about language in the use chart. Did the Commission not change the wording?
47 S Bankhead said the City was working with different people with Amsource back in November. When Kevin Hawkins
48 became involved the vision for the property changed. The commercial complex was not taken out of the uses. Since
49 there is no definition for commercial complex it would be hard to win in Court.
50 R Sneddon said you would need to be careful as to what you allowed in a commercial complex.
51

52 **COMMISSION REPORT:**

53 G Busch talked about the rooster issue that was discussed at the Council meeting. He is suggesting that the Commission
54 look at the ordinance.
55 S Bankhead told the Commission that Animal Control got more involved. The owner of the rooster talked to
56 S Bankhead about the problem. They are taking steps to alleviate the problem.
57 D Calderwood went over to the property and didn't see any problems. He believes this is a dead issue. There is an
58 ordinance against crowing roosters but not chickens.

1 **Motion to adjourn: S Flammer, R Gustaveson second**
2 **Vote: Yea: G Busch, S Flammer, D Briel, R Gustaveson, R Sneddon**
3 **Nay: None**
4 **Abstain: None**
5 **Excused: C Kirk**

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7 S Flammer and D Briel asked to be excused from the meeting on July 14th.
8 R Gustaveson agreed to attend the Council meeting on July 13th.

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10 Meeting adjourned at 7:20 p.m.
11 Minutes taken and prepared by Terri Lewis

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Glen Busch, Chairman

Terri Lewis